

**Frost Bridge to Campville 115-kV Project Bulk Filing #1 of Municipal Documents**

**Town of Watertown**





**INLAND WETLANDS AND WATERCOURSES  
REGULATIONS OF THE TOWN OF  
WATERTOWN, CONNECTICUT**

**WATERTOWN CONSERVATION COMMISSION /  
INLAND WETLAND AGENCY**





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## HISTORIC NOTES

The following regulations are the Inland Wetland and Watercourse Regulations for the Town of Watertown, Connecticut, originally adopted by the Watertown Conservation Commission / Inland Wetland Agency on June 4, 1973.

Effective July 20, 1990, the original Inland Wetland and Watercourse Regulations were completely revised and updated.

Effective April 27, 2009, the Inland Wetland and Watercourse Regulations were revised and updated. These regulations are amended periodically to incorporate any changes or modifications as required.

These regulations as well as all revisions and amendments are adopted under the authority of the Inland Wetlands and Watercourses Act, Chapter 440 of the General Statutes of the State of Connecticut.

## WATERTOWN CONSERVATION COMMISSION / INLAND WETLAND AGENCY

<b>Regular Members:</b>	Edwin Undercufler, Chairperson Donato Orsini, Vice-Chairperson Thomas Murphy, Secretary Martha Sturgis Joseph Polletta Michael Genevese
<b>Alternates:</b>	Denise Russ Michael Brown
<b>Staff:</b>	Moosa Rafey, Wetland Enforcement Officer Ruth Mulcahy, Administrator of Land Use Charles Berger, Town Engineer

**Section 1**  
**Title and Authority**

- 1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Watertown, Connecticut."
- 1.3 The Conservation Commission / Inland Wetland Agency of the Town of Watertown, Connecticut was established in accordance with an ordinance adopted on June 4, 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Watertown.



- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Watertown, Connecticut pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

## **Section 2 Definitions**

- 2.1 As used in these regulations:

"Act" means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

"Agency" means the Conservation Commission / Inland Wetland Agency of the Town of Watertown, Connecticut.

"Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

"Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two inch diameter at breast height.

"Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.

"Continual flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

"Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

"Discharge" means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

"Duly Authorized Agent" means Agency's Wetlands Enforcement Officer

"Essential to the farming operation" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

"Farming" shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (See Appendix A)

"Feasible" means able to be constructed or implemented consistent with sound engineering principles.

"License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a-45, inclusive.

"Management practice" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

"Marshes" are watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

"Material" means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.

"Municipality" means the Town of Watertown.

"Nurseries" means places where plants are grown for sale, transplanting, or experimentation.

"Permit" see license

"Permittee" means the person to whom a license has been issued.

"Person" means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

"Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or

deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

"Prudent" means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or top of bank of any watercourse is a regulated activity. The Agency may rule that if other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to adversely impact or affect wetlands or watercourses, such activity is a regulated activity.

"Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

"Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

"Significant impact" means any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

"Soil scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

"Swamps" are watercourses that are distinguished by the dominance of wetland trees and shrubs.

"Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.

"Town" means the Town of Watertown.

"Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the Town.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

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

**Section 3**  
**Inventory of Inland Wetlands and Watercourses**

- 3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Watertown, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. Such determination shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by any other qualified individuals. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. Final determination of all wetland areas and/or watercourse areas shall be made by the Agency. Final determination of any regulated activity which may alter, affect or pollute a wetland or watercourse shall be made by the Agency.
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

**Section 4**  
**Permitted Uses as of Right & Nonregulated Uses**

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses

with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

- b. residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal Planning and Zoning Commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document this entitlement;
  - c. boat anchorage or mooring, not to include dredging or dock construction;
  - d. uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;
  - e. Construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes and;
  - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
- 4.2 The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and
  - b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

## **Section 5**

### **Activities Regulated Exclusively by the Commissioner of Environmental Protection**

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.

- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

**Section 6**  
**Regulated Activities to be Licensed**

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission / Inland Wetland Agency of the Town of Watertown.
- 6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law.

**Section 7**  
**Application Requirements**

- 7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the Land Use Office.
- 7.2 If an application to the Town of Watertown Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with such planning and zoning commission. The Planning and Zoning Commission encourages, but does not require, Inland Wetland Agency permits be approved prior to formal application to the Planning and Zoning Commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.4 A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.
- 7.5 All applications shall include the following information in writing or on maps or drawings:



- a. the applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
- b. the owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
- c. the applicant's interest in the land;
- d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
- e. the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- f. alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
- g. a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
- h. names and mailing addresses of adjacent land owners;
- i. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- j. authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit. The applicant is encouraged to permit the public to accompany the Agency on Agency noticed site walks on the subject property;

- k. a completed DEP reporting form; the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;
  - l. any other information the Agency deems necessary to the understanding of what the applicant is proposing; and
  - m. submission of the appropriate filing fee based on the fee schedule established in section 19 of these regulations.
- 7.6 At the discretion of the Agency or its agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:
- a. site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional and licensed engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
  - b. engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
  - c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
  - d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
  - e. a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
  - f. analysis of chemical or physical characteristics of any fill material; and

- g. management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
- d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8 Twelve (12) copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Agency.

7.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided:

- a. the application may incorporate the documentation and record of the prior application;
- b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
- e. the Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity;

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.
- 7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
  - b. for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
  - c. no person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
  - d. in lieu of such notice pursuant to subsection 7.11.c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

### **Section 8 Application Procedures**

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Land Use Office of the Town of Watertown where the office of the Conservation Commission / Inland Wetland Agency is located for the receipt of such petition, application, request or appeal.

- 8.2 The Agency shall, in accordance with Connecticut General Statutes section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
- a. any portion of the property affected by a decision of the agency is within five hundred feet of the boundary of Waterbury, Woodbury, Thomaston, Bethlehem, Morris, or Middlebury;
  - b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
  - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.
- 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.
- 8.5 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.

- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied.

**Section 9**  
**Public Hearings**

- 9.1 The Conservation Commission/ Inland Wetlands Agency shall not hold a public hearing on an application unless the agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the Town of Watertown, requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application, or the agency finds that a public hearing regarding such application would be in the public interest. The agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3. Notice of the public hearing shall be mailed by the applicant to the owner (s) of abutting landowners no less than fifteen days prior to the day of the hearing. No error in the mailing of these notices by applicant shall invalidate any action taken by the agency.
- 9.4. Posting public hearings notices on subject property
- a. The applicant shall post an Agency public hearing notice sign on the subject property during the ten day period prior to commencement of and during an Agency scheduled public hearing.
  - b. One public hearing notice sign shall be provided by the Agency without expense to the applicant upon Agency receipt of an application fee and the Agency scheduling a public hearing. Additional signs required by this section shall be provided by the Agency at a fee to the applicant covering the cost of the signs.
  - c. Signs shall be no further than 500 feet apart along paved street frontage of the subject property, and shall be in proximity to the street with clear and unobstructed visibility to motorists passing the signs. If a property has no paved street frontage, signs shall be posted in locations determined by the Agency's Duly Authorized Agent.

- d. Public hearing notice signs are not required for Agency regulation text amendments, wetlands and watercourses map amendments, for Agency hearings that is not required to have notice published in a local newspaper, or for Agency enforcement hearings.
- e. The signs shall be no less in size than 2 feet wide by 1½ feet high, indicating a land use public hearing will be held by the Agency, and shall display the Agency office telephone number to contact for information.
- f. The signs shall be reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all signs shall be removed by the applicant.
- g. The applicant is required on forms determined by the Agency to make return under oath to the Agency that the applicant complied with this section of the Agency regulations.
- h. In the event the applicant fails to post and/or maintain signs as required by Agency regulations, the application may be deemed by the Agency to be incomplete; and in that circumstance a reason for the Agency to not approve the application.
- i. In the event the Agency finds the applicant's non-compliance with this section of the Agency regulations was not the fault of the applicant, or for other reasons determined by the Agency, the Agency may waive this section by a motion with two-thirds Agency membership vote of approval.

**Section 10**  
**Considerations for Decision**

10.1 The Agency may consider the following in making its decision on an application:

- a. The application and its supporting documentation
- b. Reports from other agencies and commissions including but not limited to the Town of Watertown:
  - 1. Planning and Zoning Commission
  - 2. Building Official
  - 3. Health Officer
  - 4. Department of Public Works
- c. The Agency may also consider comments on any application from the Litchfield County Soil and Water Conservation District, Northwest Conservation District, the Naugatuck Valley Regional Planning Agency or other regional organizations (i.e.

Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

- d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
  - e. For an application for which a public hearing is held, public comments, evidence and testimony.
  - f. Inland Wetlands and Watercourses Regulations of the Agency, as amended
  - g. Guidelines for Upland Review Area Regulations Under Connecticut's Inland Wetlands and Watercourses Act, June 1997 by the State of Connecticut Department of Environmental Protection, as amended
  - h. 2002 Erosion and Sedimentation Control Guidelines, by the State of Connecticut Department of Environmental Protection, as amended
  - i. Guidelines of the 2004 Connecticut Stormwater Quality Manual, by the State of Connecticut Department of Environmental Protection, as amended.
- 10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
  - b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.
  - c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
  - d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing



environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

- e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
  - f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 For purposes of this section, (1) "wetlands and watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6 The agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- 10.8 In the case of an application where the applicant fails to comply with the provisions of subsection 7.11c or 7.11d of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the Conservation Commission /Inland Wetland Agency, subject to the rules and regulations of such agency relating to appeal. The

Conservation Commission / Inland Wetland Agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

- 10.9 In the case of an application where the applicant has provided written notice pursuant to subsection 7.11.c of these regulations, the holder of the restriction may provide proof to the Agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Agency shall not grant the permit approval.

### **Section 11 Decision Process and Permit**

- 11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.
- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.

- 11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of Watertown Planning and Zoning Commission within fifteen days of the date of the decision thereon.
- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years.
- 11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.
- 11.8 If a bond or insurance is required in accordance with section 13 of these regulations, the Agency may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
  - a. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
  - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Watertown, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
  - c. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
  - d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
  - e. Permits are not transferable without the prior written consent of the Agency.

**Section 12**  
**Action by Duly Authorized Agent**

- 12.1 The Agency delegates to its Duly Authorized Agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such Duly Authorized Agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such Duly Authorized Agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such Duly Authorized Agent may approve or extend such an activity at any time. The Duly Authorized Agent shall report to the Agency of any such approvals at the next scheduled regular meeting of the Agency.
- 12.2 The Duly Authorized Agent may determine there is no wetlands or watercourses on the subject property.
- 12.3 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

**Section 13**  
**Bond and Insurance**

- 13.1 The Agency may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.

## Section 14 Enforcement

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.
- 14.2 The Agency or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.
  - b. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in section 14.4.a or other enforcement proceedings as provided by law.

- 14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

### **Section 15 Amendments**

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Watertown may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of Watertown Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, of Watertown, Connecticut, shall contain at least the following information:
- a. the petitioner's name, mailing address and telephone number;
  - b. the address, or location, of the land affected by the petition;

- c. the petitioner's interest in the land affected by the petition
- d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
- e. the reasons for the requested action.

15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map of Town of Watertown, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:

- a. the name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
- b. the names and mailing addresses of the owners of abutting land;
- c. documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

- 15.8 The agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The agency shall act upon the changes requested in such petition within sixty-five days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

#### **Section 16 Appeals**

- 16.1 Appeal on actions of the Agency shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

#### **Section 17 Conflict and Severance**

- 17.1 If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

#### **Section 18 Other Permits**

- 18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Watertown, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.



**Section 19**  
**Fees**

- 19.1 **Method of Payment.** All fees required by these regulations shall be submitted to the Agency by personal check, cash, or Credit Card payable to the Town of Watertown at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 19.7 of these regulations.
- 19.3 The application fee is not refundable.
- 19.4 **Definitions.** As used in this section:
- "Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
- "Commercial uses" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
- "Other uses" means activities other than residential uses or commercial uses.
- 19.5 **Fee Schedule.** Application fees shall be based on the Town of Watertown Fee Ordinance.
- 19.6 **Exemption.** Boards, commissions, councils and departments of the Town of Watertown are exempt from all fee requirements.
- 19.7 **Waiver.** The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:
- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
  - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application, or
  - c. The applicant has shown good cause.

The Agency shall state upon its record the basis for all actions under this subsection.

19.8 Third party reviews approved by the Agency or approved by the Duly Authorized Agent shall be paid by the applicant directly to the third party consultant. The Town of Watertown and its officials are not liable for payment of services or for work products of third party consultants. Prior to commencing work there shall be a written agreement executed by the applicant, the Agency or the Duly Authorized Agent, and the third party consultant describing the third party review services, payment for these services, and scheduled delivery dates of reports and work products.

**Section 20**  
**Effective Date of Regulations**

20.1 Effective April 27, 2009 The Inland Wetland and Watercourse Regulations were revised and updated.

## APPENDIX A

### Connecticut General Statute section 1-1(q) Definition of Agriculture

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other mulluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.



## APPENDIX B

### Connecticut General Statute Section 8-7d

**Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.** (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning or planning and zoning commission regarding adoption or change of any zoning regulation or boundary.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

**APPENDIX C**

**Connecticut Inland Wetlands and Watercourses Act**





## **APPENDIX C. THE INLAND WETLANDS AND WATERCOURSES ACT**

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State of Connecticut  
Department of Environmental Protection  
Inland Water Resources Management Division

### **Inland Wetlands and Watercourses Act**

#### **Sections 22a-36 through 22a-45 of the Connecticut General Statutes**

**Sec. 22a-36. Inland wetlands and watercourses. Legislative finding.** The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of sections 22a-36 to 22a-45, inclusive, to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

**Sec. 22a-37. Short title.** Sections 22a-36 to 22a-45, inclusive, shall be known and may be cited as "The Inland Wetlands and Watercourses Act."

**Sec. 22a-38. Definitions.** As used in sections 22a-36 to 22a-45, inclusive:

- (1) "Commissioner" means the commissioner of environmental protection;

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- (2) "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof;
- (3) "Municipality" means any town, consolidated town and city, consolidated town and borough, city and borough;
- (4) "Inland wetlands agency" means a municipal board or commission established pursuant to and acting under section 22a-42;
- (5) "Soil scientist" means an individual duly qualified in accordance with standards set by the United States Civil Service Commission;
- (6) "Material" means any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste;
- (7) "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the state;
- (8) "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters;
- (9) "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any of the waters of the state, including, but not limited to change in odor, color, turbidity or taste;
- (10) "Discharge" means the emission of any water, substance or material into waters of the state whether or not such substance causes pollution;
- (11) "Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast;
- (12) "Deposit" includes, but shall not be limited to, fill, grade, dump, place, discharge or emit;
- (13) "Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40;
- (14) "License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a-45, inclusive;
- (15) "Wetlands" means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture;

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- (16) "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive.

**Sec. 22a-39. Duties of commissioner.** The commissioner shall:

- (a) Exercise general supervision of the administration and enforcement of sections 22a-36 to 22a-45, inclusive;
- (b) Develop comprehensive programs in furtherance of the purposes of said sections;
- (c) Advise, consult and cooperate with other agencies of the state, the federal government, other states and with persons and municipalities in furtherance of the purposes of said sections;
- (d) Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information, relating to the purposes of said sections;
- (e) Retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes, specifically including, but not limited to, soil scientists on a cost-sharing basis with the United States Soil Conservation Service for the purpose of (1) completing the state soils survey and (2) making on-site interpretations, evaluations and findings as to soil types;
- (f) Adopt such regulations, in accordance with the provisions of chapter 54, as are necessary to protect the wetlands or watercourses or any of them individually or collectively;
- (g) Inventory or index the wetlands and watercourses in such form, including pictorial representations, as the commissioner deems best suited to effectuate the purposes of sections 22a-36 to 22a-45, inclusive;
- (h) Grant, deny, limit or modify in accordance with the provisions of section 22a-42a, an application for a license or permit for any proposed regulated activity conducted by any department, agency or instrumentality of the state, except any local or regional board of education, (1) after an advisory decision on such license or permit has been rendered to the commissioner by the wetland agency of the municipality within which such wetland is located or (2) thirty-five days after receipt by the commissioner of such application, whichever occurs first;
- (i) Grant, deny, limit or modify in accordance with the provisions of section 22a-42 and section 22a-42a, an application for a license or permit for any proposed regulated activity within a municipality which does not regulate its wetlands and watercourses;
- (j) Exercise all incidental powers including but not limited to the issuance of orders necessary to enforce rules and regulations and to carry out the purposes of sections 22a-36 to 22a-45, inclusive;
- (k) Conduct a public hearing no sooner than thirty days and not later than sixty days following the receipt by said commissioner of any inland wetlands application, provided whenever

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the commissioner determines that the regulated activity for which a permit is sought is not likely to have a significant impact on the wetland or watercourse, he may waive the requirement for public hearing after (1) publishing notice, in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located, of his intent to waive said requirement, and (2) mailing notice of such intent to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and inland wetlands agency of each such town or towns, except that the commissioner shall hold a hearing on such application upon receipt, within thirty days after such notice has been published or mailed, of a petition signed by at least twenty-five persons requesting such a hearing. The commissioner shall (1) publish notice of such hearing at least once not more than thirty days and not fewer than ten days before the date set for the hearing in a newspaper having a general circulation in each town where the proposed work, or any part thereof, is located, and (2) mail notice of such hearing to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and inland wetlands agency of each such town or towns. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. The commissioner shall state upon his records his findings and reasons for the action taken;

- (l) Develop a comprehensive training program for inland wetlands agency members; and
- (m) Adopt regulations in accordance with the provisions of chapter 54 establishing reporting requirements for inland wetlands agencies, which shall include provisions for reports to the commissioner on permits, orders and other actions of such agencies and development of a form for such reports.

**Sec. 22a-40. Permitted operations and uses.** (a) The following operations and uses shall be permitted in wetlands and watercourses, as of right:

- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- (2) A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
- (3) Boat anchorage or mooring;
- (4) Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality, provided in any town, where there are no zoning regulations

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establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse; and

- (5) Construction and operation, by water companies as defined in section 16-1 or by municipal water supply systems as provided for in chapter 102, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403.

(b) The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- (1) Conservation of soil, vegetation, water, fish, shellfish and wildlife; and
- (2) Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.

**Sec. 22a-41. Factors for consideration of commissioner. Finding of no feasible or prudent alternative.** (a) In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the commissioner shall take into consideration all relevant facts and circumstances, including but not limited to:

- (1) The environmental impact of the proposed action;
- (2) The alternatives to the proposed action;
- (3) The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity;
- (4) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity;
- (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened; and
- (6) The suitability or unsuitability of such activity to the area for which it is proposed.

(b) In the case of an application which received a public hearing, a permit shall not be issued unless the commissioner finds that a feasible and prudent alternative does not exist. In making his finding the commissioner shall consider the facts and circumstances set forth in subsection (a). The finding and the reasons therefor shall be stated on the record.

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### **Sec. 22a-42. Municipal regulation of wetlands and watercourses. Action by commissioner.**

(a) To carry out and effectuate the purposes and policies of sections 22a-36 to 22a-45, inclusive, it is hereby declared to be the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts.

(b) Any municipality may acquire wetlands and watercourses within its territorial limits by gift or purchase, in fee or lesser interest including, but not limited to, lease, easement or covenant, subject to such reservations and exceptions as it deems advisable.

(c) On or before July 1, 1988, each municipality shall establish an inland wetlands agency or authorize an existing board or commission to carry out the provisions of sections 22a-36 to 22a-45, inclusive. Each municipality, acting through its legislative body, may authorize any board or commission, as may be by law authorized to act, or may establish a new board or commission to promulgate such regulations, in conformity with the regulations adopted by the commissioner pursuant to section 22a-39, as are necessary to protect the wetlands and watercourses within its territorial limits. The ordinance establishing the new board or commission shall determine the number of members and alternate members, the length of their terms, the method of selection and removal and the manner for filling vacancies in the new board or commission. No member or alternate member of such board or commission shall participate in the hearing or decision of such board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of such board or commission and replacement shall be made from alternate members of an alternate to act as a member of such commission in the hearing and determination of the particular matter or matters in which the disqualification arose. For the purposes of this section, the board or commission authorized by the municipality or district, as the case may be, shall serve as the sole agent for the licensing of regulated activities.

(d) Any municipality, pursuant to ordinance, may act through the board or commission authorized in subsection (c) of this section to join with any other municipalities in the formation of a district for the regulation of activities affecting the wetlands and watercourses within such district. Any city or borough may delegate its authority to regulate inland wetlands under this section to the town in which it is located.

(e) Municipal or district ordinances or regulations may embody any regulations promulgated hereunder, in whole or in part, or may consist of other ordinances or regulations in conformity with regulations promulgated hereunder. Any ordinances or regulations shall be for the purpose of effectuating the purposes of sections 22a-36 to 22a-45, inclusive, and, a municipality or district, in acting upon ordinances and regulations shall give due consideration to the standards set forth in section 22a-41.

(f) Nothing contained in this section shall be construed to limit the existing authority of a municipality or any boards or commissions of the municipality, provided the commissioner shall retain authority to act on any application filed with said commissioner prior to the establishment or designation of an inland wetlands agency by a municipality.

### **Sec. 22a-42a. Establishment of boundaries by regulation. Adoption of regulations. Permits.**

**Filing fee.** (a) The inland wetlands agencies authorized in section 22a-42 shall through regulation provide for (1) the manner in which the boundaries of inland wetland and watercourse areas in their respective municipalities shall be established and amended or changed, (2) the

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form for an application to conduct regulated activities, (3) notice and publication requirements, (4) criteria and procedures for the review of applications and (5) administration and enforcement.

(b) No regulations of an inland wetlands agency including boundaries of inland wetland and watercourse areas shall become effective or be established until after a public hearing in relation thereto is held by the inland wetlands agency, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper having a substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than twenty-five days nor less than fifteen days, and the last not less than two days, before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the town, city or borough clerk as the case may be, in such municipality, for public inspection at least ten days before such hearing, and may be published in full in such paper. A copy of the notice and the proposed regulations or amendments thereto, except determinations of boundaries, shall be provided to the commissioner at least thirty-five days before such hearing. Such regulations and inland wetland and watercourse boundaries may be from time to time, amended, changed or repealed, by majority vote of the inland wetlands agency, after a public hearing, in relation thereto, is held by the inland wetlands agency, at which parties in interest and citizens shall have an opportunity to be heard and for which notice shall be published in the manner specified in this subsection. Regulations or boundaries or changes therein shall become effective at such time as is fixed by the inland wetlands agency, provided a copy of such regulation, boundary or change shall be filed in the office of the town, city or borough clerk, as the case may be. Whenever an inland wetland agency makes a change in regulations or boundaries it shall state upon its records the reason why the change was made and shall provide a copy of such regulation, boundary or change to the commissioner of environmental protection no later than ten days after its adoption provided failure to submit such regulation, boundary or change shall not impair the validity of such regulation, boundary or change. All petitions submitted in writing and in a form prescribed by the inland wetland agency, requesting a change in the regulations or the boundaries of inland wetland and watercourse area shall be considered at a public hearing in the manner provided for establishment of inland wetlands regulations and boundaries within ninety days after receipt of such petition. The inland wetland agency shall act upon the changes requested in such petition within sixty days after the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

(c) On and after the effective date of the municipal regulations promulgated pursuant to subsection (b) of this section, no regulated activity shall be conducted upon any inland wetland and watercourse without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon an inland wetland and watercourse shall file an application with the inland wetlands agency of the town or towns wherein the wetland in question is located. The application shall be in such form and contain such information as the inland wetlands agency may prescribe. The day of receipt of an application shall be the day of the next regularly scheduled meeting of such inland wetlands agency, immediately following the day of submission to such inland wetlands agency or its agent of such application, provided such meeting is no earlier than three business days after receipt, or thirty-five days after such submission, whichever is sooner. No later than sixty-five days after the receipt of such application, the inland wetlands agency may hold a public hearing on such application. Notice of the hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper

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having a general circulation in each town where the affected wetland and watercourse, or any part thereof, is located. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard. The hearing shall be completed within forty-five days of its commencement. Action shall be taken on applications within thirty-five days after the completion of a public hearing or in the absence of a public hearing within sixty-five days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. If the inland wetlands agency fails to act on any application within thirty-five days after the completion of a public hearing or in the absence of a public hearing within sixty-five days from the date of receipt of the application, or within any extension of any such period, the applicant may file such application with the commissioner of environmental protection who shall review and act on such application in accordance with this section. Any costs incurred by the commissioner in reviewing such application for such inland wetlands agency shall be paid by the municipality that established or authorized the agency. Any fees that would have been paid to such municipality if such application had not been filed with the commissioner shall be paid to the state. The failure of the inland wetlands agency or the commissioner to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.

(d) In granting, denying or limiting any permit for a regulated activity the inland wetlands agency shall consider the factors set forth in section 22a-41, and such agency shall state upon the record the reason for its decision. In granting a permit the inland wetlands agency may grant the application as filed or grant it upon such terms, conditions, limitations or modifications of the regulated activity, designed to carry out the policy of sections 22a-36 to 22a-45, inclusive. No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the municipality pursuant to chapter 124 to 126, inclusive, or any special act. The agency may suspend or revoke a permit if it finds after giving notice to the permittee of the facts or conduct which warrant the intended action and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The applicant shall be notified of the agency's decision by certified mail within fifteen days of the date of the decision and the agency shall cause notice of their order in issuance, denial, revocation or suspension of a permit to be published in a newspaper having a general circulation in the town wherein the wetland and watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.

(e) The inland wetlands agency may require a filing fee to be deposited with the agency. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including, but not limited to, the costs of certified mailings, publications of notices and decisions and monitoring compliance with permit conditions or agency orders.



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**Sec. 22a-42b. Notice to adjoining municipalities when traffic, sewer or water drainage and water run-off will affect such municipalities.** (a) The inland wetlands agency of any municipality shall notify the clerk of any adjoining municipality of the pendency of any application, petition, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such inland wetlands commission is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. No hearing may be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this section. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

(b) If the wetlands and watercourses of a municipality is regulated by the commissioner of environmental protection pursuant to subsection (f) of section 22a-42, said commissioner shall provide the notice required under this section.

**Sec. 22a-42c. Notice of application to adjacent municipality re conduct of regulated activities within five hundred feet of its boundaries.** When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse any portion of which is within five hundred feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such other municipality.

**Sec. 22a-42d. Revocation of authority to regulate inland wetlands.** (a) The commissioner may revoke the authority of a municipality to regulate inland wetlands pursuant to section 22a-42 upon determination after a hearing that such municipality has, over a period of time, consistently failed to perform its duties under said section. Prior to the hearing on revocation, the commissioner shall send a notice to the inland wetlands agency, by certified mail, return receipt requested, asking such agency to show cause, within thirty days, why such authority should not be revoked. A copy of the show cause notice shall be sent to the chief executive officer of the municipality that authorized the agency. The commissioner shall send a notice to the inland wetlands agency, by certified mail, return receipt requested, stating the reasons for the revocation and the circumstances for reinstatement. Any municipality aggrieved by a decision of the commissioner under this section to revoke its authority under said section 22a-42 may appeal therefrom in accordance with the provisions of section 4-183. The commissioner shall have jurisdiction over the inland wetlands in any municipality whose authority to regulate such inland wetlands has been revoked. Any costs incurred by the state in reviewing applications for inland wetlands activity for such municipality shall be paid by the municipality. Any fees that would have been paid to such municipality if such authority had been retained shall be paid to the state.

(b) The commissioner shall cause to be published notice of the revocation or reinstatement of the authority of a municipality to regulate inland wetlands in a newspaper of general circulation in the area of such municipality.

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(c) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing standards for the revocation and reinstatement of municipal authority to regulate wetlands pursuant to section 22a-42.

**Sec. 22a-42e. Application filed prior to change in inland wetlands regulations not required to comply with change. Exceptions.** An application filed with an inland wetlands agency which is in conformance with the applicable inland wetlands regulations as of the date of the decision of such agency with respect to such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such decision and any appeal from the decision of such agency with respect to such application shall not be dismissed by the superior court on the grounds that such a change has taken effect on or after the date of such decision. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of this chapter as of the date of such decision.

**Sec. 22a-42f. Notice of application to water company re conduct of regulated activities within watershed of water company.** When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application.

**Sec. 22a-43. Appeals.** (a) The commissioner or any person aggrieved by any regulation, order, decision or action made pursuant to sections 22a-36 to 22a-45, inclusive, by the commissioner, district or municipality or any person owning or occupying land which abuts any portion of land or is within a radius of ninety feet of the wetland or watercourse involved in any regulation, order, decision or action made pursuant to said sections may, within the time specified in subsection (b) of section 8-8 from the publication of such regulation, order, decision or action, appeal to the superior court for the judicial district where the land affected is located, and if located in more than one judicial district to the court in any such judicial district. Such appeal shall be made returnable to said court in the same manner as that prescribed for civil actions brought to said court, except that the record shall be transmitted to the court within the time specified in subsection (i) of section 8-8. Notice of such appeal shall be served upon the inland wetlands agency and the commissioner. The commissioner may appear as a party to any action brought by any other person within thirty days from the date such appeal is returned to the court. The appeal shall state the reasons upon which it is predicated and shall not stay proceedings on the regulation, order, decision or action, but the court may on application and after notice grant a restraining order. Such appeal shall have precedence in the order of trial.

(b) The court, upon the motion of the person who applied for such order, decision or action, shall make such person a party defendant in the appeal. Such defendant may, at any time after the return date of such appeal, make a motion to dismiss the appeal. At the hearing on such motion to dismiss, each appellant shall have the burden of proving his standing to bring the appeal. The

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court may, upon the record, grant or deny the motion. The court's order on such motion shall be a final judgment for the purpose of the appeal as to each such defendant. No appeal may be taken from any such order except within seven days of the entry of such order.

(c) No appeal taken under subsection (a) of this section shall be withdrawn and no settlement between the parties to any such appeal shall be effective unless and until a hearing has been held before the superior court and such court has approved such proposed withdrawal or settlement.

**Sec. 22a-43a. Findings on appeal. Setting aside or modifying action. Authority to purchase land.** (a) If upon appeal pursuant to section 22a-43, the court finds that the action appealed from constitutes the equivalent of a taking without compensation, it shall set aside the action or it may modify the action so that it does not constitute a taking. In both instances the court shall remand the order to the inland wetland agency for action not inconsistent with its decision.

(b) To carry out the purposes of sections 22a-38, 22a-40, 22a-42 to 22a-43a, inclusive, 22a-401 and 22a-403, the commissioner, district or municipality may at any time purchase land or an interest in land in fee simple or other acceptable title, or subject to acceptable restrictions or exceptions, and enter into covenants and agreements with landowners.

**Sec. 22a-44. Penalty. Court orders.** (a) If the inland wetlands agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of sections 22a-36 to 22a-45, inclusive, or of the regulations of the inland wetlands agency, the agency or its duly authorized agent may issue a written order by certified mail, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. Within ten days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The agency shall consider the facts presented at the hearing and within ten days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to subsection (b) of this section. The commissioner may issue orders pursuant to sections 22a-6 to 22a-7, inclusive, concerning an activity, facility or condition which is in violation of said sections 22a-36 to 22a-45, inclusive, if the municipality in which such activity, facility or condition is located has failed to enforce its inland wetlands regulations.

(b) Any person who commits, takes part in, or assists in any violation of any provision of sections 22a-36 to 22a-45, inclusive, including regulations adopted by the commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be assessed a civil penalty of not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The superior court, in an action brought by the commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action. The moneys collected pursuant to this section shall be used by the

## **Appendix C**

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commissioner of environmental protection, to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible.

(c) Any person who wilfully or knowingly violates any provision of sections 22a-36 to 22a-45, inclusive, shall be fined not more than one thousand dollars for each day during which such violation continues or be imprisoned not more than six months or both. For a subsequent violation, such person shall be fined not more than two thousand dollars for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

**Sec. 22a-45. Property revaluation.** Any owner of wetlands and watercourses who may be denied a license in connection with a regulated activity affecting such wetlands and watercourses, shall upon written application to the assessor, or board of assessors, of the municipality, be entitled to a revaluation of such property to reflect the fair market value thereof in light of the restriction placed upon it by the denial of such license or permit, effective with respect to the next succeeding assessment list of such municipality, provided no such revaluation shall be effective retroactively and the municipality may require as a condition therefor the conveyance of a less than fee interest to it of such land pursuant to the provisions of sections 7-131b to 7-131k, inclusive.

**APPENDIX D**

**Guidelines, Upland Review Area Regulations**





**STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

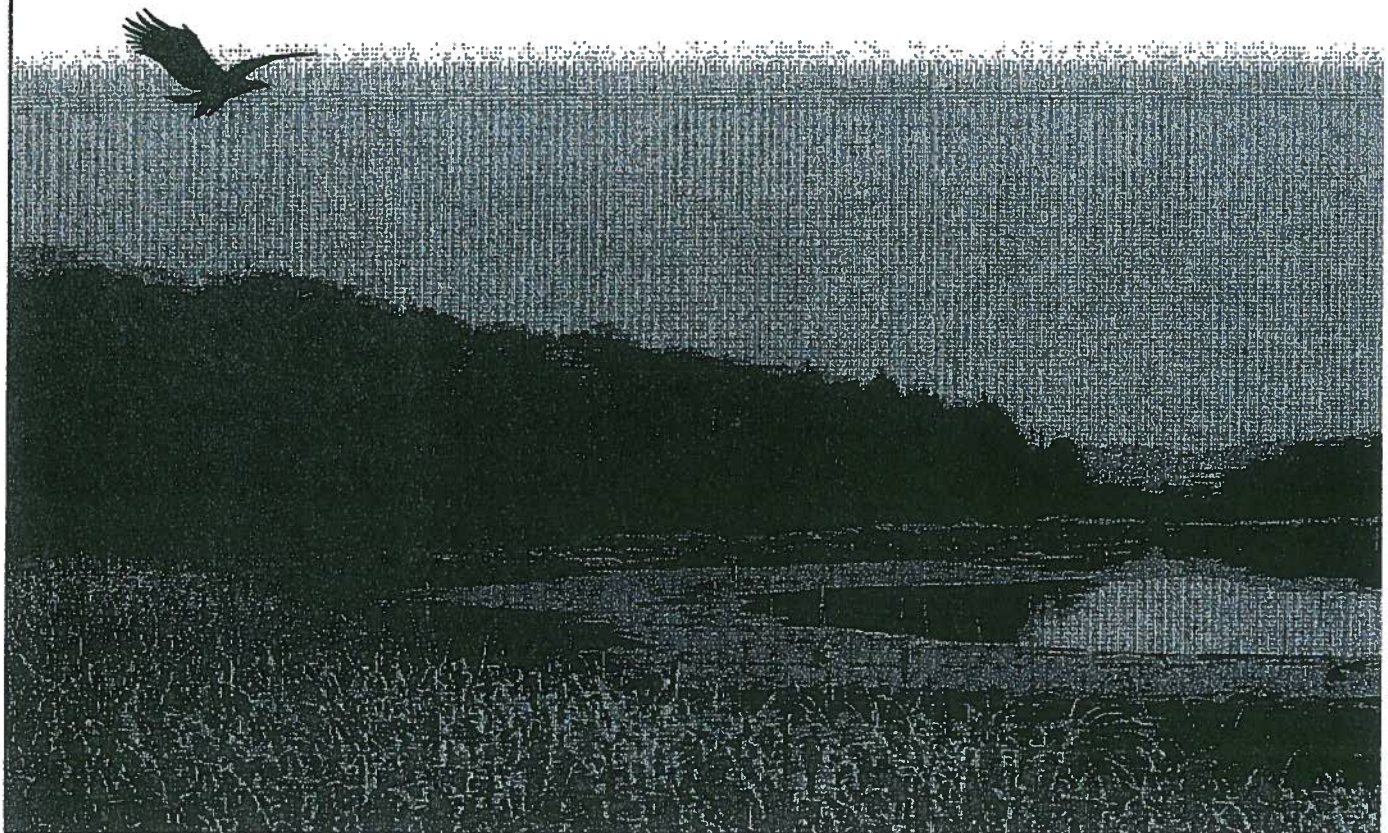
79 Elm Street  
Hartford, CT 06106-5127

**Sidney J. Holbrook**  
Commissioner

**GUIDELINES  
UPLAND REVIEW AREA REGULATIONS  
CONNECTICUT'S INLAND WETLANDS &  
WATERCOURSES ACT**

June, 1997

Wetlands Management Section  
Bureau of Water Management



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Cover Picture From: Forested Wetlands/Functions; Benefits and the Uses of Best Management Practices, U.S.D.A. Forest Service.

(Printed on Recycled Paper)



# Guidelines for Upland Review Area Regulations Under Connecticut's Inland Wetlands and Watercourses Act

## Wetlands and Uplands: an Introduction

The relationship between a wetland or watercourse and its surrounding upland is complex. Upland land clearing, excavating, filling and other construction activities if not properly planned and executed can have significant impacts on adjacent wetlands and watercourses. Under the Inland Wetlands and Watercourses Act, the municipal wetlands agency has broad authority to issue permits not only for activities in wetlands or watercourses themselves, but for activities located elsewhere when such activities are likely to impact or affect wetlands or watercourses. *It is the department's policy to encourage municipal wetland agencies to review proposed activities located in upland areas surrounding wetlands and watercourses wherever such activities are likely to impact or affect wetlands or watercourses.*<sup>1</sup>

An understanding of how certain activities in upland areas affect wetlands and watercourses has led most towns to adopt regulations requiring wetland agency review of proposed development adjacent to wetlands and watercourses.<sup>2</sup> Such regulations are optional under the Act, but serve to inform the public as to the circumstances under which a wetlands permit is required of activities proposed adjacent to a wetland or watercourse.<sup>3</sup>

While requiring a permit for specified activities within defined upland review area boundaries, these wetland agencies still maintain their authority to regulate proposed activities located in more distant upland areas if they find that the activities are likely to impact or affect a wetland or watercourse.

The purpose of these guidelines is to assist municipal wetlands agencies to review and revise their wetlands and watercourses regulations, if necessary. As such, the guidelines provide a foundation for consistency in municipal regulations and permitting activities. They are not intended to substitute for reasoned evaluation and judgement by municipal wetlands agencies of the local wetland and watercourse resources, the conditions surrounding those resources, and the types of activities which are likely to impact or affect those resources. Nor are they intended to guide wetlands agencies through the decision making process for acting on permits. Both these topics are more appropriately addressed in detail through the department's Inland Wetlands Management Training Program for wetland agency commissioners and their staff. Wetlands agencies are reminded that they should review proposed changes in their inland wetlands and watercourses regulations with their town attorney.

## Model Municipal Upland Review Area Regulations

In addition to implementing the law to protect wetlands and watercourses, regulations inform the public on what to expect if one proposes an activity in or affecting a wetland or watercourse in the subject town. Upland review area regulations reduce or eliminate the need for case-by-case rulings by providing notice as to what activities need wetland permits. By specifying where a permit is required, such regulations foster consistency and are convenient for the public. In determining the boundaries for its upland review area regulations, the wetland agency should consider the specific kinds of development activities on uplands which are likely to impact or affect wetlands and watercourses and the nature of that impact or affect.

An upland activity which is likely to impact or affect wetlands or watercourses is a *regulated activity* and should be identified as such in the regulations. In identifying upland review area regulated activities, the wetlands agency must apply the standard established under section 22a-42a(f) of the General Statutes and find that the activity is "... likely to impact or affect wetlands or watercourses."<sup>4</sup> Examples of upland regulated activities are included in the models below. In implementing its upland review area regulations, the wetland agency must be cognizant that certain proposed activities, which are permitted uses as of right or as nonregulated uses under section 22a-40 of the General Statutes, are not regulated and do not require a permit from the wetlands agency under the Inland Wetlands and Watercourses Act.

There are a number of ways that the boundaries of an upland review area may be defined in regulations. In selecting its approach, the wetland agency should consider the special nature of their town's wetland and watercourse resources, the purposes and intent of the Inland Wetlands and Watercourses Act, and how the regulations will be implemented.

Three models for upland review area regulations are presented below. The first model provides that certain specified activities if conducted within a specified distance measured from *any* wetland or watercourse are regulated activities. As such, the first model is the basic model and easiest to implement. The second model expands upon that basic model by identifying specific wetland and watercourse resources of special concern and providing site specific review area widths for those resources. This model should be used where the wetland agency believes additional protection though a wider review area is needed or to take existing land development or uses into account with a narrower review area. The third model adds to the basic model a slope and soil factor in determining the site specific width or location of the upland review area. The first and second models are easily understood and implemented, while the third is technically complex and not easily implemented without trained staff.

Note that the first sentence of each model definition below is the definition of the term *regulated activity* taken from section 22a-38(13) of the Inland Wetlands and Watercourses Act and, as such, its meaning may not be changed in municipal inland wetlands regulations.

## *Model Regulation Options<sup>5</sup>*

### Model I.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

### Model II.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within the following upland review areas is a regulated activity:

- (1) within \_\_\_\_\_ feet measured horizontally from the ordinary high water mark<sup>6</sup> of Town Lake, Smith Lake or Pine Meadow Pond;
- (2) within \_\_\_\_\_ feet measured horizontally from the ordinary high water mark of Ledge Brook and of Big Trout Brook between the Route 51 and Main Street Bridges over Big Trout Brook.
- (3) within \_\_\_\_\_ feet measured horizontally from the boundary of the wetlands comprising Great Swamp;
- (4) within the area enclosed by the \_\_\_\_\_ foot contour elevation surrounding Ice Pond Bog; such contour is depicted on the Inland Wetlands and Watercourses Map for the Town of \_\_\_\_\_;
- (5) within \_\_\_\_\_ feet measured horizontally from the boundary of any other wetland or watercourse.

The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

### Model III.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the

specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water in the following areas is a regulated activity:

- (1) on land within \_\_\_\_ feet measured horizontally from the boundary of any wetland or watercourse, provided
- (2) if the slope of such land exceeds 5%,<sup>7</sup> within the distance measured horizontally from the boundary of the wetland or watercourse equal to \_\_\_\_ feet plus an additional 5 feet for each 1% increase in slope greater than 5%, but not more than \_\_[e.g., 200]\_\_ feet;
- (3) on land designated on the Inland Wetlands and Watercourses Map of the Town of \_\_\_\_\_ as containing highly erodible soils.

The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

## Considerations in Establishing Upland Review Areas

### *Regulated Activities*

The Inland Wetlands and Watercourses Act (Sections 22a-36 through 22a-45a of the General Statutes) defines *regulated activity* to mean:

*"... any operation within or use of a wetland or watercourse involving the removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes."*<sup>8</sup>

In addition to activities located in a wetland or watercourse, any activity located in a non-wetland or non-watercourse area which is likely to impact or affect a wetland or watercourse may be deemed to be a regulated activity (unless the activity is a use permitted as of right or as a nonregulated activity). However, the likelihood of an activity having a substantive impact on a wetland or watercourse will depend on a number of factors, including the nature of the wetland or watercourse, the activity, soils and slope of the land, and would generally decrease with increasing distance of the activity from the wetland or watercourse. At some point, impacts from that activity on wetlands and watercourses would be expected to become de minimis and not measurable.

The DEP believes that a 100 foot-wide upland review area is sufficient for reviewing construction

activities in areas surrounding wetlands or watercourses because most of the activities which are likely to impact or affect these resources will be located in that area. However, based on the special factors of concern to a wetlands agency, e.g., wetland and watercourse values, slope, soils, existing development, etc., a greater or lesser distance may be appropriate for a particular municipality. However, beyond 100 feet it is neither practical nor desirable, from a wetlands and watercourses management perspective, to automatically require an inland wetlands permit for *all* construction activities. It must be emphasized that other municipal authorities and mechanisms involving planning, zoning and subdivision decisions and plans of conservation and development, play a role in addressing the broader watershed issues.

### *Upland Review Areas, Setbacks and Buffers*

In a number of municipal inland wetlands regulations, upland review areas are referred to as setbacks or buffers.<sup>9</sup> We chose the term *upland review area* to describe the non-wetland or non-watercourse area in which certain activities would be regulated because it best conveys the regulatory scheme under the wetlands statutes wherein a wetland agency reviews regulated activities case-by-case and approves or disapproves them on their merits. The inland wetland statutes do not authorize a blanket prohibition of *all* activities either in the wetlands or in upland review, buffer or setback areas.

### *Use of Upland Review Area Regulations*

Most municipal wetland agencies have already adopted some form of upland review area regulations.<sup>10</sup> Such regulations are based on a presumption that the regulated activity will have an adverse impact on the adjacent wetland or watercourse. A person proposing to conduct a regulated activity has the burden to demonstrate to the wetlands agency that the impacts of his proposal are consistent with the purposes and provisions of the Inland Wetlands and Watercourses Act and, therefore, that he is entitled to the permit. An applicant who successfully documents to the satisfaction of the wetlands agency that his proposed activities are fully consistent with the purposes and provisions of the Inland Wetlands and Watercourses Act is entitled to receive a permit. The factors the wetlands agency must consider in making its decision on the application are prescribed in section 22a-41 of the General Statutes.<sup>11</sup>

### *The Role of the Upland Review Area in Protecting Wetlands and Watercourses*

Upland areas surrounding wetlands or watercourses function in a number of ways to protect these resources. An understanding of these functions and how they potentially may be impacted by construction activity or development is necessary for the wetlands agency to adopt an upland review area and subsequently regulate activities therein. Since the functions will vary depending on the specific project site, each permit application will be different and must be reviewed on its individual merits.

### Control Non-point Source Pollution

- \*Vegetation and natural soils foster removal of nutrients, sediments, particulates, and other potential pollutants and pathogens from storm-water runoff thereby protecting water quality
- \*Sediments arising from road sanding and construction activities are trapped
- \*Flood flows, stream bank erosion, and storm-water discharges to wetlands and watercourses are attenuated
- \*Separating distances from wetlands or watercourses allow for treatment of wastewaters

### Protect Aquatic Habitat

- \*Wind-thrown trees, dropped branches and detritus create important habitat for aquatic organisms within watercourses
- \*Stabilize under cutting stream banks, providing shelter for fish and other aquatic organisms
- \*Riparian areas are an essential component of habitat and for mammals, birds, amphibians, reptiles, invertebrates and other wetland animals.
- \*Watercourses are allowed to meander naturally without endangering development

### Control Temperature

- \*Shrubs and trees shade wetlands and watercourses and help maintain cold water aquatic habitats in summer and insulate them from deep frost in winter
- \*Water temperatures suitable for fish spawning and egg and fry development are maintained
- \*Cooler water supports higher dissolved oxygen

### Provide Food for Aquatic Life

- \*Decomposing leaves and detritus contribute to the food chain, especially of aquatic insects
- \*Insects falling from branches feed fish and other aquatic life

### Insulate Fish and Wildlife From Human Activities

- \*Potential for human interference with fish and wetland wildlife is reduced

### Provide a Corridor Linking Wetlands and Watercourses

- \*Wildlife habitats are continuous, not fragmented or isolated, allowing for migratory habits of wetland wildlife

### *Examples of Regulated Activities in Upland Review Areas and Their Potential Wetland or Watercourse Impacts*

Keep in mind that the substance and significance of an impact will vary from site to site and may decrease with increasing distance from the wetland or watercourse.

#### Clearing, grubbing and grading

- \*Loss of stream shading
- \*Increased surface water temperature
- \*Loss of food source for aquatic organisms
- \*Loss of riparian habitat/diminished in stream habitat value
- \*Increased storm-water runoff
- \*Reduced capacity to remove nutrients and other impurities from runoff
- \*Soil erosion/sedimentation
- \*Destabilization of stream banks
- \*Increased disturbance of aquatic and wetland animals
- \*Release of nutrients bound in the soil
- \*Loss of instream habitat diversity from wind-thrown trees and branches

#### Paving

- \*Increased storm-water runoff/discharge
- \*Decreased ground-water recharge, reduced stream flow during dry seasons
- \*Non-point source of water pollution, including petroleum products from motor vehicles
- \*Source of sand and grit from storm water discharges
- \*Disruption of fish spawning and fish-egg incubation
- \*Periodic disturbance from maintenance of storm-water management system
- \*Thermal loading in watercourses

#### Excavating

- \*Soil erosion/sedimentation
- \*Altered surface and ground-water discharge patterns and quantity

- \*Diversion or dewatering of wetland/watercourse
- \*Destabilization of watercourse channels

### Filling

- \*Diversion of surface water drainage/dewatering
- \*Loss of flood-water storage
- \*Increased flooding or flood hazards
- \*Increased stream erosion
- \*Erosion of fill material
- \*Sedimentation

### Constructing

- \*Soil erosion/deposition
- \*Disturbance of adjacent fish and wildlife habitats
- \*Increased non-point sources of water pollution
- \*Fragmentation of wetland/watercourse habitats

### Depositing material

- \*Erosion/loss of material into regulated area
- \*Leaching/pollution potential
- \*Disturbance of adjacent aquatic habitats
- \*Alteration of riparian habitats
- \*Other impacts similar to filling and constructing

### Removing material

- \*Discharge/loss of material to regulated area
- \*Modification of riparian habitats
- \*Surface drainage changes
- \*Other impacts similar to clearing, grubbing or grading

### Discharging storm water

- \*Water quality - discharge of road sands/grit, oils, grease
- \*Water quantity - flow attenuation; velocity dissipation
- \*Erosion/sedimentation
- \*Assimilation of potential pollutants
- \*Change in receiving stream water temperature
- \*Increase velocity of runoff and decrease travel time to the receiving watercourse
- \*Nuisance flooding



### *Determining Upland Review Area Boundaries*

Due to the variability of Connecticut's landscape features, even within the same watershed, and the multiplicity of regulated activities which may be involved in site development, it is not practical to establish separate upland review area boundary distances *for each category or type of regulated activity*. Instead, the upland review area should be of sufficient width to ensure that it will encompass the activities that are most likely to impact or affect the adjacent wetlands or watercourses. It is recommended that upland review area boundaries be delineated using a uniform distance measured horizontally and perpendicular from the ordinary high water mark of a lake, pond, river or stream or from a wetland soil boundary.

The upland review area width adopted by the wetlands agency may be wider or narrower than the 100 foot width recommended by DEP. DEP encourages municipal wetlands agencies base their upland review area widths giving due consideration to local landscape factors including the value, or importance, of wetland or watercourse resources, extent of existing land use and, if a wetland agency deems it to be practicable, on the slope and soils of the land to be developed or other factors.

To be enforceable, the upland review areas must be adopted in the town's inland wetlands and watercourses regulations following the procedures described under section 22a-42a of the General Statutes.<sup>12</sup> Importantly, the upland review area regulations must be easy to understand by a property owner and easy to implement by the inland wetlands agency (should it need to take an enforcement action), as well as by any other interested person.

A uniform review area width has the advantage of simplicity over a variable width in that it is easier to delineate, understand and administer. The disadvantage of a variable, non-uniform, width upland review area regulation is that its inherent complexity may make the regulation difficult to establish and subsequently administer. Ordinarily, the agency will need a professional staff person to delineate and enforce variable upland review area regulations. Also, citizens may be confused using a variable approach and disagreements over the actual location on the ground of the outer limit of the upland review area may complicate permit and enforcement proceedings. Verification of the upland review area location is particularly important in an enforcement action where the burden is on the agency to prove that there is a violation of its regulations. For these reasons, the department urges caution in adopting complex upland review area boundaries (e.g., Model Option III, above).

While it is desirable for upland review areas to be depicted on the town's official inland wetlands and watercourses map, depending on the type of review area adopted, actual mapping may not be necessary provided appropriate narrative description is included in the town's inland wetlands and watercourses regulations and such provisions *are clearly referenced on the official map*. Wetlands agency regulations governing wetlands maps and the official wetlands maps themselves should state that such wetlands and watercourses maps were prepared for information purposes only and that the actual character of the land shall govern the agency's jurisdiction thereon. The

official wetlands and watercourses maps should also clearly reference or depict all upland review areas which have been adopted by the agency.

### Boundary Factors

There are a number of factors which should be considered in defining upland review area boundaries. For unique situations, such as with an important bog, the boundary of the review area could be set by using an elevation contour encompassing the subject area. In addition, upland review areas may be wider or narrower for specified wetlands or watercourses. For example, an upland review area for a significant wetland or watercourse habitat or for wetlands and watercourses located in a public water supply watershed could be set wider than a review area for wetlands or watercourses located in other less critical areas.

#### \* Significant Wetland and Watercourse Resources

All wetlands have intrinsic value, some wetland areas being more or less ecologically valuable than others. But if a wetland or watercourse is known to be ecologically significant, or to have a critical function or value such as in flood control or as habitat for an endangered species, a wider, more protective, upland review area may be appropriate. Unique wetland and watercourse values such as in research, education or recreation may also warrant a wider upland review area.

DEP encourages all towns to evaluate their wetlands resources. To that end, DEP offers training guidance on a methodology for identifying the relative importance of the wetlands and watercourses in a town or within a watershed. (See: DEP Bulletin # 9 *Method for the Evaluation of Inland Wetlands in Connecticut*, 1989<sup>13</sup>) This methodology uses mathematical and word expressions to assign relative "wetland value units" (WVU) to a number of the common wetland and watercourse functions. The following functions are defined in DEP Bulletin #9:

- Flood Control
- Ecological Integrity
- Wildlife Habitat
- Fish Habitat
- Nutrient Retention and Sediment Trapping
- Education Potential
- Visual/Esthetic Quality
- Agricultural Potential
- Forestry Potential
- Water Based Recreation
- Ground-water Use Potential
- Shoreline Anchoring and Dissipation of Erosive Forces
- Noteworthiness, including public water supply watersheds

In addition, guidance on vernal pools is provided in a recent publication by the Connecticut Forest Stewardship Program and the University of Connecticut Cooperative Extension System titled *Identification and Protection of Vernal Pool Wetlands of Connecticut*. Both of the above referenced publications are available from the DEP Bookstore, 79 Elm Street, Hartford, phone 860-424-3555.

#### \* Slope

By enlarging the width of the upland review area in proportion to its slope upward from the wetland or watercourse, the wetland agency may have a better opportunity to protect wetlands and watercourses from sedimentation originating from upland construction activities. For example, wherever the minimum 100 foot upland review area slope exceeds 5%, regulations could add 5 feet (or other reasonable measure) of review area distance *horizontally* for each 1% increase in slope. Thus, if the basic 100 foot wide review area has a 15% slope upward from the ordinary high water line or wetland soil boundary, an additional 50 feet would be added to the horizontal width of the upland review area ( $5\text{ft}/1\% \times 10\% = 50\text{ft}$ ). Similarly, where the land slopes away (downward) from the regulated area, e.g., as in the case of a hill-side seep wetland, the width of the review area could be reduced.

In general, the greater the slope of the land being developed, the greater the potential threat of damage to adjacent wetlands and watercourses from erosion and sedimentation. However, in practice, unless a town already has good town-wide topographic mapping, calculating a slope parameter for a town-wide map of the upland review area boundary would require considerable professional engineering expertise.

A practical approach to using the slope factor may be for wetland agencies to assert their jurisdiction case-by-case over major construction activities on any steeply sloped areas located outside the upland review area where wetlands and watercourses may be threatened by sedimentation caused by erosion at upland construction sites. Such sedimentation is deemed to be pollution and may be cause for an enforcement action under the inland wetlands statutes (see definition of regulated activity above).

#### \* Soils

Combined with slope, the type of soil found adjacent to wetlands and watercourses is an important factor in how development may affect adjacent wetlands or watercourses. Soil characteristics such as texture, cohesiveness and organic content influence the creation of rill and gully formation as a result of erosion by water. In turn, this creates a potential for sedimentation of adjacent wetlands and watercourses. The United States Department of Agriculture, Natural Resources Conservation Service, has compiled lists of highly erodible soil map units which can be located using their published soil surveys. While these lists were compiled primarily for agricultural applications, they may also be useful in evaluating the erosion potential from construction activity.

Also, the permeability of a particular soil, the rate at which groundwater travels through a soil, is an important consideration when evaluating the potential for an upland review area to renovate wastewater discharges to the ground water that may subsequently discharge to a wetland or watercourse. This may be an important consideration when septic system leaching fields or storm water infiltration trenches are proposed adjacent to wetlands or watercourses.

For more information on highly erodible soils, refer to *Highly Erodible Soil Map Units of Connecticut*, USDA-NRCS (1986). For more information on soil permeability characteristics, contact your local USDA-Natural Resource Conservation Service Center (call 860-487-4011 for the center near you). Information on ground-water as it relates to sewage treatment can be found in *Seepage and Pollutant Renovation* (DEP Bulletin # 7) and *Carrying Capacity of Public Water Supply Watersheds* (DEP Bulletin # 11).

Except when soils are used to define wetlands, regulation of development based on soil characteristics is largely a responsibility of the town sanitarian and the planning and zoning commission(s).<sup>14</sup> However, where highly erodible soils are located adjacent to wetlands and watercourses, erosion and sedimentation control is especially critical and should also be addressed by the wetland agency.

Upland review area boundaries based on soil characteristics should be depicted as such on the official inland wetlands and watercourses map for the subject town.

#### \* Floodplain Limits

The landward boundary of a mapped floodplain, such as delineated by the 100-year flood mapped by the National Flood Insurance Program, has been determined using a theoretical design flood on the subject watercourse. Mapped flood limits have no direct relation to the location of wetlands or smaller watercourses on the floodplain. Also, the floodplain boundaries for most small watercourses have not been mapped. For these reasons, flood insurance floodplain maps may not reflect a reasonable boundary of the upland review area.

#### \* Urban Areas and Existing Development

Existing development of the area surrounding wetlands and watercourses has, more likely than not, already had an impact on the upland area's ability to protect those resources. Degraded conditions should not be used to justify further degradation. The wetlands or watercourses themselves may have been filled or modified for storm water or flood control. For these reasons any remaining fringe of undisturbed area between the wetland or watercourse and existing upland development may be all that there is to buffer adjacent water resources from further degradation from new development. In such urban areas, particular attention should be given to how storm water discharges are managed so as to minimize the opportunity for pollution and alteration of wetland or watercourse habitats.

New development in urban areas that contain degraded wetlands or watercourses, may provide an opportunity to improve these degraded resources while mitigating the impact of the new development. This can be accomplished by habitat restoration or enhancement or by using storm water management system retrofits that are designed to improve the quality of the storm water discharge.

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#### Endnotes

1. This document was prepared in response to inquiries from municipal wetland commissioners, the Rivers Advisory Committee, the regulated community and other interested persons for guidance on implementing setback and buffer provisions in municipal regulations adopted under Connecticut's Inland Wetlands and Watercourses Act. Section 22a-42d of the General Statutes directs the department to provide guidance for the implementation of Section 22a-42a(f) of the General Statutes.
2. Over 80% of Connecticut's municipal wetlands agencies have regulations governing regulated activities in areas surrounding wetlands or watercourses.
3. Section 22a-42a(c)(2) of the General Statutes provides that a wetlands agency may delegate approval authority for non-significant activities proposed in upland review areas to its agent provided such agent has had DEP training.
4. Section 22a-42a(f) provides that the wetlands agency has jurisdiction over those activities proposed in the upland review area which are "... likely to impact or affect wetlands or watercourses." In documenting the necessity for regulating specific activities conducted in upland review areas, it is not sufficient to merely assert that the activity "may" impact or affect wetlands or watercourses.
5. Contact DEP for a copy of *Inland Wetlands and Watercourses Model Regulations*. DEP's *Model Regulations* provide a comprehensive guide for implementing the Inland Wetlands and Watercourses Act through municipal wetland agency regulations. *Model Regulations* is updated as needed to reflect current legislation.
6. "Ordinary high water mark" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a distinction between the abutting upland and the watercourse. Such mark may be found by examining the bed and bank of any watercourse and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land. This term should be defined in municipal wetlands regulations.
7. Percent slope is most simply determined by dividing the difference in elevation between two points by the distance between the points (i.e., rise/run) and multiplying the result by 100. If a slope factor is used in regulations, the regulations must provide guidance as to how the slope should be measured in the field e.g., on shortest straight line transect from any wetland or watercourse boundary to the highest up gradient point on the land to be developed; number and location of transects; and, in recognition that

the actual slope of the land is not uniform, methods for averaging of slope over a site.

8. In implementing upland review area regulations, the wetlands agency must be cognizant of the "uses as of right" provisions of section 22a-40 of the General Statutes. Under section 22a-40, certain activities are uses of wetland and watercourses as of right or as a nonregulated use. Such uses are not regulated and do not require a permit from the wetland agency. For example, subdivision (4) of section 22a-40(a) prescribes that certain "... uses incidental to the enjoyment and maintenance of residential property ..." are permitted as of right: "[s]uch uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse." Other uses permitted as of right include certain agricultural and forestry uses, boat anchorage and mooring, certain water company activities and maintenance of drainage pipes which pre-date the regulations. Nonregulated uses include a number of conservation and recreational activities. Persons proposing such uses should seek confirmation from the municipal wetlands agency that their proposed project does not require a permit.

9. DEP has not adopted an upland review area provision for state agency actions because, unlike municipal wetland agencies which have only one opportunity to review a project, DEP has a number of opportunities during both planning and permitting of state agency projects. DEP reviews state agency projects under the Environmental Policy Act (Findings of No Significant Impact, Environmental Impact Statements) and several permit programs under Title 22a and 25 of the General Statutes. As partners in state government, state agencies generally act cooperatively to address environmental issues. Utilizing its technical resources, the State strives to apply site specific best management practices during the different planning and regulatory reviews.

10. Depending on the wetland agency, upland review area widths range from 25 feet up to 650 feet from wetland or watercourse boundaries.

11. Section 22a-41 of the Inland Wetlands and Watercourses Act established the criteria for decision on permit applications as follows: In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such

activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

- e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

Additionally, if the wetlands agency holds a hearing because it found that the subject activity may have a significant impact, the wetlands agency may not grant the permit unless it finds that the activity is acceptable under the criteria listed above and that there is no less environmentally damaging feasible and prudent alternative.

12. Under Section 22a-42a(b) of the General Statutes, the wetlands agency must provide the DEP with a copy of notice of its hearing on proposed regulations and a copy of the proposed regulations no less than 35 days prior to the hearing thereon. DEP must review and approve all proposed wetland agency regulations except proposed map revisions.

13. The methodology described in DEP Bulletin #9 is a resource planning tool intended to be used for town-wide or watershed-wide assessments of wetland resources and is not designed to be used by applicants or wetlands agencies to evaluate the significance of the impact of activities proposed in permit applications.

14. Section 22a-329 of the General Statutes provides that regulations adopted by a municipality pursuant to CGS Secs. 8-2 and 8-25 shall require that proper provisions be made for soil erosion and sediment control.

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### **Agency Mission**

The mission of the Department of Environmental Protection (DEP) is to conserve, improve and protect the natural resources and environment of the State of Connecticut and to do this in a way that encourages the social and economic development of Connecticut while preserving the natural environment and the life forms it supports in a delicate, interrelated and complex balance, to the end that the state may fulfill its responsibility as trustee of the environment for present and future generations. The DEP achieves its mission through regulation, inspection, enforcement and licensing procedures which help control air, land and water pollution in order to protect health, safety and welfare. The Department also improves and coordinates the state's environmental plans, functions and educational programs in cooperation with the federal, regional and local governments, other public and private organizations and concerned individuals, while managing and protecting the flora and fauna for compatible uses by the citizens of the state.



## APPENDIX E

### Fee Schedule

#### Inland Wetland Fee Schedule

Residential uses means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.,

Commercial and industrial uses means activities carried out on property developed for industry, commerce, trade, recreation or business or being developed to be occupied for such purposes, for profit or nonprofit.

Other uses means activities other than residential, commercial or other industrial uses.

Permitted uses as of right	\$0.00
Nonregulated uses	\$35.00

#### REGULATED USES

##### Residential Uses

Single Lot	\$125.00
Proposed Subdivisions	\$250.00
plus either \$5.00 per 5,000 Sq. Ft. of wetlands on property or \$50.00 per each proposed lot (whichever is greater)	

##### Commercial and Industrial Uses

\$250.00 plus either \$0 less 2,500 Sq. Ft. regulated area

\$25.00/acre for 2,500 Sq. Ft. regulated area and over

All other uses	\$150.00
Significant Activity; fee AKA Public Hearing Fee	\$350 .00
Map Amendment Petitions	\$200.00 plus \$25.00/acre

Modification of Previous Approval \$100.00  
(Permit Approval)

Transferal of an Existing Permit \$50.00

No application shall be granted or approved by the Conservation Commission/ Inland Wetland Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Conservation Commission/ Inland Wetland Agency pursuant to subsection 4.14 of the Town Fee Ordinance #09-20-93-134.

The application fee is not refundable. Fees shall be paid by cash, check, or credit card.

All checks should be made payable to the 'Town of Watertown. Prior to holding of a public hearing, the \$350.00 significant activity fee (public hearing fee) must be paid to the Land Use Office prior to the public hearing being scheduled and advertised in the newspaper.

An application will be considered incomplete if all the required fees are not paid.

An addition \$30.00 State Fee must be added to all application costs per Public Act 92-235 Section (4) enacted by the Connecticut State Legislature.

# **Aquifer Protection Level 'A' Area REGULATIONS**



## **TOWN OF WATERTOWN AQUIFER PROTECTION AGENCY**

**Original Effective Date: September 10, 2010  
Revisions to: September 10, 2010**

**NOT AN OFFICIAL COPY**

# Important Notice

## Disclaimer Regarding Accuracy of Information

This document is viewed and or printed from the website of the Town of Watertown, Connecticut. This search is solely preliminary and not an official search. Visitors to and users of the Site are advised that information contained within the pages of the Site is believed to be accurate. However, errors can occur, even with computer-generated information. The Town of Watertown and the Watertown Aquifer Protection Agency make no representation regarding the completeness, accuracy, or timeliness of such information or data or that such information or data will be error-free. In the event the information on the official printed documents located in the office of the Town of Watertown Planning and Zoning Department differs from the information contained on this website and or on documents printed from this website, the information on the Department's official printed documents in conformance with Agency approvals will control and take precedence.

Visitors are encouraged to review the official version of all documents upon which they plan to rely.

**Town of Watertown  
Aquifer Protection Level ‘A’ Area Regulations**

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# **Town of Watertown**

## **Aquifer Protection Level 'A' Area Regulations**

### **SECTION 1. Title and Authority**

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the Town of Watertown by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
  - (2) delineating aquifer protection areas on the Town of Watertown Zoning District Map as map code "APA", the official map associated with these regulations, and on the Town of Watertown Inland Wetland and Watercourses Map;
  - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
  - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Level 'A' Area Regulations (the "APA Regulations") of the Town of Watertown. The APA Regulations and their associated Watertown Zoning District Map code of "APA" are different than the Aquifer Protection Zone and their associated Watertown Zoning District Map code of "APZ" established by the Watertown Zoning Regulations.
- (c) These regulations were adopted and may be amended by the Agency, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.

- (d) The Planning and Zoning Commission of the Town of Watertown is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective 9-20-1993, and shall implement the purposes and provisions of the APA Ordinance and the Act.
- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the Town of Watertown pursuant to the Act.
- (f) An Aquifer Protection Level 'A' Area Permit application shall be submitted with a Site Plan application and a Special Permit application in accordance with the Watertown Zoning Regulations OR submitted with a Subdivision Plan application or a Re-Subdivision Plan application in accordance with the Watertown Subdivision Regulations.

**SECTION 2. Definitions**

- (a) As used in these regulations, the following definitions apply:
  - (1) "Affected water company" means "affected water company" as defined in §22a-354h of the Connecticut General Statutes;
  - (2) "Agency" means the board or commission authorized by the municipality under §22a-354o of the Connecticut General Statutes;
  - (3) "Agency Administrator" means the Town of Watertown Administrator for Land Use / Zoning Enforcement Officer.
  - (4) "Agriculture" means "agriculture" as defined in the §1-1(q) of the Connecticut General Statutes;
  - (5) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
  - (6) "Application" means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
  - (7) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
  - (8) "Area of contribution" means "area of contribution" as defined in §22a-354h of the



Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;

- (9) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;
- (10) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;
- (11) "Commissioner" means the commissioner of environmental protection, or his or her agent;
- (12) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;
- (13) "Facility" means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person;
- (14) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (15) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (16) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (17) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (18) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (19) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (20) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001

environmental management system registrar that is accredited by the American National Standards Institute (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB);

- (21) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas. Each public and private water company serving 10,000 or more persons shall map at Level "A" all areas of contribution and recharge areas for its existing wells located in stratified drift aquifers;
- (22) "Lubricating oil" means oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;
- (23) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;
- (24) "Owner" means the owner or lessee of the facility in question;
- (25) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (26) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (27) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (28) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (29) "Professional engineer" means a professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (30) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (31) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (32) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;

- (33) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (34) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (35) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;
- (36) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:
  - (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i) an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,
  - (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,
  - (C) on-site storage of hazardous materials for the purpose of wholesale sale,
  - (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,
  - (E) salvage operations of metal or vehicle parts,
  - (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit from the Commissioner pursuant to §22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, (v) swimming pools,
  - (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
  - (H) production or refining of chemicals, including without limitation hazardous

- materials or asphalt,
- (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,
  - (J) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
  - (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,
  - (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations,
  - (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
  - (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
  - (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
  - (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,
  - (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,
  - (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,
  - (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,

- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching,
  - (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,
  - (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued by the Commissioner under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes,
  - (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,
  - (X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,
  - (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area,
  - (Z) dyeing, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,
  - (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and
  - (BB) pulp production processes that involve bleaching;
- (37) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
- (38) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
- (39) "Storage" means the holding or possession of any hazardous material;
- (40) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
- (41) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;

- (42) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
- (43) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile;
- (44) "Waters" means "waters" as defined in §22a-423 of the Connecticut General Statutes;
- (45) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and
- (46) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

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

- (a) The Watertown Planning and Zoning Commission shall delineate the aquifer protection areas on the Town of Watertown Zoning District Map. The Town of Watertown Inland Wetlands Agency shall delineate the identical aquifer protection areas on the Town of Watertown Inland Wetland and Watercourse Areas Map. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner. In the event of a conflict with definition of the area of the APA shown on the Watertown Zoning District Map and the Watertown Inland Wetland and Watercourse Areas Map, the Watertown Zoning District Map shall control and take precedence.
  - (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of Watertown.
  - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
    - (A) a map or detailed description of the subject aquifer protection area; and
    - (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the

distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.

- (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
  - (A) A map to scale delineating (i) the aquifer protection area boundary mapped under Section 3(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;
  - (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:
    - (i) Such notice shall include at least the following:
      - (aa) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,
      - (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and
      - (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;
    - (ii) Such notice shall be effectuated by the following:
      - (aa) Delivery of notice by certified mail to those individuals and entities identified in Subsection (b)(1)(B) of this Section, or
      - (bb) Publication of a notice of public hearing in a newspaper having substantial circulation in the affected area; and
      - (cc) Posting of notice sign(s) shall be at least three square feet in size (2 feet wide x 1.5 feet high) placed no further apart than 500 feet along paved street frontage of the properties the subject of an Agency aquifer protection area public hearing and be in proximity to the street with clear and unobstructed visibility to persons passing the sign, and not obstruct the visibility of motorists. If a property has no paved street frontage, the sign(s) shall be posted at location(s) determined by the Agency Administrator.
    - (iii) a summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.

- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with Subsection (a) of this Section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
- (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the office of the Watertown Town Clerk or the Agency that is the office Town of Watertown Planning and Zoning Department.
- (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Subsections (a) or (b) of this Section.

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

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in Subsection (b) of this Section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
  - (1) A registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 12 of the APA Regulations; and
  - (2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of the APA Regulations.
- (c) The following are not regulated activities:
  - (1) Any activity conducted at a residence without compensation;
  - (2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;
  - (3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;
  - (4) any activity provided all the following conditions are satisfied:
    - (A) such activity takes place solely within an enclosed building in an area with an impermeable floor,



- (B) such activity involves no more than 10% of the floor area in the building where the activity takes place,
  - (C) any hazardous material used in connection with such activity is stored in such building at all times,
  - (D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and
  - (E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;
- (5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:
- (A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,
  - (B) such activity takes place solely within an enclosed building in an area with an impermeable floor,
  - (C) any hazardous material used in connection with such activity is stored in such building at all times, and
  - (D) such activity does not involve: (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and
- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2000) gallons or less provided all the following conditions are satisfied:
- (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
  - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms, and
  - (C) all associated piping is either above ground, or has secondary containment.
- (d) Determination of a non-regulated activity
- (1) Any person proposing to carry out a non-regulated activity, as set forth in Section

4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity; notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.

- (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

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

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

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

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this Section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

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

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Watertown Planning and Zoning Commission

acting as the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five (35) days after such submission, whichever is sooner.

- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in Sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under Sections 8 or 9 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.
- (g) The Agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the property affected by a decision of such agency is within five-hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

## **SECTION 8. Registration Requirements**

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, shall register the activity in accordance with this Section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.
  - (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
  - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General

Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Said person shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.

(b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with Section 18 of the APA Regulations. Such registration forms may be obtained from the office of the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:

- (1) The name, business telephone number, street address and mailing address of the:
  - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
  - (B) owner of such facility if different than the registrant, and
  - (C) manager or operator overseeing the operations of such facility;
- (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
- (3) an identification of the regulated activity or activities conducted at the facility, as described in Section 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and
- (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
  - (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with Section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
  - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with Section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
- (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.
- (f) The following general provisions shall be included in the issuance of all registrations:
  - (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
  - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
  - (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
  - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
  - (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.
- (g) If a regulated activity which is eligible for registration in accordance with Subsection (a) of

this Section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or the Agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Subsection (f)(5) of this Section.

- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

## **SECTION 9. Permit Requirements**

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

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

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

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



- (j) The following general provisions shall be included in the issuance of all permits:
  - (1) the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;
  - (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
  - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
  - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- (k) The Agency shall notify the applicant or permittee within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
- (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
- (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

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

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

- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.
- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.
- (g) The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 9(c), totals sixty-five (65) days or less.
- (h) In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- (i) The applicant or permittee shall be notified of the Agency's decision in accordance with Section 9(k) of the APA Regulations.

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

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

**SECTION 12. Best Management Practices**

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

- (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,
  - (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,
  - (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
  - (G) hazardous material shall be stored only in an area that is secured against unauthorized entry by the public, and
  - (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;
- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
  - (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a 25% increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
  - (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
  - (5) a materials management plan shall be developed and implemented in accordance with the following:
    - (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
      - (i) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,

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

Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

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

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

**SECTION 14. Enforcement**

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

Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.

- (B) Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.
- (3) Suspend or revoke registration or permit.
- (A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
  - (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the Town of Watertown.
- (c) An order issued pursuant to Subsection (b)(2) of this Section shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Subsection (b)(3) of this Section.
- (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

#### **SECTION 15. Amendments**

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

of the Agency's decision.

**SECTION 16. Appeals**

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

**SECTION 17. Conflict and Severance**

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

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

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Town of Watertown at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection (f) of this Section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on the schedule established by the Watertown Town Council in the Town of Watertown Code of Ordinances.
- (e) Boards, commissions, councils and departments of the Town of Watertown are exempt from all fee requirements.
- (f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:
  - (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or

- (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the Town of Watertown for reviewing and processing the application.

(g) Extra Assessments

In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred in processing the registration or permit application the applicant/registrant may be assessed an additional fee not to exceed \$5,000.00 to cover said costs. Said fees are to be estimated by the duly authorized agent and submitted with the application fee and held until the application is completely processed after which time any residual funds pertaining to this assessment are to be returned to the applicant/registrant.

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

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

**SECTION 19. Effective Date of Regulations**

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



Town of Watertown, Connecticut  
Planning and Zoning Commission  
**Zoning Regulations**



Original Effective Date: May 1, 1955

Effective on November 13, 2015

**Watertown Zoning Regulations**

**Watertown Planning and Zoning Commission:**

Eric Markiewicz, Chairman  
Marie Genovese, Vice-Chairman  
Richard Antonetti, Secretary  
Richard Rossi  
Ken Demirs  
Renato Forcareta  
David Pope  
Richard Miele, Alternate

**Staff:**

Ruth Mulcahy, Administrator of Land Use  
Paul Jessell, Town Attorney

**Adopted May 15, 2015**

**Watertown Zoning Regulations**

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## Article I – General Provisions

**Section 1. Intent and Purpose**

---

The Planning and Zoning Commission of the Town of Watertown, Connecticut, (“Commission”) hereby adopts these Regulations in accordance with the purposes, authority, and requirements of the General Statutes of the State of Connecticut, for the following intent and purpose: (Effective date 5/15/15)

- To guide the future growth and development of the Town in accordance with a Plan of Conservation and Development designed to represent and promote the most beneficial and convenient relationships among the residential, commercial, industrial, and public areas within the Town, considering the suitability of each area for such uses as indicated by existing conditions, trends in development, and changing modes of living and having due regard for the use of land, building development, and economic activity, both within and adjacent to the Town;
- To promote and protect the public health, safety, general welfare, convenience, and property values;
- To ensure adequate light and air; (Effective date 5/15/15)
- To prevent the overcrowding of the land and to avoid undue concentration of population;
- To secure safety from fire, panic, flood, and other dangers;
- To protect and conserve the character, the environment, and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of the Town;
- To protect and conserve the value of land and buildings throughout the Town, appropriate to the various Zoning Districts established by these Regulations; (Effective date 5/15/15)
- To bring about the gradual conformity of the uses of land and buildings throughout the Town with the adopted Plan of Conservation and Development and to minimize conflicts among the uses of land and buildings; (Effective date 5/15/15)
- To promote the most beneficial relationship of streets and traffic circulation throughout the Town and the arrangement of land uses, having particular regard for minimizing congestion in the streets and the promotion of safe and convenient vehicular and pedestrian access appropriate to the various uses of land and buildings throughout the Town; (Effective date 5/15/15)
- To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town;
- To ensure that future development in the Town shall be commensurate with the availability and present and future capacity of public facilities and services, thereby ensuring adequate availability of transportation, water, sewerage, schools, parks, recreation, open space, and other public requirements; (Effective date 5/15/15)
- To prevent the pollution of watercourses and wetlands, safeguard the water table and public surface and ground drinking water supply, avoid hazardous conditions and damage resulting from storm water runoff and flooding, encourage the appropriate use and sound management

of natural resources throughout the Town, have proper provision for soil erosion and sedimentation control, and conserve the Town's natural beauty and topography; (Effective date 5/15/15)

- To consider the development of housing opportunities for all citizens of the Town, including cluster development, consistent with soil types, terrain, and infrastructure capacity;
- To have reasonable consideration for development impacts on agriculture; (Effective date 5/15/15)
- To protect historic factors; and
- To encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

## **Section 2. Language and Definitions**

---

### **2.1 General Construction of Language**

In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. When a question arises as to the expressed intent and purpose of a definition, the Commission, by resolution, shall determine its meaning.

- 2.1.1 Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.
- 2.1.2 The word "shall" is mandatory and not discretionary.
- 2.1.3 The word "may" is permissive.
- 2.1.4 The word "lot" shall mean the same as the words "piece" and "parcel".
- 2.1.5 The words "zone", "Zoning District", and "District" shall have the same meaning.
- 2.1.6 The phrase "used for", shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for" and vice-versa.
- 2.1.7 The phrase "these Regulations" shall refer to the entire Zoning Regulations of the Town of Watertown as may, from time to time, be amended. (Effective date 5/15/15)
- 2.1.8 The word "Section" shall refer to a section of these Regulations, unless otherwise specified.
- 2.1.9 The word "person" shall include any individual, firm, partnership, corporation, association, organization, or other legal entity.
- 2.1.10 The word "building" shall include the word "structure" and vice versa, as well as any part of a building or other structure. (Effective date 5/15/15)

- 2.1.11 The word "built" shall include the words "erected", "constructed", "reconstructed", "altered", "enlarged", or "occupied".
- 2.1.12 The word "premises" shall include land and buildings thereon.
- 2.1.13 "Town" means the Town of Watertown, Connecticut. (Effective date 5/15/15)
- 2.1.14 "State" means the State of Connecticut. (Effective date 5/15/15)
- 2.1.15 "Commission" means the Planning and Zoning Commission ("PZC") of the Town of Watertown, unless otherwise specified.
- 2.1.16 The abbreviation "ZBA" means the Zoning Board of Appeals of the Town of Watertown.
- 2.1.17 The abbreviation "ZEO" means the Administrator for Land Use / Zoning Enforcement Officer of the Town of Watertown. [Effective May 28, 2010]
- 2.1.18 Any agency, commission, board, or department is that of the Town of Watertown, unless otherwise specified.
- 2.1.19 The word "original" means the conditions existing at the effective date of these Regulations or amendments to these Regulations. (Effective date 5/15/15)
- 2.1.20 Words which are specifically masculine or feminine shall be interpreted as interchangeable.
- 2.1.21 The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designated to be used or occupied", unless the natural construction of the sentence indicates otherwise.
- 2.1.22 All distances shall be measured horizontally unless otherwise indicated.
- 2.1.23 The term "Town Engineer" means the Town Engineer and/or Director of Public Works of the Town of Watertown or their duly authorized representative or agent.
- 2.1.24 The term "General Statutes" means the General Statutes of the State of Connecticut ("CGS") as they may be amended from time-to-time.
- 2.1.25 The terms "Architect", "Landscape Architect", "Surveyor", "Land Surveyor", "Engineer", "Professional Engineer", "Civil Engineer", "Land Engineer" or "Soil Scientist" refer to that specific professional registered and licensed or otherwise authorized to do business in the State of Connecticut. (Effective date 5/15/15)

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Except where otherwise specified, these definitions apply to all Zoning Districts, parcels, structures, and uses in the Town of Watertown. (Effective date 5/15/15)

**ACCESSORY STRUCTURE, MINOR:** An unattached building or other structure subordinate to and customarily incidental to the principal use permitted on the same lot under these Regulations that is less than twenty (20) feet in height and 576 square feet in area, or is a swimming pool of less than 800 square feet in swim area. (Effective date 5/15/15)

**ACCESSORY STRUCTURE, OVERSIZED:** An unattached building or other structure subordinate to and customarily incidental to the principal use permitted on the same lot under these Regulations that is less than 20 feet in height and is 576 square feet or greater in area, or is a swimming pool of 800 square feet or greater in swimming area. (Effective date 5/15/15)

**ACCESSORY TRAILER OR VEHICLE:** A trailer, recreational vehicle, boat, mobile home, or unregistered vehicle. (Effective date 5/15/15)

ADULT USE RELATED TERMS

**ACCESSORY ADULT USE:** An establishment having less than 10% of its stock in trade in books, magazines, videotapes, adult materials used for sexual stimulation or display, films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means, and other printed materials which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

**ADULT BOOKSTORE:** An establishment having more than 10% of its stock in trade, books, magazines, adult materials used for sexual stimulation or display or films for sale or viewing on premises by use of motion picture devices or any other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

**ADULT ENTERTAINMENT CABARET:** A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

**ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity for less than 50 persons used regularly and routinely for presenting materials having as a dominant theme material distinguished or characterized by an emphasis on matter depicting,

describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity for 50 or more persons used regularly and routinely for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

**ADULT PHYSICAL CULTURE ESTABLISHMENTS:** An establishment, club, or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment to members of the opposite sex, except for activities which are excluded below and therefor are not an adult physical culture establishment:

- Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- Electrolysis treatment by a licensed operator of electrolysis equipment;
- Hospitals, nursing homes, medical clinics or medical offices;
- Barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only;
- Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution; and
- Health establishments including commercial and non-commercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

**ADULT VIDEO STORE:** An establishment having more than 10% of its stock in trade, videotapes or films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means, and other printed materials which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

**SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered:

- human genitals, pubic region;
- buttock; and
- female breast below a point immediately above the top of the areola.
- human genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

- human genitals in a state of sexual stimulation arousal;
- act of masturbation, sexual intercourse, or sodomy;

- fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**ADULT DAY CARE CENTER:** An establishment which offers or provides a program of supplementary care for adult persons outside their own home for a part of the 24 hours in one or more days in the week.

**AFFORDABLE HOUSING:** Dwelling units reserved for sale or rental to persons and families whose income is less than or equal to the maximum income level permitted by Section 8-30(a)(1)(B) of the General Statutes. The units of affordable housing shall be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Section 8-39a of the General Statutes.

**AGE RESTRICTED HOUSING DEVELOPMENT:** A planned residential housing development with 100% of the dwelling units occupied by at least one person of the age 55 years or older ("the age qualified person"), subject to the provisions and standards of Section 60. (Effective date 5/15/15)

**ALTERATION:** As applied to a building or structure: (1) a change or rearrangement in the structural parts; (2) an enlargement or reduction, whether horizontally or vertically; or (3) the moving from one location or position to another.

**ALLOWABLE PROJECTION:** The specified extent of architectural projections such as pilasters, columns, belt courses, window sills, cornices, or similar building architectural features into any required setback area. (Effective date 5/15/15)

**ANTENNA:** A device used to collect, transmit, and/or receive electro-magnetic transmissions or radio signals. Examples include panels, microwave dishes, and single pole devices. (Effective Date 9/25/1998)

#### AQUIFER RELATED TERMS

**AQUIFER:** A geologic unit capable of yielding usable amounts of potable water.

**AQUIFER PROTECTION ZONE:** An area designated on the map entitled "Watertown Planning and Zoning Commission Aquifer Map" as a primary recharge area for an aquifer yielding usable amounts of water for existing or potential water supplies.

**AQUIFER, DESIGNATED:** A geologic unit capable of yielding usable amounts of water and designated on a map entitled: "Watertown Planning and Zoning Commission Aquifer Map".

**DIRECT RECHARGE:** The process by which precipitation replenishes a stratified-drift aquifer by natural infiltration through the unsaturated zone to the water table.

**PRIMARY RECHARGE AREA:** That area immediately overlying the stratified-drift aquifer and adjacent areas of stratified drift that may not have a sufficient saturated thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between the stratified drift and adjacent fill or bedrock.

**BANK:** For the purposes of providing required bonding and/or surety, a financial institution licensed by the State of Connecticut to do business as a bank. (Effective date 5/15/15)

**BASEMENT:** A portion of a building located partly underground but having less than one-half of its clear floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than seven feet.

**BED AND BREAKFAST ACCOMMODATIONS:** An establishment offering transient lodging accommodations to the general public operated by a resident manager, with a maximum of six (6) guest rooms, with the serving of meals limited to breakfast for guests.

**BIKEWAY:** A path for non-motorized bicycles. (Amendment Effective 11/14/2008)

**BOND:** A Performance Bond, Maintenance Bond, or Erosion and Sedimentation Control Bond which may be in the form of a certified check payable only to the Town of Watertown, a certificate of deposit, a letter of credit, or a pledge of a federally insured savings or money market account. (Effective date 5/15/15)

- Erosion and Sedimentation Control Bond:** Financial assurance in favor of the Town provided by a developer to secure the installation and maintenance of all erosion and sedimentation control measures shown on the Erosion and Sedimentation Control Plan. (Effective date 5/15/15)
- Maintenance Bond:** Financial assurance in favor of the Town provided by a developer to secure the maintenance of required public improvements for one year. (Effective date 5/15/15)
- Performance Bond:** Financial assurance in favor of the Town provided by a developer to secure completion of all public or other improvements required to be bonded pursuant to a Site Plan or Special Permit approval. (Effective date 5/15/15)

**BUFFER, BUFFER AREA, OR BUFFER STRIP:** A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening designed to shield or block noise, lights, or other annoyances.

#### **BUILDING RELATED TERMS**

**BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any persons, animals, or chattel.

**BUILDING, ACCESSORY;** A building subordinate to the principal building on the same lot, and used for purposes customarily incidental to that of the principal building. (Effective date 5/15/15)

**BUILDING COVERAGE:** The percentage of the total area of the lot covered by the ground floor area of all buildings and structures thereon, both principal and accessory, measured by the exterior dimensions of such building, including cantilevered areas.

**BUILDING HEIGHT:** The vertical distance to the level of the highest point of the roofs surface if the roof is flat, or to the mean level between the eaves and the highest point of the roof if any other type, measured from the average elevation of the finished grade adjacent to the exterior walls of the building. Where such finished grade is established by filling,

however, its average elevation shall not be taken to be more than five feet above the average elevation of the outer perimeter of required yard spaces around the building. (Effective date 5/15/15)

**BUILDING LINE:** The inner edge of any required front, rear, or side setback line. (Effective date 5/15/15)

**BUILDING, PRINCIPAL:** A building in which is conducted the primary or principal use of the lot on which said building is situated. Any building containing over 750 sq. ft. of GFA shall be considered a principal building.

**CANTILEVER:** Any part of a structure projecting horizontally for more than three feet from the structure and anchored at one end only.

**CELLAR:** A portion of a building located partly or wholly underground and having one-half or more of its clear floor-to-ceiling height below the average finished grade of the adjoining ground.

**CHANGE OF USE:** Any proposed use permitted by right which substantially differs from the existing use of a building, structure, or lot by having different zoning requirements or is otherwise categorized differently in the Zoning Regulations.

**CHILD DAY CARE CENTER:** An establishment, licensed by the State of Connecticut, which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own home, as defined by CGS 19a-77. See also Family Day Care Home and Group Day Care Home, below. (Effective date 5/15/15)

**CLEAN FILL:** Materials as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies ("R.C.S.A."), but excluding asphalt paving fragments and materials containing asbestos. Clean Fill includes (1) natural soil; (2) rock, brick, ceramics, and concrete, which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard; and/or (3) polluted soil of the type defined in subsection (45) of subsection (a) of section 22a-133k-1 of the R.C.S.A., which polluted soil has been treated to reduce the concentration of pollutants to a level which does not exceed the applicable pollutant mobility criteria (typically groundwater and the environment) and the direct exposure criteria (typically human contact). These criteria are as established in R.C.S.A. section 22a-133k-1 through 22a-133 k-3, which reuse, is in accordance with R.C.S.A. subsection (3) of subsection (h) of section 22a-133k-2, as amended. (Effective May 28, 2010) and (Effective date 5/15/15)

**CLUB:** An association of persons which is the owner, lessee, or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political, or athletic purpose, whose activities are confined to the members and guests excluding commercial use and use by the general public, and includes the establishment so operated, but does not include clubs which are permitted in Business and Industrial Districts. (Amendment adopted 10/19/94) and (Effective date 5/15/15).

**CLUBHOUSE:** A building, structure, or use operated by a non-profit recreational, fraternal, political, benevolent, or athletic organization on a not-for-profit basis for its members or guests accompanying them.

**COMMERCIAL:** Interchange of goods or commodities, including the offering and/or sale of personal and professional services.

**COMMERCIAL USE:** Activity carried out for pecuniary gain.

**COVERAGE, BUILDING:** See “Building Coverage.” (Effective date 5/15/15)

**COVERAGE, TOTAL:** See “Impervious Surface Coverage.” (Effective date 5/15/15)

**COMMUNITY EVENT:** Event sponsored by the Town of Watertown, non-profit organizations, schools, and churches. [Effective Date 10/ 20/2000]

**COMMUNITY FACILITY:** A building or structure occupied by a public or non-profit private organization or group for recreational, social, or civic purposes, and containing no dwelling units, sleeping accommodations, or public merchandising facilities.

**CONGREGATE HOUSING:** A form of housing consisting of independent living assisted by on-site congregate meals, housekeeping, and personal services for persons 62 years of age or older and/or handicapped persons under 62 together with spouses or others providing care to such individuals.

**CONVALESCENT HOME; CONVALARIUM:** An establishment licensed by the State which furnishes in single or multiple facilities food, shelter, and laundry to two or more persons unrelated to the proprietor and in addition provides nursing care under medical supervision and direction to carry out non-surgical treatment and dietary procedures.

**CURB CUT:** The opening along the curb line of a street where vehicles may enter or leave the roadway.

**CURB LEVEL:** The permanently established grade of a street at the edge of pavement or at the base of the curb, in front of a lot.

**DECIBEL:** A unit of measurement of intensity of sounds (the sound pressure level).

**DECK:** A porch-like structure or portion of a structure, usually constructed of wood, with structural supports and having a height of more than eight inches above ground level.

**DEPOSIT:** For the purpose of these Regulations with respect to the movement of earth material, shall include, but shall not be limited to, fill, grade, dump, place, discharge, or emit.

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

**DISTURBED AREA:** An area where the groundcover is destroyed or removed, having the land subject to accelerated erosion.

**DRAINAGE:** The controlled removal of surface water or groundwater from land by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, to maximize groundwater recharge, and to prevent or alleviate flooding.

**DUST:** Solid particulate matter capable of being air or gas borne.

**DWELLING RELATED TERMS**

**DWELLING:** A building designed or used exclusively as living quarters for one or more families. The term shall not be deemed to include automobile courts, motels, hotels, rooming houses, boarding houses, camping trailers, mobile home trailers, tourist homes, or tents.

**DWELLING, ACCESSORY:** A dwelling on the same lot as another legal dwelling, meeting the applicable standards of Section 35. (Effective date 5/15/15)

**DWELLING, ATTACHED:** A building containing two or more dwelling units attached to each other by continuous vertical party walls, without openings except for utilities, which walls extend from basement or cellar to roof.

**DWELLING, DETACHED:** A dwelling surrounded on all sides by yards and which does not have any roof, wall, or floor in common with any other dwelling unit.

**DWELLING, MULTI-FAMILY:** A building containing four or more dwelling units, but excluding dwellings with accessory dwelling units.

**DWELLING, SINGLE-FAMILY:** A dwelling containing one dwelling unit only.

**DWELLING, TWO-FAMILY:** A dwelling containing two dwelling units.

**DWELLING, THREE-FAMILY:** A dwelling containing three dwelling units.

**DWELLING UNIT:** A room or group of rooms located within a dwelling and forming a single habitable unit with physical separation from any other dwelling unit within the dwelling and with facilities that are used, arranged, or intended to be occupied for living, sleeping, cooking, and eating independent from any other dwelling unit in the dwelling. (Effective date 5/15/15)

**DWELLING UNIT, ACCESSORY:** A second dwelling unit created within a dwelling meeting the applicable standards of Section 35. (Effective date 5/15/15)

**EARTH:** Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone, and clay.

**EARTH MATERIAL ACTIVITY:** Removal of earth materials from a lot or to or within a lot, including re-grading, excavating, processing, compaction, blasting, stockpiling, and filling of land, subject to the provisions and standards of Section 39. (Effective date 5/15/15)

**EROSION:** The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, or gravity.

**EXCAVATION:** The digging out, extraction, re-grading, or removal of earth, whether exposed or covered by water, so as to alter its contour.

**FAMILY:** One person, or a group of two or more persons related by blood, marriage, legal adoption or legal guardianship, or a group of not more than five unrelated persons, living and cooking together as a single housekeeping unit, including domestic help but excluding boarders or roomers. (Effective

date 5/15/15)

**FAMILY DAY CARE HOME:** A private family home caring for not more than six children as defined by CGS Section 19a-77. (Effective date 5/15/15)

**FARM RELATED TERMS**

**FARM:** A parcel of land containing a minimum of 5 acres used principally for farming.

**FARMING:** Agricultural activities, forestry, nursery, or truck gardening, roadside farm stands accessory to a farm, and raising, keeping, or sale of livestock or fowl, but excluding commercial piggeries and the raising of animals for laboratory use or for their fur.

**FARM BUILDING OR STRUCTURE:** A building or other structure used exclusively for purposes associated with farming. (Effective date 5/15/15)

**FARM EQUIPMENT:** Equipment regularly used for farm activity such as tilling the soil, harvesting crops, raising livestock or fowl, and forestry management.

**FARM STAND, ROADSIDE:** A structure not exceeding 150 sq. ft. in area, located not less than 20 feet from any street line, and used only for the sale of agricultural products grown or produced on the same premises.

**FENCE:** A structure designed of any material or combination of materials erected to enclose, separate, screen, or buffer areas of land.

**FILLING:** The process of depositing clean fill, sand, gravel, and/or clay. [Effective May 28, 2010]

**FLOOD RELATED TERMS**

**AREA OF SPECIAL FLOOD HAZARD:** Land in the floodplain subject to a one percent or greater chance of flooding in any given year.

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year, also called the "100 year storm". Also see definition for FLOODPLAIN, 100 YEAR.

**BASE FLOOD ELEVATION:** Elevation of the base flood as recorded on the Flood Insurance Rate Map and Flood Insurance Study.

**CHANNEL ENCROACHMENT LINES:** Lines established along any waterway or flood-prone area, in accordance with Section 22a-342 of the General Statutes, by the Commissioner of Environmental Protection, beyond which, in the direction of the waterway or flood-prone area, no obstruction shall be placed unless authorized by said Commissioner.

**FLOODPLAIN, 100 YEAR:** Areas of flood hazard having a one percent chance or greater of being partially or completely inundated by flood waters in any given year as identified Flood Zones A and A1-30 on the "Flood Insurance Rate Map, (FIRM), Town of Watertown, Connecticut" or the floodway and floodway fringe as designated on the "Flood Boundary and



Floodway Maps, Town of Watertown, Connecticut" or any revision thereto, as prepared by the Federal Emergency Management Agency.

**FLOODWAY:** The channel of a watercourse and adjacent land areas that is reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as designated on the "Flood Boundary and Floodway Map Town of Watertown, Connecticut", or any revision thereto, as prepared by the Federal Emergency Management Agency.

**FLOOR:** The top surface of an enclosed area in a structure (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 vehicles.

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

**FLOOR AREA, GROSS ("GFA"):** The sum of the gross horizontal areas of every floor of a building, measured from the exterior face of outside walls or, where appropriate, from the centerline of a common wall separating two buildings, and including hallways, stairs, closets, columns, the thickness of walls and other features, but not including any permitted architectural extensions or any attached or built-in garages, porches, or terraces and not including basements used for storage or utility services for any retail or office use. (Effective date 5/15/15)

**FLOOR AREA, NET ("NFA"):** For the purposes of these Regulations, 85 percent of Gross Floor Area.

**FLOOR AREA RATIO:** The gross floor area of all buildings on a lot divided by the lot area.

**FRONTAGE:** The length measured along that side of a lot abutting on a public street (see "street line").

**FREQUENCY:** The number of oscillations per second of a vibration.

**FUEL:** Residential and industrial heating fuel oil.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies before burial or cremation. Also "undertaker establishment." (Effective date 5/15/15)

**FUR-BEARING ANIMAL:** An animal such as mink or fox which is customarily bred and raised for the use of its pelt for clothing or decoration of clothing.

**GARAGE, PRIVATE:** An accessory building or portion of a principal building used for the parking and storage of motor vehicles and not available to the general public.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage or carport, or any area above or below grade used for the parking and storage of motor vehicles and available to the general public.

**GLARE:** Light emitting from a luminaire with the intensity great enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.

**GRADE, AVERAGE FINISHED:** The mean of the highest and lowest finished grade at the base or foundation of the structure.

**GRADE, FINISHED:** The final elevation of the ground surface after the completion of grading, and compared to a given reference datum.

**GRADING:** Any excavating, grubbing, filling (including hydraulic fill), or stockpiling of earth or any combination thereof, which results in a change of contour or elevation.

**GREENHOUSE:** A building constructed mainly of glass or other transparent material, and used as a conservatory for the growing and protection of flowers or plants, and for the propagation and culture thereof.

**GROUNDWATER:** Water in the subsurface area beneath the water table in which open spaces are filled with water.

**GROUNDWATER RECHARGE AREA:** That area from which water is added to the saturated zone by natural processes, such as infiltration of precipitation, or artificial processes, such as induced infiltration.

**GROUP HOME, COMMUNITY CARE FACILITY:** A residential facility which provides food, shelter, personal guidance, and, to the extent necessary, continuing health-related services to mentally impaired or autistic persons, in accordance with applicable provisions of the Connecticut General Statutes. (Effective date 5/15/15)

**GROUP DAY CARE HOME:** An establishment, licensed by the State of Connecticut, which offers or provides a program of supplementary care to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week, as defined by General Statutes 19a-77. (Effective date 5/15/15)

**HANDICAPPED PERSONS:** As applied to the congregate housing regulations herein, persons who have been determined to have physical impairments which: (1) are expected to be of long continued and indefinite duration; (2) substantially impede the ability to live independently; and (3) are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

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

**HEALTH AND FITNESS FACILITIES:** Facilities for the physical conditioning of the human body, including gymnasiums, tennis or racquet clubs, gymnastics, dance, exercise, weight lifting, martial arts, and similar activities. (Effective date 5/15/15)

**HOME OCCUPATION:** A commercial enterprise or professional home office operated as a business by the resident of a dwelling unit as a permitted accessory use to the residence, subject to the standards of Section 36. (Effective date 5/15/15)

**HOTEL OR MOTEL:** An establishment offering transient lodging accommodations to the general public and which may provide additional services such as rooms for public assembly, the serving of food, and recreational facilities. A hotel has more than two floors of sleeping rooms in which there is no provision for cooking in any single sleeping room. (Last sentence Effective: 11/14/2008)

**IMPERVIOUS SURFACE COVERAGE:** The percentage of ground coverage by the ground floor area of all buildings and structures, specified building appurtenances, and the pavement on a lot. Also "Total Coverage." (Effective date 5/15/15)

**INDOOR SELF STORAGE:** Facilities primarily designed for commercial storage of residential household and similar items. (Effective date 5/15/15)

**JUNK YARD:** The term "junk yard" shall be construed to include any "junk yard", "motor vehicle junk business" and "motor vehicle junk yard" as defined in the Connecticut General Statutes. The term shall also include any place of storage or deposit, whether in connection with a business or not, for two or more unregistered, used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordite, and other waste materials which on any lot have an aggregate bulk equal to one automobile. (Effective date 5/15/15)

**KENNEL, COMMERCIAL:** A kennel as defined in CGS Section 22-327, licensed by the State of Connecticut Department of Agriculture and maintained as a business for boarding or grooming dogs or cats, including a veterinary hospital boarding or grooming dogs and/or cats for nonmedical purposes. .

**KENNEL, HOBBY:** One pack or collection of animals, not to exceed six adult animals, kept under one ownership on a single premise bred for pleasure, show, sport, or sale. (Effective date 5/15/15)

**KITCHEN:** A room, place, or space within a structure equipped for the preparation and/or cooking of food, containing at a minimum a sink, stove, and refrigerator.

#### **LIGHTING RELATED TERMS**

**DIRECT LIGHT:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**FULL CUT-OFF FIXTURE:** a luminaire or light fixture that by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.

**FULLY SHIELDED LIGHTS:** Fully shielded luminaire light fixtures allowing control of the glare in any direction.

**HEIGHT OF LUMINAIRES:** The height of luminaires shall be the vertical distance from the ground directly below the centerline of the luminaires to the lowest direct light emitting part of the luminaire.

**INDIRECT LIGHTING:** Direct light that has been reflected or has scattered off of other surfaces.

**ISODIAGRAM:** A graphical representation of points of equal illumination drawn as a single line circular patterns or computer generated spot readings in a grid pattern on a site plan, generated to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site. (Effective date 5/15/15)

**LAMP:** The light source component of luminaires that produces actual light.

**LAMP POLLUTION:** Stray or reflected light that is emitted into the atmosphere beyond the 90 degree horizontal plane or reflected by dust, water, vapor, and other pollutants causing unwanted sky-glow. (Effective date 5/15/15)

**LIGHT TRESPASS:** Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

**LUMEN:** A unit of luminous flux. One foot candle is one lumen per square foot. For the purpose of these Regulations, the lumen output values shall be the initial lumen output ratings of a lamp.

**LUMINAIRE:** A complete lighting system which includes a lamp or lamps and a fixture.

**OUTDOOR LIGHTING:** The night-time illumination of an outside area or object by any man made device located outdoors that produces light by any means.

**RATIO:** Uniformity ratio describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination should be no less than ¼ the average level of illumination.

**QUANTITY:** For the purpose of measuring the intensity of light, the amount of brightness, glare or luminescence for which these Regulations establish acceptable limits in terms of candlepower for a point source and lumens per square foot (foot lamberts) for an area source.

**UPLIGHTING:** Any light source that distributes illumination above a 90 degree horizontal plane.

**LIVESTOCK:** Animals kept, raised, or offered for sale on a farm.

**LOADING SPACE:** An off-street area or berth for the loading or unloading of commercial vehicles.

#### **LOT RELATED TERMS**

**LOT:** Except as provided for in Subsection 5.5, a parcel of land which is either (1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town or (2) is a building lot shown on a subdivision map, approved by the Commission and filed in the Office of the Town Clerk.

**LOT OF RECORD:** A parcel of land recorded by deed on the land records of the Town of Watertown prior to the effective date of adoption of these Regulations or any subsequent amendments. (Effective date 5/15/15)

**LOT AREA:** The total area within the lot lines of a lot, excluding any street rights-of-way.

**LOT, CORNER:** A lot which abuts two or more streets at their intersection, or which abuts two parts of the same street forming an interior angle of less than 135 degrees.

**LOT, INTERIOR:** A lot located to the rear of another lot and served by an accessway owned by the owner of the interior lot.

**LOT LINE:** A line bounding the area of the lot.

**LOT, NON-CONFORMING:** A lot of record of which the size and dimensions was lawful at the time of creation, but which by revision or adoption or amendment of these Regulations fails to conform to the present size or dimensional requirements of the Zoning District in which it is located.  
**LOT LINE, FRONT:** The line separating the lot from the street right-of-way.

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

**LOT LINE, SIDE:** Any property line extending from the front lot line to the rear lot line.

**LOT, STREET:** A lot abutting only one street.

**LOT, THROUGH:** A lot which abuts two parallel streets, or which abuts on two streets which do not intersect at the boundaries of the lot.

**LOT WIDTH AND DEPTH:** The horizontal distance of each side of the largest square that can be formed entirely within the lot or parcel.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**MANUFACTURING:** The making, processing, fabrication, or assembling of goods or wares by manual labor or by machinery but excluding, for the purposes of these Regulations, earth materials activities. (Effective date 5/15/15)

**MEAN SEA LEVEL:** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations on the FIRM are referenced.

**MOBILE HOME:** Any vehicle designed so that it can be drawn by or carried on a vehicle and which is equipped with bath facilities and flush toilet and which is designed to be connected to public water supply and to sewer connections and that can be used for permanent human habitation whether resting on wheels, jacks, piers, or other foundations of any kind.

**MOTOR VEHICLE SERVICE STATION:** Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline, diesel fuel, or propane and which may include the sale of motor vehicle accessories and facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including body work, major repair, or painting thereof by mechanical means.

**MOTOR VEHICLE REPAIR FACILITY:** Any area of land, including structures thereon, or any building or part thereof that is used for automobile, truck, trailer, and farm equipment servicing, repairing, painting and upholstering, or washing. (Effective date 5/15/15)

**MULTI-USE BUILDING:** A building containing two or more different uses, or two or more different commercial occupants.

**NON-CONFORMING STRUCTURE OR BUILDING:** A structure or building of which the size, dimensions, or location was lawful at the time of adoption or amendment of these Regulations, but which by reason of such adoption or amendment fails to conform to the present location, bulk, or dimensional requirements of the Zoning District in which it is located.

**NON-CONFORMING USE:** A use or activity which was lawful at the time of adoption or amendment of these Regulations, and which was not discontinued with intent to abandon, but which by reason of such adoption or amendment fails to conform to the present uses permitted in the Zoning District in which it is located. (Effective date 5/15/15)

**NON-PROFIT:** A use, business, agency, or entity recognized by the Internal Revenue Service as not being operated for profit.

**NURSERY:** Land devoted to the commercial raising and sale of trees, plants, flowers, or shrubs and which may include greenhouses.

**OFFICE, GENERAL:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government but excluding those associated with the medical profession.

**OFFICE, MEDICAL:** A room, group of rooms, or facilities used for conducting the affairs of those associated with the medical profession.

**OUTSIDE STORAGE:** The outside storage or display of merchandise, supplies, machinery, and materials and/or the outside manufacture, processing or assembling of goods, outside of a building or structure but excluding areas for parking or registered motor vehicles in daily use.

**PARKING AREA:** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

**PARKING LOT:** An off-street, ground level area used for the temporary parking of more than four motor vehicles and available to the general public, whether for free or for compensation, or to accommodate employees, clients, customers, or residents, but not including private driveways.

**PARKING SPACE, OFF-STREET:** The area designed or intended for the temporary parking of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking space.

**PARTICULATE MATTER:** Any finely divided liquid or solid matter, including smoke, capable of being air or gas borne.

**PAVEMENT:** Any type of all-weather surfacing including crushed stone, traprock, macadam, asphalt, and concrete. (Effective date 5/15/15)

**PERSON:** Any individual, firm, partnership, corporation, association, organization, or other legal entity. (Effective date 5/15/15)

**PET:** An animal that is domesticated and ordinarily kept in the home for personal use or enjoyment.

**PLACE OF WORSHIP:** A building which is intended for the conduct of religious services and which is maintained and controlled by a religious body organized to sustain public worship and recognized as such for non-profit status by the Internal Revenue Service.

**PORCH:** A structure, with or without a roof, projecting out from the wall or walls of a building, including a deck.

**PREMISES:** A lot, parcel, or tract of land together with the buildings and structures thereon.

**PRIVATE:** Confined to or intended only for the person or persons immediately concerned.

**PRIVATE SCHOOL:** Any building or group of buildings the use of which meets the State's requirements for primary, secondary, or higher education and which is not operated by the Town or State.

**PROFESSIONAL OFFICE:** The office of professions including, without limitations, doctors, lawyers, dentists, architects, engineers, artists, musicians, writers, designers, teachers, clergymen, and others who, through training or experience, are qualified to perform services of a professional, as distinguished from a business nature. (Effective date 5/15/15)

**PUBLIC IMPROVEMENTS:** Any improvements required to modify existing and/or construct proposed streets, sidewalks, and storm water drainage structures; lighting, landscaping, and proposed lot grading in connection with such features; public utilities when constructed within a proposed Town right-of-way including water supply and sanitary sewerage facilities; or other development or installations shown on an approved Site Plan which are proposed for acceptance by the Town of Watertown. (Effective date 5/15/15)

**PUBLIC AND SEMI-PUBLIC USE:** A non-profit or quasi-public use or institution such as a place of worship, library, post office, hospital, school, or facility of the Town, State, or Federal Government.

**PUBLIC SCHOOL:** Any building or group of buildings the use of which meets the State's requirements for primary, secondary, or higher education and which is operated by the Town or State.

**PUBLIC UTILITY FACILITIES:** Buildings, uses, and facilities owned and operated by a provider of public utility services including electric transmission substations or telephone equipment buildings with no outside service yard or outside storage of supplies and water supply reservoirs, wells, towers, treatment facilities, or pump stations. (Effective date 5/15/15)

**RECORD SITE PLAN:** A final site development plan based on an A-2 survey map of the subject property, containing all information required by Section 8 and showing all development and improvements as approved by the Commission. (Effective date 5/15/15)

**RECREATION FACILITY:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities but excluding commercial activities involving outdoor use of firearms.

**RECREATIONAL VEHICLE:** A vehicle built on a single chassis, containing 400 s.f. or less measured at the longest horizontal projections, which can be towed, hauled, or driven and primarily designed to be used as temporary living accommodations for travel, camping, and recreational purposes, including but not limited to campers, travel trailers, and motor homes but excluding mobile homes.

**RESEARCH AND DEVELOPMENT LABORATORY:** Any laboratory engaged exclusively in the pursuit of scientific research and development, including the research and development of manufactured, processed, or compounded products.

**RESIDENCE:** A dwelling unit or group of dwelling units.

**RESTAURANT, SIT-DOWN:** An establishment or use whose principal business is the preparation and serving of food for consumption on the premises, primarily served at tables, booths, or similar sit-down accommodations within the restaurant building.

**RESTAURANT, FAST FOOD:** An establishment or use, excluding mobile or portable food concessions, whose principal business is the sale of pre-prepared or rapidly prepared foods, frozen desserts, or beverages to the customer in a ready-to-consume state, primarily served in paper, plastic, or other disposable containers, for consumption within the restaurant building, elsewhere on the premises, or for carry-out or for consumption via drive-through facilities or off the premises. (Effective date 5/15/15)

**RETAIL:** The selling of good, wares, or merchandise directly to the ultimate consumer but excluding the sale of marijuana. (Effective date 5/15/15)

**RIGHT-OF-WAY, STREET:** The area of a public or private street, between the two opposing street lines of that street.

**SEDIMENT:** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion or in a stream channel. [Effective May 28, 2010]

**SEPTAGE:** Sludge produced by domestic wastes that is pumped from septic tanks.

**SETBACK LINE:** The line measured from a property line, as established by the minimum yard requirements of these Regulations, behind which buildings and structures may be legally erected.

**SIGN:** Any structure or part thereof, or any device attached thereto or painted thereon, of any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, emblem, device, trademark, or other representation used as an announcement, designation, direction, or display, to advertise or promote any person, firm, group, organization, commodity, service, event, profession, or enterprise, when said display is placed out-of-doors or within twelve inches of a window in view of the general public, but not including the following: the flag or insignia of any



government or governmental agency; the flag of any civic, political, charitable, religious, patriotic, fraternal or similar organization which is hung on a flagpole or a mast; or any religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols, or other devices. See Section 32.

**SMOKE:** Any emission into the open air from any source, except emissions of an uncontaminated water vapor.

**SMOKE UNIT:** A measure of the quantity of smoke being discharged, which is the number obtained by multiplying the smoke density in the Ringelmann Smoke Chart by the time of emission in minutes. For example, the emission of Ringelmann Smoke Chart No. 1 for one minute equals one "smoke unit".

**SOIL:** Any unconsolidated mineral or organic material of whatever origin that is overlying bedrock, not including sediment. [Effective May 28, 2010]

**SOIL EROSION AND SEDIMENTATION CONTROL PLAN:** A plan that indicates necessary land treatment measures, including a schedule for installation, which effectively minimizes soil erosion and sedimentation, as per Section 29.

**SOLID WASTE:** Unwanted or discarded materials, including solids or contained liquid or gaseous materials.

**SQUARE, MINIMUM:** A square with the minimum dimension specified for the District which will fit within the lot and in Residence Districts some portion of such square shall touch or cross the front setback line.

**STABLE:** A place where horses are kept, ridden, boarded, bred, shown, trained, groomed, housed, or sold.

**STOOP:** Any raised building entrance platform with one or more steps leading up to it.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. An attic not used for human occupancy shall not be counted if its ceiling is more than four feet above the elevation from which the height of the building is measured. When the ceiling of a basement is four (4) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story". (Effective date 5/15/15)

**STORY, ONE-HALF:** A portion of a story directly above or below the story, as herein defined, in the same building and accessible by interior stairway or elevator from the said story, provided the floor area, as defined herein, of the said "half-story" does not exceed 50 percent of the floor area of the said story.

**STREET RELATED TERMS**

**STREET:** An existing State or Town highway or street improved and accepted in accordance with Town Ordinance, or a street shown upon a subdivision plan approved by the Commission and properly bonded as required by these Regulations, and on file with the

Town Clerk but not including private driveways or rights-of-way or a limited access State highway. (Effective date 5/15/15)

**STREET LINE:** A common line between a lot and a street right-of-way.

**STREET or ROAD, MAJOR:** A street or road so designated in the Town Plan of Conservation and Development. (Effective date 5/15/15)

**STREET, PAPER:** A paper street is any street appearing on a map which has been officially filed and recorded in the Watertown Town Clerk's Office and which street has not been physically improved or constructed. Such streets are deemed to be dedicated for the public use but not accepted by the Town of Watertown.

**STREET, PRIVATE:** Any street remaining in individual or association ownership and upon which the Town of Watertown performs no maintenance.

**STREET, UNIMPROVED DIRT:** An unimproved dirt road is any Town road for which the Town of Watertown performs minimal maintenance, such as grading, culvert replacement or the like, but is not considered an acceptable Town road, or a Town road for which the Town performs no maintenance, yet upon which a right-of-way still exists.

**STREET WIDTH:** The distance between the street lines.

**STRUCTURE RELATED TERMS**

**STRUCTURE:** Anything constructed or erected, the use of which required (1) location on, in or under the ground or water or, (2) attachment to something having location on the ground or water, including but not limited to: buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, a gas or liquid storage tank (except residential propane tanks adjacent to the side or rear of the building; Effective Date 9/15/2007) that is principally above ground, ground-mounted antennas, ground-mounted solar panels and satellite dishes, and fences or walls more than six feet in height, other than retaining walls.

**STRUCTURE, ACCESSORY:** A structure, the use of which is customarily incidental and subordinate to that of the principal building, structure, or use on the same lot.

**STRUCTURAL ALTERATION:** Any change in or addition to, the supporting members of a structure or building such as bearing walls, columns, beams or girders, or other such work requiring a building permit under the State Building Code.

**STRUCTURE, TEMPORARY:** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Truck trailers and shipping containers are temporary structures to be removed after 10 days. (Effective date 5/15/15)

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the assessed value of the structure as of the latest Grand List

as determined by the Building Inspector either before the improvement or repair is started, or before the damage occurred, if the structure has been damaged and is being restored, or by current market value as submitted by two certified appraisers paid for by the applicant.

**SURVEY, AS BUILT:** Drawings conforming to A-2 survey standards either on a photographic wash-off mylar, not less than 3 mils thick, or an original ink mylar not less than 3 mils thick and having a sheet size of 24" X 36" and two paper copies having a sheet size of 24" X 36" with blue lines or black lines. An "as-built" drawing shall be prepared by a licensed professional engineer or a licensed land surveyor, as applicable. (Effective date 5/15/15)

**SURVEY, A2:** A survey prepared by a land surveyor licensed in the State of Connecticut and in accordance with the standards of Sections 20-300b-1 thru 20-300b-20 of the Regulations of Connecticut State Agencies "Minimum Standards for Surveys and Maps in the State of Connecticut" and endorsed by the Connecticut Association of Land Surveyors Inc, in the "Code of Recommended Standards for Surveys and Maps in the State of Connecticut", adopted on September 24, 1992, and effective January 1, 1993, as amended. (Effective date 5/15/15)

**SWIMMING POOL:** A solid framed structure, above or below ground, with a surface area of 150 square feet or more or a depth in excess of 2 feet that is designed or intended to hold water for swimming purposes.

**TAG SALE:** The public sale of personal household goods by the owner thereof in conjunction with the cleaning out or vacating of residential premises. It does not encompass the sale of any goods brought to the premises for the purposes of public sale. "tag sale" shall also include "garage sale", "barn sale", "yard sale", and other similar activities. (Effective date 5/15/15)

**TEMPORARY USE:** A use established for a fixed period of time with the intent to cease such use upon the expiration of the time period.

**TERRACE OR PATIO:** A level, landscaped, and/or surfaced area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure.

**TOWER:** A structure, whether freestanding or attached to a building or another structure, that supports equipment used to collect, transmit, and/or receive telecommunications or radio signals. Examples include monopoles and lattice construction steel structures. (Effective Date 09/25/1998)

**TRAILER:** Any vehicle which is, has been, or may be mounted on wheels designed to be towed or propelled by another vehicle which is self-propelled, and may or may not be equipped with sleeping or cooking accommodations, or afford traveling accommodations, or for the transportation of goods, wares, or merchandise. See "Recreational Vehicle" and "Mobile Home."

**UNACCEPTABLE FILL:** Unacceptable deposited as fill material. [Effective May 28, 2010] (Effective date 5/15/15)

**UNACCEPTABLE SOIL:** Soil and/or sediment which exceeds the applicable pollutant mobility criteria (typically groundwater) and the direct exposure criteria (typically human contact) established in section 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies ("R.C.S.A."), as amended. [May 28, 2010]

**USE:** The specific purpose for which land, water, or any structure is designed, arranged, intended, or

occupied.

**USE, ACCESSORY:** A use which is customarily incidental and subordinate to the principal use on a lot and located on the same lot therewith.

**VEHICLE, COMMERCIAL:** Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation.

**VETERINARY HOSPITAL:** A building for the medical and/or surgical care of sick or injured animals.

**WAREHOUSE:** A structure containing more than 2,500 s.f. of floor area used for the temporary storage of goods, materials, furniture, appliances, and other merchandise.

**WAREHOUSE, MINI:** A warehouse partitioned into a number of individual units or enclosures which are individually rented on a monthly or annual basis.

**WATERCOURSE:** As defined in CGS Section 22a-38. (Effective date 5/15/15)

**WATER TABLE:** The interface between the saturated zone and the unsaturated zone.

**WETLANDS:** As defined in CGS Section 22a-38. (Effective date 5/15/15)

**WHOLESALE:** The selling of goods normally in large bulk or quantity, especially for resale distinguished from retail.

**WIND TURBINE:** A device for converting wind energy into mechanical electrical or another form of energy having a rated capacity not greater than 10kW, subject to the provisions and standards of Section 43.(Effective date of Amendment October 12, 2007) (Effective date 5/15/15)

**WIND TURBINE HEIGHT:** The vertical distance from ground level to the tip of a wind turbine blade where the blade is at its highest point.

**WORK:** All physical improvements required by an approved Site Plan and/or Special Permit, including but not necessarily limited to sidewalks, street lights, stormwater drainage systems, wetlands, watercourses, soil erosion and sedimentation controls, landscaping, street trees, paving curb cuts in the public right-of-way for driveways and streets, monuments and pins, fire suppression holding tanks, fire hydrants, utilities for water and sanitary sewer services, all public and private improvements, and as-built drawings.. (Effective date 5/15/15)

#### **YARD RELATED TERMS**

**YARD:** An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, and is unoccupied and unobstructed from the ground upward, except for permitted accessory use and structures. In measuring a yard, as required by these Regulations, the line of building shall be deemed to mean a line parallel to the nearest lot line, drawn through the closest point of the building or group of buildings nearest to such lot line, and the measure shall be taken at right angles from the line of the building, as defined herein, to the nearest lot line.

**YARD, FRONT:** An open space extending across the full width of a lot and lying between the front lot line and the nearest facing wall of a building.

**YARD, REAR:** An open space extending across the full width of a lot and lying between the rear lot line and the nearest facing wall of a building on the same lot.

**YARD, SIDE:** An open space between the side line of a lot and the nearest facing wall of a building, and extending from the front yard to-the rear yard, or in the absence of either of such yards, to the front and rear lot line, as the case may be.

**YARD, REQUIRED:** An open space between a lot line and the required setback line within which no structure shall be located except as specifically permitted by these Regulations.

**Section 3. Watertown Fire District**

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**3.1 Jurisdiction**

Watertown Fire District voters and the Watertown Fire District Commission on April 26, 2007 relinquished the right to exercise zoning powers within the Watertown Fire District territory effective July 1, 2007. The Watertown Fire District zoning regulations (first adopted September 15, 1947, later repealed coincident with new regulations effective April 13, 1973 and last revised April 21, 2006, as Article IX, Section 83 of the Town of Watertown Zoning Regulations, effective June 29, 2007) have been integrated into these Zoning Regulations. These Regulations shall apply to all parcels, structures, and uses within the Town of Watertown including Zoning Districts previously designated as “Fire District Zones.” (Effective date 5/15/15)

**3.2 Prior Conditions**

These Regulations shall not affect or impair any act done; offense committed or right accruing, accrued or acquired; or any liability, penalty, forfeiture, or punishment incurred prior to May 15, 2015, the date of adoption of this latest revision of the Zoning Regulations but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the Fire District Regulations remained in place. (Effective date 5/15/15)

**3.3 Non-Conformity**

Lots, uses, and structures previously subject to the Watertown Fire District Regulations that were lawful at the time of adoption of those Regulations and subsequent amendments shall remain legally non-conforming, subject to the provisions of Section 5 of these Regulations. Lots, uses, and structures within previously designated Fire District zones that were lawful at the time of the latest revision of these Regulations May 15, 2015 shall be considered legally non-conforming, subject to the provisions of Section 5. (Effective date 5/15/15)

**Section 4. Zoning Districts**

4.1 Establishment of Districts

The Town of Watertown is hereby divided into the types of Zoning Districts listed in the following table for the purpose of implementing the Town's adopted Plan of Development, and in recognition of the character, type, location, and extent of existing development within the Town.

Table 1: Zoning Districts

<b>Residential Districts</b>	<b>Map Code</b>	
Residential R-90	R-90	
Residential R-70	R-70	
Residential R-30	R-30 (includes former R-30F)	
Residential R-20	R-20 (former R-20F)	
Residential R-12.5	R-12.5	
Residential R-10	R-10 (former R-10F)	
General Residence	R-G (includes former R-GF)	
<b>Commercial Districts</b>	<b>Map Code</b>	
Oakville Central Business	B-C	
Local Business	B-L	
Medical and General Business	B-MG	
Shopping Center Business	B-SC	
General Business 1	B-G1 (former B-G)	
Downtown Central Business	B-D (former B-CF)	
Office Business	B-O (former B-OF)	
General Business 2	B-G2 (former B-GF)	
<b>Industrial Districts</b>	<b>Map Code</b>	
General Industrial 20	IG-20 (former IG-20F)	
General Industrial 80	IG-80	
Restricted Industrial 80	IR-80	
Restricted Industrial 200	IR-200	
<b>Overlay/Floating Districts</b>	<b>Map Code</b>	
Aquifer Protection	APZ	
Development in Flood Prone Areas	FPA	
Age Restricted Housing (4-10 acres)	ARHa	
Age Restricted Housing (150-200 acres)	ARHb	
Residential Transition	RT	
Designed Residential Development	DRD	
Planned Commercial District	B-PCD262	

#### 4.2 Zoning Map

The boundaries of the Districts specified in this Section are hereby established as shown on a map entitled: "Zoning Map of the Town of Watertown, Connecticut" (Zoning Map), dated December 15, 1993, as revised, including any supplemental special maps and boundary descriptions and any map amendments. The Zoning Map is a part of these Regulations. (Effective date 5/15/15)

#### 4.3 Interpretation of Zone Boundaries

In interpreting the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply.

- 4.3.1 Boundaries indicated as abutting the right-of-way lines of streets, highways, or alleys shall be construed to extend to the center line of such streets, highways, or alleys and the areas of such rights-of-way shall be considered to be within the Zoning District delineated by the boundaries.
- 4.3.2 Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines as shown on the Town Assessor's maps or survey data prepared to A-2 survey standards.
- 4.3.3 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 4.3.4 Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed to move with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, or other watercourses shall be construed to follow such center line.
- 4.3.5 Boundaries indicated as parallel to or extensions of features indicated in paragraphs 4.3.1 through 4.3.4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- 4.3.6 In cases of uncertainty as to the location of boundaries of Zoning Districts, the Commission shall determine the location of the boundary.

#### 4.4 Lots in More than One Zoning District

Where a lot of record existing as of the date of adoption or amendment of these Regulations lies in more than one Zoning District, a use permitted in one District may be extended on the same lot into the other District, provided that such use shall not extend more than 25 feet into the other District or occupy more than 25% of the area of that portion of the lot in the other District. Any extension of a use from a more restrictive District into a less restrictive District shall require a Special Permit from the Commission.



**Section 5. Non-Conformity**

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**5.1 Intent**

- 5.1.1 Within the Zoning Districts established by these Regulations there exist lots, uses, and structures which were lawful at the time these Regulations were adopted or amended but which would be prohibited, regulated, or restricted under the provisions of these Regulations or future amendments. Such lots, uses, and structures are declared by these Regulations to be legally non-conforming, as defined in Section 2 of these Regulations. (Effective date 5/15/15)
- 5.1.2 It is the intent of these Regulations to permit these non-conformities to continue until they are removed but not to encourage their continuation. It is further the intent of these Regulations that non-conformities shall not be enlarged, expanded, or extended if such a change would increase the non-conformity, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District. (Effective date 5/15/15)
- 5.1.3 Non-conforming uses are declared by these Regulations to be incompatible with permitted uses in the Districts involved. After the effective date of adoption or amendment of these Regulations, a non-conforming use of land, a non-conforming use of a structure, or a non-conforming use of a structure and land in combination shall not be extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises, or by the addition of other uses that would otherwise be prohibited in the District involved. (Effective date 5/15/15)

**5.2 Approved Applications and Certificates**

Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the existing use of any land, building, or other structure, or part thereof, or in the area, location, bulk, or construction of any building or other structure for which a Certificate of Zoning Compliance shall have been lawfully issued even though such use, building, or structure does not conform to one or more provisions of these Regulations. (Effective date 5/15/15)

**5.3 Change in Plans**

Nothing in these Regulations shall be deemed to require any change in the approved use of any land, building, or other structure, or the area, location, bulk, or construction of any building or other structure for which a Zoning Permit and any required Building Permit have been lawfully issued even though such approved use, building, or other structure does not conform to one or more provisions of these Regulations. (Effective date 5/15/15)

#### 5.4 Repair and Maintenance

- 5.4.1 Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not increase the nonconformity.
- 5.4.2 Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to safe condition of any non-conforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### 5.5 Non-Conforming Lots

- 5.5.1 A lot of record that does not meet the area, shape, frontage, or other dimensional standards pertaining to lots may be used as a lot for the construction of any building or other structure otherwise permitted in the respective Zoning District, provided: (Effective date 5/15/15)
- a. Such lot shall be in separate ownership and shall not have continuous frontage with other lots under the same ownership;
  - b. No further alteration of lot dimensions shall occur and any construction shall comply with all applicable standards; and (Effective date 5/15/15)
  - c. If used for construction of a residential dwelling, such lot shall have a minimum area of 4,800 square feet in the R-90, R-70, R-30, and R-12.5 Districts and a minimum area of 4,000 square feet in the R-20 and R-10 Districts. (Effective date 5/15/15)
- 5.5.2 If two or more lots or combinations of lots or portions of lots adjacent to other parcels or lots under common ownership are of record as of the effective date of adoption or amendment of these Regulations, and if all or part of the lots do not meet the lot width and/or lot area requirements of the districts in which such lots are located, the land involved shall be considered to be an undivided parcel for the purposes of these Regulation and no portion of said parcel shall be used or sold in a manner which would diminish compliance with the lot width and lot area requirements established by these Regulations.
- 5.5.3 Subject to Commission approval, a parcel of land shown on one of the following titled maps on file in the Town Clerk's Office, and which is owned separately from any adjoining parcel as evidenced by deed, may be divided into parcels with lot area reduced by 20% of the area requirements of the Zoning District in which the lots are located. (Effective date 5/15/15)
- a. Oakville Heights;
  - b. Oakville Park;
  - c. Oakville Terrace;
  - d. Buckingham Heights;

- e. Oakville Gardens, Sections One and Two;
- f. Meadow Hill; and
- g. Camp Estates, (Effective date 5/15/15)

#### 5.6 Non-Conforming Uses of Land

A legally non-conforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions. (Effective date 5/15/15)

- 5.6.1 A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations.
- 5.6.2 A non-conforming use shall not be moved in whole or in part to any portion of the land other than that occupied by such use at the effective date of adoption or amendment of these Regulations.
- 5.6.3 If a non-conforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the District in which it is located, and the non-conforming use shall not thereafter be resumed.
- 5.6.4 A non-conforming use which has been abandoned shall not be resumed. A non-conforming use shall be considered abandoned when there is an actual cessation of such use and no demonstration of intent to resume such use for a period of one year or more. (Effective date 5/15/15)
- 5.6.5 A non-conforming use may be changed by Site Plan approval in accordance with Section 8 to another non-conforming use by a 2/3 (five) affirmative vote of the Commission following a public hearing. In approving such a change, the Commission shall find that the proposed use is more appropriate to the District than the existing non-conforming use. In permitting such change, the Commission may attach such conditions and safeguards as may be required to protect public health, safety, and general welfare to ensure continued compliance with these Regulations. (Amendment Effective 09/24/2006) (Effective date 5/15/15)

#### 5.7 Non-Conforming Structures

A legally non-conforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions. (Effective date 5/15/15)

- 5.7.1 Such non-conforming structure shall not be enlarged or altered in a manner which extends or increases the non-conformity but may be altered to decrease the non-conformity, except that an existing dwelling located in a District in which dwellings are not a permitted use may be enlarged, extended, or altered provided that no additional dwelling units are created. (Effective date 5/15/15)

- 5.7.2 If a non-conforming structure is moved for any reason for any distance it shall conform to the requirements of the District in which it is located. (Effective date 5/15/15)

5.8 Non-Conforming Uses of Structures and Land in Combination

A legally non-conforming use of a structure or of a structure and land in combination may be continued so long as it remains otherwise lawful, subject to the following provisions. (Effective date 5/15/15)

- 5.8.1 Any existing structure devoted to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the non-conformity, except to change the use of the structure to a use permitted in the District in which it is located.
- 5.8.2 Such non-conforming use of a structure may be extended throughout any part thereof which was arranged or designed for such use at the time of adoption or amendment of these Regulations, but no such use shall be extended to occupy any land outside the structure. (Effective date 5/15/15)
- 5.8.3 A non-conforming use of a building or other structure may be changed only to a conforming use or to a less non-conforming use in accordance with Paragraph 5.6.5, as determined by the Commission. (Effective date 5/15/15)
- 5.8.4 If such non-conforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the District in which it is located, and the non-conforming use shall not thereafter be resumed.

5.9 Uses Under Special Permit Not Non-Conforming Uses

Any use which is permitted by Special Permit in a District under the provisions of these Regulations shall not be deemed a non-conforming use in such District but shall without further action be considered a conforming use.

5.10 Title

No change of title, possession, or right of possession shall be deemed to affect the right to continue a non-conforming use, building, or other structure.

5.11 Non-Conformance with Performance Standards

Any lawful use of a building or other structure established prior to the adoption or amendment of these Regulations which does not conform to one or more of the Supplemental Standards of Sections 28 and 33 shall not be changed to increase such non-conformity, but may be changed to decrease or eliminate such non-conformity. Any such non-conformity so reduced or eliminated shall not be resumed. (Effective date 5/15/15)

### 5.12 Non-Conforming Signs

Lawful signs of a size or type not currently permitted in the Zoning District in which they are situated, or which are improperly located or illuminated, or which are non-conforming in any other way, shall be considered non-conforming structures under this Section, and shall not be changed or increased in size, illumination, or any other characteristic except as otherwise permitted in the subject District. (Effective date 5/15/15)

### 5.13 Non-Conforming Off-Street Parking and Loading

Any lawful lot, use, building, or other structure which does not conform to one or more of the parking and loading provisions of Section 34, shall continue to conform to such provisions to the extent that it conformed on the effective date of such Section. Any use of land, buildings, or other structures which does not conform to one or more of the provisions of Section 34 shall not be changed to a use that would need substantially additional off-street parking or loading spaces to comply with Section 34 unless the Commission approves modified parking standards in accordance with Subsection 34.13. (Effective date 5/15/15)

## **ARTICLE II - PROCEDURES**

### **Section 6. Application and Administration of Zoning Regulations**

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#### 6.1 Administration

- 6.1.1 In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. These Regulations are not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of lots, buildings, or structures; nor are these Regulations intended to interfere with, abrogate, or annul any easements, covenants, or other agreement between parties, provided, however, that where these Regulations impose a greater restriction upon the use or height of buildings or other structures or require larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance or by such rules, regulations, permits, easements, covenants, or agreements, the provisions of these Regulations shall control.
- 6.1.2 These Regulations shall be enforced by the Zoning Enforcement Officer ("ZEO") who is hereby empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of any provisions of these Regulations or, when the violation involves grading or filling of land or the removal of earth, to issue in writing a cease and desist order to be effective immediately. The owner or agent of

a building or premises where a violation of any provision of these Regulations has been committed or exists; or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists; or the owner, agent, lessee, or tenant of any part of a building or premises in which such violation has been committed or exists; or the agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be subject to penalties in accordance with the provisions of Section 8-12 of the General Statutes, Town Ordinances, or any other remedy permitted under Connecticut law. (Effective date 5/15/15)

- 6.1.3 Any person, firm, or corporation who shall violate any provisions of these Regulations shall be subject to penalties in accordance with the Connecticut General Statutes pertaining to zoning or in accordance with any applicable Town Ordinance. (Effective date 5/15/15)
- 6.1.4 The proper authorities of the Town of Watertown may institute any appropriate action or proceeding to enforce the provision of these Regulations, or to prevent, restrain, enjoin, correct, or abate any violation of these Regulations, as may be authorized by law.

## 6.2 Fees

All applications shall be subject to applicable fees as provided in Section 3.1.5 of the Town of Watertown Ordinance 10-1-07-280 "Ordinance Establishing Fees for Planning and Zoning" as may be amended. Failure by an applicant to submit required fees, bonds and sureties, or third party agreements for technical assistance services shall be grounds for denial of an application. (Effective date 5/15/15)

## 6.3 Application of Zoning Regulations

- 6.3.1 Except as otherwise provided, no land, building, or structure or part thereof shall be constructed, reconstructed, erected, extended, enlarged, moved, arranged, altered, or used; or the use changed to one requiring more parking; or the dimensions of lots, yards, or courts changed, except in conformity with the requirements of these Regulations for the Zoning District in which such land, building, structure, or use is located. (Effective date 5/15/15)
- 6.3.2 Any use not permitted under these Regulations by right, by Site Plan approval, or by Special Permit approval in a Zoning District shall be prohibited within such District. Where the permissibility of a proposed use is uncertain, the ZEO shall make the determination as to whether the proposed use is permitted in that District by right, requires a Special Permit and/or Site Plan approval, or is prohibited. (Effective date 5/15/15)

- 6.3.3 Retail business permitted by these Regulations specifically excludes the sale of medicinal or recreational marijuana, to the extent such sale is or may be permitted by State and/or Federal law. (Effective date 5/15/15)
- 6.3.4 Any change of use proposed for, or within, an existing structure, occupied or vacant, or for an existing lot shall require a Zoning Permit from the ZEO in accordance with Section 7. Any proposed re-use which requires more parking and/or loading spaces under the provisions of Section 34 than the use it is intended to replace shall not be allowed unless parking and/or loading shall be provided to meet the requirements of Section 34 or as otherwise determined by the Commission. A new Site Plan application shall only be required for a change of use to a use requiring Special Permit approval or for a change of use involving expansion of an existing building or addition of a new structure, additional parking, or significant alteration of signage. The ZEO may refer an application for a change of use to the Commission for a determination of the need for a new Site Plan application. (Effective date 5/15/15)
- 6.3.5 Access to any use in a Business or Industrial District or access to any Business or Industrial use on any property in any zone or on property not subject to Zoning Regulations shall be prohibited on or across land in any Residential District. (Effective Date 07/12/2000) (Effective date 5/15/15)
- 6.3.6 Lot dimensions shall comply with the following standards.
- a. Each lot shall have at least the minimum area specified for the District. Each lot to be used for a dwelling shall have at least the minimum area as specified in the District, and each lot to be used for a dwelling containing more than one (1) dwelling unit shall have at least the minimum additional area required for each additional dwelling unit if specified for the District. Each lot shall be of such shape that a square with the minimum dimensions specified for the District shall fit on the lot and in Residential Districts some proportion of such square shall lie on or within less than the required building setback distance from a street line. (Effective date 5/15/15)
  - b. Buildings and other structures shall meet the minimum setback distances from street lines, rear property lines, other property lines, or Residential District boundary lines as specified for the respective District except as otherwise provided in these Regulations. (Effective date 5/15/15)
  - c. The total building coverage of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of lot area as specified for the District, and the total impervious ground coverage of all buildings and other structures on any lot shall not exceed the percentage of lot area as specified for the District, except as otherwise provided in these Regulations.
  - d. The lot area, shape, setback, frontage, and coverage requirements shall not be construed to prohibit condominium or other forms of ownership of a building or buildings or portions of a building on a lot meeting the requirements specified in the District, provided such ownership is permitted by and meets all

applicable requirements of these Regulations and, where applicable, a subdivision map has been approved and filed in the Watertown Town Clerk's office. (Effective date 5/15/15)

- 6.3.7 No Building Permit shall be issued for any building unless the lot upon which such building is to be built shall have the frontage required by these Regulations on a street or is legally non-conforming in accordance with Section 5. (Effective date 5/15/15)
- 6.3.8 No Building Permit shall be issued for a dwelling containing two or more kitchen facilities, or for the addition of separate kitchen facilities to an existing dwelling, without a separate Zoning Permit for such kitchen facilities or an affidavit certifying that the dwelling is a single dwelling unit. (Effective date 5/15/15)
- 6.3.9 Except as otherwise provided, no part of any yard or other open space required around a building or other structure shall be included as part of the yard or other open space required for any other building or structure. (Effective date 5/15/15)

No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in the District, except as follows. (Effective date 5/15/15)

- a. The maximum building height limitations shall not apply to chimneys, exhaust fans, air conditioning equipment, antennas, ventilators, skylights, water tanks, and necessary mechanical appurtenances usually carried above the roof level, provided that:
- They do not extend more than 15 feet above the level of the roof on which they are located;
  - The total area covered by such features does not exceed 25% of the area of the roof upon which they are located; and (Effective date 5/15/15)
  - The Commission may, by Special Permit and Site Plan approval, permit height and area exceptions for such appurtenances. (Effective date 5/15/15)
- b. The provisions of this paragraph shall not apply to flagpoles, church spires, belfries, cupola, and domes not used for human occupancy; flat solar panels that do not extend more than five feet above the level of the roof or the highest point of the roof; or to buildings and other structures used for farming activities. (Effective date 5/15/15)
- c. Water towers, standpipes, monuments, and similar structures shall not exceed the maximum building height limitations unless a Special Permit for such structure is granted by the Commission.
- 6.3.10 Corner lots shall comply with the following standards.
- a. Front yard lines on a corner lot shall be deemed to be each street line and the required yard along both lot frontages shall be the required front yard. Of the



- remaining yards, the property owner may choose the one to be considered the rear yard. (Effective date 5/15/15)
- b. On a corner lot, no fence, wall, hedge, or other structure or planting shall be erected, placed, or maintained more than two feet in height above the adjacent pavement or in such a way as to obstruct traffic visibility across the triangular area formed by the two intersecting street right-of-way lines and a straight line connecting points along said street right-of-way lines, which points are located 25 feet distant from the theoretical point of intersection of such lines measured along said street lines. This provision shall not apply to existing trees, provided that no branches are closer than eight feet to the ground.
- 6.3.11 In cases of uncertainty as to the proper application of any of the requirements of these Regulations to a particular lot because of its peculiar or irregular shape, the Commission shall determine how such Regulations shall be applied.
- 6.3.12 No lot shall be so reduced, divided, or created that the area, width, or other dimensions of the lot or any of its required yards or required open spaces shall be less than prescribed by these Regulations.
- 6.3.13 Accessory buildings, structures, and uses shall comply with the following.
- a. A Zoning Permit shall be required for accessory uses and buildings and other structures when permitted in specified Districts. (Effective date 5/15/15)
  - b. An accessory use or structure customary with and incidental to a use requiring a Special Permit or Site Plan approval under these Regulations shall require Special Permit or Site Plan approval, respectively. (Effective date 5/15/15)
  - c. Accessory uses and buildings and other structures, except for farm buildings, shall be located on the same lot as the principal building, structure, or use to which they are accessory. (Effective date 5/15/15)
  - d. Accessory uses and buildings and other structures, except for farm buildings, shall not be located on a lot without the prior establishment of a permitted principal use, nor shall any new lot be created that has an accessory building, structure, or use without a principal use. (Effective date 5/15/15)
  - e. Accessory uses and buildings and other structures, and uses in the rear yard of a corner lot shall not be located within the required yard of any adjacent street. (Effective date 5/15/15)
  - f. In Residential Districts, oversize accessory structures shall comply with all setback requirements applying to a principal building. Minor accessory structures shall comply with the setback requirements as specified in the respective District. (Effective date 5/15/15)
- 6.3.14 Every building shall be located on a lot. Except as otherwise provided, there shall be not more than one principal building on a lot. (Effective date 5/15/15)
- 6.3.15 Calculation of minimum area or maximum density requirements shall be subject to the following. (Effective date 5/15/15)

- a. Land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access, private right-of-way for vehicles, or easement for above ground public utility transmission lines may be included.
  - b. In an Industrial or Commercial District or for land in a Residential District serviced by municipal water and sewer service, no more than 25% of the area consisting of watercourses and/or wetland shall be included in the minimum lot area requirements. (Effective date 5/15/15)
  - c. Land in two or more Business or Industrial Zoning Districts and land in two or more Residential Districts served by municipal water and sewer may be used to satisfy a minimum lot area requirement provided that the requirement of the District requiring the largest lot area is met, but no land in a Residential District shall be used to satisfy a lot area requirement in any non-residential District. (Effective date 5/15/15)
  - d. In any Residential District not serviced by municipal water and sewer service, no more than 15% of the area consisting of watercourses and/or wetland shall be included in the minimum lot area requirements. (Effective date 5/15/15)
- 6.3.16 Interior lots shall be permitted in the R-70 and R-90 Residential Districts subject to the following conditions.
- a. Each interior lot shall comply with all applicable lot and building requirements for the Zoning District in which it is located, except (1) each interior lot shall contain a minimum lot area 50% greater than that required for the Zoning District in which it is located; and (2) each interior lot shall have a required front yard setback line 50% farther back than that required for the Zoning District in which it is located measured from the lot line to which the accessway leads to the nearest facing wall of the principal building. (Effective date 5/15/15)
  - b. Each interior lot shall have an accessway which has a continuous width of at least 30 feet, which is owned in fee simple by the owner of the interior lot and which has frontage on an existing street.
  - c. All accessways shall be capable of providing physical access to the area of the lot on which the dwelling is to be constructed, with no physical limitations such as wetlands or steep slopes or other environmental constraints which would prevent the construction of a driveway of suitable width and grade.
  - d. There shall be no other accessway to an interior lot within 1,000 feet on the same side of the street when measured along the street line.
  - e. The area of the accessway shall not be calculated as part of the minimum required area of the interior lot.
- 6.3.17 All uses permitted by these Regulations shall comply with the parking, loading, and access requirements of Section 34. (Effective date 5/15/15)
- 6.3.18 A porch, whether enclosed or unenclosed, shall be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage.

- 6.3.19 A paved terrace shall not be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage, provided, however, that such terrace shall be unroofed and without walls, parapets, or other forms of enclosure and shall not be located within eight feet of any lot line. Such terrace, however, may have an open guard railing not over three feet in height.
- 6.3.20 In Business and Industrial Districts, that portion of a lot contiguous to a railroad line and served by a railroad siding or spur, shall not require a yard or open space. (Effective date 5/15/15)
- 6.3.21 Except as otherwise provided for specified Districts, pilasters, columns, belt courses, window sills, cornices, or similar building architectural features shall not project more than one foot into any required yard or open space. Roofs or canopies over entrance doorways shall not extend more than three feet into any required yard. (Effective date 5/15/15)
- 6.3.22 Bay windows, including their cornices and eaves, shall not project more than two feet into any required yard or open space, provided that the sum of the lengths of all such bay windows on any wall shall not exceed one-fourth the length of such wall.
- 6.3.23 Entry stairs, stoops, fire escapes, and access ramps for the handicapped shall not extend more than three feet into any required yard or open space and shall not be located within four feet of any lot line.
- 6.3.24 The yard requirements of these Regulations shall not be applicable to the erection or construction of any fence or wall six feet or less in height. Fence orientation is the option of the owner. (Effective date 5/15/15)
- 6.3.25 In Business and Industrial Districts, the side yard requirements of these Regulations shall not be applicable along the common side lot line which separates two or more adjoining lots containing no residential uses where such lots share a single driveway entrance and exit onto a street, provided that permanent vehicular access shall be provided to the rear of such lots.
- 6.3.26 In any District, no land development which is cumulatively more than one-half acre in area shall be approved and no Zoning or Building Permit shall be issued until an Erosion and Sedimentation Control Plan ("Control Plan") in compliance with the provisions of Section 29 has been approved by the Commission or its designated agent or it has been determined that a Control Plan is not required. This requirement shall not apply to a single-family dwelling that is not part of a subdivision of land. (Effective date 5/15/15)

## **Section 7. Permits and Certificates**

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### **7.1 Zoning Permits**

- 7.1.1 No building or structure shall be erected, constructed, enlarged, altered, or moved and no use shall be made of any land or premises until a Zoning Permit has been issued by the Zoning Enforcement Officer ("ZEO") for such building, structure, or use. A Zoning Permit shall be required prior to the issuance of a Building Permit. Except upon the issuance of a variance pursuant to Article IX of these Regulations, no Zoning Permit shall be issued for any building, structure, or use which, when constructed, altered, expanded, moved, or established, would be in violation of any of the provisions of these Regulations. No Zoning Permit shall be issued for a use subject to a Special Permit approval or Site Plan approval except in full accordance with all conditions and requirements of such approvals. No Zoning Permit shall be issued for a structure or use unless the street upon which the lot fronts has been constructed and completed in accordance with Town standards, or is a street in an approved subdivision which has been properly bonded in accordance with Town Subdivision Regulations. (Effective date 5/15/15)
- 7.1.2 Application for a Zoning Permit shall be made to the ZEO on a form provided by the ZEO. Such application shall contain or be accompanied by the following.
- a. Three copies of a plot plan, drawn to a scale acceptable to the ZEO and certified substantially correct to A-2 survey standards by a land surveyor, showing the actual shape, dimensions, and area of the lot to be built upon or used; the actual size and location on the lot of any building(s) or other structure(s) proposed to be built and of any existing building(s) or structure(s) that are to remain; the existing and intended future use to be made of the proposed improvements and the premises; and such other information with regard to the subject property and neighboring properties as may be necessary to determine and provide for the proper enforcement of these Regulations. Under special circumstances which shall be noted on the application, the ZEO may waive any of the above-mentioned plot plan requirements. In the case of an application requiring Special Permit or Site Plan approval, the plan approved by the Commission shall fulfill the plot plan requirement. (Effective date 5/15/15)
  - b. Proof of approval by any other official or agency required for such proposed structure or use, other than the Building Inspector. (Effective date 5/15/15)
- 7.1.3 Within 65 days of receipt, the ZEO shall either issue a Zoning Permit upon determination that the proposed building, structure, and/or use is or are in accord with these Regulations, or shall disapprove any application for such building, structure and/or use which is or are not in accord with these Regulations. The ZEO shall state the reasons for such disapproval in writing. (Effective date 5/15/15)
- 7.1.4 A Zoning Permit shall be valid as the basis for the issuance of a Building Permit for a period of six months from the date of issuance thereof. Such Permit, however, may be extended by the ZEO for an additional period of six months if requested in writing and if the ZEO determines that there have been no material changes with respect to the proposed application and that it would still comply with all provisions of these Regulations. (Effective date 5/15/15)

7.1.5 In the case of an application involving a building or other structure, the applicant, upon completion of the foundation walls of the building or other structure, shall submit an A-2 survey to the ZEO showing the actual location of such foundation walls on the lot. No building or structure thereafter shall be constructed above the foundation walls until said foundation survey has been approved by the ZEO as complying with the pertinent provisions of the Zoning Permit and these Regulations. The ZEO may waive the foundation survey requirements for a building or other structure. (Effective date 5/15/15)

7.1.6 Any Permit issued on the basis of false information supplied by the applicant shall be null and void.

## 7.2 Temporary Permits for Special Events

7.2.1 Upon written application by the sponsor, the ZEO may issue a Zoning Permit as a Special Event Temporary Permit at least 30 days prior to the proposed event for the use of property within a non-residential District or on Residential District properties that front on a major road, as shown in the Town Plan of Conservation and Development, or have direct access to such a road without requiring traffic to pass through a local residential street. Off-street parking facilities deemed adequate by the ZEO based upon the nature and scope of activity and facilities proposed shall be provided for any permitted special event. (Effective date 5/15/15)

7.2.2 Temporary special events shall be permitted for carnivals, fairs, art exhibitions, antique shows, and similar activities by a non-profit institution on a temporary basis only. If granted, a Special Event Temporary Permit shall be valid for a specific period not to exceed ten days. No more than one such permit shall be issued for the same applicant for the same property within any six-month period. The ZEO may refer the application to the Commission, which may place the application on its next agenda for discussion and opportunity for public comment on any request for a Special Event Temporary Permit. The Commission may require a Site Plan application in accordance with the procedures of Section 8. (Effective date 5/15/15)

## 7.3 Certificate of Zoning Compliance.

Upon the request of any property owner or the Building Official, the ZEO is authorized to issue a certificate of zoning compliance in the following cases. (Effective date 5/15/15)

- a. For any site, building, or other structure which has been reviewed and approved by the Planning and Zoning Commission and/or the Zoning Board of Appeals pursuant to any provision of these Regulations. (Effective date 5/15/15)
- b. For any legally existing use, building, or other structure for which no variance or Site Plan or Special Permit approval is required under these Regulations.

## 7.4 Permitting Authority

Applications for Commission approval of a Site Plan, a Special Permit, and a Flood Prone Areas Permit are subject to the zoning authority of the Watertown Zoning Regulations. Application for and Commission approval of a Subdivision Plan or a Resubdivision Plan are subject to the planning authority of the Watertown Subdivision Regulations. Application for and Aquifer Protection Agency approval of an Aquifer Protection Areas Permit are subject to the authority of the Watertown Aquifer Protection Areas Regulations. (Effective date 5/15/15)

## **Section 8. Site Plans**

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### **8.1 Purpose**

The Site Plan approval process ensures that all aspects of property development and land use within the Town of Watertown comply with the standards and specifications of the Regulations and are in accordance with the intent and purpose of these Regulations. The Site Plan process also ensures that adequate provision is made for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, building relationships, utilities, soil erosion and sedimentation controls, and other aspects of a proposed development and use of land. (Effective date 5/15/15)

### **8.2 Authority**

- 8.2.1 Site Plan approval shall be obtained from the Commission prior to the establishment, expansion, or change of any use of land and/or structure which is permitted by right and requires Site Plan approval under these Regulations. (Effective date 5/15/15)
- 8.2.2 Site Plan and, where required, Special Permit approval shall be obtained from the Commission prior to the establishment, expansion, or change of any use of land and/or structure which is permitted by Special Permit under these Regulations. The Commission, at its discretion, may reject an application for review if it is not submitted to the Commission in the following order of applications. (Effective date 5/15/15)
  - a. A required Special Permit application shall be submitted to the Commission prior to or with a Site Plan application.
  - b. A required Flood Prone Areas Permit application shall be submitted to the Commission with a Site Plan application and a Special Permit application in conformance with the provisions and standards of Section 53. (Effective date 5/15/15)
  - c. A required application for an Aquifer Protection Areas Permit shall be submitted to the Commission with a Site Plan application and a Special Permit application in compliance with Section 52 of these Regulations and the Watertown Aquifer Protection Areas Regulations.

### **8.3 Site Plan Process**

Where required, Site Plan approval shall be obtained from the Commission prior to the ZEO issuing a Zoning Permit in accordance with CGS Sections 8-3 and 8-7d and Subsection 7.1 of these Regulations. A building permit and a building foundation permit shall only be issued subsequent to

the issuance of a Zoning Permit and the filing by the applicant of the approved Site Plan in the Watertown Town Clerk's office. [Effective September 10, 2010] (Effective date 5/15/15)

#### 8.4 Site Plan Modification

The process for Site Plan modification is the same as for a Site Plan. The process for Special Permit modification is the same as for a Special Permit. The process for Flood Prone Areas Permit modification is the same as for a Flood Prone Areas Permit. The process for an Aquifer Protection Areas Permit modification is the same as for an Aquifer Protection Areas Permit.

#### 8.5 Pre-Application Procedure

- 8.5.1 A pre-application procedure for property development is available to assist the applicant with the permitting process. Information is available on the Town of Watertown website at [www.watertownct.org](http://www.watertownct.org), although official documents are located in the Watertown Planning and Zoning Commission office. The applicant is not required to do any pre-application activity as a condition of approval. Pre-application discussions and submittals, as authorized by CGS Section 7-159b, are not binding upon the applicant, the Commission, Town officials, or any person as "person" is defined in Section 2. (Effective date 5/15/15)
- 8.5.2 A potential applicant may submit a pre-application plan to the Commission for the purpose of preliminary discussion. The meeting agenda is directed by the applicant to obtain guidance for submitting a formal Site Plan application and to identify and resolve potential site development conflicts associated with wetlands or watercourses, if any, prior to finalization of Site Plans and application to the Watertown Inland Wetlands Agency ("IWA"). Twelve (12) copies of maps, drawings, documents, and written questions shall be given to Commission staff in time for staff to include them in the Commission meeting packet. (Effective date 5/15/15)

#### 8.6 Application Procedure

- 8.6.1 All applications for Site Plan approval shall be submitted to the Commission in writing on a form provided by the ZEO and shall include the information required by this Section. A complete application shall consist of twelve (12) copies of all forms, maps, drawings, and other documents required by this Section. (Effective date 5/15/15)
- 8.6.2 An application for Site Plan approval shall not be considered complete and may be denied by the Commission unless all the application documents, maps, and Site Plans are in final form and in full compliance with the Regulations. (Effective date 5/15/15)
- 8.6.3 Upon written request by the applicant, the Commission may by a two-thirds vote (5 affirmative votes) of the Commission, waive or modify one or more of the map submission requirements of the Site Plan application, provided the Commission

finds that the proposed waiver or modification has no more than a minor and insignificant effect on its review of uses, parking, traffic circulation, drainage, soil erosion and sedimentation controls, building relationships, landscaping, signs, lighting, or other considerations of Site Plan approval. (Effective date 5/15/15)

8.6.4 Upon written request by the applicant, the Commission may by a two-thirds vote (5 affirmative votes) of the Commission, waive or modify one or more of the requirements of this Section if the Site Plan application or Site Plan modification application is only for Commission approval of uses and does not include site work other than signs and/or outdoor lighting. (Effective date 5/15/15)

8.6.5 Pursuant to CGS Section 8-7d(e), the Commission may not render a decision on the Site Plan application until the IWA, or the IWA staff if there are no wetlands and watercourses on the property, has reported their decision to the Commission. (Effective date 5/15/15)

#### 8.7 Site Plan Preparation Requirements

All Site Plan applications shall be prepared in accordance with the following general requirements.

8.7.1 The Site Plan shall be prepared at a scale of not less than 1"=100' on maps with blue lines or black lines having a sheet size of 24" X 36". All maps shall be of the same scale and include a North arrow and numerical and graphical scale on each map. The Site Plan shall include an accurate and up-to-date Class A-2 survey of the property. The Site Plans shall include but not necessarily be limited to monumentation; contours of elevation; the boundaries of the property by course and distance; the location of all existing and proposed improvements; the location and width of all easements, utility lines, rights-of-way, and building setback lines; the location of all encroachments and restrictions including environmental restrictions, such as but not limited to wetlands, if present on the property; and the latitude and longitude of the center of the subject property. If a separate Class A-2 survey map is used, a copy shall be attached to the Site Plan. (Effective date 5/15/15)

8.7.2 The survey map shall include tie-in by metes and bounds description of all properties adjoining the subject property including properties directly across any street. (Effective date 5/15/15)

8.7.3 The Site Plan shall be prepared, signed and sealed by a licensed professional engineer, a licensed architect, or a licensed landscape architect, whichever is appropriate. (Effective date 5/15/15)

#### 8.8 Required Information

All Site Plan applications shall include the following information. All required maps and graphic plans shall be provided as paper copies as specified and, wherever appropriate, in electronic form compatible with geographic information systems. (Effective date 5/15/15)



- 8.8.1 Title of development, date, and revisions date(s).
- 8.8.2 Name, address, email address, and telephone number of (1) the applicant, and (2) the agent of record responsible for preparing the application and presenting the application to the Commission. If the applicant is not the owner of the subject property, the owner of the property shall sign the application or provide evidence acceptable to the Commission of written authorization for the agent of record by signature to execute the application.
- 8.8.3 A certified Certificate of Title when requested by the Commission or the Commission staff.
- 8.8.4 A written description of the proposed use(s).
- 8.8.5 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. The Commission may require a traffic impact study to evaluate the impact of the proposal on streets serving and or affected by the development. Where a traffic study is required, the Commission may require technical assistance in reviewing such studies pursuant to Subsection 8.14, the cost of which shall be paid by the applicant in accordance with Town Ordinance 10-1-07-280. A qualified traffic engineer or transportation planner shall prepare the technical assistance report. (Effective date 5/15/15)
- 8.8.6 A table or chart indicating the proposed uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and conservation areas and open spaces as they relate to the requirements of these Regulations. (Effective date 5/15/15)
- 8.8.7 A key map showing the location of the subject property on a Town-wide map or quadrant thereof.
- 8.8.8 An accurate map at a scale of 1"=1,000' showing the subject property, Zoning Districts, and all properties and streets within 1,000 feet of the subject property. (Effective date 5/15/15)
- 8.8.9 Location, width, and purpose of all existing and proposed easements and rights-of-way on the Site Plan property.
- 8.8.10 Written approval from the holder(s) of any easements and rights-of-way on the subject property when work is proposed in or affecting the easement or right-of-way.
- 8.8.11 Details of proposed buildings and uses, including: (Effective date 5/15/15)
- a. Location, dimensions, area, height, and setbacks of all existing and proposed buildings, signs, fences, and walls;
  - b. Location of all existing and proposed uses and facilities not requiring a building including, but not limited to, swimming pools, tennis courts, light standards,

- tanks, transformers, recycling containers, grease containers, and dumpsters for trash, garbage, recycling, or other purposes; and (Effective date 5/15/15)
- c. Preliminary architectural drawings showing exterior wall elevations, roof lines, and facade materials.
- 8.8.12 Details of parking, loading, and circulation, including: (Effective date 5/15/15)
- a. Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps;
- b. Location, arrangement, and dimensions of loading and unloading areas; and (Effective date 5/15/15)
- c. Location and dimensions of pedestrian walkways, entrances, and exits.
- 8.8.13 Location, size, height, lighting, orientation, and plans of all signs.
- 8.8.14 Location, size, height, models, orientation, and design of outdoor lighting.
- 8.8.15 Location and design of all existing and proposed sanitary sewer and water supply facilities; other utilities; curb cuts; street lights type, location, and lumens; fire hydrants; recycling, grease, and refuse collection areas; and screening of containers for these purposes. (Effective date 5/15/15)
- 8.8.16 A topographic map illustrating the existing and proposed conditions of the property including existing and proposed contours with intervals of two feet (referred to U.S.G.S. datum) and locations of all existing wooded areas, watercourses, wetlands, flood hazard areas, rock outcrops, and other significant physical features. Contour intervals of five feet may be shown for those sections of the site not affected by the proposed development. Such map shall be accompanied by a statement from a soil scientist (as "soil scientist" is defined by the Connecticut Department of Energy and Environmental Protection ("DEEP")), a licensed land surveyor, or a licensed professional engineer verifying that the boundaries of wetlands and watercourses, if any, are accurately located on the map. (Effective date 5/15/15)
- 8.8.17 An open space and landscaping plan illustrating the existing and proposed landscape development of the property, including location, general layout, type and size of buffer or landscape area, plant material, fencing, existing trees eight inches in diameter or greater, screening devices, decorative paving, or other materials proposed. (Effective date 5/15/15)
- 8.8.18 For developments proposed in phases, an overall site and staging plan at the same scale as the Site Plan indicating the ultimate development of the entire property. (Effective date 5/15/15)
- 8.8.19 A storm water management plan, conforming to the requirements of Section 30. (Effective date 5/15/15)
- 8.8.20 An erosion and sedimentation control plan conforming to the requirements of Section 29. (Effective date 5/15/15)

- 8.8.21 Copies of any necessary permits for curb cuts and driveway paving in the public right-of-way or evidence that the applicant can obtain the necessary permits. (Effective date 5/15/15)

8.9 Additional Information

At any time during its consideration of an application for Site Plan approval, the Commission may require the applicant to submit additional information as the Commission deems reasonable and necessary to determine compliance to these Regulations. The Commission may conduct a site walk of the subject property and other properties, duly noticed if necessary, to observe the site and obtain information about the site. (Effective date 5/15/15)

8.10 Referrals

To assist with its consideration of an application for Site Plan approval, the Commission may refer any matter pertaining to the application to any Town or State department, agency, or official, or to any public or private experts that the Commission deems appropriate for review, comment, and recommendation. Referrals shall be in accordance with Subsection 8.14. (Effective date 5/15/15)

8.11 Public Hearing

When required by these Regulations or at the Commission's discretion, a public hearing on any Site Plan application shall be conducted in accordance with the provisions of CGS Section 8-7d and Section 10 of these Regulations. (Effective date 5/15/15)

8.12 Standards for Site Plan Approval

In reviewing and acting upon an application for Site Plan approval, the Commission shall take into consideration the effects of the proposed development on the subject property, the immediate neighborhood, and the Town including considerations of the intent and purpose of Section 1 of these Regulations; property values; the health, safety, and welfare of the public; and the following factors. (Effective date 5/15/15)

- 8.12.1 The general conformity of the Site Plan with the intent of the Town Plan of Conservation and Development. (Effective date 5/15/15)
- 8.12.2 The arrangement of buildings, structures, and uses on the site.
- 8.12.3 The adequacy of design of the interior vehicular circulation system to provide safe and convenient access to all structures, uses, parking spaces, and loading spaces proposed. (Effective date 5/15/15)
- 8.12.4 Provision for safe pedestrian movement within the site and adjacent to the site.
- 8.12.5 The adequacy of vehicular access to all of the Site Plan property for fire, police, and emergency medical services and, if applicable, for school buses.

- 8.12.6 The adequacy of the storm drainage system, as required by Section 30, to minimize soil erosion and sedimentation, to protect the storm water quality, and to accommodate a designed 25-year stormwater run-off as of (1) existing prior to the Site Plan application, and (2) resulting from the Site Plan application completed work. (Effective date 5/15/15)
- 8.12.7 The location, intensity, timing, and direction of outdoor lighting, subject to Section 33. (Effective date 5/15/15)
- 8.12.8 The size, location, type, and screening and cover of any outdoor storage facilities including, but not limited to, outdoor dumpsters used for recycling, trash, garbage, grease, or other purposes. (Effective date 5/15/15)
- 8.12.9 Potential impacts on and preservation of the natural terrain and existing vegetation; sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings; and public scenic views and historically significant buildings and site features. (Effective date 5/15/15)
- 8.12.10 The size, location, lighting, and type of signs and their appropriateness to the neighborhood, subject to Section 32.
- 8.12.11 The adequacy of the landscaping treatment, including any buffers and other screening, subject to Section 31.
- 8.12.12 The placement of all public utilities underground unless engineering data, accepted and approved by the Commission by a two-thirds (5 members) affirmative vote, substantiates that such placement of utilities underground would be impractical. (Effective date 5/15/15)
- 8.12.13 Other considerations the Commission deems reasonable and necessary. (Effective date 5/15/15)
- 8.13 Conditions
- 8.13.1 In granting Site Plan approval the Commission may attach such conditions as may be required to protect property values, the public health, safety and general welfare, and to ensure continued compliance with these Regulations including the intent and purpose provided in Section 1. (Effective date 5/15/15)
- 8.13.2 For site development proposed in stages, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases. Buffer and setback requirements shall not apply to the common line between the phases of development.

8.14 Technical Assistance

The Commission may require technical assistance services performed independent of the applicant to evaluate an application for Site Plan or Special Permit approval, including review of studies and analyses provided by the applicant. The Commission shall determine the scope of the technical assistance services and who shall provide the services. All costs incurred as a result of such technical assistance shall be the responsibility of the applicant in accordance with Section 3.1.5 of the Town of Watertown Ordinance 10-1-07-280. (Effective date 5/15/15)

#### 8.15 Required After Site Plan Approval

- 8.15.1 Final Drawings shall be submitted as follows. (Effective date 5/15/15)
- a. A final Site Plan drawing ("record Site Plan") submitted either on a photographic wash-off Mylar, not less than 3 mils thick, or an original ink Mylar not less than 3 mils thick and having a sheet size of 24" X 36" and three paper copies with blue lines or black lines having sheet size of 24" X 36", and including a signature block for endorsement, is required for all approved Site Plans, Site Plan modifications, and Special Permits. (Effective date 5/15/15)
  - b. A record Site Plan drawing shall be provided in electronic format compatible with geographic information systems. (Effective date 5/15/15)
  - c. After expiration of the fifteen (15) day appeal period following notice of approval in a local newspaper the applicant shall provide Mylar and paper copies of the record site plan to the ZEO for the Commission Chairman or Secretary endorsement. The Mylar and paper copies shall show all final Commission approvals including a listing of the conditions of approval. The Mylar and paper copies are subject to review and approval by the ZEO and the Town Engineer, and are subject to review and approval by the Commission. (Effective date 5/15/15)
  - d. The applicant shall file the signed Mylar copy in the Town Clerk's Office within ninety (90) days after the expiration of the fifteen (15) day appeal period. If an appeal is properly taken, the ninety (90) day period shall be temporally suspended as of the date of filing the appeal, and the ninety (90) day period shall resume the day of the next regular Commission meeting following the appeal decision or the appeal withdrawal. (Effective date 5/15/15)
  - e. The Commission, the ZEO, and/or the Town Engineer at their discretion and at the applicant's expense, may require additional drawings on Mylar and paper. (Effective date 5/15/15)
- 8.15.2 No property for which Site Plan approval has been issued shall be sold or offered for sale in whole or in part until: (Effective date 5/15/15)
- a. A Mylar copy of a record Site Plan for any approval of a Special Permit is endorsed by the Commission Chairman or Secretary and is filed by the applicant at the expense of the applicant in the Watertown Town Clerk's Office; (Effective date 5/15/15)
  - b. The applicant provides evidence to the ZEO that the property taxes, liens, encumbrances, and assessments not deferred with approval of the Town of

Watertown are paid for the property for which the Site Plan has been approved; and (Effective date 5/15/15)

- c. Easements, deeds, rights-of-way, and other instruments that are required by the approved Site Plan and these Regulations have been recorded by the applicant on the Watertown Land Records in the Town Clerk's Office at the expense of the applicant in form acceptable to the Town Attorney and a copy of each recorded instrument has been provided to the ZEO. (Effective date 5/15/15)

#### 8.16 Zoning Permit, Building Permit, and Foundation Permit

8.16.1 A Zoning Permit shall be issued for an approved Site Plan subject to the following.

- a. All documentation required by Section 8.15 has been filed. (Effective date 5/15/15)
- b. Any Performance Bond and/or Erosion and Sedimentation Control Bond required as a condition of approval has been filed in accordance with Subsection 8.17. (Effective date 5/15/15)
- c. All required fees have been paid to the Town in accordance with Subsection 6.2 and the Town of Watertown Code of Ordinances, as amended. (Effective date 5/15/15)
- d. Where any approved development is to occur on Town of Watertown property, a copy of a Certificate of Liability Insurance in an amount not less than \$1,000,000, acceptable to the ZEO and the Town Attorney as to the insurance provider, conditions, form, period, and amount, and naming the "Town of Watertown" as an additional insured has been filed. (Effective date 5/15/15)
- e. All property lines and wetland boundaries including the 100 foot upland review areas have been properly marked. (Effective date 5/15/15)
- f. All rear and side lot pins have been properly set. (Effective date 5/15/15)
- g. A copy of any required ConnDOT permit or a ConnDOT application for any required permit for any proposed road, driveway curb cut, or storm drainage system that joins with a State Highway has been filed with the ZEO. (Effective date 5/15/15)
- h. Documentation of final arrangements for provision of an approved water supply system and an approved sewage disposal system, where required, have been filed with the ZEO. (Effective date 5/15/15)
- i. A pre-construction meeting is held with attendees as determined by the ZEO. (Effective date 5/15/15)
- j. All conditions of Site Plan approval required prior to commencement of Site Plan work have been completed. (Effective date 5/15/15)

8.16.2 A Foundation Permit and a Building Permit shall be issued only subsequent to the issuance of a Zoning Permit in accordance with this Section. (Effective date 5/15/15)

#### 8.17 Bonding

The Commission may, as a condition of approval of a Site Plan or modified Site Plan, require a financial guarantee in the form of a bond in lieu of the completion of all work to be accepted by the Town (“performance bond”) and/or to secure the installation and maintenance of soil erosion and sedimentation controls (“E&S bond”), as such improvements and controls are depicted on an approved Site Plan, prior to the issuance of a Zoning Permit. The Commission may accept a maintenance bond in lieu of a maintenance period of one year following completion of all work and prior to the acceptance of any public improvements. The Commission by a 2/3 (5 members) affirmative vote may waive the requirement to bond public improvements in lieu of completion. [Effective: September 30, 2011] Any such bond shall be in an amount approved by the Town Engineer or its agent and by the Commission as sufficient to guarantee completion of such items specified by the Commission and in conformity with the provisions of these Regulations and the following procedures. (Effective date 5/15/15)

- 8.17.1 Bonds shall be one or more of the following financial instruments secured to the Town of Watertown as required by this Section, and shall be acceptable to the Commission and Town Attorney.
  - a. A certified check payable only to the Town of Watertown.
  - b. A certificate of deposit.
  - c. A money market account.
  - d. A letter of credit.
  - e. A pledge of a federally insured passbook savings or money market account.
- 8.17.2 Any such bond shall be subject to the following conditions, as applicable.
  - a. A letter of credit shall be unconditional and irrevocable and presentable at a banking institution licensed to do business by the State of Connecticut and with an office located in the State of Connecticut.
  - b. A letter of credit or bank savings or money market account shall only be acceptable if the bank has a rating not inferior to green and three (3) stars from Veribanc Inc., Woonsocket, Rhode Island (contacts: Veribanc.com and 800-442-2657).
  - c. Any bond shall be subject to specific provisions required by the Town Attorney, as authorized by law.
- 8.17.3 The applicant or its agent (or “developer”) shall provide separate cost estimates for (1) soil erosion and sedimentation controls and (2) all required public and other bonded improvements for approval by the Town Engineer or its agent. Such estimates shall be current as of the date of the respective bond filing and shall include a contingency factor of ten percent of the total estimated erosion and sedimentation controls or construction/installation costs, respectively. Such estimates shall include costs to remediate or repair existing site conditions, if required to complete the bonded improvements or install the erosion and sedimentation controls, as determined necessary by the Town Engineer or its agent.
- 8.17.4 The developer shall fully indemnify and save the Town and the Commission harmless from all costs and damages the Town and the Commission may suffer due to failure of the applicant to complete any bond obligation to the satisfaction of the

Commission. The applicant shall reimburse and pay to the town all outlay and expense which the Town may incur in making good on any default of the bond obligation, or damage that may be done to the improvements or caused by the improvements, and may include court costs and legal expenses. [Effective: September 30, 2011]

- 8.17.5 Bonds shall be filed in the respective form proscribed in Appendix B or as otherwise approved by the Town Attorney and shall comport with the following, as applicable.
- a. A bond held as cash by the Town in a Town account is the preferred form for the entire construction period. (Effective date 5/15/15)
  - b. A bond held as cash in a bank savings time deposit account shall be for withdrawals in the control of the Commission for the entire construction period. (Effective date 5/15/15)
  - c. A letter of credit shall be for the entire construction period.
  - d. The applicant shall submit to the ZEO a resolution from the Bank Board of Directors, or other appropriate documentation, stating the Bank signer of the letter of credit is authorized to issue the letter of credit on behalf of the Bank.
- 8.17.6 The developer shall present bond documents as required by Appendix B to the ZEO. The ZEO and the Town Attorney shall review and approve the bond documents as to compliance with this Section. The bond term, form, amount, and conditions shall be acceptable to the Commission in accordance with these Regulations. (Effective date 5/15/15)
- 8.17.7 For any phased development of a Site Plan, no construction or installation approved for any phase shall commence until all construction and installation of public and other bonded improvements required for the previous phase have been issued a CZC, or a bond for such public improvements has been filed in accordance with these Regulations.
- 8.17.8 When provided in lieu of a one-year maintenance period prior to acceptance of public improvements, maintenance bonds shall be in an amount equal to ten percent of the performance bond. If no performance bond was provided, the developer shall provide estimates of the cost of construction of the public improvements, satisfactory to the Town Engineer or its agent, and the maintenance bond shall be equal to ten percent of such costs.
- 8.17.9 When required public or other bonded improvements are completed according to the approved Site Plan, and after the conclusion of the required one-year maintenance period or the filing of a maintenance bond, the developer may apply for a Certificate of Zoning Compliance in accordance with Subsection 7.3. Unless otherwise indicated, if a maintenance bond has not been provided, public improvements must be properly installed and functioning for a maintenance period of one year from the date of completion of all bonded work, as approved by the Town Engineer or its agent, to ensure that they perform as expected and designed.



After expiration of the required maintenance period, the developer may submit a written request to the Town Engineer or its agent for release of the maintenance bond, if provided, indicating that the public improvements have performed as required during the maintenance period and are in a condition satisfactory for Town acceptance. The maintenance bond covering such public improvements shall not be released until expiration of a one-year maintenance period or shorter period specified by the Commission.

- 8.17.10 The developer shall keep and maintain all public improvements until they are accepted by the Town and throughout any required maintenance period. Prior to Town acceptance, such maintenance shall include, but not necessarily be limited to day-to-day maintenance such as removal of ice, snow, and debris and cleaning of stormwater drainage structures, as well as repair of all failures in workmanship and materials. After Town acceptance, the developer shall not be responsible for day-to-day maintenance, but shall be responsible for repair of all failures in workmanship and materials for the duration of any maintenance period. (Effective date 5/15/15)
- 8.17.11 The Commission may at its discretion reduce or increase a bond amount, change the bond obligation schedule, and change the bond terms, and conditions. (Effective date 5/15/15)
- 8.17.12 A partial or full release of any bond filed under this Section shall be approved, or a written explanation of additional modifications required shall be provided within sixty-five days of a request for release submitted by the developer, which sixty-five day period commences on the date of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent or thirty-five (35) days after such submission, whichever is sooner. Any such request shall include, as applicable, as-built drawings of all completed improvements required by the approval, certification of soil stability by a certified soil scientist, and certification of survival of any required landscaping by a licensed landscape architect. Such release shall be approved by the Commission following review and approval by the Town Engineer or its agent and the ZEO. Partial or full bond release may be requested one time at each of the following stages of development.
- a. Work is satisfactorily completed for 25% to 40% of the total estimated development costs that are required to be bonded.
  - b. Work is satisfactorily completed for 50% to 70% of the total estimated development costs that are required to be bonded.
  - c. Work is satisfactorily completed for 75% to 90% of the total estimated development costs that are required to be bonded.
  - d. 100% of the work has been satisfactorily completed as documented to the satisfaction of the Town Engineer or its agent and the ZEO by Mylar copy of as-built drawings and a signed and sealed letter by a professional engineer certifying all Site Plan and Special Permit work is completed and satisfies the

Commission's conditions of approval and all applicable requirements of these Regulations.

- 8.17.13 The Town of Watertown or any of its departments, its schools, and the Watertown Fire District may request bond reduction at any time, subject to Commission review and approval. (Effective date 5/15/15)
- 8.17.14 In the event a bond is required by the Commission, the ZEO may issue a Zoning Permit only after (Effective date 5/15/15)
- a. the Commission has approved the Bond Obligation Schedule;
  - b. the ZEO and the Town Attorney have reviewed and approved the bond documents; and (Effective date 5/15/15)
  - c. all other conditions of this Section are satisfied.
- 8.17.15 The ZEO shall be the custodian of the original bond and bond documents, the Bond Obligation Schedule, and site inspection reports.
- 8.17.16 The amount of the bond shall be the Commission approved estimated cost of the Site Plan and Special Permit work and/or erosion and sedimentation controls, including a separate inflation factor for the entire construction period. This amount shall be the amount of the Commission approved Bond Obligation Schedule. (Effective date 5/15/15)
- 8.17.17 The term of a bond shall be for the entire construction period and include the period until the Commission releases all sureties.
- 8.17.18 Upon recommendation of the ZEO and Town Engineer, the Commission in its discretion and upon its finding that the bonded Site Plan and Special Permit work has been satisfactorily completed, may approve release of the performance bond and any other bond. The developer may make comment and recommendation to the Commission. [Effective: September 30, 2011] (Effective date 5/15/15)
- 8.17.19 The Commission at its discretion may call a performance bond and any other bond subject to a show cause hearing by the Commission, which may or may not be a public hearing, providing the developer the opportunity to comment. Following the required hearing (Effective date 5/15/15)
- a. The Commission shall determine whether the applicant is likely to complete the required Site Plan and Special Permit work to the satisfaction of and acceptance by the Commission within the time period permitted for completing the Site Plan and Special Permit work and
  - b. The Commission may in its discretion call the bond or modify the Site Plan or Special Permit approval conditioned on an extension of time to complete the Site Plan or Special Permit work, and/or modify the bond obligation schedule, the bond form, term, and/or conditions. (Effective date 5/15/15)

8.18 Amendments to Site Plan and Field Corrections

- 8.18.1 All work shall be carried out in strict compliance with the Site Plan approved by the Commission. All proposed amendments and modifications to the Site Plan shall require approval of the Commission, except field corrections and minor amendments to the Site Plan that do not effect overall layout, design, or density as determined by the ZEO and the Town Engineer. The ZEO shall notify the Commission in writing of field corrections and minor amendments. Without fee and application requirements, a developer may appeal to the Commission a minor Site Plan amendment or a field correction decision of the ZEO or the Town Engineer, in which event the Commission shall determine a field correction and a minor Site Plan amendment. The Zoning Board of Appeals shall not decide variances for a minor Site Plan amendment or a field correction. (Effective date 5/15/15)
- 8.18.2 The following Site Plan amendments and modifications shall require Commission approval. (Effective date 5/15/15)
- a. Proposed increase or decrease of the size of a building coverage that exceeds Site Plan approval by greater than 10,000 square feet or 10% of the total Site Plan approved building coverage, whichever is less. (Effective date 5/15/15)
  - b. Addition or reduction of parking spaces by more than 10% of parking spaces approved by Site Plan and or Special Permit or otherwise violating the requirements of Section 34 as applicable, unless authorized by variance approved by the Zoning Board of Appeals. (Effective date 5/15/15)
  - c. Other amendments and modifications as determined by the ZEO and/or Town Engineer. (Effective date 5/15/15)

#### 8.19 Certificate of Zoning Compliance

- 8.19.1 Upon satisfactory completion of all approved site developments and improvements or filing of a bond in accordance with applicable provisions of Subsection 8.17, a Certificate of Zoning Compliance shall be issued by the ZEO following the submittal of as-built drawings at the same scale and on the same paper size as the original Site Plan showing the installation of all site work and the exact location of buildings and other site improvements existing on the site prior to Site Plan approval and after completion of Site Plan work overlain on the approved Site Plan map. The as-built drawing(s) shall be accompanied by certification by the preparer of compliance with the original Site Plan and by a list of any deviations from the original approved Site Plan which the ZEO shall submit to the Commission to determine (1) acceptance of the Site Plan work, or (2) to require the applicant to comply with the approved Site Plan, or (3) to require an application for Site Plan modification. (Effective date 5/15/15)
- 8.19.2 A Certificate of Occupancy shall not be issued by the Building Inspector until the ZEO has issued a Certificate of Zoning Compliance or Conditional Certificate of Zoning Compliance. (Effective date 5/15/15)

8.19.3 A conditional Certificate of Zoning Compliance may be issued by the ZEO for a period not to exceed 180 days if (1) the site improvements cannot be completed because of weather, or (2) an alteration of the building or site improvements does not require the vacating of the premises when a portion of the building or development is ready for occupancy before the completion of the entire building or development, or (3) for other pertinent reasons acceptable to the ZEO.

#### 8.20 Continuance

All conditions and improvements shown on the approved Site Plan shall remain with the site and continue in full force and effect as long as the use indicated on the approved Site Plan remains in continuous operation, regardless of any change in the ownership of the property. (Effective date 5/15/15)

#### 8.21 Expiration of Site Plan

Failure to complete all approved Site Plan work within the applicable time period provided in CGS Section 8-3 shall result in automatic expiration of the Site Plan approval. (Effective date 5/15/15)

### **Section 9. Special Permits**

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#### 9.1 Purpose

Uses for which conformance to additional standards is required by these Regulations shall be deemed to be permitted uses in their respective districts subject to approval of a Special Permit from the Commission. Uses requiring a Special Permit are declared to possess characteristics of such unique and special form that each specific use shall be considered on a case-by-case basis. (Effective date 5/15/15)

#### 9.2 Application

9.2.1 All applications for a Special Permit shall be submitted in writing to, and in a form prescribed by, the Land Use Office. Failure to comply with the application submission requirements of these Regulations and the Commission's administrative procedures shall be grounds for the Commission to deny such application. (Effective date 5/15/15)

9.2.2 The application submission shall address all off-site and on-site impacts, requirements, improvements, and considerations including, but not necessarily limited to, building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping, and environmental and aesthetic considerations.

9.2.3 All Special Permit applications shall be accompanied by a Site Plan application in accordance with Section 8 of these Regulations. (Effective date 5/15/15)

#### 9.3 Site Plan Requirement

Any Special Permit approved by the Commission shall require Site Plan approval in accordance with Section 8 of these Regulations concomitant with Special Permit approval and prior to issuance of the required Zoning and Building Permits, unless such Site Plan requirement is waived by the Commission in accordance with Subsection 8.6. (Effective date 5/15/15)

#### 9.4 Special Permit Uses Involving High Traffic Generators

All applications for a Special Permit involving the construction or expansion of a development totaling more than 50 dwelling units, 100 parking spaces, or 20,000 square feet of gross floor area which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study, submitted prior to the beginning of the public hearing, evaluating the impact of the proposal on streets serving and/or affected by the development.

##### 9.4.1 A traffic study shall include

- a. Data on existing and projected average daily traffic, peak hour volumes, adequacy of rights-of-way and travel ways, existing and projected roadway capacity, traffic accidents, and the traffic impact of the proposed development; (Effective date 5/15/15)
- b. Traffic generation data, the location of existing roads, traffic lights and intersections, and recommendations of safe pedestrian and vehicular circulations, including provisions for safe sidewalks and crosswalks for pedestrians determined by the study to be impacted by the development; (Effective date 5/15/15)
- c. Where applicable, the written recommendations of the Connecticut Department of Transportation; and (Effective date 5/15/15)
- d. Such other information as the Commission may determine necessary.

9.4.2 The traffic analysis of the roadway system shall extend to the point where the number and impact of additional vehicles on roads resulting from the proposed development drops to a number deemed acceptable for existing conditions, by generally accepted traffic flow analysis. The most recent ITE Trip Generation Guide for a similar development shall be used as the primary source for estimating additional vehicles resulting from the development.

9.4.3 The Commission shall have the study reviewed by an independent State of Connecticut certified/licensed traffic engineer chosen by the Commission and paid for by the applicant directly to the consultant pursuant to Section 3.1.5 of Town Ordinance 10-1-07-280. (Effective date 5/15/15)

9.4.4 For residential and commercial/retail development, the Commission may, by a two-thirds (five member) vote of the entire Commission, require an evaluation of the impact on surrounding property values and taxes within the community, to be submitted prior to the beginning of the public hearing. The evaluation shall require objective research on issues related to the community's current and future well-being. The purpose of this portion of the study is to analyze the impact the proposed development could have on the community during the ten years following

the implementation of the project. The Commission, by a majority vote of the entire Commission (4 members), may have the study reviewed by an independent consultant for the purpose of verifying the results. The consultant shall be selected by the Commission, funded by the applicant, and paid by the applicant directly to the consultant pursuant to Section 3.1.5 of Town Ordinance 10-1-07-280. (Effective Date December 15, 2006) (Effective date 5/15/15)

#### 9.5 Environmental Impact Statement

All applications for Special Permits shall include the following environmental impact information. Upon written request from the applicant, the Commission may waive or modify any of these information requirements. (Effective date 5/15/15)

- 9.5.1 The likely impact of the proposed development on the characteristics of the surrounding neighborhood addressing such issues as congestion on public streets, harmony with surrounding development, effect on property values, and overall neighborhood stability. (Effective date 5/15/15)
- 9.5.2 Consistency of the proposed development with the objectives of the Town Plan of Conservation and Development. (Effective date 5/15/15)
- 9.5.3 The extent to which any sensitive environmental features on the site may be disturbed and measures to mitigate these impacts. Consideration shall be given to steep slopes (including erosion control), wetlands, drainage ways, and vegetation and any other land feature considered to be significant.
- 9.5.4 The impact of the proposed development on the water supply, sanitary sewer, and storm drainage system of the Town and an indication of improvements that may be necessitated by the project.
- 9.5.5 Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate. (A traffic study, if required per Subsection 9.4, above, will satisfy this information requirement.) (Effective date 5/15/15)
- 9.5.6 Analysis of how the proposed project will affect various Town services such as police, fire, schools, and recreation.
- 9.5.7 Identification of adverse impacts which cannot be avoided. (Effective date 5/15/15)
- 9.5.8 Identification of alternatives to the proposed action. (Effective date 5/15/15)
- 9.5.9 Descriptions and explanations of mitigation proposed for adverse impacts. (Effective date 5/15/15)

#### 9.6 Additional Information

At any time during its consideration of an application for a Special Permit, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

#### 9.7 Referrals

To assist with its consideration of an application for a Special Permit, the Commission may refer such application to any department, agency, or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency, or official.

#### 9.8 Public Hearing

The Commission shall hold a public hearing on an application for a Special Permit in accordance with CGS Section 8-7d and the procedures in Section 10 of these Regulations. (Effective date 5/15/15)

#### 9.9 Standards for Approval

Unless otherwise specified, a use allowed by Special Permit shall conform to all requirements of the Zoning District in which it is proposed to be located and all applicable standards. The Commission may grant a Special Permit after considering the health, safety, and welfare of the public in general, and the immediate neighborhood in particular, as well as the following factors. (Effective date 5/15/15)

- 9.9.1 The location and size of the proposed use; the nature and intensity of the operations associated with the proposed use; and the size, shape, and character of the site in relation to the proposed use.
- 9.9.2 The location, type, size, and height of buildings and other structures associated with the proposed use in relation to one another and in relation to neighborhood development.
- 9.9.3 The impact of the proposed use on traffic safety and circulation on neighborhood streets and the ability of such streets to adequately accommodate the traffic to be generated by the proposed use. (Effective date 5/15/15)
- 9.9.4 The existing and future character of the neighborhood in which the use is proposed to be located and the compatibility of the proposed use with the neighborhood.
- 9.9.5 The impact of the proposed use on the natural characteristics of the site or the surrounding environment.
- 9.9.6 The adequacy of water, sewer, drainage, and other public facilities to accommodate the proposed use.
- 9.9.7 Where the proposed use involves the conversion of a structure designed and built originally for other uses, the adaptability of the structure to the proposed use, particularly in relation to the public health and safety.

9.9.8 Where the proposed use involves a drive-through facility, conformance with the access, parking, and loading standards in Section 34. (Effective date 5/15/15)

9.10 Conditions and Safeguards

In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare and to ensure continued compliance with these regulations. Such conditions and safeguards may include, but shall not necessarily be limited to the following.

9.10.1 A maximum number of employees.

9.10.2 Hours of operation.

9.10.3 Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance. (Effective date 5/15/15)

9.10.4 Conservation restrictions necessary to protect and permanently preserve unique natural site features.

9.10.5 Sedimentation and erosion control measures in accordance with Section 29.

9.10.6 Bonding as required in accordance with Subsection 8.17. (Effective date 5/15/15)

9.11 Permitted Uses

A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

9.12 Effective Date

No Special Permit shall become effective until it has been filed in the Town Clerk's Office in accordance with provisions of the General Statutes. (Effective date 5/15/15)

9.13 Duration

Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit does not cease operation for a period in excess of 12 months. Any such conditions and safeguards required by Commission approval shall continue in force regardless of any change in ownership of the property. Any change in ownership shall require a statement from the new owner filed with the ZEO confirming continued conformance to the Special Permit as issued. (Effective date 5/15/15)

9.14 Non-Compliance with Special Permit

Failure to strictly comply with the documents, plans, terms, conditions, and/or safeguards approved by the Commission as a part of the Special Permit shall be a violation of these Regulations. The ZEO



shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period to effect compliance. Unless there is full compliance within such time period the Commission may, following a duly noticed public hearing, rescind and revoke such Special Permit. (Effective date 5/15/15)

#### 9.15 Amendments or Modifications

An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application and subject to the same procedures for approval. Amendments to the Special Permit found to be of a minor nature or which would not substantially alter the Special Permit as provided in Subsection 8.18 may be approved by the ZEO without another public hearing. Amendments to the Special Permit which would increase the scale, alter the scope, or significantly alter the approved Special Permit except as provided in Subsection 8.18 shall be subject to approval by the Commission only after another public hearing. (Effective date 5/15/15)

#### 9.16 Termination

A Special Permit shall terminate once a different use is established for the property in accordance with these Regulations by the issuance of a Zoning Permit. (Amendment Approved 10/19/94) (Effective date 5/15/15)

### **Section 10. Public Hearings**

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#### 10.1 Hearings

When required by these Regulations or the Connecticut General Statutes ("CGS"), a public hearing shall be subject to the provisions of this Section and the Connecticut General Statutes. (Effective date 5/15/15)

#### 10.2 Public Hearing Notice Signs

The applicant shall, in advance of a public hearing, post a public hearing notice sign on the subject property as provided below.

10.2.1 Public hearing notice signs are required for all applications requiring a public hearing except applications for Zoning Regulation text amendments. Failure to comply with the requirements of this Section, including the submittal of certification of compliance by the applicant on forms provided by the Commission, shall be grounds for denial of the application. The Commission may determine that failure to comply with this Section was not the fault of the applicant and may, in such case by 2/3 (5 members) affirmative vote, waive the requirements of this Section. (Effective date 5/15/15)

10.2.2 The applicant shall place public hearing notice sign(s) provided by the Commission upon receipt of all required fees. Such signs shall (Effective date 5/15/15)

- a. Be placed no further apart than 500 feet along paved street frontage that is the subject property of a Commission public hearing and be in proximity to the street with clear and unobstructed visibility to persons passing the sign, and not obstruct the visibility of motorists, or if a property has no paved street frontage the sign(s) shall be posted at location(s) determined by the ZEO; (Effective date 5/15/15)
- b. Be no smaller than 2 feet wide by 1½ feet high displaying notice of the public hearing and the Commission office telephone number for contact during business hours to obtain information about the hearing;
- c. Be posted by the applicant on the subject property for display during the ten (10) day period prior to commencement of a public hearing and during the public hearing; and (Effective date 5/15/15)
- d. Be reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all signs shall be removed by the applicant and returned to the Commission office in good condition within ten (10) days.

### 10.3 Mailed Notice of Public Hearing

- 10.3.1 The applicant shall mail a copy of the public hearing notice prepared by the Commission staff along with a narrative summary of the subject application prepared by the applicant or the Commission staff to persons who own land that is adjacent to the land that is the subject of the hearing, including land across any street or public property. The applicant shall mail the notice not more than fifteen (15) days or less than ten (10) days prior to the commencement of the public hearing and shall provide certificates of mailing at or prior to commencement of the public hearing. The person who owns land subject to this requirement is the owner indicated on the last completed town grand list or on the property tax map current as of the date of mailing notice. (Effective date 5/15/15)
- 10.3.2 The Commission shall not commence a public hearing on any application without evidence satisfactory to the Commission that public hearing notice was made in accordance with C.G.S. Section 8-7d and the requirements of these Regulations. In such event, the Commission may continue the public hearing to another date and time provided the applicant grants an extension of decision time to the Commission equal to the period of continuation, or the applicant may withdraw the application. If additional time is not granted by the applicant or the applicant does not withdraw the application or, in accordance with C.G.S. Section 8-7d, the extension of all periods exceeds sixty-five days, the Commission may deny the application. (Effective date 5/15/15)
- 10.3.3 A continued public hearing shall not require re-notice by mail or re-publication in a local newspaper provided the Commission has established at each public hearing session the date, time, and place of the continued public hearing. (Effective date 5/15/15)

## **ARTICLE III – RESIDENTIAL DISTRICTS**

### **Section 11. Establishment of Residential Districts and Purpose**

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#### **11.1 R-90 Residential District**

The R-90 Residential District is established to provide suitable areas for low density residential development consistent with a rural environment in areas with sensitive environmental characteristics and/or without public facilities to support more intensive development.

#### **11.2 R-70 Residential District**

The R-70 Residential District is established to provide suitable areas for low density residential development consistent with a rural environment in areas with limited public facilities and/or environmental constraints which would limit more intensive development.

#### **11.3 R-30 Residential District**

The R-30 Residential District is established to provide suitable areas for medium density residential development consistent with a suburban environment, in areas with no significant environmental constraints to development and with public facilities adequate to support the intensity of development. The R-30 Residential District includes the areas of the Watertown Fire District previously designated as the R-30F Residential District. (Effective date 5/15/15)

#### **11.4 R-20 Residential District**

The R-20 District is established to provide suitable areas for medium density residential development consistent with a suburban environment, in areas with no significant environmental constraints to development and with public facilities adequate to support the intensity of development. The R-20 District was formerly designated the R-20F District. (Effective date 5/15/15)

#### **11.5 R- 12.5 Residential District**

The R-12.5 Residential District is established to provide suitable areas for more intensive single family residential development and related uses consistent with a suburban environment, in areas with no significant environmental constraints to development and a full range of public facilities to support development.

#### **11.6 R-10 Residential District**

The R-10 District is established to provide suitable areas for more intensive single family residential development and related use consistent with a suburban environment, in areas with no significant environmental constraints to development and a full range of public facilities to support development. The R-10 District was formerly designated the R-10F District. (Effective date 5/15/15)

**11.7 R-G Residential District**

The R-G Residential District is established to provide suitable areas for high density residential development consistent with a suburban environment, in areas with no significant environmental constraints to development and a full range of public facilities to support development. The R-G Residential District includes the area of the Watertown Fire District previously designated as the R-GF Residential District. (Effective date 5/15/15)

**Section 12. Permitting**

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**12.1 Zoning Approvals Required**

All principal and accessory uses and structures are subject to issuance of a Zoning Permit and, where applicable, approval of a Site Plan and/or Special Permit application. Accessory uses and structures customary with and incidental to a use requiring a Special Permit or Site Plan approval shall require Special Permit and/or Site Plan approval, as applicable. See Article II of these Regulations for details. (Effective date 5/15/15)

**12.2 Other Permitting Required**

12.2.1 All principal and accessory uses and structures shall be subject to any applicable inland wetlands and watercourses, aquifer protection, flood plain, building, and health permitting requirements. (Effective date 5/15/15)

12.2.2 Earth materials activity shall be subject to the permitting provisions and standards of Section 39. (Effective date 5/15/15)

**12.3 Application of Zoning Regulations**

All uses and structures shall be subject to the provisions of Section 6 of these Regulations and the applicable standards in Articles VI, VII, and VIII. Any use or structure not specifically permitted under these Regulations shall be prohibited. (Effective date 5/15/15)

12.4 Table of Permitted Uses and Structures in Residential Districts

USES and STRUCTURES	R-90	R-70	R-30	R-20	R-12.5	R-10	R-G
Single-family detached dwelling	P	P	P	P	P	P	P
Farms and farming	P	P	P	P	P	P	P
Parks and open space	P	P	P	P	P	P	P
Interior lot	P	P					
Accessory dwelling unit	P	P	P	P	P	P	P
Accessory dwelling	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Temporary special event	P	P	P	P	P	P	P
Child day care center or group day care home	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Convalescent home, private hospital, or sanitarium	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Non-profit institution	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Summer day camp	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Private recreational facility			SpP	SpP	SpP	SpP	SpP
Commercial kennel, livery or boarding stable, or riding academy	SpP	SpP	SpP		SpP		SpP
Public utility buildings, uses, and facilities	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Buildings, uses, and facilities of the Town, State of Connecticut, Federal Government, or the Watertown Fire District.	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Railroad rights-of-way and passenger station	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Telecommunications facilities	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Wind turbines	SpP	SpP	SpP				
Bed and breakfast accommodations	SpP	SpP	SpP	SpP	SpP	SpP	SpP
Limited professional office conversion		SpP					
Congregate housing					SpP		
Two family dwelling			SpP	P	SpP	P	P
Three family dwelling					SpP		P
Multi-family dwelling							SpP
Planned Residential Development	SpP	SpP	SpP		SpP		
Designed Residential Development				ZC/ SpP			
Age-restricted development A			ZC/ SpP		ZC/ SpP		
Age-restricted development B	ZC/ SpP	ZC/ SpP	ZC/ SpP		ZC/ SpP		ZC/ SpP
Affordable housing development	SpP*	SpP*	SpP*		SpP*		SpP*
Accessory uses and structures	P	P	P	P	P	P	P

\* Affordable housing developments only permitted within Planned Residential Developments

**Key:**

- P: Permitted by right, subject to permitting required by Section 6
- SpP: Permitted subject to Special Permit and Site Plan approval in accordance with Section 9
- ZC: Zone Change

**Notes:**

- Table is for summary reference purposes only; see text for full descriptions and references to applicable standards.

- All uses shall be subject to specified restrictions, use and special use standards, and general performance standards of these Regulations.

## 12.5 Uses and Structures Permitted in All Residential Districts

12.5.1 The following uses and structures are permitted by right in all Residential Districts subject to applicable permitting requirements. (Effective date 5/15/15)

- a. Single-family detached dwellings.
- b. Accessory dwelling units subject to the provisions and standards of Section 35.
- c. Farms, including truck gardens, nurseries, greenhouses, silos, barns, forestry, keeping of livestock and poultry, and roadside stands accessory thereto.
- d. Parks and open space.
- e. Temporary special events, subject to Subsection 7.2. (Effective date 5/15/15)
- f. Accessory uses and structures customary with and incidental to any permitted use. (Effective date 5/15/15)

12.5.2 The following uses and structures are permitted by Special Permit and Site Plan approval in all Residential Districts.

- a. Child day care centers.
- b. Group day care homes. (Effective date 5/15/15)
- c. Convalescent homes, private hospitals, and sanitariums licensed by the State of Connecticut and located on a minimum of five acres.
- d. Non-profit institutions. (Effective date 5/15/15)
- e. Summer day camps, provided that there is no furnishing of rooms.
- f. Public utility buildings, uses, and facilities.
- g. Buildings, uses and facilities of the Town, State of Connecticut, Federal government, or the Watertown Fire District. (Effective date 5/15/15)
- h. Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or freight terminals.
- i. Telecommunications facilities subject to the provisions and standards of Section 42.
- j. Bed and breakfast accommodations. (Effective date 5/15/15)
- k. Accessory dwelling subject to the provisions and standards of Section 35.
- l. Accessory uses and structures customary with and incidental to any Special Permit use (see Paragraph 12.5.3, below). (Effective date 5/15/15)

12.5.3 The following accessory uses and structures are permitted in all Residential Districts, subject to issuance of a Zoning Permit and, where applicable, Special Permit and/or Site Plan approval. (Effective date 5/15/15)

- a. Minor and oversized accessory structures including but not necessarily limited to private garages, sheds, garden houses, tool houses, playhouses, greenhouses, swimming pools, or other detached accessory structures not used for human habitation or for housing animals or fowl, and not operated for profit. (Effective date 5/15/15)

- b. Accessory buildings for housing domesticated animals or fowl permitted under these Regulations, subject to the Environmental Performance Standards in Section 28. (Effective date 5/15/15)
- c. Renting of rooms in a principal dwelling without individual cooking facilities. (Effective date 5/15/15)
- d. Family day care homes.
- e. Parking facilities for the use of the occupants of the premises and their guests, in accordance with Section 34, provided that no more than one commercial vehicle, not exceeding 10,000 lbs. gross vehicle weight other than a passenger car, shall be parked at the premises. Farm vehicles on a farm are exempt. (Effective Date 04/06/2001) (Effective date 5/15/15)
- f. Outside storage of one trailer, recreational vehicle, mobile home, boat, or other single unregistered vehicle, subject to the standards of Section 38. (Effective date 5/15/15)
- g. Radio and television reception equipment, including satellite dishes.
- h. Home occupations or home offices in accordance with the provisions and standards of Section 36.
- i. Tag sales conducted no more than three times per calendar year with no more than three continuous days for each sale. (Effective Date 04/06/2001)
- j. Signs, subject to the provisions and standards of Section 32.
- k. Such other uses or structures customary with or incidental to uses and structures permitted in the subject District, as determined by the ZEO. (Effective date 5/15/15)

## 12.6 Uses and Structures Permitted in Specific Residential Districts

The following uses and structures shall be permitted in Residential Districts as specified. (Effective date 5/15/15)

- 12.6.1 Interior lots shall be permitted by right in the R-90 and R-70 Districts, subject to the provisions of Paragraph 6.3.17.
- 12.6.2 Commercial kennels, livery or boarding stables, or riding academies may be permitted by Special Permit and Site Plan approval in the R-90, R-70, R-30, R-12.5, and R-G Districts when located on a minimum of five acres and provided that all structures and runs shall be located a minimum of 150 feet from any side or rear lot lines. (Effective date 5/15/15)
- 12.6.3 Limited professional office conversions may be permitted by Special Permit and Site Plan approval in the R-70 District, subject to the provisions and standards of Section 47. (Effective date 5/15/15)
- 12.6.4 Congregate housing may be permitted by Special Permit and Site Plan approval in the R-12.5 District on a lot not exceeding five (5) acres, no nearer than one mile from any other congregate housing development, and with a maximum density of

- resident rooms not exceeding 1.5 times the number of dwelling units permitted in the underlying District. (Effective date 5/15/15)
- 12.6.5 Two-family dwellings shall be permitted by right in the R-20, R-10, and R-G Districts. (Effective date 5/15/15)
- 12.6.6 Three-family dwellings shall be permitted by right in the R-G District. (Effective date 5/15/15)
- 12.6.7 Two- and three-family dwellings may be permitted by Special Permit and Site Plan Approval in the R-12.5 District.
- 12.6.8 Multi-family dwellings may be permitted by Special Permit and Site Plan approval in the R-G District, subject to the provisions and standards in Section 48. (Effective date 5/15/15)
- 12.6.9 Private or not-for-profit outdoor recreational facilities, such as golf, tennis, swimming, or similar clubs and including customary accessory services and eating facilities incidental to the club, but not including golf driving ranges, miniature golf, or commercial amusement parks, may be permitted by Special Permit and Site Plan approval in the R-30, R-12.5, R-20, R-10, and R-G Districts. (Effective date 5/15/15)
- 12.6.10 Recreational facilities for multi-family dwellings for the use of residents and their non-paying guests shall be a permitted accessory use in the R-G District subject to Site Plan approval. (Effective date 5/15/15)
- 12.6.11 Wind Turbines may be permitted by Special Permit and Site Plan approval in the R-90, R-70, and R-30 Districts, subject to the provisions and standards of Section 43. (Effective date 5/15/15)
- 12.6.12 Planned Residential Developments may be permitted in the R-90, R-70, R-30, and R-12.5 Districts by Site Plan approval subject to the provisions and standards of Section 40. (Effective date 5/15/15)
- 12.6.13 Designed Residential Developments may be permitted by Special Permit and Site Plan approval in the R-20 District subject to establishment of a Designed Residential Development District in accordance with Section 60 and conformance with the provisions and standards of Section 57.
- 12.6.14 Age-restricted housing A ("ARH-A") developments may be permitted by Special Permit and Site Plan approval in the R-30, and R-12.5 Residential Districts subject to the establishment of an ARH-A Overlay Zone in accordance with Section 60 and conformance with the provisions and standards of Section 54. (Effective date 5/15/15)
- 12.6.15 Age-restricted housing B ("ARH-B") developments may be permitted by Special Permit and Site Plan approval in the R-90, R-70, R-30, R-12.5, and R-G Residential



Districts subject to the establishment of an ARH-B Overlay Zone in accordance with Section 60 and conformance with the provisions and standards of Section 55.

12.6.16 Affordable housing developments may be permitted by Special Permit and Site Plan approval in the RG District or as part of any Planned Residential Development where permitted, subject to the provisions and standards of Section 41. (Effective date 5/15/15)

12.6.17 In the R 12.5 and R-30 Districts, uses permitted in a Residential Transition/Professional Office Overlay District established in accordance with Section 60 may be permitted subject to the provisions and standards of Section 56. (Effective date 5/15/15)

12.7 Lot Dimension Requirements in All Residential Districts

Lot Dimensions						
District	Min. Lot Area per Dwelling		Min. Square		Additional Lot Area per Additional Dwelling Unit <sup>1</sup>	Min. Frontage
	No Muni Water	Muni Water	No Muni Water	Muni Water		
R-90	90000 sf	90000 sf	200'	200'	n/a	150'
R-70	70000 sf	70000 sf	150'	150'	n/a	125'
R-30	40000 sf	30000 sf	150'	100'	n/a	75'
R-20	40000 sf	20000 sf	150'	100'	n/a	75'
R-12.5	40000 sf	12500 sf	150'	75'	5000 sf	75' <sup>2</sup>
R-10	40000 sf	10000 sf	150'	75'	40000 sf if no Muni Water	50'
					10000 sf if Muni Water	
R-G	7500 sf	7500 sf	75'	75'	5000 sf	50'

"sf" = square feet; "n/a" = not applicable

<sup>1</sup> Where permitted; see District specific uses and requirements.

<sup>2</sup> 50' for lots on a cul-de-sac street.

12.8 Building Standards in All Residential Districts

Building Standards										
District	Max. Building Height	Principal Building Min. Setbacks			Accessory Structure Min. Setbacks*			Allowable Projection	Maximum Coverage	
		Front	Rear	Each Side	Front	Rear	Each Side		Building	Total
R-90	3 Stories/35'	50'	50'	25'	50'	20'	20'	1'	10%	20%
R-70	3 Stories/35'	50'	50'	25'	50'	20'	20'	1'	15%	25%
R-30	3 Stories/35'	35'	50'	20'	35'	15'	15'	1'	15%	25%
R-20	3 Stories/35'	25'	50'	15'	35'	10'	10'	3'	15%	20%
R-12.5	3 Stories/35'	35'	30'	10'	35'	5'	5'	1'	25%	35%
R-10	3 Stories/35'	25'	30'	10'	35'	5'	5'	3'	25%	25%
R-G	3 Stories/35'	25'	30'	10'	25'	5'	5'	1'	40%	60%

\*Oversize accessory structures (see definitions) shall comply with setback requirements for a principal building in the respective District, per Paragraph 6.3.13, Item f.

**ARTICLE IV – BUSINESS DISTRICTS**

**Section 13. Permitting**

13.1 Zoning Approvals Required

All permitted principal and accessory uses and structures are subject to issuance of a Zoning Permit and, where applicable, approval of a Site Plan and/or Special Permit application in accordance with Section 8 and Section 9, respectively. Accessory uses and structures customary with and incidental to a use requiring a Special Permit or Site Plan approval shall require Special Permit and/or Site Plan approval, as applicable. See Article II of these Regulations for details. (Effective date 5/15/15)

13.2 Other Permitting Required

13.2.1 All principal and accessory uses and structures shall be subject to any applicable inland wetlands and watercourses, aquifer protection, flood plain, building, and health permitting requirements. (Effective date 5/15/15)

13.2.2 Earth materials activity shall be subject to the permitting provisions and standards of Section 39. (Effective date 5/15/15)

13.3 Application of Zoning Regulations

All uses and structures are subject to the provisions of Section 6 of these Regulations. Any use or structure not permitted under these Regulations shall be prohibited, in accordance with Subsection 6.3. (Effective date 5/15/15)

**Section 14. General Business Districts Provisions**

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**14.1 General Requirements for Uses in Business Districts**

- 14.1.1 Except as otherwise specified, uses permitted by Site Plan approval shall not exceed 12,000 sq. ft. (Effective date 5/15/15)
- 14.1.2 Except as otherwise specified, uses permitted by Special Permit and Site Plan approval shall not exceed 50,000 sq. ft. (Effective date 5/15/15)
- 14.1.3 Except as otherwise permitted, all production, repair, treatment, storage, and display of goods shall be accessory to the principal use of the premises. (Effective date 5/15/15)
- 14.1.4 No food, goods, or merchandise shall be sold from a trailer, truck, or cart situated on a lot except in connection with a non-profit organization, subject to a Zoning Permit and not to exceed 21 days. (Effective date 5/15/15)
- 14.1.5 Yard setbacks on a common side lot line shall not be required where (Effective date 5/15/15)
- a. two or more lots containing no residential uses share a single joint entrance and single joint exit to a public street, provided permanent vehicular access shall be provided to the rear of such lots or
  - b. a building on one lot is attached to building on an adjacent lot.
- 14.1.6 The required side yard setback may be reduced, at the discretion of the Commission, where a common Site Plan application is submitted for adjacent properties. (Effective date 5/15/15)
- 14.1.7 Architectural features, such as pilasters, columns, belt courses, window sills, cornices, or similar building architectural features, shall not project more than one foot into any required yard or open space except as otherwise specified in the B-O, B-G2, and IG-20 Districts. Roofs and canopies over entrance doorways shall not extend more than three feet into any required yard. (Effective date 5/15/15)
- 14.1.8 All required setbacks shall apply to parking and loading areas as well as structures, except no setback shall be required for parking and loading areas that abut adjacent non-residential parking and loading areas and that have physical and legal provisions for access between the parking and loading area. (Effective date 5/15/15)
- 14.1.9 Where permitted, any retail use exceeding 20,000 sq. ft. in gross floor area shall be subject to the provisions and standards of Section 46. (Effective date 5/15/15)
- 14.1.10 Outdoor seating accessory to any permitted use in any Business District shall require Special Permit approval. (Effective Date November 17, 1997) (Effective date 5/15/15)

- 14.1.11 Where permitted, no dispenser for the retail selling of fuel on any lot shall be located within less than 1,000 feet of a dispenser for the retail selling of fuel on any other lot regardless of the District in which such other lot may be located. (Amendment Adopted 8/22/96) (Effective date 5/15/15)
- 14.1.12 Temporary Special Events may be permitted in any Business District subject to the provisions and standards of Subsection 7.2. (Effective date 5/15/15)

#### 14.2 Accessory Uses

The following accessory uses shall be permitted in all Business Districts, subject to a Zoning Permit or Special Permit and/or Site Plan approval if applicable. (Effective date 5/15/15)

- 14.2.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be permitted by Site Plan approval. (Effective date 5/15/15)
- 14.2.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be permitted by Special Permit approval. (Effective date 5/15/15)
- 14.2.3 Building mechanical equipment located outside the principal structure, including radio and television reception equipment, provided that such equipment shall be properly screened. (Effective date 5/15/15)
- 14.2.4 Signs, subject to Section 32.
- 14.2.5 Off-street parking and loading, excluding parking structures, subject to Section 34. (Effective date 5/15/15)
- 14.2.6 Parking, storage, and/or use of an accessory trailer or vehicle, subject to the provisions and standards of Section 38. (Effective date 5/15/15)
- 14.2.7 Other accessory uses as specified for each District or as determined by the ZEO. (Effective date 5/15/15)

### **Section 15. Oakville Central Business (B-C) District**

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#### 15.1 B-C District Purpose

The purpose of the B-C District is to encourage the orderly development of a shopping area for the Town which provides the opportunity for creative and flexible architectural design, the sound interrelationship of buildings to open spaces, pedestrian and vehicular circulation, landscaping, parking areas, and business uses and to carry out the recommendations and proposals for circulation and use contained in the duly adopted plans and policies of the Commission.

#### 15.2 B-C District General Requirements

- 15.2.1 All uses except parking, loading, and permitted signs shall be conducted entirely within a building.

- 15.2.2 Principal uses permitted by Site Plan approval shall not exceed gross floor area of 7,500 sq. ft. (Effective Date December 8, 1997)
- 15.2.3 Principal uses permitted by Special Permit approval shall not exceed gross floor area of 20,000 sq. ft. (Amendment Effective 11/17/1997)
- 15.2.4 All buildings shall include a principal entrance oriented toward the public right of way.
- 15.2.5 Pedestrian access shall be provided to link the entrance to the buildings to the public pedestrian circulation system. (Effective date 5/15/15)
- 15.2.6 The maximum front yard setback for all new buildings shall be 10 feet.
- 15.2.7 Limitations on total floor area shall not apply to the floor area in or on a building or structure used for parking or loading spaces.

15.3 Table of Uses Permitted in the B-C District

<b>15.3.1 B-C District Uses and Structures Permitted by Site Plan Approval</b>
a. Stores or shops for the conduct of retail business.
b. Stores or shops for the conduct of personal service businesses.
c. Retail dry cleaners or retail laundry establishments.
d. Restaurants, sit-down, without drive-through facilities.
e. Banks or financial institutions without drive-through facilities.
f. General, medical, and professional offices, above the first level of the building.
g. Indoor theaters or auditoriums. (Effective date 5/15/15)
h. Public or semi-public uses.
i. Health or fitness clubs, gymnasiums, or racquet clubs, above the first level of the building.
j. Printing, lithography, photocopying, publishing, or similar graphic arts services occupying not more than 2,000 sq. ft. gross floor area.
k. Studios of dance, photography, graphic design, painting, or similar artistic endeavors, above the first level of the building.
<b>15.3.2 B-C District Uses and Structures Permitted by Special Permit and Site Plan Approval</b>
a. All permitted site plan uses exceeding gross floor area of 7,500 with a maximum gross floor area of 20,000 sq. ft. (Amendment Effective 11/17/1997) (Effective date 5/15/15)
b. Multi-family dwelling units not at street level nor on the first floor of a building, subject to Section 48.
c. Restaurants, fast-food, without drive-through facilities.
d. Telecommunications facilities.
e. Used automotive sales and service, providing that all repair and service work, including car washing, shall be conducted entirely within an enclosed building. The outside storage or sale of wrecked vehicles shall not be permitted. [Amendment Effective 1/31/14]

15.4 Table of Area and Dimensional Requirements for the B-C District

<b>B-C District Lot Dimensions</b>				
<b>Minimum Lot Area</b>				
<b>All Uses Except Multi-Family</b>	<b>Multi-Family Dwellings</b>	<b>Minimum Additional Lot Area per DU</b>		
No Minimum	15,000 sq. ft.	1,500 sq. ft.		
<b>Minimum Setbacks</b>				
	<b>No Dwelling Units</b>	<b>With Dwelling Units</b>	<b>Abutting Multi-Family District*</b>	<b>Abutting Single Family District</b>
<b>Front Yard</b>	No Minimum	No Minimum	No Minimum	No Minimum
<b>Rear Yard</b>	No Minimum	50 ft.	25 ft. each	35 ft. each
<b>Side Yard</b>	No Minimum	25 ft. each	25 ft. each	35 ft. each
<b>Bulk and Coverage</b>				
<b>Maximum Height</b>	<b>Maximum Floor Area Ratio</b>	<b>Maximum Impervious Surface Coverage</b>	<b>Maximum Building Coverage</b>	
Four Stories/50 Ft.	2.0	90%	75%	

\* Applies also to parking and loading areas

**Section 16. Local Business (B-L) District**

16.1 B-L District Purpose

The purpose of the B-L District is to accommodate retail stores and service establishments primarily serving the neighborhood needs of Town residents.

16.2 B-L District General Requirements

- 16.2.1 All uses, except parking, loading, and permitted signs shall be conducted entirely within a building.
- 16.2.2 Principal uses permitted by Site Plan approval shall not exceed gross floor area of 3,000 square feet in buildings not exceeding a total gross floor area of 12,000 square feet. (Amendment adopted 4/2/97 - Effective date - 4/25/97)
- 16.2.3 Principal uses located in two or more buildings with a maximum ground floor area of 3,000 s.f. or less per use shall be permitted in the B-L District subject to Special Permit and Site Plan approval. (Amendment adopted 4/2/97 - Effective Date - 4/25/97) (Effective date 5/15/15)

16.3 Table of Uses Permitted in the B-L District

<b>16.3.1 B-L District Uses and Structure Permitted by Site Plan Approval</b>
a. Stores or shops for the conduct of retail business.
b. Stores or shops for the conduct of personal service businesses.
c. Retail dry cleaners or retail laundry establishments and associated pick-up stations.

d. Banks or financial institutions without drive-through facilities.
e. General, medical, and professional offices.
<b>16.3.2 B-L District Uses and Structures Permitted by Special Permit Approval</b>
f. All permitted site plan uses with a maximum gross floor area greater than 3,000 sq. ft. or buildings with a ground floor area greater than 12,000 sq. ft. (Effective date 5/15/15)
g. Restaurants without drive-through facilities.
h. Banks or financial institutions with drive-through facilities.
i. Public utility facilities.
j. Dwelling units located over street level stores or offices at a maximum density of three units per acre.
k. Child day care centers or group day care homes, subject to the provisions of Section 37. (Effective date 5/15/15)
l. Public or semi-public uses.
m. Libraries, museums, art galleries, and similar cultural uses.
n. Bed and breakfast accomodations.
o. Automotive fuel retail sales facility when conducted with a retail business, provided that no more than two gasoline dispensers, one diesel dispenser, and one propane dispenser will be allowed. (Effective date 5/15/15)
p. Cleaning service businesses provided service is conducted off site. (Effective Date 11/23/2006)
q. Telecommunications facilities.

16.4 Table of Area and Dimensional Requirements for the B-L District

16.4.1 B-L District Lot Dimensions			
Minimum Lot Area		Minimum Frontage	
10,000 sq. ft.		50 ft.	
Minimum Setbacks			
	Abutting Non-Residential District		Abutting Residential District
Front Yard	25 ft.		25 ft.
Rear Yard	25 ft.		25 ft.
Side Yard	No Minimum		25 ft. each
Building Separation	50 ft.		50 ft.
Front Yard for Parking and Loading Areas	10 ft.		10 ft.
Side and Rear Yards for Parking and Loading Areas	10 ft. each		25 ft. each
Bulk and Coverage			
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage	Maximum Building Coverage
Two Stories/30 ft.	0.4	75%	30%

**Section 17. Shopping Center Business (B-SC) District**

17.1 B-SC District Purpose

The purpose of the B-SC District is to accommodate unified development of planned commercial facilities to serve a local and regional market.

17.2 B-SC District General Requirements

- 17.2.1 Principal uses permitted by Site Plan approval shall not exceed gross floor area of 20,000 sq. ft., including outdoor display if any. (Effective date – November 17, 1997)
- 17.2.2 The minimum size of a parcel shall be five acres. A parcel may be subdivided for uses permitted by Site Plan approval into lots of less than five acres as part of a unified development or, if not part of a unified development, by Special Permit approval in accordance with Section 9. (Effective date 5/15/15)

17.3 Table of Permitted Uses in the B-SC District



<b>17.3.1 B-SC District Uses and Structures Permitted by Site Plan Approval</b>
a. Stores or shops for the conduct of retail business.
b. Stores or shops for the conduct of personal service businesses.
c. Retail dry cleaners or retail laundry establishments and associated pick-up stations..
d. Banks or financial institutions, without drive through facilities.
e. Restaurants, sit down or fast food, without drive-through facilities.
<b>17.3.2 B-SC District Uses and Structures Permitted by Special Permit Approval</b>
a. Stores or shops for the conduct of retail business with a maximum gross floor area of 50,000 sq. ft. including outdoor display if any, subject to the provisions of Section 46. (Effective Date: November 17, 1997)
b. Addition to an existing manufacturing, processing, or assembly facility, providing the use was established prior to December 24, 1993, and the use has been continuous and can meet all other requirements of the District. (Amendment adopted 1/11/95)
c. Banks or financial institutions with drive-through facilities provided the drive-through facility is accessory to a bank or a bank branch. (Amendment adopted 1/11/95)
d. Child day care centers or group day care homes, subject to the provisions of Section 37.
e. General, medical, or professional offices.
f. Hotels and motels.(Effective date 5/15/15)
g. Restaurants, sit-down or fast food, with a minimum patron floor area of 750 sq. ft. with drive-through facilities. (Amendment adopted January 11, 1995)(Effective date 5/15/15)
h. Health or fitness clubs, gymnasiums, tennis or racquet clubs in existing buildings. (Effective Date August 26, 2001)
i. New car sales, subject to the provisions of Section 45.(Effective date 5/15/15)
j. Used car sales as an accessory use to new car sales. (Amendment Adopted September 15, 2005)
k. Telecommunications facilities.
l. New and used car preparation for sale at an off-site automobile dealership. All work to be conducted entirely within an enclosed building.

17.4 Table of Area and Dimensional Requirements for the B-SC District

<b>B-SC District Lot Dimensions</b>			
<b>Minimum Lot Area</b>		<b>Minimum Frontage</b>	
Five Acres (see 17.2.2, above).		No Minimum	
<b>Minimum Setbacks</b>			
	<b>Abutting Non-Residential District</b>	<b>Abutting Residential District</b>	
<b>Front Yard</b>	50 ft.	50 ft.	
<b>Rear Yard</b>	25 ft.	75 ft.	
<b>Side Yard</b>	25 ft.	75 ft. each	
<b>Front Yard for Parking and Loading Areas</b>	25 ft. each	25 ft.	
<b>Side and Rear Yards for Parking and Loading Areas</b>	10 ft. each	25 ft. each	
<b>Parking and Loading Area Minimum Setbacks</b>			
<b>Side or Rear Yard</b>	<b>Side or Rear Yard Abutting Residential District</b>		<b>Front Yard</b>
10 ft. each	25 ft. each		25 ft.
<b>Bulk and Coverage</b>			
<b>Maximum Height</b>	<b>Maximum Floor Area Ratio</b>	<b>Maximum Impervious Surface Coverage</b>	<b>Maximum Building Coverage</b>
Three Stories/40 Ft.	0.5	75%	25%

**Section 18. General Business 1 (B-G1) District**

18.1 B-G1 District Purpose

The purpose of the B-G1 District is to accommodate larger retail and service establishments primarily serving the needs of the entire Town and neighboring communities.

18.2 B-G1 District General Requirements

- 18.2.1 Principal uses permitted by Site Plan approval shall not exceed gross floor area of 10,000 sq. ft., including outdoor display if any, unless otherwise specified. (Effective date – November 17, 1997)
- 18.2.2 Principal uses permitted by Special Permit and Site Plan approval shall not exceed 20,000 sq. ft. including outdoor display if any. (Effective date November 17, 1997)
- 18.2.3 The following accessory uses, in addition to those listed in Subsection 14.2, are permitted in the B-G District:
  - a. Outside storage and displayed merchandise for sale on a maximum of 25% of the lot area, subject to appropriate screening (e.g. landscaping, fencing) required by the Commission. (Effective date 5/15/15)

- b. Outside storage and display of automobiles on lots approved for automobile sales, subject to applicable setback requirements for parking areas. (Effective date 5/15/15)
- c. Outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and subject to appropriate screening (e.g., landscaping, fencing) required by the Commission. (Effective date 5/15/15)
- d. Wholesale or storage warehouses, provided that all equipment, materials and product shall be stored within fully enclosed buildings.

18.3 Table of Permitted Uses in the B-G1 District

<b>18.3.1 B-G1 District Uses and Structures Permitted by Site Plan Approval</b>
a. Stores or shops for the conduct of retail business. (Amendment Adopted November 12, 1997)
b. Stores or shops for the conduct of personal service businesses.
c. Retail dry cleaners or retail laundry establishments and associated pick-up stations.
d. Banks or financial institutions, without drive-through facilities.
e. General, medical, or professional offices.
f. Restaurants, without drive-through facilities.
g. Retail sales of home building and maintenance materials.
h. Hotels and motels.
i. Nurseries or garden supply stores.
j. Funeral homes.
k. Caterers.
l. Equipment rental or leasing services, excluding motor vehicles.
m. Printing, lithography, photocopying, publishing, or similar graphic arts services occupying not more than 3,000 sq. ft. gross floor area.
n. Health or fitness clubs, gymnasiums, tennis or racquet clubs.
o. Town recreation facility. [Effective April 10, 2015]

<b>18.3.2 B-G1 District Uses and Structures Permitted by Special Permit Approval</b>
a. Stores or shops for the conduct of retail business exceeding 10,000 sq. ft., up to 20,000 sq. ft.
b. Addition to an existing manufacturing, processing, or assembly facility, providing the use was established prior to December 24, 1993 and the use has been continuous and can meet all other requirements of the District.
c. Adult day care center. (Amendment Adopted 8/28/96)
d. Automobile rental.
e. Motor vehicle service stations and motor vehicle repair facilities in conformance with the provisions and standards of Section 44. (Effective date 5/15/15)
f. Banks or financial institutions with drive-through facilities as accessory to a bank or a bank branch. (Amendment adopted 1/11/95) (Effective date 5/15/15)
g. Car washes, when operated entirely within an enclosed building.(Effective date 5/15/15)
h. Cleaning service businesses provided service is conducted off site with no outside storage and no retail use.
i. Commercial recreation facilities, if entirely enclosed, such as ice and roller skating rinks or bowling alleys.
j. Hospitals and convalescent or nursing homes.
k. New and/or used automotive sales and service, providing that all repair and service work, including car washing and storage and sale of wrecked vehicles, shall be conducted entirely with an enclosed building. (Effective date 5/15/15)
l. Public utility facilities.
m. Restaurants, sit-down or fast food with a minimum patron floor area of 750 sq. ft. with drive-through facilities as accessory use. (Effective Date 1/17/95)
n. Stores or shops for the conduct of retail business. (Effective Date November 17, 1997)(Effective date 5/15/15)
o. Veterinary hospitals.
p. Not for profit institution. (Effective date 5/15/15)
q. Conversion of certain existing industrial buildings in accordance with Section 50.(Effective date 5/15/15)
r. Telecommunications facilities.
s. Adult uses in accordance with Section 51.

18.4 Table of Area and Dimensional Requirements for the B-G1 District

<b>B-G1 District Lot Dimensions</b>		
<b>Minimum Lot Area</b>	<b>Minimum Frontage</b>	
20,000 sq. ft.	50 ft.	
<b>Minimum Setbacks</b>		
	<b>Abutting Non-Residential District</b>	<b>Abutting Residential District</b>
<b>Front Yard</b>	25 ft.	50 ft.

Rear Yard	25 ft.	50 ft.	
Side Yard	10 ft. each	50 ft. each	
Front Yard for Parking and Loading Areas	10 ft. each	10 ft.	
Side and Rear Yards for Parking and Loading Areas	10 ft. each	30 ft. each	
Bulk and Coverage			
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage	Maximum Building Coverage
Three Stories/40 Ft.	0.5	80%	40%

**Section 19. Medical and General Business (B-MG) District**

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19.1 B-MG District Purpose

The purpose of the B-MG District is to accommodate outpatient medical offices, general offices, professional offices, financial institutions, restaurants, and retail stores and service establishments for mostly medical purposes; serving the needs of the entire Town and neighboring communities.

19.2 General Requirements in the B-MG District

- 19.2.1 Building mechanical equipment shall be located within a structure or shall be properly screened. (Effective date 5/15/15)
- 19.2.2 Recycling containers, grease containers, and dumpsters shall be screened and not in any required front yard. (Effective date 5/15/15)
- 19.2.3 Outside overnight parking of vehicles or equipment shall be a permitted accessory use, provided that no vehicle or equipment shall be parked within any required yard and that outside overnight parking of medical transportation vehicles shall be limited to ten vehicles. The Commission may require appropriate screening of such parking areas. (Effective date 5/15/15)
- 19.2.4 Amplification of sound shall be prohibited outdoors
- 19.2.5 Storage and displays shall be prohibited outdoors. (Effective date 5/15/15)
- 19.2.6 Building exteriors shall be compatible with the character of the District. (Effective date 5/15/15)
- 19.2.7 More than one principal use and/or more than one principal building may be permitted subject to the dimensional requirements of this Section.
- 19.2.8 Sites for permitted uses must have access to public water and public sanitary sewer.

19.3 Table of Uses Permitted in the B-MG District

<b>19.3.1 B-MG District Uses and Structures Permitted by Site Plan Approval</b>
a. General or medical offices.
b. Banks or financial institutions, without drive-through facilities.
c. Restaurants, sit-down with indoor seating and without drive-through facilities.
d. Research, clinical laboratories, and testing laboratories for medical use only..
e. Medical rehabilitation facilities, outpatient and not overnight.
f. Stores or shops for the conduct of retail business primarily for medical purposes in each store or shop, as determined by the Commission.
g. Stores or shops for the conduct of personal service business primarily for medical purposes in each store or shop, as determined by the Commission.
<b>19.3.2 B-MG District Uses and Structures Permitted by Special Permit Approval</b>
a. Medical transportation.
b. Veterinary hospital, without general boarding of animals.
c. Child day care centers,
d. Telecommunications facilities.

19.4 Table of Area and Dimensional Requirements for the B-MG District

<b>B-MG District Lot Dimensions</b>			
Minimum Lot Area		Minimum Frontage	
20,000 sq. ft.		50 ft.	
Minimum Setbacks			
	Abutting Non-Residential District		Abutting Residential District
<b>Front Yard</b>	25 ft.		50 ft.
<b>Rear Yard</b>	25 ft.		50 ft.
<b>Side Yard</b>	10 ft.		50 ft. each
<b>Front Yard for Parking and Loading Areas</b>	10 ft. each		10 ft.
<b>Side and Rear Yards for Parking and Loading Areas</b>	10 ft. each		30 ft. each
Bulk and Coverage			
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage	Maximum Building Coverage
Three Stories/40 Ft.	0.5	80%	40%

**Section 20. Downtown Central Business (B-D) District**

20.1 B-D District Purpose

The purpose of the B-D District (formerly B-CF District) is to encourage the orderly development of a shopping area for the Town which provides the opportunity for creative and flexible architectural design, the sound interrelationship of buildings to open spaces, pedestrian and vehicular circulation,

landscaping, parking areas and business uses and to carry out the recommendations and proposals for circulation and use contained in the duly adopted plans and policies of the Commission. (Effective date 5/15/15)

20.2 B-D District General Requirements

- 20.2.1 On-site parking or storage of a trailer shall conform to the provisions and standards of Section 38. (Effective date 5/15/15)
- 20.2.2 Special Temporary Events, permitted in accordance with Section 7.2, shall be sponsored by a local philanthropic or charitable institution and shall not exceed six (6) days. (Effective date 5/15/15)

20.3 Table of Permitted Uses in the B-D District

<b>20.3.1 B-D District Uses and Structures Permitted by Site Plan Approval</b>
a. Stores or shops for the conduct of retail business.
b. Stores or shops for the conduct of personal service businesses.
c. Cleaning service businesses and retail or self-service cleaning establishments.
d. Retail dry cleaners or retail laundry establishments not using steam..
e. General or medical offices.
f. Banks or financial institutions.
g. Sit-down restaurants and other indoor food and beverage service establishments. (Effective date 5/15/15)
h. Indoor theaters and assembly halls.
i. Hotels and motels.
j. Motor vehicle service stations and motor vehicle repair facilities, in accordance with the provisions and standards of Section 44. (Effective date 5/15/15)
k. Sale of new or used automobiles, trucks, trailers, or farm equipment or the rental thereof. (Effective date 5/15/15)
l. Vehicle washing facilities.
m. Public and semi-public uses.
n. Child day care, subject to the provisions of Section 37.
o. Philanthropic and charitable institutions, membership clubs, lodges, and community houses.
p. Public utility facilities. (Effective date 5/15/15)
q. Schools, studios and membership clubs for the physical conditioning of the human body through gymnastics, dance, exercise, weight lifting, karate and similar activities. (Effective date 8/1/97)
<b>20.3.2 B-D District Uses and Structures Permitted by Special Permit Approval</b>
a. Indoor self-storage facilities subject to the provisions of Section 49. (Effective date 2/28/97(Effective date 5/15/15))
b. Veterinary hospitals.

c. Telecommunications facilities.

20.4 Table of Area and Dimensional Requirements for the B-D District

<b>B-D District Lot Dimensions</b>		
<b>Minimum Lot Area</b>	<b>Minimum Frontage</b>	
None Required	None Required	
<b>Minimum Setbacks</b>		
	<b>Abutting Non-Residential District</b>	<b>Abutting Residential District</b>
<b>Front Yard</b>	10 ft.	25 ft.
<b>Rear Yard</b>	No Minimum	25 ft.
<b>Side Yard</b>	No Minimum	25 ft. each
<b>Front Yard for Parking and Loading Areas</b>	10 ft.	15 ft.
<b>Side and Rear Yards for Parking and Loading Areas</b>	No Minimum	15 ft. each
<b>Allowable Projection</b>	5 ft.	5 ft.
<b>Bulk and Coverage</b>		
<b>Maximum Height</b>	<b>Maximum Floor Area Ratio</b>	<b>Maximum Impervious Surface Coverage</b>
Four Stories/50 ft.	2.0	75%

**Section 21. Office Business (B-O) District**

21.1 B-O District Purpose

The purpose of the B-O District is to promote an orderly transition between Business and Residential Districts by allowing low intensity commercial and professional office uses as well as uses other than single family residential uses that are typically permitted in Residential Districts. (Effective date 5/15/15)

21.2 General Requirements in the B-O District

- 21.2.1 On-site parking or storage of a trailer shall conform to the provisions and standards of Section 38. (Effective date 5/15/15)
- 21.2.2 Special Temporary Events, permitted in accordance with Section 7.2, shall be sponsored by a local philanthropic or charitable institution and shall not exceed six (6) days. (Effective date 5/15/15)
- 21.2.3 Subject to Special Permit approval, accessory uses to a library in the B-O District, conducted by a non-profit corporation and not as a business for profit, may include the sale of books, music or similar articles and may include the use of up to fifteen (15) percent of the square footage of the building for a café or coffee shop to be run either by the non-profit corporation, or to be leased to another entity which may be



either non-profit or for-profit. Application for any such proposed accessory use shall include a detailed statement of use to include hours of operation and available parking to accommodate such proposed use. Any such proposed accessory use shall also include a representation that the non-profit corporation shall retain ultimate responsibility for control of the facility, the special use activity, and the number and nature of events that are scheduled at the facility. Alcoholic beverages may be served only at permitted Special Temporary Events. (Effective date of Amendment to Regulations - August 23, 1996.)

- 21.2.4 Minimum setbacks for accessory structures in the B-O District shall be 25 feet from any front street line and five (5) feet from any side or rear yard.

21.3 Table of Permitted Uses in the B-O District

21.3.1 B-O District Uses and Structures Permitted by Site Plan Approval
a. General and medical offices.
b. Banks and other financial institutions.
c. A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.
d. A dwelling containing two (2) dwelling units.
e. Home occupations in a dwelling unit, subject to the provisions of Section 36.
f. The renting of rooms, with or without meals, in a dwelling unit to a total of not more than four (4) persons. (Effective date 5/15/15)
g. Buildings, uses, and facilities of the Town of Watertown and Watertown Fire District.
h. Farms, including truck gardens, nurseries and forestry, but excluding greenhouses, the keeping of livestock and poultry, and roadside stands.
21.3.2 B-O District Uses and Structures Permitted by Special Permit Approval
a. Child day care subject to the provisions of Section 37.
b. Public and semi-public use. (Effective date 5/15/15)
c. Not for profit institution. (Effective date 5/15/15)
d. Golf, tennis, swimming or similar clubs, including customary accessory services and eating facilities incidental to the club, but excluding golf driving ranges, miniature golf, or commercial amusement parks.
e. Public utility facilities. (Effective date 5/15/15)
f. Buildings, uses, and facilities of the State or Federal Government.
g. Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
h. Telecommunications facilities.

21.4 Table of Area and Dimensional Requirements for the B-O District

B-O District Lot Dimensions			
Minimum Lot Area	Minimum Additional Lot Area per DU in Excess of One	Minimum Square	Minimum Frontage
7,500 sq. ft.	5,000 sq. ft.	75 ft. per side	50 ft.
Minimum Setbacks			
	Abutting Non-Residential District	Abutting Residential District	
Front Yard	25 ft.	25 ft.	
Rear Yard	30 ft.	30 ft.	
Side Yard	10 ft. each	10 ft. each	

Front Yard for Parking and Loading Areas	15 ft.	15 ft.
Side and Rear Yards for Parking and Loading Areas	10 ft. each	20 ft. each
Allowable Projection	3 ft.	3 ft.
Accessory Structures Front Yard	25 ft.	25 ft.
Accessory Structures Side and Rear Yards	5 ft.	5 ft.
<b>Bulk and Coverage</b>		
<b>Maximum Height</b>	<b>Maximum Floor Area Ratio</b>	<b>Maximum Impervious Surface Coverage</b>
Three Stories/35 Ft.	0.8	40%

**Section 22. General Business 2 (B-G2) District**

**22.1 B-G2 District Purpose**

The purpose of the B-G2 District is to accommodate larger retail and service establishments primarily serving the needs of the entire Town and neighboring communities. (Effective date 5/15/15)

**22.2 General Requirements in the B-G2 District**

- 22.2.1 On-site parking or storage of a trailer shall conform to the provisions and standards of Section 38.
- 22.2.2 Special Temporary Events, permitted in accordance with Section 7.2, shall be sponsored by a local philanthropic or charitable institution and shall not exceed six (6) days.

**22.3 Table of Uses Permitted in the B-G2 District**

<b>22.3.1 B-G2 District Uses and Structures Permitted by Site Plan Approval</b>
a. Stores or shops for the conduct of retail business.
b. Stores or shops for the conduct of personal service businesses.
c. Banks and other financial institutions.
d. Cleaning agencies and retail or self-service cleaning establishments; laundry agencies; and retail or self-service laundry establishments not using steam.
e. Restaurants and other food and beverage service establishments.
f. Indoor theaters and assembly halls.
g. Hotels and motels.
h. Motor vehicle service stations and motor vehicle repair facilities in accordance with the provisions and standards of Section 44. (Effective date 5/15/15)
i. Sale or rental of new or used automobiles, trucks, trailers, or farm equipment, subject to applicable provisions and standards of Section 45. (Effective date 5/15/15)
j. Funeral homes. (Effective date 5/15/15)

k. Veterinary hospitals.
l. Printing and publishing establishments.
m. Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
n. Research laboratories.
o. Manufacture, processing, or assembling of goods.
p. Plants for processing, packaging, and distribution of edible dairy products and the packaging and distribution of beverages.
q. Laundry, cleaning, and dyeing plants.
r. Painting, plumbing, electrical, sheet metal, carpentry, wood working, blacksmith, welding, and machine shops.
s. Public and semi-public uses. (Effective date 5/15/15)
t. Child day care, subject to the provisions and standards of Section 37.
u. Not for profit institutions(Effective date 5/15/15).
v. Off-street parking facilities not accessory to another use. (Effective date 5/15/15)
w. Public utility facilities. (Effective date 5/15/15)
x. Railroad rights-of-way and passenger stations, including customary accessory services therein, switching, storage sidings, freight yards and freight terminals.
<b>22.3.2 B-O District Uses and Structures Permitted by Special Permit Approval</b>
a. Telecommunications facilities.

22.4 Table of Area and Dimensional Requirements for the B-G2 District

<b>B-G2 District Lot Dimensions</b>		
Minimum Lot Area	Minimum Square	Minimum Frontage
20,000 sq. ft.	100 ft. per side	50 ft.
<b>Minimum Setbacks</b>		
	Abutting Non-Residential District	Abutting Residential District
<b>Front Yard</b>	25 ft.	25 ft.
<b>Rear Yard</b>	10 ft.	50 ft.
<b>Side Yard</b>	10 ft. each	50 ft. each
<b>Front Yard for Parking and Loading Areas</b>	15 ft.	15 ft.
<b>Side and Rear Yards for Parking and Loading Areas</b>	10 ft. each	25 ft. each
<b>Accessory Structures Front Yard</b>	25 ft.	25 ft.
<b>Accessory Structures Side and Rear Yards</b>	5 ft.	5 ft.
<b>Allowable Projection</b>	5 ft.	5 ft.
<b>Bulk and Coverage</b>		
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage
Three Stories/40 Ft.	1.0	50%

## **ARTICLE V – INDUSTRIAL DISTRICTS**

### **Section 23. Permitting**

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#### 23.1 Zoning Approvals Required

All permitted principal and accessory uses and structures are subject to issuance of a Zoning Permit and, where applicable, approval of a Site Plan and/or Special Permit application in accordance with Section 8 and Section 9, respectively. See Article II of these Regulations for details. (Effective date 5/15/15)

#### 23.2 Other Permitting Required

- 23.2.1 All principal and accessory uses and structures shall be subject to any applicable inland wetlands and watercourses, aquifer protection, flood plain, building, and health permitting requirements. (Effective date 5/15/15)
- 23.2.2 Earth materials activity shall be subject to the permitting provisions and standards of Section 39. (Effective date 5/15/15)

#### 23.3 Application of Zoning Regulations

All uses and structures are subject to the provisions of Section 6 of these Regulations. Any use or structure not permitted under these Regulations shall be prohibited, in accordance with Subsection 6.3. (Effective date 5/15/15)

### **Section 24. General Industrial Districts Provisions**

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#### 24.1 Conformance

All uses shall conform to the Environmental and Performance Standards of Section 28 and to the following provisions, as applicable.

- 24.1.1 Waste or scrap materials, debris, discarded or used materials, non-registered or non-operable motor vehicles or parts, or other unsightly material, shall be stored within a structure at least six feet in height, which does not extend into any required yard, or shall be screened in accordance with the provisions of Section 31. (Effective date 5/15/15)
- 24.1.2 The frontage of two or more lots making use of a single joint entry and a single exit to a frontage street may be computed as a single frontage. (Effective date 5/15/15)
- 24.1.3 Yards on a common side lot line may be omitted where two or more lots containing no residential uses make use of a single joint entry and single joint exit to a frontage

street, provided permanent vehicular access shall be provided to the rear of all such lots. (Effective date 5/15/15)

#### 24.2 Accessory Buildings, Structures, and Uses in Industrial Districts

The following accessory buildings, structures, and uses shall be permitted in any Industrial District.

- 24.2.1 Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.
- 24.2.2 Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
- 24.2.3 Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened.
- 24.2.4 Signs, subject to Section 32.
- 24.2.5 Off-street parking and loading, including parking garages and parking structures, subject to Section 34.
- 24.2.6 Outside overnight parking of vehicles or equipment provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening (e.g., landscaping, fencing).
- 24.2.7 Clinics and cafeterias, for employees only, when conducted within a building.
- 24.2.8 Recreation facilities, provided that all such buildings and uses shall be planned as an integral part of the office building or research laboratory development and located on the same lot with the use to which they are accessory.
- 24.2.9 Assembly hall for meetings incidental to the business of the principal use.
- 24.2.10 The display or sale of goods made, processed, or assembled on premises only provided that:
  - a. Such use shall be clearly accessory to the principal use;
  - b. Such use shall take place entirely within the confines of the principal building;
  - c. Such use shall occupy no more than 2,500 square feet or 10% of the gross floor area devoted to the principal use whichever is less; and
  - d. No goods shall be displayed outside.

### **Section 25. General Industrial (IG-20) District**

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#### 25.1 IG-20 District Purpose

The purpose of the IG-20 District is to accommodate basic industrial uses, distribution and warehousing facilities, contractor business and storage facilities, and similar commercial/industrial uses incompatible with residential environments. (Effective date 5/15/15)

25.2 Table of Uses Permitted in the IG-20 District

<b>25.2.1 IG-20 District Uses and Structures Permitted by Site Plan Approval</b>
a. Manufacture, processing, or assembly of goods.
b. Research or development facilities.
c. Office buildings for business and professional establishments; banks and other financial institutions; medical and dental clinics.
d. Warehousing and <del>wholesale businesses</del> ; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.
e. Printing and publishing establishments.
f. Plants for processing, packaging and distribution of edible dairy products and the packaging and distribution of beverages.
g. Laundry, cleaning, and dyeing plants.
h. Painting, plumbing, electrical, sheet metal, carpentry, wood working, blacksmith, welding, and machine shops.
i. Indoor restaurants and other indoor food and beverage service establishments. (Effective date 5/15/15)
j. Hotels and motels.
k. Motor vehicle repair facilities accessory to another permitted use on the same lot, except such uses may be primary uses in the case of the adaptive reuse of a former industrial building. (Amended 6/4/14) (Effective date 5/15/15)
l. Establishments for the rental of automobiles, trucks, trailers, or farm equipment.
m. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail accessory to another permitted use on the same lot, except such uses may be primary uses in the case of the adaptive reuse of a former industrial building. (Amended 6/4/14) (Effective date 5/15/15)
n. Public and semi-public uses. (Effective date 5/15/15)
o. Non-profit institutions; indoor theaters; and assembly halls accessory to another permitted use on the same lot. (Effective date 5/15/15)
p. Child day care accessory to another permitted use on the same lot, subject to the provisions and standards specified in Section 37.
q. Off-street parking facilities whether accessory to a permitted use or not.
r. Public utility facilities. (Effective date 5/15/15)
s. Railroad rights-of-way and passenger stations, including customary accessory services therein, switching, storage sidings, freight yards and freight terminals.
t. Health and fitness facilities. (Effective date 5/15/15)
u. Driving School. [Effective November 12, 2010]
<b>25.2.2 IG-20 District Uses and Structures Permitted by Special Permit and Site Plan Approval</b>

- |                                    |
|------------------------------------|
| a. Indoor self-storage facilities. |
| b. Telecommunications facilities.  |

25.3 Table of Area and Dimensional Requirements in the IG-20 District

25.3.1 IG-20 District Area and Dimensional Requirements		
Minimum Area	Minimum Square	Minimum Frontage
20,000 sq. ft.	100 ft.	50 ft.
Minimum Setbacks		
	Abutting Non-Residential District	Abutting Residential District
Front Yard	25 ft.	25 ft.
Rear Yard	10 ft.	50 ft.
Side Yard	10 ft. each	50 ft. each
Front Yard for Parking and Loading Areas	15 ft.	25 ft.
Side and Rear Yards for Parking and Loading Areas	10 ft. each	25 ft. each
Projection into Setback Area	5 ft.	5 ft.
Bulk and Coverage		
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage
Four Stories/60 Ft.	1.0	50%

**Section 26. General Industrial (IG-80) District**

26.1 IG-80 District Purpose

The purpose of the IG-80 District is to accommodate basic industrial uses and heavy commercial operations incompatible with residential environments and is intended to be less restrictive than the Restricted Industrial Districts. (Effective date 5/15/15)

26.2 Table of Uses in the IG-80 District

26.2.1 IG-80 District Uses and Structures Permitted by Site Plan Approval
a. Manufacture, processing, or assembly of goods.
b. Research or development facilities..
c. General offices.
d. Banks or financial institutions.
e. Wholesaling or distribution.
f. Building or construction contractors.
g. Trucking services, including terminal facilities.



h. Fuel oil dealers.	
i. Sanitary services (e.g. trash haulers, septic tank cleaners).	
j. Building services (e.g. pest control service, building maintenance service).	
k. Equipment rental or leasing services, excluding motor vehicles.	
l. Electrical repair shops.	
m. Upholstery or furniture repair shops.	
n. Printing, lithography, photocopying, or similar graphic arts services; publishing facilities.	
o. Industrial laundries or dry cleaners.	
p. Carpet or upholstery cleaning establishments.	
q. Public utility facilities. (Effective date 5/15/15)	
r. Buildings or facilities of the Town, State, or Federal government. (Effective date 5/15/15)	
s. Restaurants, sit-down.	
t. Hotels or motels.	
u. Health and fitness facilities. (Effective date 5/15/15)	
<b>26.2.2 IG-80 District Uses and Structures Permitted by Special Permit</b>	
a. Child day care centers.	
b. New automobile and truck sales.	
c. Used automobiles, trucks, trailers, and farm equipment sales accessory to another permitted use on the same lot.	
d. Motor vehicle repair facilities accessory to another permitted use on the same lot. (Effective date 5/15/15)	
e. Rental of automobiles, trucks, trailers, and farm equipment.	
f. Telecommunications facilities.	
g. Wind turbines, subject to the provisions of Section 43.	
h. Vocational schools operated for profit (Amendment approved: July 5, 2006)	
i. Storage of clean fill and the processing and storage of reclaimed asphalt directly reused in the construction of roads, bridges, incidental construction, and parking areas, subject to the provisions of Section 39. (Effective May 13, 2011)	

26.3 Table of Area and Dimensional Requirements in the IG-80 District

<b>IG-80 District Area and Dimensional Requirements</b>		
Minimum Lot Area	Minimum Frontage	
80,000 sq. ft.	50 ft.	
Minimum Setbacks		
	Abutting Non-Residential District	Abutting Residential District
<b>Front Yard</b>	50 ft.	50 ft.
<b>Rear Yard</b>	25 ft.	50 ft.
<b>Side Yard</b>	10 ft. each	50 ft. each
<b>Side and Rear Yard for Parking and Loading Areas</b>	10ft. each	50 ft. each

Front Yard for Parking and Loading Areas	10 ft.	10 ft.
<b>Bulk and Coverage</b>		
<b>Maximum Height</b>	<b>Maximum Floor Area Ratio</b>	<b>Maximum Impervious Surface Coverage</b>
Four Stories/60 Ft.	0.5	80%
		<b>Maximum Building Coverage</b>
		40%

**Section 27. Restricted Industrial (IR-80 and IR-200) Districts**

**27.1 IR-80 and IR-200 Districts Purpose**

The purpose of the IR-80 and IR-200 District is to provide a favorable and stable environment for the growth of industry to strengthen Watertown's employment opportunities and economy. The Restricted Industrial Districts are intended to foster coherent development of manufacturing, warehousing, distribution, plants, research and development, offices, and supporting private and public facilities at modern site development standards while minimizing disturbances to residential areas. (Effective date 5/15/15)

**27.2 General Requirements for IR-80 and IR-200 Districts**

- 27.2.1 All permitted operations and related storage, except for parking, shall be conducted within a building.
- 27.2.2 In the IR-200 District more than one principal use and/or more than one principal building may be permitted subject to all applicable standards.

**27.3 Table of Uses in the IR-80 and IR-200 Districts**

<b>27.3.1 IR-80 and IR-200 District Uses and Structures Permitted by Site Plan Approval</b>
a. Manufacture, processing, or assembly of goods.
b. Research or development facilities..
c. Printing, lithography, photocopying, or similar graphic arts services; publishing facilities.
d. Radio or television broadcast facilities.
e. Trucking or courier services.
f. Wholesaling or distribution facilities.
g. Public utility facilities. (Effective date 5/15/15)
h. Buildings or facilities of the Town, State, or Federal government.
i. Document or electronic data storage facility. (Amendment Adopted 1/8/97)
j. Building or construction contractor facilities with no outside storage of unregistered vehicles, equipment, materials, or supplies. (Effective January 30, 2009, Revised July 2, 2014). (Effective date 5/15/15)
k. In an IR-200 District, bus and motor coach depot with the following accessory uses: office, vehicle maintenance facility, and outdoor bus and motorcoach parking and storage.

(Adopted February 4, 2015) (Effective date 5/15/15)	
<b>27.3.2 IR-80 and IR-200 District Uses and Structures Permitted by Special Permit and Site Plan Approval</b>	
a. Vocational schools operated for profit.	
b. Health and fitness facilities, only as part of a unified complex. (Effective date 5/15/15)	
c. Child day care centers, only as part of a unified complex.	
d. Hotels and motels.	
e. Restaurants, sit-down.	
f. Telecommunications facilities.	
j. Wind turbines, subject to the provisions of Section 43 (Effective date 5/15/15).	
g. In an IR-80 District, sanitary services (e.g. trash haulers). (Effective Date December 16, 2002)	

27.4 Tables of Area and Dimensional Requirements in the IR-80 and IR-200 Districts

<b>27.4.1 IR-80 District Area and Dimensional Requirements</b>			
Minimum Lot Area		Minimum Frontage	
80,000 sq. ft.		50 ft.	
Minimum Setbacks			
	Abutting Non-Residential District		Abutting Residential District
<b>Front Yard</b>	50 ft.		75 ft.
<b>Rear Yard</b>	35 ft.		75 ft.
<b>Side Yard</b>	35 ft. each		75 ft. each
<b>Side and Rear Yard for Parking and Loading Areas</b>	25 ft. each		75 ft. each
<b>Front Yard for Parking and Loading Areas</b>	25 ft.		25 ft.
Bulk and Coverage			
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage	Maximum Building Coverage
Four Stories/60 Ft.	0.5	65%	40%

<b>27.4.2 IR-200 District Area and Dimensional Requirements</b>			
Minimum Lot Area		Minimum Frontage	
200,000 sq. ft.		50 ft.	
Minimum Setbacks			
	Abutting Non-Residential District		Abutting Residential District
<b>Front Yard</b>	50 ft.		100 ft.
<b>Rear Yard</b>	35 ft.		100 ft.

Side Yard	35 ft. each	100 ft. each	
Side and Rear Yard for Parking and Loading Areas	25 ft. each	100 ft. each	
Front Yard for Parking and Loading Areas	25 ft.	40 ft.	
Bulk and Coverage			
Maximum Height	Maximum Floor Area Ratio	Maximum Impervious Surface Coverage	Maximum Building Coverage
Four Stories/60 Ft.	0.4	50%	30%

## ARTICLE VI – SUPPLEMENTAL STANDARDS

### **Section 28. Environmental Performance Standards**

#### 28.1 Purpose

All uses of land, buildings, and other structures, wherever located, shall be established and conducted so as to conform to the performance standards of this Section. The purpose of these performance standards is to establish certain standards of nuisance which, if committed or exceeded in the use of land, buildings, or other structures, will be detrimental to the use, enjoyment, and value of other land, buildings, and structures; will be detrimental to the public health, safety, and welfare; and will be contrary to the Comprehensive Plan of Zoning. The Zoning Enforcement Officer (“ZEO”) is authorized to make surveys and take measurements to determine compliance. No Zoning Permit or Certificate of Zoning Compliance shall be issued by the ZEO without a determination that the proposed use of land, buildings, and other structures will be established and conducted in accordance with these performance standards and with the standards stated in other relevant Town, State, and Federal codes, ordinance, or regulations. These performance standards shall be of continuing application. (Effective date 5/15/15)

#### 28.2 Noise

No noise which is objectionable due to volume, duration, frequency, or shrillness shall be transmitted outside the property from which it originates. In no case shall such noise exceed 80 decibels during daylight hours or 55 decibels from 10:00 P.M. to 7:00 A.M. at any lot line, as registered on the DBA network of a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

#### 28.3 Water Pollution

No discharge into any watercourse, groundwater, wetlands, or storm sewers shall be permitted except in accordance with applicable Town, State, and Federal requirements. As specified by Section 30, all storm water management systems shall utilize, as appropriate, stormwater handling techniques recommended in the 2004 Connecticut DEEP *Stormwater Quality Manual* as amended or such later Connecticut guidelines for stormwater management that shall be issued by the State of Connecticut.

#### 28.4 Refuse

No refuse or other waste materials shall be dumped on any land except as otherwise permitted by these Regulations and with the approval of the local health district.

#### 28.5 Livestock and Poultry

No livestock or poultry shall be kept on a lot of less than five (5) acres and any building in which livestock or poultry are kept shall not extend within less than 60 feet of any street line and 100 feet of any property line, except that an aggregate of not more than 20 chickens or similar poultry, but excluding roosters, may be kept on a smaller lot if kept in a building or enclosure conforming to the setback requirements applying to a principal building in the subject District. (Effective date 5/15/15)

### **Section 29. Erosion and Sediment Control**

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#### 29.1 Purpose

Where required by Paragraph 6.3.27 of these Regulations, an Erosion and Sediment Control Plan ("Control Plan") shall comply with the following standards. The purpose of these standards is to ensure that development and use of land avoids the environmental, economic, hazard, and property value impacts caused by erosion and sedimentation. (Effective date 5/15/15)

#### 29.2 Required Information

Information required for an application for Control Plan approval shall include, but not necessarily be limited to, the following. (Effective date 5/15/15)

##### 29.2.1 A narrative describing the following.

- a. The development.
- b. The schedule for grading and construction activities including
  - Start and completion dates,
  - Sequence of grading and construction activities,
  - Sequence for installation and/or application of soil erosion and sediment control measures, and
  - Sequence for final stabilization of the project site.
- c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

- 29.2.2 A Site Plan map drawn to a scale of not less than 100 feet to the inch to show the following.
- a. The location of the proposed development and adjacent properties.
  - b. The existing and proposed topography including soil types, wetlands, watercourses, and water bodies.
  - c. The existing structures on the project site, if any.
  - d. The proposed area alterations including cleared, excavated, filled, or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines.
  - e. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
  - f. The sequence of grading and construction activities.
  - g. The sequence for installation and/or application of soil erosion and sediment control measures.
  - h. The sequence for final stabilization of the development site.

### 29.3 Minimum Acceptable Standards

- 29.3.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in the 2002 Connecticut DEEP *Guidelines for Soil Erosion and Sediment Control*, as amended, or such later Connecticut guidelines for soil and erosion that shall be issued by the State. Control Plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation. (Effective Date 04/17/2003)
- 29.3.2 The Commission may grant exceptions to specific erosion and sediment control requirements for technical reasons acceptable to the Commission when requested in writing by the applicant. (Effective date 5/15/15)
- 29.3.3 The appropriate method from the 2000 Connecticut Department of Transportation drainage manual as amended or such later Connecticut Department of Transportation drainage manual that shall be issued by the State shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission. (Effective Date 04/17/2003)
- 29.3.4 Plans for stormwater management as part of erosion and sediment control during construction and post construction shall utilize, as appropriate, stormwater handling techniques recommended in the 2004 Connecticut DEEP *Stormwater Quality Manual* or such later Connecticut Guidelines for stormwater management that shall be issued by the State of Connecticut.

### 29.4 Approval

- 29.4.1 The Commission or its authorized agent shall either approve the Control Plan as complying with the requirements and objectives of these Regulations or deny approval when the development proposal does not comply with these Regulations. (Effective date 5/15/15)
- 29.4.2 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, or 126 of the CGS. (Effective date 5/15/15)
- 29.4.3 Prior to approval, any Control Plan submitted to the Commission may be referred to the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan. (Effective date 5/15/15)
- 29.4.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

#### 29.5 Bonding of Erosion and Sedimentation Control Plans

The Commission may require bonding or other assurance to ensure the proper installation and maintenance of all measures required to control soil erosion and sedimentation, as specified in the approved Control Plan, in accordance with the provisions of Subsection 8.17. (Effective date 5/15/15)

#### 29.6 Implementation

- 29.6.1 Site development shall not begin until the Control Plan is approved and the control measures and facilities in the Control Plan required prior to site development are installed and functional. (Effective date 5/15/15)
- 29.6.2 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Control Plan.
- 29.6.3 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the Control Plan.

#### 29.7 Inspection

Inspections shall be made by the ZEO during development to ensure compliance with the Control Plan and that control measures and facilities are properly performed or installed and maintained.

### **Section 30. Stormwater Management**

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#### 30.1 Purpose

A stormwater management plan submitted as part of a Site Plan application shall demonstrate compliance with the following standards. The purpose of these standards is to ensure that

development and use of land avoids the environmental, economic, hazard, and property value impacts potentially created by improper management of stormwater. (Effective date 5/15/15)

### 30.2 Compliance

30.2.1 The stormwater runoff system shall be sized to accommodate runoff from a 25-year design storm.

30.2.2 The system shall be designed to prevent runoff from parking lots, roofs, and access drives from flowing into a street or an adjacent property.

30.2.3 If the storm water system shall be tied into the Town or the State street drainage system, the applicant shall secure from the Town or the State the necessary permits to make such connection or provide evidence acceptable to the Commission at the time of Site Plan application that the applicant can obtain the necessary drainage system permits.

30.2.4 The storm water management plan shall evaluate stormwater flows on the Site Plan property prior to Site Plan application and separately as if the Site Plan improvements were complete. (Effective date 5/15/15)

### 30.3 Guidelines

The stormwater management plan shall evaluate and include where appropriate the guidelines provided in the 2004 Connecticut DEEP *Connecticut Stormwater Quality Manual*, as may be revised. (Effective date 5/15/15)

## **Section 31. Landscaping, Screening, and Buffering**

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### 31.1 Purpose

All developments which require Site Plan approval in accordance with Section 8 shall be landscaped in accordance with a plan conforming to the requirements of this Section. The purpose of these standards is to improve and maintain the aesthetic and environmental quality of the Town, preserve areas of significant natural vegetation, visually screen unsightly features of sites, and provide buffers to minimize the impact of potentially incompatible land uses. (Effective date 5/15/15)

### 31.2 General Standards for Landscaping

31.2.1 All shrubs and trees shall be native species to Connecticut, or otherwise suitable for the soil, climate, and other growing conditions of the site. The species selected should be able to thrive without requiring excessive water or fertilization.

31.2.2 Landscaped areas may include land left in its natural state, with the approval of the Commission, if doing so is consistent with the intent and purpose of this Section.

31.2.3 Major trees shall include any of the appropriate varieties of shade trees, ornamental trees, or evergreens.



- 31.2.4 Shrubs shall include any of the appropriate varieties of evergreen or deciduous plants.
- 31.2.5 At the time of planting, trees shall be of the following minimum size.
- a. Shade trees - three-inch caliper measured at four feet above grade.
  - b. Evergreen trees - seven foot height.
  - c. Flowering trees - two inch caliper, single stem, eight foot height, clump form.
- 31.2.6 Trees, shrubs, and groundcover within five feet of any paved areas, or which receive drainage from paved areas, shall be of a variety capable of withstanding damage from salt.
- 31.2.7 All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.
- 31.2.8 Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Acceptable mulching material shall be bark, woodchips, gravel, or stone, at least four inches in depth.
- 31.2.9 Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings, or mulching for trees and shrubs. Suitable ground cover shall be grass, turf, myrtle, pachysandra, stone, gravel, or an appropriate substitute.
- 31.2.10 A maximum of 10% of the landscaped area shall be covered by stone or gravel. All such areas shall include an impenetrable barrier under the stone or gravel to prevent weeds.
- 31.2.11 No stone or gravel shall be used for planting beds or ground cover within four feet of pedestrian walkways or paved areas unless the material is suitably contained within its area.
- 31.2.12 Existing trees shall be retained if possible. If grading is required in their vicinity, existing trees shall be appropriately welled or mounded to protect them from damage.
- 31.2.13 No trees eight inches or greater in caliper, measured three feet above ground, shall be removed unless so approved by the Commission.
- 31.2.14 No paved surface, except for entry ways or terraces, shall be permitted within six feet of any principal structure.

### 31.3 Landscaped Buffers

Landscaped buffers shall be provided between any use in a Business or Industrial District and an adjacent Residential District, or between any non-residential or three-family or multi-family residential use and adjacent uses in a Residential District.

- 31.3.1 The minimum width of a buffer shall be 20 feet for three-family or multi-family residential uses and 50 feet for non-residential uses. (Effective date 5/15/15)
- 31.3.2 A buffer shall be sufficiently landscaped with continuous evergreen trees or hedges having a minimum height of five feet and providing appropriate screening and separation.
- 31.3.3 No paving shall be allowed within a buffer.
- 31.3.4 The Commission may reduce or waive the landscaped buffer requirement by approving the substitution of screening with fencing or walls in accordance with the requirements of Subsection 31.4. (Effective date 5/15/15)

#### 31.4 Screening

Screening shall be provided for any objectionable area or view which might be visible from adjacent properties or from the street, including (but not limited to) loading areas, refuse storage areas, and ground-fixed mechanical equipment. Acceptable screening materials shall include

- 31.4.1 Evergreen hedges having a minimum height of seven feet at the time of planting;
- 31.4.2 Fences of timber construction, of a suitable height;
- 31.4.3 Masonry walls of a suitable height;
- 31.4.4 Earthen berms, when covered with shrubs, trees and/or groundcover except grass, stone or gravel; or
- 31.4.5 Any combination of the above materials.

#### 31.5 Landscape and Screening Standards for Parking Lots

- 31.5.1 To preserve and/or enhance the appearance of off-street parking and loading areas, the Commission may require appropriate landscaping to (Effective date 5/15/15)
  - a. provide natural visual screening of parking and loading areas;
  - b. moderate the microclimate of parking areas by providing shade absorbing reflected heat from paved surfaces and creating natural wind breaks;
  - c. ensure public safety by using landscaping materials to define parking and loading areas and manage internal vehicular and pedestrian circulation; and
  - d. enhance the overall aesthetic quality of parking and loading areas by providing a variety of landscaping materials.
- 31.5.2 Landscaping shall be maintained in a healthy growing condition at all times. The property owner shall be responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies shall be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the ZEO, or during the earliest appropriate time of the appropriate planting season.

- 31.5.3 Landscaping and screening for parking areas shall comply with the following.
- a. In off-street parking lots of 10 or more parking spaces, at least 10% of the parking area shall be suitably landscaped with appropriate trees, shrubs, and other plant materials and ground cover. Such landscaping shall be subject to approval by the Commission, based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient, and attractive parking lot which needs a minimum amount of maintenance, including plant care, snow plowing, and the removal of leaves and other debris.
  - b. Landscaped areas shall be provided in parking lots, distributed among end islands, interior islands and planting strips; there shall be allocated at least 20 square feet of net planting area per parking space and at least one shade tree and three shrubs per 12 parking spaces or major fraction thereof. There shall be no more than 12 contiguous parking spaces without an interior or end island.
  - c. End islands shall be
    - Provided at each end of each row of parking spaces;
    - Curbed and landscaped; and
    - A minimum of 9 feet wide by 17 feet long for a single row of spaces and 9 feet wide by 34 feet long for a double row of spaces.
  - d. Interior islands shall be
    - Provided within the parking area in an arrangement subject to approval by the Commission;
    - Curbed and landscaped; and
    - A minimum of 9 feet wide by 17 feet long for a single row of spaces and 9 feet wide by 34 feet long for a double row of spaces.
  - e. Planting strips shall be
    - Provided in every other set of interior parking spaces between abutting rows of spaces;
    - Curbed and landscaped; and
    - A minimum width of 10 feet (15 feet if a pedestrian walkway is provided).
  - f. Screening shall be provided for parking areas visible from adjacent properties or from the street. Acceptable screening materials shall include
    - Evergreen hedges having a minimum height, of four feet at the time of planting;
    - Earthen berms, when covered with shrubs, trees and/or groundcover, except grass, stone or gravel;
    - Fences of timber construction or masonry walls, if approved by the Commission; or
    - Any combination of the above materials.

- g. Trees in or adjacent to parking lots shall be of a variety suitable for a parking lot environment which provide shade or are capable of providing shade at maturity.

## **Section 32. Signs**

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### **32.1 Purpose**

The purpose of these standards is to address the need for adequate business identification, advertising, and visual communication within the Town through the display of attractive, well-designed signs, while recognizing the Town's responsibility to promote public safety, protect property values, minimize visual clutter, and enhance the physical appearance of the Town.

### **32.2 Classification of Signs**

Signs shall be classified by structural type and by functional type.

#### **32.2.1 Structural Types of Signs**

- a. Freestanding sign: A sign placed on the ground or supported by one or more uprights, poles, or other supports placed in or upon the ground.
- b. Wall sign: A sign attached to the exterior wall of a structure in such a manner that the wall becomes the support for, or forms the background surface of, the sign and which does not project more than 15 inches from the structure.
- c. Projecting sign: A sign which is wholly or partly dependent upon a building for support and which projects more than 15 inches from the building.
- d. Roof sign: A sign mounted on, against, or directly above the roof or on top of, or above, the parapet of a building or structure.
- e. Marquee or canopy sign: A sign attached to the vertical face of a building marquee or canopy.
- f. Portable sign: a sign which is not permanent, and not affixed to a building, structure, or the ground.
- g. Window sign: A sign of temporary nature, located within the building intended for viewing through the window of the structure by people outside the building, whether or not it is attached to the window.

#### **32.2.2 Functional Types of Signs**

- a. Identification sign: A sign located on the premises, which indicates the name, address and/or identifying symbol of (i) a development containing two or more occupants such as a professional office building, a residential development, an industrial park, or commercial shopping center; or (ii) a school, park, place of worship, hospital, or other public or semi-public facility.
- b. Nameplate sign: A sign located on the premises that indicates the name and occupation or profession of each occupant of the premises.
- c. Real estate sign: A sign which pertains to the sale, lease, or rental of the premises, or a portion of the premises, on which the sign is located.

- d. Construction sign: A temporary sign, located on the premises on which construction is taking place during the period of such construction, which may indicate the names of the design professionals, contractors, owners, financial supporters, sponsors, and/or similar individuals or firms having a role or interest with respect to the structure or project,
- e. Billboard: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, offered, or manufactured at a location other than the premises on which the sign is located,
- f. Business sign: A sign which directs attention to a business commodity, service, or entertainment conducted, sold, offered, or manufactured on the premises on which the sign is located. Such signs shall include those of individual retail, wholesale, industrial, or commercial establishments.
- g. Directional sign: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "parking".
- h. Temporary sign: A sign which announces a business opening, a festival, a bazaar, a special event, a tag sale, or a political campaign.
- i. Welcome sign: A sign constructed by a not for profit organization which announces welcome to Watertown and which contains no other advertisement on the sign except the name of the not for profit organization(s) erecting the sign. (Effective Date 10/20/2000)
- j. Community bulletin/event sign: A sign constructed by a not for profit organization which announces community events and contains no advertisement except for the name of the not for profit organization(s) erecting the sign. (Effective Date 10/20/2000)
- k. Service organization sign: A sign constructed by a not for profit organization which announces welcome to Watertown and identifies the national service organizations in the Town of Watertown and contains no other advertisement except for the name of the not for profit organizations(s) erecting the sign. Twelve not for profit organizations shall be limited to each sign. (Effective Date 10/20/2000)

### 32.3 Sign Permits

32.3.1 Except as otherwise provided herein, no sign shall be constructed, erected, altered, or otherwise changed unless a sign Zoning Permit has been issued by the ZEO.

32.3.2 All applications for a sign Zoning Permit shall be signed or countersigned by the owner of the lot on which the sign will be located and shall be accompanied by the following:

- a. For freestanding signs, a plot plan of the premises and, for any signs attached to structures, a measured elevation drawing of the building facade, each drawn to scale, showing the location, dimensions, and area of all existing and proposed signs on the premises; and
- b. Plans and specifications of the proposed sign, including its dimensions, area, maximum and minimum height, proposed message and design, materials, colors, method of construction, and method of illumination.

### 32.4 General Provisions for Signs

- 32.4.1 No Zoning Permits or Site Plans shall be approved for any use or structure if any signage associated with such use or structure is not in conformance with these Regulations. (Effective date 5/15/15)
- 32.4.2 Signs shall comply with the corner visibility requirements of Paragraph 6.3.11. (Effective date 5/15/15)
- 32.4.3 Signs shall not obstruct or interfere with the visibility of vehicular or pedestrian traffic or cause any hazard to public health and safety. (Effective date 5/15/15)
- 32.4.4 Signs shall not obstruct or interfere with the view of any traffic control sign, signal, or device. (Effective date 5/15/15)
- 32.4.5 Signs, except welcome signs, community bulletin/event signs, service organization signs, temporary signs, and signs permitted by Special Permit approval, shall pertain only to a use or occupancy of land, buildings, and other structures on the lot where the sign is located. (Effective date 5/15/15)
- 32.4.6 All welcome signs, community bulletin/event signs, and service organization signs located within any Town of Watertown or State of Connecticut right-of-way shall get permission from the Town of Watertown or the State of Connecticut as applicable. (Effective Date October 20, 2000) (Effective date 5/15/15)
- 32.4.7 This Section shall not prohibit or regulate the installation by the Town, State, or Federal Government of street signs, emergency signs, traffic control signs, warning signs, or directional signs.
- 32.4.8 Nothing in this Section shall be construed as prohibiting signs viewed only from within a building. (Effective date 5/15/15)
- 32.4.9 The area of all existing signs on a lot shall be counted toward the maximum sign area allowable on that lot by this Section. The number of existing signs on a lot shall be counted toward the maximum number of allowable signs on that lot.
- 32.4.10 Directional signs shall contain no advertising.
- 32.4.11 Political campaign signs shall be exempt from these Regulations.

### 32.5 Sign Landscaping

Welcome signs, community bulletin/event signs, and service organization signs shall be landscaped and maintained by an individual company or organization. A sign two square feet in area may be located within the landscaped area indicating the individual company or organization maintaining this landscaping. A landscape plan shall be subject to the approval of the organization erecting the sign and a copy of the plan shall be submitted to the ZEO for review prior to the installation. (Effective Date: October 20, 2000)

**32.6 Sign Design and Area****32.6.1 Computation of sign area shall be as follows.**

- a. The area of a sign shall be computed from the outer dimensions of the frame, trim, or molding by which the sign is enclosed.
- b. When a sign consists of unframed individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols, or characters.
- c. When a sign consists of two or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within 15 inches of each other; otherwise, all faces of the sign shall be used to compute the sign area.

**32.6.2 Standards for wall signs shall be as follows.**

- a. No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached.
- b. A marquee sign may extend the full length of the marquee but shall not extend beyond the ends of the marquee.
- c. A wall sign shall be parallel to the wall to which it is attached and shall not project more than 15 inches from the face of the wall. (Effective date 5/15/15)
- d. No wall sign shall be painted directly upon any wall.
- e. No wall sign shall extend above the eaves of the building to which it is attached.

**32.6.3 Standards for freestanding signs shall be as follows, with Site Plan approval by the Commission. (Effective date 5/15/15)**

- a. In Residential Districts, the height of any freestanding sign shall not exceed five feet except for community bulletin/event signs and service organization signs which shall not exceed 8 feet in height. In Non-Residential Districts the height of any freestanding sign shall not exceed the height of the building to which it relates or a height of 15 feet (whichever is less), except that welcome signs, community bulletin/event signs, and service organization signs shall not exceed 8 feet in height. (Amendment approved 10/20/2000) (Effective date 5/15/15)
- b. In Non-Residential Districts, the bottom edge of a freestanding sign shall be at least seven feet above ground level when located in an area where the public walks or where it would impair visibility.
- c. No part of any freestanding sign shall be located within ten feet of any property line.
- d. Except as otherwise provided herein, only one freestanding sign shall be permitted on a lot for each street from which the lot has vehicular access, even if there is more than one building or use on that lot.

**32.6.4 Standards for projecting signs and marquee or canopy signs shall be as follows.**

- a. The bottom edge of a projecting sign shall be at least seven feet above ground level when located in an area where the public walks.
- b. No projecting sign shall extend more than six feet from the wall to which it is attached.

### 32.7 Sign Illumination

- 32.7.1 When a sign is internally illuminated, the light source shall be completely covered.
- 32.7.2 When a sign is externally illuminated, the light source shall be shielded so that the beams or rays of light do not shine or reflect directly onto adjacent properties or streets.
- 32.7.3 Any illuminated sign in any Business or Industrial District located on a lot adjacent to, or across the street from, a Residential District, shall not be illuminated between the hours of 10:00 P.M. and 7:00 A.M. (Effective date 5/15/15)
- 32.7.4 Signs shall not utilize or contain flashing, digital, or moving lights, except such portions thereof which display the time, temperature, and/or date.
- 32.7.5 In Residential Districts, no sign shall be internally illuminated.
- 32.7.6 In BL Districts, no signs shall be internally illuminated, including outdoor vending machines.
- 32.7.7 In the B-D, B-O, B-G2, and IG-20 Districts the following standards shall apply. (Effective date 5/15/15)
- a. No illuminated sign shall be mounted on the side of a building or attached to the ground so as to face or be within 60 degrees of facing a Residential District boundary line and located within 200 feet of such line. (Effective date 5/15/15)
  - b. Illuminated signs shall be provided only to identify the name and address of the premise and/or the enterprise on or the occupant of the premises, expressly excluding illuminated signs with other messages such as but not necessarily limited to products, services, and prices (Effective date 5/15/15)
  - c. Illumination of signs shall be limited to luminous background silhouette signs, floodlighted signs, and luminous plastic and glass letter signs. Illumination of signs may also include luminous background plastic or glass internally illuminated signs not exceeding 24 square feet in area and having a maximum brightness of 30 foot lamberts over 80% of the area of the sign.

### 32.8 Prohibited Signs

The following signs shall be prohibited in all Districts.

- 32.8.1 Rotating, moving, or animated signs.
- 32.8.2 Temporary A-frame, sandwich board, or portable signs.



- 32.8.3 Attention-getting devices such as banners, pennants, valances, flags, streamers, searchlights, string or festoon lights, flashing lights, balloons, or similar devices designed for purposes of attracting attention, promotion, or advertising.
- 32.8.4 Roof signs.
- 32.8.5 Any sign which could be mistaken for, or confused with, a traffic control sign, signal or device.
- 32.8.6 Signs painted, posted, or otherwise attached to any rock, fence, tree, automobile, truck, or utility pole.
- 32.8.7 Billboards.
- 32.8.8 Continuous strip lighting of buildings and other structures.
- 32.8.9 All other signs not expressly permitted by this Section.

### 32.9 Permitted Signs

- 32.9.1 The following signs shall be permitted without a sign Zoning Permit as specified.
  - a. One real estate sign for each street frontage of the lot on which the sign is located, subject to the following.
    - Such sign shall not be illuminated and
    - Such sign shall not exceed six square feet in area in Residential Districts, 18 square feet in area in Business Districts, or 32 square feet in Industrial Districts and shall be removed within 30 days after completion of the sale, rental, or lease transaction. (Effective date 5/15/15)
  - b. In any Residential District
    - private warning and traffic signs, with no advertising thereon, each not exceeding three (3) square feet in area;
    - one identification sign, not to exceed six square feet in area, to identify a unified development;
    - one nameplate sign, not to exceed two square feet in area, per building occupant; and
    - on a tract of land for which a subdivision map has been approved by the PZC, one (1) real estate or construction sign not exceeding 18 square feet in area for a period of one (1) year. (Effective date 5/15/15)
  - c. In any Business District, signs attached to buildings to identify specific occupants or services or provide customary business notices and designed to be read only by pedestrians on the lot. (Effective date 5/15/15)
  - d. In the B-C, B-D, B-G1, B-G2,, B-L, and B-SC, Districts, window signs, unilluminated, the total area of which shall not exceed one square foot of sign area for each linear foot of building frontage. (Effective date 5/15/15)

- 32.9.2 The following signs shall be permitted in all Districts subject to a sign Zoning Permit.
- a. Signs pertaining to service club meetings, not to exceed six square feet in area. (Effective date 5/15/15)
  - b. Temporary signs for periods not exceeding 10 consecutive days, and totaling not more than 30 days in any calendar year, for the purpose of announcing Special Temporary Events permitted in accordance with Subsection 7.2. (Effective date 5/15/15)
  - c. One construction sign for each street frontage of the lot on which the sign is located, such sign not to exceed 18 square feet in area in Residential Districts or 32 square feet in area in Non-Residential Districts.
  - d. One identification sign, not to exceed 18 square feet in area, to identify a public or semi-public facility. The identification sign for a place of worship, school, museum or similar institution may include as part of its sign area a non-electronic bulletin board on which messages and announcements of activities and programs can be displayed.
  - e. Directional signs not to exceed three square feet in area.
  - f. Welcome signs at locations in the Town of Watertown as approved by the Planning and Zoning Commission. These signs shall not exceed 20 square feet in area. (Effective Date: October 20, 2000)
  - g. Community bulletin/event signs at locations in the Town of Watertown as approved by the Planning and Zoning Commission. These signs shall not exceed 48 square feet. (Effective Date: October 20, 2000) (Effective date 5/15/15)
  - h. Service organization signs at locations in the Town of Watertown approved by the Planning and Zoning Commission. These signs shall not exceed 48 square feet in area. (Effective Date: October 20, 2000) (Effective date 5/15/15)
- 32.9.3 Two business signs per building occupant shall be permitted in the B-L District, subject to a sign Zoning Permit and conforming to the following. (Effective date 5/15/15)
- a. No freestanding sign shall exceed 18 square feet or 10 feet in height and no projecting sign shall exceed eight square feet.
  - b. One wall, marquee, or canopy sign per building occupant not to exceed 14 square feet, except that business establishments having an excess of 20 linear feet of building frontage shall be allowed an additional one square foot of sign area for each two linear feet of such additional frontage, not exceeding a total sign area of 36 square feet for any single business. (Amendment Approved 8/22/96) (Effective date 5/15/15)
- 32.9.4 The following signs shall be permitted in the B-C District, subject to a sign Zoning Permit. (Effective date 5/15/15)
- a. One freestanding sign, not exceeding 10 square feet in area or more than 10 feet in height. (Effective date 5/15/15)

- b. One projecting sign per building occupant not exceeding eight square feet. (Effective date 5/15/15)
  - c. One wall or marquee sign per building occupant not exceeding 14 square feet of area, except that business establishments with more than 20 linear feet of building frontage shall be allowed one additional square foot of sign area for each two linear feet of frontage exceeding 20 feet, not to exceed a total sign area of 30 square feet for any one business establishment. (Effective date 5/15/15)
- 32.9.5 The following signs shall be permitted in the B-SC, B-G1, B-G2, B-D, B-O, IG-20, and IG-80 Districts, subject to issuance of a sign Zoning Permit or, where applicable, approved as part of a Site Plan approval. (Effective date 5/15/15)
- a. One identification sign, not to exceed 24 square feet, to identify a unified office or mixed-use development.
  - b. One identification sign, not to exceed 48 square feet, to identify a unified business or industrial development.
  - c. Two business or nameplate signs, as applicable, per building occupant, provided that
    - No freestanding sign shall exceed 24 square feet and
    - No projecting sign shall exceed 16 square feet.
  - d. One wall, marquee, or canopy sign per building occupant not exceeding 18 square feet of area, except that business establishments with more than 20 linear feet of building frontage shall be allowed one additional square foot of sign area for each two linear feet of frontage exceeding 20 feet, not to exceed a total sign area in excess of 48 square feet for any one business establishment. In the Shopping Center Business B-SC District, five signs may be permitted on the wall provided the total sign area does not exceed that which is otherwise allowed. (Amendment Approved 8/22/96)
- 32.9.6 The following signs shall be permitted in the IR-80 and IR-200 Districts subject to issuance of a sign Zoning Permit. (Effective date 5/15/15)
- a. One identification sign, not to exceed 32 square feet, to identify a unified office, industrial, or mixed-use development.
  - b. Two business or nameplate signs, as applicable, per building occupant, provided that
    - No freestanding sign shall exceed 32 square feet and
    - No projecting sign shall exceed 16 square feet.
  - c. One wall, marquee, or canopy sign per building occupant not to exceed 18 square feet of area, except that business establishments having an excess of 20 linear feet of building frontage shall be allowed an additional one square foot of sign area for each two linear feet of such additional frontage, not to exceed a total sign area in excess of 48 square feet for any one business establishment. (Amendment Approved 8/22/96)

### 32.10 Alternative Signage Options for Large Developments(Effective date 5/15/15)

Due to the complexities of site design and occupancy associated with large developments such as shopping centers, office parks, and mixed-use facilities, the owner of a unified non-residential development containing more than 65,000 square feet of gross floor area may submit to the Commission, for authorization for ZEO issuance of a sign Zoning Permit, an alternative signage program differing from the standards contained in this Section. (Effective Date October 20, 2000) (Effective date 5/15/15)

32.10.1 Such signage program shall, at a minimum, contain the information required for an application for a sign Zoning Permit, as provided by Subsection 32.3. (Effective date 5/15/15)

32.10.2 When reviewing an application for alternative signage, the Commission shall consider the following factors.

- a. Whether the signage program would be consistent with the purpose of this Section;
- b. Whether the signage program would result in a more comprehensive and attractive arrangement and display of signs that could otherwise be accomplished under the standards of this Section;
- c. The extent to which the proposed wall signage would not be visible from any public street; and
- d. The extent to which the amount of proposed wall signage is not concentrated in a single sign. (Effective Date: October 20, 2000)

### 32.11 Off-Site Directional Signs

In accordance with the procedures, standards, and conditions of Sections 8 and 9, the Commission may approve a Special Permit in a Business or Industrial District authorizing establishment of a directional sign pertaining to a use of land, buildings and other structures on a lot other than where the sign is located, subject to the following standards. (Effective date 5/15/15)

32.11.1 The sign shall be limited to identifying the names of and giving direction to a complex of buildings having multiple occupancy consisting of retail stores and other services open to the public and having an aggregate floor area for such uses of 30,000 square feet or more, and there shall be no more than three (3) such signs identifying any one (1) such complex.

32.11.2 The sign shall be located for viewing from a major or secondary street shown in the Plan of Conservation and Development of the Town of Watertown at a point where turning at a street or driveway will guide persons in motor vehicles to such complex. (Effective date 5/15/15)

32.11.3 No such sign shall exceed 24 square feet in area nor more than six (6) feet in any dimension, and any such sign shall otherwise conform to all of the requirements of this Section applicable to the lot where the sign is located and avoid proliferation and extension of signs.

32.11.4 The design of a sign shall harmonize with and not detract from the character of the area in which it is located.

32.11.5 When a sign is accessory to or part of a use, building, or other structure or site development for which a Special Permit and/or Site Plan approval is required, such sign shall be subject to Site Plan approval or amendment of Site Plan approval in accordance with Section 8, including such additional requirements or alternative standards for signage or additional signage as the Commission may determine necessary or appropriate. (Effective date 5/15/15)

### 32.12 Sign Maintenance, Compliance, and Removal

32.12.1 All signs, together with their supports, braces, guys, and anchors, shall be kept in good working order and safe condition.

32.12.2 The owner of the lot on which the sign is located shall be directly responsible for keeping such sign, including its illumination sources, in good working order and safe condition.

32.12.3 Unsightly, damaged, or deteriorated signs or signs in danger of falling shall be put in order or removed within 30 days following written notice to the sign owner by the ZEO.

32.12.4 Any sign which pertains to a business no longer conducted on the premises where such sign is located shall be removed by the owner of the lot on which the sign is located within 30 days following cessation of the relevant activity.

32.12.5 Any sign that replaces an existing non-conforming sign shall comply with this Section.

## **Section 33. Lighting**

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### 33.1 Purpose

33.1.1 The purpose of these Regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare. All business, residential, and community roadways, sidewalks, and Town property luminaries should be planned and installed with the idea of avoiding light intrusion on neighboring properties and abutting properties or roadways, both public and private. (Effective date 5/15/15)

33.1.2 Except as herein provided, this Section shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired, or serviced within the Town of Watertown on any site located in Non-residential Districts and for any Special Permit use in Residential Districts. (Effective date 5/15/15)

### 33.2 Lighting Plan

Outside lighting for non-residential and multifamily uses shall be subject to a Site Plan review and shall be accompanied by a lighting plan showing the following. (Effective date 5/15/15)

- 33.2.1 The location, height and type of any outdoor lighting luminaries, including building mounted.
- 33.2.2 The luminaire manufacturer's specification data, including lumen output and photometric data showing cut off angles.
- 33.2.3 The type of lamp, e.g., metal halide, compact fluorescent, high pressure sodium.
- 33.2.4 If required by the Commission, an isodiagram showing the intensity of illumination expressed in foot candles at ground level

### 33.3 General Requirements

Outdoor lighting on sites located in Non-Residential Districts and for any Special Permit uses in Residential Districts shall comply with the following standards. (Effective date 5/15/15)

- 33.3.1 All exterior lights and illuminated signs shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at (and glare across), the property lines and disability glare at any location on or off the property. The "maintained" horizontal illuminance recommendations set by the Illumination Engineering Society of North American (IES) shall be observed (see appendix A-14) unless alternative standards are approved by the Commission.
- 33.3.2 All lighting for parking and pedestrian areas shall be full cut off type fixtures.
- 33.3.3 Lighting for display, building, and aesthetics shall be from the top and shine downward, not up lighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.
- 33.3.4 All building lighting for security or aesthetics shall be full cut off or a fully shielded/recessed type, not allowing any upward distribution of light.
- 33.3.5 Flood lighting is prohibited.
- 33.3.6 Adjacent to residential property and in all Residential Districts, no direct light source shall be visible at the property line at ground level or above.
- 33.3.7 Motor vehicle service stations shall maintain illumination recommendations set by the Illuminating Engineering Society of North American. All area lighting shall be full cutoff. Lighting under canopies shall be recessed so that the lens is recessed or flush with the bottom surface, to reduce off site glare for roadways.
- 33.3.8 All street lighting shall be cut-off fixtures

- 33.3.9 Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site. (Effective date 5/15/15)
- 33.3.10 Lighting shall employ soft, transitional light levels, which are consistent from area to area and shall minimize contrast between light sources, lit areas, and dark surrounds.
- 33.3.11 All non-essential lighting shall be turned off after business hours, leaving only the necessary lighting for site security. Motion or infrared sensor lighting is encouraged. Non-essential lighting shall include display, aesthetic, parking, and sign lighting. (Effective date 5/15/15)
- 33.3.12 Lighting designed to highlight flagpoles shall be low level and should be targeted directly at the flag.
- 33.3.13 The height of luminaries, except street lights in public right of ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.
- 33.3.14 Traditional seasonal lighting and temporary lighting used by Police, Fire Department, or Emergency Services shall be exempt from these Regulations. (Effective date 5/15/15)

#### 33.4 General Requirements

The Planning and Zoning Commission may grant a Special Permit modifying the requirements of this Section under the following circumstances, provided it determines that such modification is consistent with the purpose of these Regulations. (Effective date 5/15/15)

- 33.4.1 Where an applicant demonstrates that an extraordinary need for security exists. (Effective date 5/15/15)
- 33.4.2 Where an applicant demonstrates that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas. (Effective date 5/15/15)
- 33.4.3 Where a minor change is proposed to an existing non-conforming lighting installation such that it would be unreasonable to require replacement of the entire installation.
- 33.4.4 Where special lighting is indicated for historic buildings.
- 33.4.5 Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity.
- 33.4.6 Where ornamental up-lighting of sculpture, buildings or landscape features will enhance the character of the area.

### 33.5 Properties with Residential Uses

The source of light (lamp or reflectors contained within the luminaire) shall not be visible from beyond the boundaries of the property on which they were installed in Residential Districts or from any property used strictly for residential uses in all other Districts.(Effective Date September 15, 2007) (Effective date 5/15/15)

## **Section 34. Access, Parking, and Loading**

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### 34.1 Purpose

An adequate supply of off-street parking and loading spaces shall be provided to meet the needs of persons making use of such structures or land uses and, except as otherwise provided, in accordance with the standards of this Section for all new buildings and uses, for the expansion of existing buildings and uses, and for a change of use when such change would result in a use whose parking and/or loading requirements would be greater than those of the use it is replacing. (Effective date 5/15/15)

### 34.2 Amount of Parking Required

- 34.2.1 The amount of off-street parking provided shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and visitors normally at the premises at any one time, as specified in Subsection 34.5, below. (Effective date 5/15/15)
- 34.2.2 Structures and land uses in existence, or for which building permits have been issued prior to the adoption of these Regulations, shall not be subject to any additional parking or loading space requirements of these Regulations, provided that any parking or loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities for the existing portion of such structures or uses shall be provided at the time of any enlargement of such existing structures or uses in the future. (Effective date 5/15/15)
- 34.2.3 When two or more different uses occur on a single lot, the total amount of parking facilities required shall be the sum of the requirements for each individual use on the lot, except that the Commission may approve the joint use of parking space by two or more establishments, the total capacity of which space shall be no more than 20% less than the sum of the spaces required for each, provided the Commission finds that the capacity to be provided shall substantially meet the intent of this Section by reason of variation in the probable time of maximum usage by patrons and employees among such establishments.
- 34.2.4 If any existing use of the land, buildings, or other structures, conforming to the requirements of this Section, is changed to a use requiring additional off-street



parking or loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the applicable standards.

34.2.5 Parking required for places of worship, theaters, assembly halls, and stadiums may be provided on separate lots that are located in a Business or Industrial District and no further than 500 feet in a direct line from the building. (Effective date 5/15/15)

34.3 Improvement and Maintenance

Required off-street parking and loading facilities may be enclosed in a structure or may be open, except as otherwise required, provided that all parking and loading facilities shall be properly graded, surfaced, drained and suitably maintained to the satisfaction of the Town Engineer, to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands. Required off-street parking and loading facilities shall be properly maintained as long as the use or structure exists which the facilities are designed to serve. (Effective date 5/15/15)

34.4 Handicapped Parking

Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways and building entrances. Parking spaces shall be so arranged as to eliminate or minimize the need for physically handicapped persons to wheel or walk behind parked cars to reach entrances, ramps and walkways. The number, size, designation, location and markings of parking spaces for the handicapped shall be as per Connecticut General Statutes. All parking spaces for the handicapped that are provided shall be credited to the total required number of parking spaces. (Effective date 5/15/15)

34.5 Minimum Parking Requirements

The following requirements shall be considered the minimum number of parking spaces required for each use except as otherwise provided in this Section. Where the number of parking spaces is calculated to be a fraction, it shall be rounded up to the nearest whole number. The minimum number of parking spaces required for other uses not listed below shall be as determined by the Commission, based on the nature, intensity, and/or mix of the proposed use, including projected attendance, the number of employees, visitors and/or customers, and the experience of similar facilities elsewhere. (Effective date 5/15/15)

34.5.1 Residential Uses; Public and Semi-Public Uses		
	Use	Minimum Number of Spaces Required
a.	Single family, two-family, and three-family dwellings(Effective date 5/15/15)	2 per dwelling unit, plus 1 per guest sleeping room for roomers and boarders
b.	Multi-family dwellings:	
	- Studio (efficiency) dwelling units	1.5 per dwelling unit
	- One-bedroom dwelling units	2 per dwelling unit
	- Two-bedroom dwelling units	2.5 per dwelling unit
c.	Age restricted housing(Effective date 5/15/15)	1.0 per dwelling unit(Effective date 5/15/15)

d.	Home occupations, home offices or adaptive use of historic structures as permitted in a residence district	2 per dwelling unit plus 1 per 300 s.f. of GFA of area in non-residential use
e.	Private schools	1 per teacher, plus 1 per other staff member, plus 1 per each 10 pupils
f.	Private clubs	1 per member or family memberships; or 2 per maximum capacity of the facilities; whichever is less
g.	Public utility substations	2 spaces
h.	Libraries, museums, art galleries, or similar uses	1 per each 400 s.f. of GFA
i.	Group homes	2 per home, plus 1 per 2 employees
j.	Hospitals, nursing or convalescent homes	1 per 2 beds
k.	Places of worship	1 per 3 seats, plus additional spaces as may be required by the Commission (one seat = 18 linear inches of pew bench)
l.	Day care centers	1 per employee, plus 1 per 10 enrollees plus adequate drop-off/pick-up area as determined by the Commission
m.	Boarding, rooming, or lodging houses	1 per 2 beds plus 1 per 2 employees
n.	Congregate housing	1.5 per dwelling unit
o.	Public or semi-public buildings not otherwise listed	As determined by the Commission
<b>34.5.2 Business Uses, Except Automotive:</b>		
a.	Theaters, auditoriums, or other places of public assembly	1 per each 3 seats, or in places without seats, 1 per each 100 s.f. of floor space used for public assembly
b.	Retail stores not otherwise listed or personal service establishments not otherwise listed	1 per 250 s.f. of GFA on the main floor, plus 1 per each 300 s.f. of GFA on other floors(Effective date 5/15/15)
c.	General, business, or professional offices, non-medical	1 per 300 s.f. of GFA
d.	Banks and financial institutions	1 per 300 s.f. of GFA
e.	Drive-in bank windows	5 off-street waiting spaces per window for approaching cars, plus 1 off-street waiting space per window for cars leaving
f.	Medical or dental offices or clinics	1 per 150 s.f. of GFA
g.	Restaurants or other places serving food or drink	1 per 75 sq. ft. of gross floor area or 1 per 2.5 seats, whichever is greater (Amendment Adopted 8/22/96)
h.	Bowling establishments	5 per bowling lane
i.	Commercial kennels or veterinary hospitals	1 per employee, plus 1 per 400 s.f. of GFA
j.	Funeral homes	1 per 3 seats, plus additional spaces as may be required by the Commission (one seat = 18 linear inches of pew bench)
k.	Commercial recreation facilities, enclosed or not enclosed	As determined by the Commission
l.	Amusement or entertainment facilities with fixed seats, such as theaters, auditoriums and sports arenas	1 per 3 seats, plus additional spaces as may be required by the Commission
m.	Amusement or entertainment facilities, enclosed but without fixed seats, such as dance halls and billiard parlors	1 per 200 s.f. of GFA plus additional spaces as may be required by the Commission
n.	Bed and breakfast accommodations	1 per bedroom, one per employee, plus additional spaces as

		may be required by the Commission (Amendment effective 3/29/2002)
o.	Hotels or motels	1.5 per bedroom, plus additional spaces as may be required by the Commission
p.	Self-service storage facilities	1 per 1,000 s.f. of GFA; minimum of 5 spaces
q.	Studios of dance, photography, graphic design or similar artistic endeavor	1 per 400 s.f. of GFA
r.	Furniture or carpet stores	1 per 500 s.f. of GFA
s.	Shopping centers	1 per 250 s.f. of GFA
<b>34.5.3 Business Uses, Automotive</b>		
a.	Automobile sales establishments	As determined by the Commission
b.	Carwashes	3 per facility, plus 5 spaces stacking room per stall
c.	Motor Vehicle service stations	4 per facility
	- with service bays	plus 2 per bay
	- with sale of convenience items/food products/snacks	plus 1 per 150 s.f. of GFA devoted to such use
d.	Automotive repair or service facilities	3 per bay
<b>34.5.4 Industrial Uses</b>		
a.	Manufacturing or research facilities; wholesaling or distribution facilities	1 per 500 s.f. of GFA
b.	Lumberyards, building materials suppliers	1 per 400 s.f. of GFA of buildings, plus 1 per 1,000 s.f. of outdoor storage area
c.	Building, construction, or landscape contractors' yards	As determined by the Commission
d.	Bus facilities; trucking terminals; trucking or courier services	As determined by the Commission
e.	Public warehousing or storage, excluding self storage	1 per 1,000 s.f. of GFA
f.	Document or electronic data storage facility	1 per 1,000 s.f. of GFA (Amendment adopted 1/8/97)
GFA = Gross Floor Area		
s.f. = Square Feet		

**34.6 Use of Parking Facilities**

34.6.1 Required parking areas to serve specific structures and uses shall be reserved at all times for those persons who are employed at, or make use of, such structures and land uses, except when dedicated to and accepted by the Town as public parking areas or when approved as a shared parking facilities by the Commission. (Effective date 5/15/15)

34.6.2 Required off-street parking and loading facilities which, after development, shall be later dedicated to and accepted by the Town, shall be deemed to continue to serve the uses or structures for which they were originally provided.

34.7 Off-Street Loading Requirements

34.7.1 Off-street loading and unloading facilities shall be provided as follows, except that the Commission in granting Site Plan approval may require additional off-street loading where the Commission determines that such is necessary in accordance with the purposes set forth in this section.

<u>Use</u>	<u>Minimum Required Off-Street Loading Spaces</u>
Retail and service business establishments, restaurants and other places serving food and drink:	
- 3,000 to 12,500 s.f. of GFA	1
- 12,501 to 30,000 s.f. of GFA	2
- Over 30,000 s.f. of GFA	3 plus 1 per additional 20,000 s.f. of GFA
Manufacturing, industrial, warehousing, or wholesale establishments:	
- 5,000 to 15,000 s.f. of GFA	1
- 15,001 to 40,000 s.f. of GFA	2
- Over 40,000 s.f. of GFA	3 plus 1 per additional 30,000 s.f. of GFA
Offices:	
- Up to 40,000 s.f. of GFA	1
- 40,001 to 125,000 s.f. of GFA	2
- Over 125,000 s.f. of GFA	3 plus 1 per additional 75,000 s. f. of GFA
Hospitals, nursing homes, congregate housing and similar facilities	1 per 120 patient beds or part thereof
Other uses not listed	As determined by the Commission. (Effective date 5/15/15)
GFA = Gross Floor Area s.f. = Square Feet	

34.7.2 Each off-street loading space shall have a width of at least 15 feet, a length of at least 40 feet and a height of at least 14 feet. Where the Commission determines in the course of a Site Plan review that spaces of such size are not required for the proposed site use, the Commission may permit a reduction of loading space size to not less than 10 feet in width 25 feet in depth and 14 feet in height. Where determined necessary in the course of a Site Plan review, the Commission may require loading area dimensions adequate for the proposed site use. (Effective date 5/15/15)

34.7.3 No off-street loading space or access aisle in connection therewith shall be located in the area required for setback for a street line, property line, or Residence District boundary line.

34.8 Driveways and Curb Cuts

34.8.1 Combination of curb cuts and access drives to parking for more than one use shall be encouraged and may be specified by the Commission on any Site Plan as submitted under the provisions of Section 8.

34.8.2 Driveways servicing single family dwellings shall comply with the following.

- a. The maximum grade for a driveway serving a single-family dwelling shall be 15% from the street to an area sufficient to park at least two cars for each dwelling served.
  - b. Where substantial amounts of cut and/or fill would be required to construct any portion of a driveway serving a single-family dwelling or dwellings, plans shall be reviewed and approved by the Town Engineer prior to the issuance of a driveway permit to ensure that adequate drainage shall be provided and that soil erosion shall be minimized.
  - c. Notwithstanding the maximum permitted grades specified above, no driveway serving a single-family dwelling or dwellings shall have a grade in excess of five percent within 35 feet of the centerline of the traveled way of the street or within 10 feet of the street right-of-way line, whichever distance is greater.
- 34.8.3 The maximum grade for new driveways for access to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed seven percent except that the Commission may permit increased grades where excessive cut and/or fill would otherwise be required, provided that such grades shall not exceed ten percent.
- 34.8.4 Notwithstanding the maximum permitted grades specified above, no driveway serving a use other than a single-family dwelling shall have a grade in excess of two percent within 50 feet of the centerline of the traveled way of the street, or within 25 feet of the street right-of-way line, whichever distance is greater. The Commission may require increased platform area of this type in situations where, because of the nature of the proposed use, substantial traffic volumes would be anticipated.
- 34.8.5 Driveway alignment and location shall comply with the following.
- a. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required above, shall be aligned at approximate right angle to the street.
  - b. The Commission may require that only one driveway serve a lot, regardless of the amount of street frontage, if deemed necessary for public safety purposes.
  - c. Driveways serving the same lot shall be at least 150 feet apart (measured center line to center line), unless they are one-way driveways.
  - d. For corner lots, driveways shall be located as far from the intersection of the street lines of the lot as is practical, but a driveway shall not be located within 60 feet of such intersection.
  - e. Joint use of driveways for non-residential uses by adjacent lots shall be encouraged.
  - f. The maximum driveway width shall be 30 feet, measured at and parallel to the street line, except for two-way access to non-residential uses with a raised island in the center, for which the maximum width shall be 44 feet.

- g. The minimum driveway width for non-residential uses shall be 20 feet for two-way access and 12 feet for one-way access.
- h. Driveways shall cross the street line so that the angle between the centerline of the driveway and a line perpendicular to the street right-of-way line, measured at such street line, does not exceed 30 degrees.

34.8.6 Clear visibility shall be provided in both directions at all exit points so that the driver of a vehicle stopped on the platform portion of any new driveway shall have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway), and so that the driver of a vehicle traveling on the highway shall have a similar view of the vehicle in the driveway.

34.8.7 For all driveways, except those serving single-family dwellings, no fence, wall hedge or other structure or planting shall be erected, placed or maintained in such a way as to obstruct traffic visibility across the triangular area formed by the intersecting street right-of-way and driveway lines and a straight line connecting points along said street right-of-way and driveway lines, which points are located 50 feet distant from the theoretical point of the intersection of such lines measured along said lines. This provision shall not apply to existing trees, provided that no branches are closer than eight feet to the ground.

#### 34.9 Location of Parking

34.9.1 Except as otherwise provided, off-street parking spaces shall be located on the same lot as the principal use they are designed to serve.

34.9.2 At the time of Site Plan approval, the Commission may allow all or a portion of the required parking spaces to be located either on a separate lot under the same ownership as the use being served, or on a separate lot under a different ownership than the use being served, or on a municipal parking area, provided that arrangements satisfactory to the Commission shall have been made to guarantee long-term access to and use of such spaces. All spaces approved under this provision shall be located within 500 feet of the main building entrance of the use being served.

34.9.3 No parking area or portion thereof, including parking spaces, driveways, and access aisles, shall be located within the required front yard, except for driveways directly from the street or driveways which serve as parking areas for single-family dwellings.

34.9.4 No parking area or portion thereof, including parking spaces, driveways, and access aisles, shall be located within 10 feet of any side or rear property line except for shared driveways and shared access aisles between adjoining properties.

34.9.5 No parking area or portion thereof, including parking spaces, driveways, and access aisles, shall be located within six feet of any portion of a building other than for

garage entrance or loading area aprons. Such six-foot clear area shall be used for walkways, plantings, or other landscaping.

34.9.6 No parking area which serves a use in a Business or Industrial District shall be permitted on land in a Residence District and no access to such parking area shall be permitted across land in a Residence District.

34.10 Parking Structures

Parking spaces may be located beneath, attached to, or within the principal structure they are intended to serve or in a detached structure. A parking structure shall be considered an accessory use for purposes of these Regulations unless said structure shall be the only use on the parcel of land. Parking structures which are not part of the principal structure shall not be closer than 25 feet to the principal structure.

34.11 Layout and Dimensions of Parking

34.11.1 Except as otherwise specified herein, the minimum dimensional requirements for parallel, angled, and perpendicular parking spaces shall be as follows. The Commission may approve reduced dimensions for up to 10% of the required spaces to accommodate small cars. (Effective date 5/15/15)

Parking angle (degrees)	0	45	60	90
- Curb length per space (feet)	23	13	10	9
- Space depth (feet)	9	18	19	18
- Access aisle width (feet)	15	15	18	25
- Space width (feet)	9	9	9	9

34.11.2 Parallel and angled parking spaces shall be served by one-way access aisles only.

34.11.3 Perpendicular (90 degree) parking spaces shall be served by two-way access aisles only, unless otherwise approved by the Commission.

34.11.4 Where necessary to control traffic flow, directional arrows shall be painted on the surface of access aisles or driveways, and directional signs shall be installed.

34.11.5 No parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space, except for parking spaces in driveways which serve single - or two-family dwellings.

34.11.6 Except for parking spaces in driveways which serve single- or two-family dwellings, the perimeter of all parking area, islands, and driveways shall be curbed, to prevent damage to landscaping and lighting and to prevent interference with pedestrian use of walkways.

34.11.7 All parking spaces shall be delineated by painted lines, except for parking spaces in driveways which serve single- or two-family dwellings.

### 34.12 Access

34.12.1 Each parking space shall be provided with adequate area for aisle and access lanes, so that an automobile, having an overall length of 20 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of the right-of-way of a street and can exit onto the street in a front forward direction. The requirement for frontward exit shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, rooms to rent in a dwelling unit, or a permitted professional office in a dwelling unit when the exit from such spaces is onto a street that is neither a State Highway nor a Town street designated as a Major Street or Secondary Street on the Plan of Conservation and Development adopted by the Watertown Planning and Zoning Commission. (Effective date 5/15/15)

34.12.2 No loading space, including any truck loading bay, ramp or dock, shall be arranged in a manner that trucks must back within any part of the right-of-way of a street in order to use such space. Entrances and exits from parking areas and loading spaces onto streets shall be located and arranged in such a manner as to minimize hazards to pedestrian and vehicular traffic in the street. (Effective date 5/15/15)

### 34.13 Modification of Standards

The Zoning Commission may, by Special Permit approval in accordance with the provisions and standards of Section 9 and by 2/3 (5 members) majority vote, authorize modification of off-street parking standards to reduce the amount of required parking in any Business District after the Commission determines that the available public and private parking within a reasonable distance shall be sufficient for the proposed use and shall carry out the purpose and intent of this Section. (Effective date 5/15/15)

### 34.14 Drive-through Facilities

An applicant for Site Plan or Special Permit approval of any use including a drive-through facility must demonstrate that the stacking lane area designated for the drive-through can accommodate not less than twelve vehicles on site. This requirement shall apply in addition to the normal parking requirements for the proposed use. The Site Plan shall include appropriate pedestrian walkways and appropriate lanes for bypass traffic to enter and exit the site with additional landscape areas. The drive-through facility window should be located so that it is not visible from the street. No Site Plan or Special Permit shall be approved for a facility with a drive-through within 500 feet of another facility providing a drive-through. (Effective Date January 17, 1995. ) (Effective date 5/15/15)

## **Section 35. Accessory Dwelling Units and Accessory Dwellings**

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### 35.1 Accessory Dwelling Units

An accessory dwelling unit may be created within any legal dwelling in any Zoning District, subject to a Zoning Permit and compliance with the following conditions. (Effective date 5/15/15)



- 35.1.1 The floor area of the accessory dwelling unit may not exceed one-third of the gross floor area of the building or 750 square feet, whichever is smaller. No more than two bedrooms are permitted in the accessory dwelling unit.
- 35.1.2 At least one side of each dwelling unit shall be at or above grade. Each unit shall have separate entrances, in addition, direct access shall be provided from the living area of the principal dwelling unit to the living area of the accessory dwelling unit.
- 35.1.3 Certification shall be required from the Town Sanitarian that the sewage disposal system is adequate to serve both dwelling units.
- 35.1.4 No outdoor stairways serving the accessory unit on any floor other than the ground floor, shall be visible from a public street. Two separate doors shall not be permitted on the front facade of the building,
- 35.1.5 No additional driveways shall be created for the purpose of serving an accessory unit.
- 35.1.6 Parking spaces meeting the requirements of Section 34 shall be provided. (Effective date 5/15/15)
- 35.1.7 Accessory units shall be located only in structures on lots which are in conformance with minimum area and dimensional requirements of the Zoning District within which they are located, including any required additional lot area.
- 35.1.8 Accessory dwelling units shall not be permitted by action of the Zoning Board of Appeals.
- 35.1.9 The structure which contains the principal and accessory unit shall meet all applicable setbacks and bulk requirements and shall not detract from the single-family character of the neighborhood.
- 35.1.10 One of the dwelling units shall be owner-occupied at all times. The owner of the property shall certify to the ZEO, in the form of an affidavit, that the owner is in residence in one of the dwelling units on the property. Such certification shall be made at the time of the initial application for the Zoning Permit. The ZEO may subsequently require re-certification by affidavit on an annual basis, which shall be filed in the Town Clerk's office by the ZEO. Failure to file such certification if required shall void the Zoning Permit. (Effective date 5/15/15)

## 35.2 Accessory Dwellings (adopted 5/1/96)

In any Residential District, one (1) accessory dwelling may be permitted subject to Special Permit and Site Plan approvals and in compliance with the following standards. (Effective date 5/15/15)

- 35.2.1 Accessory dwellings shall be located only on lots with a minimum area of six acres and meeting the dimensional requirements of the Zoning District within which they are located. (Effective date 5/15/15)

- 35.2.2 Each dwelling shall meet the minimum setback and bulk requirements of the District. Separating distance between dwellings shall be a minimum of 100 ft.
- 35.2.3 Certification shall be required from the Health District that the sewage disposal system is adequate to serve both dwellings.
- 35.2.4 No additional driveways shall be created at the street line for the purpose of serving an accessory dwelling.
- 35.2.5 One of the dwellings shall be owner-occupied at all times.
- 35.2.6 The owner of the property shall certify to the ZEO , in the form of an affidavit, that the owner is in residence in one of the dwellings on the property. Such certification shall be made at the time of the initial application for the Zoning and Special Permit and subsequently on an annual basis by January 15th of each year and shall be filed on the Land Records by the ZEO. Failure to file the annual certification shall void the Zoning and Special Permit, evidenced by a duly filed Notice of Termination of Zoning Permit and Special Permit signed by the ZEO. (Amendment Adopted 5/1/96) (Effective date 5/15/15)

## **Section 36. Home Occupations**

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### **36.1 Standards for Home Occupations**

A home occupation may be conducted as an accessory use to a dwelling unit in any District, subject to a Zoning Permit and compliance with the following standards. (Effective date 5/15/15)

- 36.1.1 Other than one outside employee, no person other than family members residing on the premises shall be engaged in the conduct of a home occupation.
- 36.1.2 Not more than one commercial vehicle incidental to the home occupation, not to exceed 10,000 lbs. gross weight, shall be permitted to park at such residence. (Effective date 5/15/15)
- 36.1.3 The home occupation shall not impair the residential character of the premises and neighborhood or create more vehicular traffic and/or parking than that normally generated by residential use. (Effective date 5/15/15)
- 36.1.4 Not more than 25% or 400 square feet of floor space, whichever is smaller, shall be used for the home occupation.
- 36.1.5 No objectionable noises, odors, vibrations, or unsightly conditions shall be created.
- 36.1.6 No radio or television reception interference shall be created in the vicinity.
- 36.1.7 There shall be no mechanical or structural fabrication, assembly, or processing of any products or items, except that which shall be incidental to the permitted accessory use.

36.1.8 There shall be no outside storage and no display, advertising, or other visible evidence of such use outside the building in which it is located.

36.1.9 No retail sales shall be permitted in connection with the use of the premises for a home occupation.

36.1.10 The Zoning Permit for a home occupation shall terminate when the applicant no longer resides in the dwelling unit. (Effective date 5/15/15)

## 36.2 Public Visits

Occasional or intermittent visits to the premises by the public in connection with a particular home occupation may be permitted subject to Special Permit and Site Plan approval after review and determination of the number, schedule, and time of day for such visits by the public and the parking needs generated by such visits. (Effective date 5/15/15)

## **Section 37. Group Day Care and Child Day Care**

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### 37.1 Definition

37.1.1 The terms “family day care home”, “group day care home” and “child day care center” used in these Regulations are as defined in [CGS Section 19a-77](#), as amended, and do not include day care services administered by public and private school systems, public and private recreation operations, informal arrangements among neighbors or relatives in their homes and drop-in supplementary child care operations where parents are on the premises for education or recreation purposes and the child receives such care infrequently. (Effective date 5/15/15)

37.1.2 As provided by CGS, a family day care home registered pursuant to CGS Section 17b-733 shall be treated as a single family or multi-family dwelling in these Regulations.

### 37.2 Supplemental Standards

Group day care and child day care facilities shall be subject to the following provisions as well as applicable standards under Section 8 and Section 9. (Effective date 5/15/15)

37.2.1 A group day care home or child day care center shall be licensed by the State of Connecticut.

37.2.2 The maximum number of children to be cared for shall be specified and if located in a Residential District shall not exceed 12 unless the facility is an adjunct to an existing public or private school, church or place of religious worship, convalescent home, or non-profit membership club, lodge, or community house.

37.2.3 The facility shall be served by public water supply and sanitary sewers and shall be provided with one (1) off-street parking space for each staff person and each consultative person expected to be on premises.

- 37.2.4 There shall be safe and adequate provision for boarding and off-boarding children from motor vehicles without hazards to pedestrians and traffic.
- 37.2.5 In addition to the general intent of plan review under Section 8 and Section 9, the use shall be located in a building and on a lot having such size, shape, landscaping, outdoor play yard space, and parking as to be in harmony with and conform to the character of the neighborhood.

### **Section 38. Accessory Trailers and Vehicles**

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Subject to issuance of a Zoning Permit and compliance with the standards below, on any lot, one (1) trailer, recreational vehicle, boat, mobile home, or unregistered vehicle (collectively and individually “accessory trailers and vehicles”) may either be parked or stored outside or in a garage or other building as accessory to a permitted use on the lot. (Effective date 5/15/15)

#### **38.1 Standards for Storage of Accessory Trailer and Vehicles**

- 38.1.1 In Residential Districts, any accessory trailer or vehicle shall comply with setback requirements for a principal building in the subject District. (Effective date 5/15/15)
- 38.1.2 The owner of the accessory trailer or vehicle stored on a lot shall also be the owner or occupant of a dwelling or other permitted use on the lot. (Effective date 5/15/15)
- 38.1.3 No unregistered vehicle in a state of dismantlement shall be stored on any lot. (Effective date 5/15/15)

#### **38.2 Standards for Use of Accessory Trailers and Vehicles**

- 38.2.1 The owner or occupant of a lot containing a dwelling may permit the parking of one (1) trailer or recreational vehicle on the lot for use by a nonpaying guest as a dwelling, for a period not exceeding four (4) weeks in any calendar year, subject to issuance of a Zoning Permit within 48 hours of the time the land is so used. (Effective date 5/15/15)
- 38.2.2 A trailer, recreational vehicle, or mobile home may be used as an office in connection with and for the duration of a construction project on the same lot, provided that it is located so as to meet all the setback requirements for buildings and other structures and is removed within 30 days after completion of the project. (Effective date 5/15/15)
- 38.2.3 Trailers, recreational vehicles, and mobile homes may also be used or occupied for human habitation when located on a lot owned by the Town of Watertown or State of Connecticut and designated for camping purposes and when permitted by such Town or State. (Effective date 5/15/15)

## **ARTICLE VII – SPECIAL USES AND STANDARDS**

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**Section 39. Earth Materials Activity**

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**39.1 Purpose**

The regulation of earth materials activity, defined as removal from or moving earth materials to or within a lot, re-grading, excavating, processing, compaction, blasting, stockpiling, and filling of land, is provided to ensure the following. (Effective date 5/15/15)

39.1.1 Protect the public health, safety, and general welfare of the neighborhood and the Town, and to comply with the intent and purposes of Section 1.

39.1.2 Protect the values of all parcels.

39.1.3 Protect the subject lot so that the earth materials activity provides for the reasonable subsequent use of the property as permitted by the Regulations. (Effective date 5/15/15)

39.1.4 Protect public and private water supplies.

39.1.5 Protect the land, watercourses, and wetlands from damage caused by stormwater drainage, erosion, sedimentation, siltation, and pollution.

39.1.6 Protect the appearance of the Town.

39.1.7 Protect areas of historic interest, scenic landmarks, and archeological sites from defacing.

**39.2 Permitting**

39.2.1 No EM Permit is required for quantities of earth materials activity that in a two-year period is 100 cubic yards or less. If determined by the ZEO or the ZEO's designated representative that the earth materials activity may adversely affect the wetlands or watercourses; cause damage by erosion, sedimentation, siltation, or stormwater drainage; or may involve unacceptable soil or create environmental hazards, such activity shall be subject to an EM Permit in accordance with Paragraph 39.2.2. (Effective date 5/15/15)

39.2.2 The ZEO may issue a Zoning Permit for quantities of earth materials activity ("EM Permit") for quantities of clean fill that in a two-year period is more in quantity than 100 cubic yards and fewer than 500 cubic yards. If determined by the ZEO or the ZEO's designated representative that the earth materials activity may adversely affect the wetlands or watercourses; cause damage by erosion, sedimentation, siltation, or stormwater drainage; or may involve unacceptable soil or create environmental hazards, such activity shall be subject to Special Permit approval of an EM Permit. (Effective date 5/15/15)

- 39.2.3 The Commission may by Special Permit and Site Plan approval in accordance with Section 9 authorize an EM Permit for quantities of earth materials activity that in a two-year period equals or exceeds 500 cubic yards. (Effective date 5/15/15)
- 39.2.4 Earth materials activity involving unacceptable soil shall be subject to Special Permit approval of an Earth Materials Permit (“EM Permit”) in accordance with Section 9 and the provisions and standards of this Section and other applicable provisions of these Regulations. (Effective date 5/15/15)
- 39.2.5 Blasting associated with earth materials excavations, regardless of volume, shall require Special Permit approval of an EM Permit in accordance with Section 9 . (Effective date 5/15/15)

### 39.3 General Provisions

- 39.3.1 Except as otherwise provided in this Section, there shall be no earth materials activity on any property, in any Zoning District, for any length of period, and in any quantity.
- 39.3.2 There shall be no removal or stripping of topsoil from a lot, conduct of borrow pits for fill, or stone quarry operations, except incidental rock removal in connection with the restoration of a lot. Topsoil excavated from under the location of buildings and structures and driveways, sidewalks, terraces, and other paved areas may be removed from the lot to not lower than three feet above ledge, except as otherwise approved by the ZEO or the Commission, and then only if the lot has remaining topsoil cover of not less than five inches substantially free of stones. (Effective date 5/15/15)
- 39.3.3 The property owner and the permittee shall notify the ZEO and the Connecticut DEEP when they suspect unacceptable soil is on their property. Unacceptable soil shall be treated in compliance with DEEP regulations. (Effective date 5/15/15)
- 39.3.4 Earth materials activity that involves only excavation, moving, regrading, and stockpiling of earth materials within a lot or development site and associated with a subdivision or Site Plan showing such activity and approved in accordance with the Watertown Subdivision Regulations or Section 8 of these Regulations, as applicable, shall not require a separate EM Permit pursuant to this Section. Any other earth materials activities shall be subject to Site Plan or Special Permit approval, as applicable. (Effective date 5/15/15)
- 39.3.5 In any quantity, moving, re-grading, filling of land, or excavating clean fill (not unacceptable soil) within the property boundaries of a farm parcel or an agricultural parcel or to an adjacent farm parcel or an agricultural parcel of the same property owner, shall be exempt from this Section provided the use of the parcel is not changed by this activity and is for farming or agriculture. An agricultural parcel for purposes of definition in this Section is land classified by the Town Assessor as “Farm” or “Agriculture”. All other earth materials activity including, but not

necessarily limited to, moving clean fill from or to a farm parcel or an agricultural parcel not owned by the same adjacent property owner shall be subject to a Special Permit in accordance with this Section. (Effective date 5/15/15)

- 39.3.6 At the applicant or the permittee expense, a Special Permit issued under this Section may require services of a registered engineer, a soil scientist, and/or remediation by a licensed environmental professional ("LEP"), the latter two positions defined by DEEP regulations, as amended. The ZEO or the Commission may require investigation, testing, monitoring, environmental services, and other reasonable conditions of approval that furthers the purposes of this Section. (Effective date 5/15/15)
- 39.3.7 Earth materials activity containing treated polluted soil, as polluted soil is defined within the definition of "clean fill" in Subsection 2.2,
- a. Shall not be placed below the normal groundwater table;
  - b. Shall not be placed in an area subject to erosion or sedimentation;
  - c. Shall not be placed in a flood plain; and
  - d. Requires a map submitted to the ZEO, or the ZEO's duly authorized representative, showing the location, elevation, and depth of treated polluted soil.
- 39.3.8 There is no minimum or maximum size of site for earth materials activity; however, the size shall have a compatible relationship to existing development and the neighborhood and shall be compatible with the ability to complete the operation within the period set by the EM Permit.
- 39.3.9 An EM Permit typically expires six months after its approval. The ZEO or the Commission, at their discretion, may set or amend the EM Permit expiration to a greater length of period not to exceed a total of five years after original Permit approval. An EM Permit is automatically void on the date of expiration, at which time the permittee shall cease all activity authorized by the EM Permit. The ZEO or the Commission may extend the period to remedy a violation or to achieve restoration of the site in as short a period as is practical. An EM Permit is temporary and is not transferable to any person without approval from the ZEO or the Commission, as applicable. (Effective date 5/15/15)
- 39.3.10 Storage of clean fill on property approved for use as contractor facilities, including approved outdoor storage of materials and supplies, shall not be subject to EM Permit expiration, provided such storage complies with applicable DEEP regulations. (Effective date 5/15/15)
- 39.3.11 The provisions of this Section apply to the review and approval of Site Plans, subdivision plans, and re-subdivision plans involving earth materials activity. (Effective date 5/15/15)
- 39.3.12 The permittee may be required by the Commission, the ZEO, or the ZEO's duly authorized representative, to cease and desist earth materials activity provided: (1)

the earth materials activity is not conducted, or is incapable of being carried out, in accordance with the approved EM Permit and this Section; (2) the earth materials activity is causing damage to land, a waterway, a wetland, or stormwater drainage facilities, (3) the Permit has expired, or (4) for other reasonable cause determined by the ZEO or the Commission. A violation of this Section is subject to remedy in accordance with Section 6. If a bond was required, in accordance with Subsection 8.17, the Commission shall hold a hearing and may call the bond, and thereafter may void the EM Permit, cease earth materials activity, and take enforcement action. (Effective date 5/15/15)

39.3.13 In the event there is unacceptable soil or clean fill in additional size of area or in quantities exceeding that approved by EM Permit, an amended EM Permit is required. When determining jurisdiction of either the ZEO or the Commission as to review and approval of the amended EM Permit, the new quantities added to the quantities previously permitted shall be determinative. If the EM Permit amendment is approved, a bond may be required in accordance with Subsection 8.17. (Effective date 5/15/15)

39.3.14 The requirements of this Section are in addition to applicable Federal, State, and local regulations. Earth materials activity that affects wetlands and watercourses and are within 100 feet of a wetland or a watercourse shall be subject to the Watertown Conservation Commission / Inland Wetlands Agency regulations. (Effective date 5/15/15)

39.3.15 An EM Permit shall not derogate any right or power of the Planning and Zoning Commission, and conveys no property right or exclusive privilege.

#### 39.4 Earth Materials Activity Standards

In granting a Permit, the applicant shall satisfy the following standards, conditions, and safeguards to protect the groundwater, the public health and safety, property values, the general welfare of the neighborhood and the Town, and to ensure compliance with these Regulations, as determined by the ZEO or Commission, as applicable. (Effective date 5/15/15)

39.4.1 Earth materials activity shall comply with the following.

- a. Unless otherwise specified by Special Permit approval, hours of operation shall comply with Town Ordinance Article 2 12-32. (Effective date 5/15/15)
- b. The specific area of a property to which the earth materials activity shall be delineated. (Effective date 5/15/15)
- c. Protective measures to minimize noise, dust, vibration, and flying debris shall be provided. (Effective date 5/15/15)
- d. A bond shall be posted in accordance with Subsection 8.17. (Effective date 5/15/15)
- e. Provision shall be made to prevent spillage of debris and earth materials from vehicles and from the premises. It is the responsibility of the permittee to promptly clean spillage. The permittee shall be liable for the cost of cleaning



- any earth material spillage or repairing any damage to streets of the Town of Watertown or the State of Connecticut caused by improper loading or securing of loads, or improper spillage from the premises. (Effective date 5/15/15)
- f. No excavation or filling of land shall be made that reduces the final elevations below flood plain, changes the area of the flood plain, or exposes ground water, without approval of the ZEO or the Commission.
  - g. The permittee shall pay Commission costs of Permit inspections, monitoring, and testing.
- 39.4.2 In issuing Site Plan or Special Permit approval of an EM Permit, the Commission shall determine and the EM Permit shall require the following. (Effective date 5/15/15)
- a. The extent and location of stockpiling earth materials on the property. (Effective date 5/15/15)
  - b. The location of vehicular access into, out of, and travel within the subject property shall be provided to avoid hazards and to assure accommodation for traffic and pedestrians. (Effective date 5/15/15)
  - c. Limits to the duration of earth materials activity.
  - d. Limitations on the property where processing equipment may be located, the amount and type of processing equipment, and the location of earth materials activity near adjacent properties. (Effective date 5/15/15)
  - e. Provision for adequate transition and parcel restoration from adjacent properties, such as with landscaping, earth berms, or fences.
  - f. Site security, including gates or other suitable closures, which shall remain locked when the operation is not in progress. (Effective date 5/15/15)
  - g. Site restoration provisions, including five inches of topsoil substantially free of stones and landscaping to reestablish a natural appearance and consistency with adjoining properties. (Effective date 5/15/15)
  - h. Mitigation provisions for excavations of rock that affect the existing ridgelines or create temporary exposed cliffs, or creates other permanent topographical features to ensure compatibility with the Watertown Plan of Conservation and Development. (Effective date 5/15/15)
  - i. The processing of excavated earth materials shall be permitted only for on-site use subject to Special Permit approval in accordance with Section 9, unless otherwise approved by the Commission. (Effective date 5/15/15)
  - j. The ZEO or the Commission may establish restrictions as to if and where earth materials may be moved to temporarily or permanently. (Effective date 5/15/15)
- 39.4.3 A Permit approved by the Commission pursuant to this Section may require a bond for assuring conformance with the purposes of earth materials activity including property restoration. If the Commission requires a bond to ensure the faithful performance of the work, the Permit shall not become effective until the applicant posts a bond with the Commission in accordance with Subsection 8.17. The bond shall ensure completion of the earth materials activity in accordance with the

requirements of the approved EM Permits. Such bond shall provide for the completion of any uncompleted or required work covered by the bond, or when the Permit expires or is void for failure to comply with the requirements of the Permit. Such bond shall not be released in full by the Commission until all conditions of the Permit that are the subject of the bond have been satisfactorily completed. The applicant shall be responsible until the third growing season after planting for the required permanent vegetation cover growing in healthy condition. [Effective: September 30, 2011] (Effective date 5/15/15)

- 39.4.4 The “~~processing and storage~~ of reclaimed asphalt directly reused in the construction of roads, bridges, incidental construction, and parking areas” may only be in Zoning Districts where this use is specifically permitted by Special Permit in accordance with Section 9. This activity shall comply with this Section and with DEEP regulations; otherwise, this activity is not permitted. Asphalt and other materials shall not cause pollution, adversely affect the wetlands or watercourses, or cause damage by erosion, sedimentation, siltation, or stormwater drainage. Asphalt shall not be used for the filling of land. Storage of reclaimed asphalt for twelve months or longer is filling of land and is not permitted. (Effective date 5/15/15)
- 39.4.5 The failure of a permittee, without written approval of the ZEO or the Commission, to actively work the area covered by the Permit for a period of six months (excluding the months of November, December, January, February and March) shall be prima facie evidence that the work authorized by the Permit has been completed, and the burden shall be upon the permittee to prove the contrary. Any failure to initiate restoration within the 90-day period following completion, expiration, or revocation of the Permit, such as to reasonably assure complete restoration by the end of the 90-day period (seasonal planting excepted) shall be a separate violation of the Regulations.

### 39.5 Application Requirements

An application for an EM Permit shall have reports, maps, plans, and cross-sections prepared by a licensed surveyor, landscape architect, or engineer which, at a minimum, shall contain the following information. (Effective date 5/15/15)

- 39.5.1 The boundaries of the entire property, the location and extent of the earth materials activity, any wetlands and watercourses, any wooded areas (denoted by foliage lines), earth excavation areas, and all intersecting streets on or within 200 feet of the property.
- 39.5.2 Existing contours of the entire property, 20 feet beyond the property line, and in the area of the earth materials activity. Longitudinal and transverse cross-sections of the area shall be based on USC&G datum and drawn at an interval not to exceed two feet. Existing contours shall be based upon an actual field survey or an aerial survey with established ground elevations. The map scale shall be 1"=40'.

- 39.5.3 The amount of cubic yards of earth materials that is the quantity of earth materials activity.
- 39.5.4 The location, surface treatment, and grading of truck and vehicle access to the property.
- 39.5.5 The location, type, size, number, and purpose of any existing and proposed buildings, structures, areas for stockpiling, and equipment used for the storage and processing earth materials on the subject property.
- 39.5.6 Existing and proposed drainage on the property and existing rivers, streams, watercourses, ponds and swamps, wetlands, and siltation traps on or within 200 feet of the property.
- 39.5.7 The location of test pits and borings, if any.
- 39.5.8 The location of wooded areas and rock outcrops, if any.
- 39.5.9 If required by the Commission for Special Permit review, a concept plan showing the possible re-use of the property after completion of the earth materials activity. The concept plan shall show general building and parking locations, a general layout of stormwater drainage, water lines, sanitary sewer lines, septic systems, proposed grades, and site access. A determination by the Commission that the concept plan is acceptable shall not constitute Commission approval of the concept plan or any other plan (e.g. Site Plan).
- 39.5.10 Reports and plans such as, but not necessarily limited to
- a. Wind-borne erosion and vibration control plan;
  - b. Soil erosion and sedimentation control plan in accordance with Section 29;
  - c. Maintenance and operations of storm drainage facilities plan;
  - d. Stormwater pollution protection plan having two components: (1) pollution caused by soil erosion and sedimentation during and after the earth materials activity and (2) stormwater pollution caused by use of the property after earth materials activity;
  - e. Filling and compaction activities plan; and
  - f. A written program describing how the earth materials activities are to be conducted including the sequence and period of operations for site preparation, stockpiling, stormwater drainage, siltation, erosion and sedimentation controls, periods of operations, and site restoration.
- 39.5.11 The ZEO may require less detail and information than is required in this Sub-section for ZEO review of an application. For an EM application involving greater than 500 cubic yards of earth material, subject to the filing of a written request from the applicant or the property owner, the Commission may waive application information requirements of this Subsection with a two-thirds (5 members) vote of approval . The ZEO or the Commission must determine in any such approval that a

waiver is in the best interests of the subject property, the neighborhood, and the Town. (Effective date 5/15/15)

### 39.6 Earth Materials Activity Performance Standards

Permitted earth material activities shall comply with the following standards. (Effective date 5/15/15)

- 39.6.1 Excavation and grading shall provide for proper positive flow drainage of the property during and after completion of the earth materials activity. The Permit may be conditioned to restrict earth materials activity from within 150 feet of a property line abutting a Residential District, within 100 feet of a property line abutting a Business District, or within 50 feet of a property line abutting an Industrial District. No excavation shall be conducted below grade within 150 feet of an existing abutting public street without written permission from the Town Engineer; below grade within 50 feet of an abutting property line without written permission from the abutting property owner; or within 150 feet of dwellings existing as of the Permit date without written permission from these dwelling owners. The ZEO or the Commission may decide the reasonableness of not obtaining written permission from anyone, and may decide the Permit otherwise. No excavation shall be lower than three feet above ledge, except as approved by Permit.
- 39.6.2 No excavation shall be made below the normal groundwater table, or soil contours changed, which results in a permanent lake or pond or drainage ditch, unless expressly approved by the ZEO or the Commission.
- 39.6.3 The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. The slope within 50 feet of a waterway shall not exceed one foot of vertical rise per two feet of horizontal distance. Slope stabilization shall occur before a new slope is created and the existing slopes disturbed. Where ledge rock or similar geological conditions are encountered, a steeper grade may be approved by Permit subject to further requirements for fencing, other protective safety measures, and engineering controls to stabilize the slope. Rolling topography should be developed and sloped areas shall not exceed 200 feet of continuous length (measured perpendicularly to the contours) without a reverse bench or terrace, a change in grade (percent of slope) or change in aspect (slope direction). (Effective date 5/15/15)
- 39.6.4 The EM Permit may restrict processing machinery erected and/or used on the property that is within 150 feet of any street line or adjacent property not owned by the owner of the subject property, or is within 300 feet from any place of assembly. Processing machinery shall be removed from the property within 30 days following termination of the approved earth materials activity or expiration of the Permit, whichever is earlier.
- 39.6.5 Proper measures shall be taken to minimize noise, dust, vibration, and flying debris during operations, including the treatment of on-premise access routes with calcium

chloride or similar material. Adequate provision shall be made to prevent the discharge of any pollution control chemicals, anti-sticking agents, sediment, oil, or other pollutants into any waterway, wetland, or groundwater.

- 39.6.6 All processing equipment shall have, approved by Permit, a muffler system and noise reduction materials for equipment parts. No vehicle or equipment not used directly in connection with the work covered by the Permit shall be operated, parked, repaired, or serviced within the Permit area. The Commission may require water quality tests, paid by the permittee.
- 39.6.7 Vehicle access to the property and the work area shall be arranged to minimize traffic hazards. Warning signs of earth materials activity may be required on streets.
- 39.6.8 The use of buildings, structures, and equipment for storing or processing earth materials are subject to a Permit.
- 39.6.9 No arable topsoil existing within the Permit area shall be removed from the premises until an amount adequate, in the opinion of the ZEO, to conform to these Regulations has been stockpiled at the storage areas on the premises. Arable topsoil shall be separately stockpiled from subsoil and other fill material. All arable topsoil stockpiled for a period more than 30 days shall be seeded with annual ryegrass.
- 39.6.10 Upon completion of the earth materials activity, all disturbed areas of the property, except waterways and rock exposed by excavation, shall be covered with a minimum of five inches of topsoil substantially free of stones. Such topsoil shall be evenly spread over the disturbed area, rolled, fertilized, and planted with a permanent vegetation cover suitable to prevent erosion and to hold all slopes. Earth materials activity should be in 12-inch lifts and compacted to the standards required by this Section. All disturbed areas shall be stabilized in accordance with the Permit.
- 39.6.11 Any time prior to the satisfactory completion of the earth materials activity, the ZEO or the ZEO's duly authorized representative, may require those areas where earth materials activity are substantially complete to be final graded, covered with a minimum of five inches of topsoil substantially free of stones, and seeded to establish a permanent vegetation cover.
- 39.6.12 All earth materials activity shall be performed in conformance with the erosion and sedimentation control requirements of Section 29. At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive run-off, silting of wetlands and watercourses, and damage to property, streets, or drainage facilities. (Effective date 5/15/15)
- 39.6.13 The embankment and disposal of surplus material caused by earth materials activity during roadway excavation, in addition to the requirements of this Section, shall also comply with the Connecticut Department of Transportation (CONNDOT)

regulations section 2.02.01 through 2.02.04, as amended. Commission Regulations shall prevail if there are conflicts with CONNDOT regulations. (Effective date 5/15/15)

- 39.6.14 The filling material shall consist of a minimum 80% clean fill with the remainder woody vegetation and masonry only. No trash, garbage, building materials, or junk of any nature shall be permitted. Trees, tree stumps, woody vegetation, and masonry shall be located on the property as approved by the ZEO, or the ZEO's duly authorized representative.
- 39.6.15 The compaction of earth materials may be required by Permit to a standard of 95% for every foot of filling of dry density for that soil and tested in accordance with the American Association of State Highway Traffic Officials ("AASHTO") T-180 method; or another lesser standard approved by the ZEO or the Commission. The permittee, at their expense, shall show compliance with the Permit, evidenced by reports prepared by licensed professionals, which reports are acceptable to the ZEO or the ZEO's duly authorized representative.
- 39.6.16 Any earth materials excavation permitted by the Regulations shall, to the greatest extent possible, be done in a manner or adequately mitigated to preserve historic and archeological sites used for prehistoric and historic occupation, subsistence, industry, trade, agriculture, burial, and other cultural purposes, to assure compatibility with the Watertown Plan of Conservation and Development as determined by the Commission.
- 39.6.17 The Town, Commission, their staff, employees, and agents, shall as a condition of the Permit, have permission from the permittee or the property owner to enter and travel onto the subject property at times determined by Town officials to inspect work and to take measurements. The permittee or property owner may require appropriate and reasonable safety equipment for protecting said persons.
- 39.6.18 The permittee shall employ best management practices consistent with the terms and conditions of the Permit to control stormwater discharges and to prevent pollution, siltation, erosion, and sedimentation.
- 39.6.19 The permittee shall immediately notify the ZEO, or the ZEO's duly authorized representative, of pollution, siltation, or erosion and sedimentation impacts on the property including the wetlands and watercourses as this becomes known to the permittee.
- 39.6.20 The recommendations of the ZEO or the ZEO's duly authorized representative, shall be followed. This may include, but is not limited to, siltation, erosion and sedimentation controls, grading, and proper stormwater management.
- 39.6.21 Before commencing earth materials activity, the permittee shall clearly mark at minimum 50-foot intervals, all property boundaries, the area of the Permit activities, and the inland wetlands boundaries, including the 100 foot regulated area

from the wetlands. A convenient benchmark shall be approved by the ZEO. The permittee shall maintain these markings throughout the Permit activities until the activities have been inspected and determined by the ZEO to be satisfactorily complete.

39.6.22 The permittee shall notify the ZEO or the ZEO's duly authorized representative of the locations of earth materials activity prior to performing those activities to ensure that all necessary soil erosion and sedimentation controls in the areas of such activities are in place and maintained in accordance with these Regulations.

39.6.23 All reclamation and restoration approved as a condition of a Permit shall be completed within the Permit period. The rest of the premises, including the Permit area, except for the storage area, processing area, and circulation routes, shall remain either undisturbed land or shall be graded to the proposed final contours and elevations and be otherwise restored, seasonal planting factors considered.

39.6.24 Reclamation areas shall be refilled, if necessary, with clean fill. Re-grading shall be to the final contours and elevations shown in the approved plans. (Effective date 5/15/15)

#### 39.7 Variance Procedure

As provided in Article IX, the ZBA shall hear and decide requests for variances from the requirements of this Section. In reviewing such applications, the ZBA shall consider the purposes of this Section and all technical evaluations, relevant factors, and standards specified in this Section and may attach such conditions to the granting of variances limited to furthering the purposes of this Section. The ZEO and the Commission shall have original jurisdiction for all provisions of this Section.

[Amendments and repeal of former Section "Filling of Land" are effective May 28, 2010. Several amendments are effective May 13, 2011.]

### **Section 40. Planned Residential Development**

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#### 40.1 Purpose

Planned Residential Developments (PRD) may be permitted by Special Permit and Site Plan approval in the R-90, R-70, R-30, and R-12.5 Residential Districts, subject to the standards and procedures set forth in this Section for the purpose of providing alternative housing options in Watertown, consistent with the following objectives. (Effective date 5/15/15)

40.1.1 Preserve the natural, scenic and ecologically important features of the Town's remaining undeveloped land.

40.1.2 Encourage flexibility of design and development in such a way as to promote the most appropriate use of land, considering its particular topography, size, shape,

soils, natural features, historic assets and other similar features, and to prevent soil erosion and water pollution.

- 40.1.3 Preserve wetlands and otherwise control new developments so as to minimize hazards resulting from stormwater runoff and stream flooding.
- 40.1.4 Provide the maximum land area for open space, park, and recreation purposes, including trails.
- 40.1.5 Protect and preserve the semi-rural character of the Town's residential areas.
- 40.1.6 Facilitate the economical construction and maintenance of roads, utilities, and other public facilities in new developments.

#### 40.2 Public Hearing

To assist with its consideration for a PRD, the Commission may, at its discretion, require a public hearing. (Effective date 5/15/15)

#### 40.3 Permitted Uses

The following uses are permitted as of right in a PRD subject to Site Plan approval in accordance with the requirements of Section 8.

- 40.3.1 Single-family detached dwellings, in public sewered and public water areas only. (Amendment adopted 10/19/94)
- 40.3.2 Single-family attached dwellings, in public sewered and public water areas only.
- 40.3.3 Two-family dwellings, in public sewered and public water areas only.
- 40.3.4 Open space, including conservation or park areas for passive recreation, park, horticultural gardening, conservation, and flood control, with no structures or changes in contour or natural surface of the land.
- 40.3.5 Recreational areas for active recreation and sports and recreational facilities for use by residents of the development and their accompanying non-paying guests.
- 40.3.6 Agriculture, forestry, or forest management.

#### 40.4 Permitted Accessory Uses

The following accessory uses shall be permitted in a PRD.

- 40.4.1 All permitted accessory uses in the underlying Zoning District. (Effective date 5/15/15)
- 40.4.2 Community centers or other recreational facilities intended solely for the use of residents of the PRD and their guests.



#### 40.5 Lot and Floor Area Requirements

##### 40.5.1 Minimum parcel size

- a. R-90 - 35 acres
- b. R-70 - 25 acres
- c. R-30 - 15 acres
- d. R-12.5 - 10 acres

40.5.2 The maximum number of dwelling units permitted in a PRD, shall be determined by multiplying the total acreage of the site by the appropriate base density factor as indicated by the following and rounding off the result to the nearest whole number. (Effective date 5/15/15)

- a. R-90 - 0.4
- b. R-70 - 0.6
- c. R-30 - 1.3
- d. R-12.5 - 3.2

40.5.3 The minimum lot area per dwelling shall be calculated as follows. (Effective date 5/15/15)

- a. Single-family detached and two-family detached dwellings - One half the lot area otherwise permitted in the zoning district. (Effective date 5/15/15)
- b. Single-family attached dwelling - No minimum. (Effective date 5/15/15)

40.5.4 Side and rear yard principal building setbacks shall be a minimum of 15 feet, except side yard setbacks shall not apply to adjacent single-family attached units. (Effective date 5/15/15)

40.5.5 Front yard principal building setback shall be a minimum of 20 feet. (Effective date 5/15/15)

40.5.6 Single-family attached dwellings and two-family dwellings shall be setback a minimum of 150 feet from any property line on the perimeter of the site abutting residentially zoned land and along the main public road frontage, except where such property line shall abut another PRD site or multi-family development. The Commission may permit a lesser setback where severe topography, water bodies, or other unique physical conditions create a suitable separation of sites.

40.5.7 Maximum building height shall be 35 feet.

#### 40.6 Open Space Requirements

40.6.1 An open space area including recreational areas, conservation areas, and park areas, shall be provided equal to or greater than the difference between the total area of the lots which could be developed under conventional zoning and the total area of the lots proposed under PRD provisions. A minimum of 35% of the total parcel area shall be established for open space, preferably in one continuous parcel exclusive of parking areas, driveways, access roads, or other impervious surfaces.

Not more than 10% of the open space shall be a designated wetland. Only areas containing a minimum of one acre with a minimum dimension of 100 feet shall qualify as open space.

40.6.2 The location of any open space shall reflect consideration of open space systems which are designated in the Town Plan of Conservation and Development, desirable watercourses and wetlands, the presence of unique natural features, access to and use of such space, and restrictions and conditions regarding its usage. (Effective date 5/15/15)

40.6.3 The open space area shall be noted on the plan as "Reserved for Open Space Purposes".

#### 40.7 Control of Open Space

40.7.1 Land marked "Reserved for Open Space Purposes" on the plan shall be maintained as open space in perpetuity, either by donation to a non-profit conservation organization acceptable to the Commission; by donation to and acceptance by the Town for use as park land; or by ownership by a property owners' association. If the open space is to be owned by an association of property owners, as a condition of approval of the PRD by the Commission, a document acceptable to the Commission's legal counsel shall be filed by the applicant in the Office of the Town Clerk, which document (Effective date 5/15/15)

- a. Shall establish an association of property owners to maintain the land reserved for open space purposes, with power to assess the members for all necessary costs;
- b. Shall be binding on all future owners;
- c. Shall be perpetual;
- d. Shall not be affected by any change in zoning or land use;
- e. Shall assure appropriate maintenance of the reserved land;
- f. May be enforced by adjoining property owners or the Town by appropriate court action; and
- g. Shall provide that if maintenance, preservation, or use of the open space no longer complies with the provisions of the document, the Town may take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.

#### 40.8 Additional Design Requirements:

40.8.1 All buildings shall be located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. An overall architectural theme or style shall be established for all dwellings and accessory structures to assure an overall harmony of roof lines, sizes, facades, materials, and colors.

40.8.2 The Commission may permit a PRD wherein the land and common facilities shall be under single common ownership, in which case individual lots and yards shall not

be required; however, no structure shall be within 30 feet of another structure nor closer than 20 feet to a road.

40.8.3 All lots and dwelling units shall be oriented towards the common open space, which shall serve as the focal point of the PRD.

40.8.4 A maximum of six dwelling units shall be attached by common walls, breezeways, porches, decks, or other structural or architectural features.

## **Section 41. Affordable Housing**

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### 41.1 Purpose

To comply with applicable provisions of the CGS, affordable housing developments comporting with the provisions of this Section may be permitted by Special Permit and Site Plan approval within any Planned Residential Developments approved in accordance with Section 40 in the R-G District. (Effective date 5/15/15)

### 41.2 Maximum Permitted Density

The maximum permitted density for affordable housing developments may be increased by up to 40% from that otherwise permitted in the underlying District. (Effective date 5/15/15)

### 41.3 Affordability Plan

An affordability plan shall be required for approval of a Site Plan and Special Permit, which shall describe in detail how the development will comply with this Section and how the affordability covenants and restrictions will be administered.

41.3.1 The affordability plan shall include provisions for

- a. Procedures for notice to the general public of the availability of affordable units;
- b. Identification of which units throughout the project shall be designated as affordable;
- c. Procedures for verification and periodic re-verification of unit occupancy include and compliance with affordability requirements; and
- d. Administration of periodic reports to the ZEO or other authority as may be established concerning compliance with this Section;

41.3.2 The affordability plan shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions and any explanations which will be provided to the occupants concerning such restrictions.

41.3.3 The developer or his successors shall be responsible for the implementation of all terms and restrictions of the affordability plan. Upon approval by the Commission,

the appropriate local public agency shall assume the responsibility for implementation.

#### 41.4 General Requirements

Affordable housing development shall conform to the following conditions. (Effective date 5/15/15)

- 41.4.1 For each dwelling unit constructed in excess of the number permitted by applicable density limits, the developer shall construct one unit of affordable housing within the proposed development.
- 41.4.2 The affordable units shall be reserved for sale or rental to persons and families of low and moderate income, as defined in [CGS Section 8-39a](#), for a period of at least 30 years. (Effective date 5/15/15)
- 41.4.3 The affordable units shall be indistinguishable from the market-rate units in all manner, including but not limited to size, number of bedrooms, location, appearance, provision of amenities and community facilities, quality and cost of construction, and installation of utilities.
- 41.4.4 The developer or his successors shall certify to the appropriate local public agency on an annual basis that the units developed as affordable housing are being leased or have been sold to eligible persons or families, at prices or rents, consistent with the requirements of the General Statutes.

#### 41.5 Permitted Uses

The principal and accessory uses otherwise permitted in a R-G District or a Planned Residential Development shall be permitted in affordable housing developments, subject to all applicable standards.

### **Section 42. Telecommunications Facilities**

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#### 42.1 Purpose

When subject to Town Zoning authority, telecommunications facilities shall conform to the following standards. When location and development of such facilities are subject to State or Federal authority superseding Town authority, the following standards shall serve to guide any Town participation before any such authority. (Effective date 5/15/15)

#### 42.2 Location Preference (Effective date 5/15/15)

The order of preference for facility locations shall be as follows.

- a. On existing structures such as buildings, smokestacks, water towers, and ground signs.
- b. On existing or approved towers.
- c. On new towers located on property occupied by one or more existing towers.

- d. On new towers in commercial and industrial districts.

#### 42.3 General Requirements for All Applications

42.3.1 Each application shall include a map showing the following.

- a. The extent of planned coverage within the network of planned coverage in the service area and any or all overlap with the Town of Watertown.
- b. Approved locations of all other telecommunication sites in Watertown, including the applicant's.
- c. Existing towers owned/used by the applicant within one-quarter mile of Town's borders and closest network.
- d. The location and service area of the proposed telecommunication site.
- e. The search radius for the proposed telecommunications site.
- f. An intermediation study of existing emergency frequencies as specified by Town administration.

42.3.2 Each application shall provide an analysis of the availability of suitable existing towers and other structures including the following. (Effective date 5/15/15)

- a. A complete list of all facilities contemplated by the applicant or any associate thereof to be constructed within the Town of Watertown.
- b. A demonstration of whether and how each such facility will provide a seamless network of coverage within the Town.
- c. A showing of how applicant's plan will connect with networks in neighboring towns so as to provide such a seamless network.

42.3.3 Each application shall provide the following additional information where applicable.

- a. A plan showing where and how the proposed antenna(s) will be affixed to a particular building or structure.
- b. Details of all proposed antenna(s) and mounting equipment including size and color.
- c. Elevations of all proposed -physical shielding and details of materials including color.
- d. An elevation of all proposed equipment buildings/structures with details of all proposed fencing including color.
- e. All proposed landscaping with list of plant material.

42.3.4 All applications for new towers shall include a site plan showing the following.

- a. Height of the proposed tower.
- b. Proximity of the tower to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography within 1,000 feet at interval not exceeding five feet based on town datum.
- e. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- f. A design drawing including cross section and elevation of all proposed towers

- g. A topographic profile showing the proposed tower and its associated equipment from adjoining properties.
- h. Proposed ingress and egress.

42.3.5 In all cases in which the Commission feels that a peer review of the applicant's service area, tower sharing, or other technical issues is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the commission on the application.

42.3.6 No proposed commercial wireless telecommunication site shall be designed, located, or operated as to interfere with existing or proposed public safety communications.

#### 42.4 Approval Requirements for Telecommunication Towers and/or Antennas

All telecommunication facilities such as towers and or antennas shall be permitted in all Zoning Districts by Special Permit and Site Plan approval in accordance with Sections 8 and 9 of the Zoning Regulations and in conformance with the standards of this Section. (Effective date 5/15/15)

42.4.1 In addition to the applicable information required by Sections 8 and 9, applications shall provide the following. (Effective date 5/15/15)

- a. Documentation of efforts to find a location in a nonresidential zone; and (Effective date 5/15/15)
- b. Documentation of efforts and measures taken to pursue preferences a, b, and c in Subsection 42.2 and explanation for why a higher preference location was not technologically, legally or economically feasible, including an evaluation of the following. (Effective date 5/15/15)
  - the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost. In addition, a description of the efforts and measures taken to pursue preferences;
  - the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost;
  - the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost; and
  - Any restriction or limitation imposed by the FCC.

42.4.2 In addition to a review of all the information provided by the applicant, the commission shall consider the following in acting on the Special Permit.

- a. Height of the proposed tower.

- b. Proximity of the tower to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and the effect of reducing or eliminating visibility from public roads or adjoining property.
- f. Proposed ingress and egress.
- g. Availability of suitable exiting towers and other structures as discussed in this regulation.
- h. Radio and television interference in residential zones.

42.4.3 The Commission may require that applicants provide simulations of tower locations and impacts as part of the review of a Special Permit application. Such simulations may entail the erection of balloons or other devices, necessary to visualize the proposed facility.

#### 42.5 General Standards for Towers

42.5.1 No signs shall be permitted on any tower or antenna.

42.5.2 No lights or illumination shall be permitted unless required by the FCC or FAA.

42.5.3 Towers shall be surrounded by a fence or wall not more than six (6) feet in height; type to be determined by the Commission. If barbed wire is included in the fence, it shall be within the six (6) feet height limit. All telecommunication structures shall be screened with appropriate landscaping.

42.5.4 Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height and less than 100 feet. The commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

42.5.5 No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Commission that no existing tower or structure can or will accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following.

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

#### 42.6 General Standards for Equipment Buildings/Structures

- 42.6.1 Each building/structure shall not contain more-than 750 square feet of gross floor area or be more than twelve (12) feet in height.
- 42.6.2 Each building/structure shall comply with the setback requirements for accessory buildings for the zone in which it is located.
- 42.6.3 If located on the roof of a building, equipment buildings/structures shall not occupy more than 15% of the roof area and shall be designed to blend with the color and design of the building to the extent possible. Such building or structure shall not cause the overall structure that it is mounted on to exceed the height requirement for the zoning district.
- 42.6.4 Any buildings that are constructed to service telecommunication facilities shall be constructed of materials consistent with the apparent structure and neighboring buildings as determined by the Commission.

#### 42.7 Additional Approval Requirement for Structure or Rooftop Mounted Antennas

Structure or rooftop mounted panel and whip antennas, with an equipment building or equipment structures, shall be permitted by a Special Permit in all Zoning Districts, subject to the following.

- 42.7.1 Antennas shall not be attached to a one family to four family dwelling unit nor to an accessory building on a lot containing a one family to four family dwelling.
- 42.7.2 Antennas shall be of a material or color which matches the exterior of the building or structures.
- 42.7.3 If roof mounted, antennas shall not exceed a height of fifteen (15) feet above the highest part of the structure or building, and the height permitted in the Zoning D district.
- 42.7.4 If facade mounted, antennas(Effective date 5/15/15)
  - a. Shall project not more than two (2) feet beyond the wall or facade of the structure and
  - b. Shall not project more than five (5) feet above the cornice line.
- 42.7.5 All equipment buildings and/or structures shall be screened with appropriate landscaping.
- 42.7.6 Satellite and microwave dish antennas shall not exceed six (6) feet in diameter in industrial or commercial zones and two (2) feet in residential zones in diameter and



shall be located or screened so as not to be visible from abutting public streets or neighboring properties.

#### 42.8 Additional Approval Requirements for Telecommunication Towers

Towers with equipment buildings/structures shall be permitted by Site Plan and Special Permit approval in accordance with Sections 8 and 9 and the following standards. (Effective date 5/15/15)

- 42.8.1 Towers shall be no taller than necessary to participate in the applicant's network and in no case shall exceed two hundred (200) feet. (Effective date 5/15/15)
- 42.8.2 Towers shall be a monopole unless otherwise approved by the Commission
- 42.8.3 Towers shall be located a minimum of five hundred (500) feet from any residential structure located within a Residential District. Distance shall be measured from the base of the tower to the foundation of the residential structure. (Effective date 5/15/15)

#### 42.9 Removal of Abandoned Towers and Antennas

A telecommunications site not in use for six (6) months shall be removed by the facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period. Upon removal, the site shall be restored to its previous appearance and where appropriate, re-vegetated.

#### 42.10 Co-utilization

In order to ensure the construction of a minimum number of these facilities, each such facility must be constructed in such a manner as to allow co-utilization of as much of such facility as possible by other vendors of telecommunication services.

#### 42.11 Bonding

No application for such a facility will be accepted which is not accompanied by a cash bond in a sufficient amount to cover the complete cost of dismantling the facility and restoring the site to its original condition. The total amount of such bond shall include an amount sufficient to cover estimated inflation over the projected life of the facility. Non-use of the facility for six months shall revoke the Special Permit and the bond will be called to remove such facility.

#### 42.12 Historic Districts and Scenic Views

No such facility shall be constructed in a designated historic district or on a building over 75 years old or in a scenic view as indicated in the Watertown Plan of Conservation and Development.

#### 42.13 Radio or Television Reception or Transmission Facilities

Radio or television reception or transmission facilities shall be permitted in all Districts subject to Special Permit and Site Plan approvals in accordance with the requirements of Sections 8 and 9 and subject to the conditions stated in this Section. (Effective date 5/15/15)

### **Section 43. Wind Turbines**

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#### **43.1 Standards**

Wind turbines shall be permitted by Special Permit and Site Plan approval as accessory structures subject to the following conditions. (Effective date 5/15/15)

- 43.1.1 Wind turbines are permitted in the R-30, R-70, R-90, IG-80, IR-80, and IR-200 Zoning Districts only for the purpose of generating electricity pursuant to these Regulations. (Effective date 5/15/15)
- 43.1.2 Wind turbines may generate electricity to a maximum 10kw and are prohibited from exporting more electricity than is consumed at residential buildings on the lot where a wind turbine is located. (Effective date 5/15/15)
- 43.1.3 No more than one wind turbine shall be permitted per building lot. (Effective date 5/15/15)
- 43.1.4 The minimum setback from property lines for a wind turbine is twice the wind turbine height. (Effective date 5/15/15)
- 43.1.5 The maximum height of a wind turbine shall not exceed 55 feet. (Effective date 5/15/15)
- 43.1.6 Audible sound generated by a wind turbine shall not exceed 45 decibels (dBA) measured from the base of wind turbine support structure to nearest property line. (Effective date 5/15/15)
- 43.1.7 A wind turbine may be located in side yards and rear yards but shall be prohibited in front yards and in yards where the side yards and rear yards are adjacent to a front yard of another residential property.
- 43.1.8 Signs are prohibited on wind turbines and support structures except for owner identification and facility rating information as may be required by any cognizant authority. (Effective date 5/15/15)
- 43.1.9 Wind turbines and support structures must be a neutral color.
- 43.1.10 Prior to Special Permit approval applicant must provide to the Commission conditional interconnection approval from a State of Connecticut authorized wholesale electric power purchaser. (Effective date 5/15/15)
- 43.1.11 A permitted wind turbine not continuously generating electricity for 90 days must be disassembled at property owner expense; within 90 days thereafter support structure

must also be disassembled with wind turbine at property owner expense if support structure is an accessory structure used primarily for wind turbine.

43.1.12 A wind turbine is at no time a temporary structure.

43.1.13 Electrical cable(s) must be underground or concealed from view on the support structure and wind turbine.

#### 43.2 Property Value

The Commission shall consider the affect a wind turbine will have on property values. An application for wind turbine approval shall not be accepted by the Commission for review until a real estate appraiser licensed in the State of Connecticut is selected by the applicant and approved by the Commission to perform an appraisal on the Wind Turbine property and adjacent properties; and the appraisal report is submitted to the Commission. Appraisal expenses shall be paid by the applicant. The applicant and Commission are not obligated to accept the final appraisal report. (All Section 7.26 Effective Date 06/27/2008) (Effective date 5/15/15)

### **Section 44. Motor Vehicle Service Stations and Repair Facilities**

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Where permitted by these Regulations by Special Permit approval, motor vehicle service stations and motor vehicle repair facilities shall comply with the applicable standards of Sections 8 and 9 and the following provisions. (Effective date 5/15/15)

44.1.1 All maintenance, repair, and automobile washing shall be conducted within an enclosed building.

44.1.2 Such facilities shall be subject to a Certificate of Approval from the Planning and Zoning Commission in accordance with CGS Section 14-54. (Effective date 5/15/15)

44.1.3 Motor vehicle service stations shall have a limited repairer's license issued by the State.

44.1.4 No pump for the retail selling of gasoline on any lot shall be located within less than 1,000 feet of a pump for the retail selling of gasoline on any other lot, regardless of the District in which such other lot may be located.

### **Section 45. Automobile Dealerships**

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#### 45.1 New Car Sales for Existing Automobile Dealerships as of September 15, 2005

All applications for a Special Permit and Site Plan approvals involving the expansion or improvement of a new car automobile dealership or to add the sale of used cars as an accessory use, received on or after September 15, 2005, shall be subject to the following provisions and standards. (Effective date 5/15/15)

- 45.1.1 There shall be landscaped island buffers at least 10 feet in width, except for clearly defined lanes of ingress and egress, along the street in front of the dealership. Such buffer shall be measured from the edge of pavement of the road, or such line further back as is required by the highway authority having jurisdiction. Edge of pavement shall mean the outer edge of the shoulder of the street. The buffer shall be planted with an attractive ground cover of grass and shrubs as approved by the Commission, but may include a sidewalk. Only plantings and sidewalks shall be within buffers.
- 45.1.2 No fence shall be constructed along the street frontage, except in the rear or side yards of the dealership abutting a street and then not within 10 feet of street lines, not higher than 6 feet, and only for the purpose of providing security to the property.
- 45.1.3 No side yard buffer shall be required where the immediately adjoining property is also an existing new car sales business. Where other businesses directly abut a side yard a 5 foot side yard buffer shall be maintained, except a 25 foot buffer shall be required where abutting a Residential District.
- 45.1.4 No rear yard buffer shall be required when and where the property abuts a new car automobile dealership. Wherever a rear yard abuts another non-residential use a 5 foot buffer shall be maintained and wherever a rear yard abuts a Residential District a 25 foot buffer shall be required. (Effective date 5/15/15)
- 45.1.5 Side and rear yard buffers where required shall be planted with grass and such shrubs as shall be acceptable to the Commission.
- 45.1.6 The maximum coverage requirements shall be as follows.
- a. Maximum impervious surface coverage may be 100%, except for buffer areas, and except that if new land is added the maximum coverage on such new area will be 80% of such area;
  - b. Maximum building coverage shall be 30% except such coverage may be increased to 45% to include expanded service areas as shall be acceptable to the Commission; and (Effective date 5/15/15)
  - c. Maximum floor area ratio shall be 60%. (Effective date 5/15/15)
- 45.1.7 Inventories of new and used automobiles may be stored outside or within a garage or other structure.
- 45.1.8 The minimum parking requirements of Section 34 shall not apply to new car automobile dealerships that exist on September 15, 2005. (Effective date 5/15/15)
- 45.1.9 The minimum parcel size shall not apply to new car automobile dealerships that exist on September 15, 2005, so long as the parcel is not thereafter reduced in lot area.
- 45.1.10 The minimum setbacks shall be as provided in Section 17 except as follows.
- a. Rear yard for building shall be 15 feet or when abutting a Residential District, 75 feet. (Effective date 5/15/15)

- b. Side yard for building shall be 15 feet or, when abutting a Residential District, 75 feet. (Effective date 5/15/15)
- c. Side and rear yard for parking and loading areas shall be 5 feet each or, when abutting a residential district, 25 feet each. (Effective date 5/15/15)
- d. Front yard for parking and loading areas shall be 10 feet from the edge of road pavement. (Effective date 5/15/15)

45.1.11 All outdoor area lighting shall be located at a height not more than 16 feet above ground level and shall be so directed that no source of illumination shall be visible beyond the lot line. Existing poles must be retrofitted to full cut off fixtures. Notwithstanding the foregoing, lighting may be located on lighting poles that are up to, but no higher than, 30 feet from ground level, but only if a photometric map and glare and view shed analysis indicate to the satisfaction of the Commission that higher light poles are warranted.

45.1.12 All Special Permit applications by new car automobile dealerships existing on September 15, 2005 must comply with the provisions in Section 32 with respect to new signs. Signs existing on September 15, 2005, however, may remain even if not in compliance, but shall be ultimately brought into compliance by reducing the non-conformity by at least 10% each time the sign is replaced. In addition no new car sales business sign shall exceed 48 square feet in area. The ZEO may approve temporary signs used in the ordinary course of business for periods not exceeding 10 consecutive days and totaling no more than 30 days in any calendar year. (Effective date 5/15/15)

45.1.13 If a new car automobile dealership existing on September 15, 2005, acquires land in one or more conveyances totaling cumulatively one acre or more, and said new parcel directly abuts the parcel on which the dealership is located, any application for Special Permit approval of a new car automobile dealership shall be subject to the provisions of Subsection 45.2. This Subsection 45.1 shall continue to apply to the original parcel and any additions thereto which are less than one acre. (Amendment Effective 09/02/2005) (Effective date 5/15/15)

#### 45.2 Special Permit Involving New Car Sales Automobile Dealerships Permitted After September 15, 2005

All applications for a Special Permit and Site Plan approvals submitted after September 15, 2005, involving the establishment, expansion, or improvement of a new car automobile dealership or to include the sale of used cars as an accessory use, on a parcel of land where no automobile dealership exists on said date, shall be subject to the following provisions and standards. (Effective date 5/15/15)

45.2.1 There shall be landscaped island buffers at least 20 feet in width, except for clearly defined lanes of ingress and egress, along the street in front of the dealership. Such buffer shall be measured from the property line. The buffer shall be planted with an attractive ground cover of grass and shrubs as approved by the Commission, but may include a sidewalk. Only plantings and sidewalks shall be within the buffer.

- 45.2.2 No fence shall be constructed along the street frontage, except in the rear or side yards of the dealership abutting a street and then not within 10 feet of property lines, not higher than 6 feet, and only for the purpose of providing security to the property.
- 45.2.3 No side yard buffer shall be required where the immediately adjoining property is also a new car sales business. Where other businesses directly abut a side yard a 10 foot side yard buffer shall be maintained, unless the Commission in its discretion permits a reduced buffer. A 25 foot buffer shall be required where abutting a Residential District. (Effective date 5/15/15)
- 45.2.4 No rear yard buffer shall be required when and where the property abuts a new car automobile dealership. Wherever a rear yard abuts another non-residential use a 10 foot buffer shall be maintained and wherever a rear yard abuts a Residential District 25 foot buffer shall be required.
- 45.2.5 Side and rear yard buffers where required shall be planted with grass and such shrubs as shall be acceptable to the Commission. (Effective date 5/15/15)
- 45.2.6 The maximum coverage requirements shall be as follows.
- a. Maximum impervious surface coverage shall be 80%. (Effective date 5/15/15)
  - b. Maximum building coverage shall be 30%. (Effective date 5/15/15)
  - c. Maximum floor area ratio shall be 50%. (Effective date 5/15/15)
- 45.2.7 Inventories of new and used automobiles may be stored outside or within a garage or other structure.
- 45.2.8 The minimum parking requirements of Section 34 shall not apply to new car automobile dealerships.
- 45.2.9 The minimum setbacks shall be as provided in Section 17 except as follows:
- a. Front yard for buildings shall be 50 feet from the property line, except in the case of an interior lot the Commission may in its discretion approve a reduced set back. (Effective date 5/15/15)
  - b. Side yard for buildings shall be 20 feet from the property line or, when abutting a Residential District, 75 feet. (Effective date 5/15/15)
  - c. Side and rear yard for parking and loading areas shall be 10 feet each from the property line or, when abutting a Residential District, 25 feet each. (Effective date 5/15/15)
  - d. Front yard for parking and loading areas shall be 25 feet from the property line. (Effective date 5/15/15)
- 45.2.10 All outdoor area lighting shall be located at a height not more than 16 feet above ground level and shall be so directed that no source of illumination shall be visible beyond the lot line and have full cutoff fixtures. Notwithstanding the foregoing, lighting may be located on lighting poles that are up to, but no higher, than 30 feet

from ground level, but only if a photometric map and glare and view shed analysis indicate to the satisfaction of the Commission that higher light poles are warranted.

45.2.11 All Special Permit applications for new car automobile dealerships must comply with the provisions in Section 32 with respect to signs. In addition, no new car sales business sign shall exceed 48 square feet in area. The ZEO may approve temporary signs used in the ordinary course of business for periods not exceeding 10 consecutive days and totaling no more than 30 days in any calendar year. (Effective date 5/15/15)

## **Section 46. Retail Uses Exceeding 20,000 Square Feet**

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### 46.1 Purpose

Where permitted in the B-SC District, retail uses exceeding 20,000 sq. ft. in gross floor area, including outside display area, if any, shall comply with the following provisions and standards. (Effective date 5/15/15)

### 46.2 Pedestrian Access

46.2.1 Sidewalks shall be provided along the front of the property to the main entrance to the building. The applicant must submit evidence of consent required from the Town of Watertown and/or State of Connecticut for construction of sidewalks within the respective rights-of-way. The location of sidewalks shall be consistent with existing sidewalks (if any) within one hundred (100) feet of the property. (Effective date 5/15/15)

46.2.2 The applicant shall provide a study estimating the number of trips to the business by pedestrians on an average day and during an average week. If the study shows that pedestrian access will be less than ten (10) percent of the total access, the applicant shall submit a plan for increasing pedestrian access to ten (10) percent to the site or construction of additional sidewalks to the site. The Commission may waive this requirement where such sidewalks cannot be provided. (Effective date 5/15/15)

### 46.3 Window Space

At least thirty-five (35) percent of the front of the building shall include windows. No more than five (5) percent of the total window space shall be in a single area of the front of the building, excluding doors.

### 46.4 Landscaping

In addition to landscaping requirements of Section 70, the following landscaping standards shall be required. (Effective date 5/15/15)

46.4.1 Parking lots shall be screened from the street by a) a ten (10)-foot wide landscaped low ground berm or b) a four (4) foot high hedge or fence. Such screening shall be located along the street line.

46.4.2 Service yards, refuse storage areas, and parking areas shall be screened to preserve the street-scape in the neighborhood. Such screening shall include trees, shrubs, lawns, ornamental fencing, walks, brick, stone, cobbles, and gravel where appropriate.

#### 46.5 Parking

All parking shall be on ground level or below and parking shall be on the side or rear yard. The Commission may waive this parking location requirement in special circumstances where parking cannot be provided in the side or rear yard. (Effective date 5/15/15)

#### 46.6 Traffic

In addition to the traffic information required by Section 8, the application shall include a traffic study in accordance with Subsection 9.4 for any retail business that exceeds 20,000 sq. ft., including outside display area, if any, that shall include an analysis of the traffic impact on all local residential streets within one mile radius of the site and general traffic circulation resolution within a two (2) mile radius of the site. (Effective date 5/15/15)

#### 46.7 Economic Impact

The application shall include an economic impact study for the retail business that exceeds 20,000 sq. ft. showing that the proposed use is consistent with the Plan of Development which calls for the strengthening of Main Street as the business center of the Town and discourages further strip development along Straits Turnpike. Such study shall determine whether the proposal is likely to have an impact on existing stores on Main Street and whether it will serve unmet needs. (Effective date 5/15/15)

### **Section 47. Conversion to Limited Professional Office Use**

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#### 47.1 Purpose

Conversion to limited professional office use may be permitted by Special Permit and Site Plan approval in the R-70 District to allow appropriate reuse of buildings previously used for Special Permit uses. (Effective date 5/15/15)

#### 47.2 Standards

Conversion of an existing building from a Special Permit use to limited professional office use shall comply with the following.

47.2.1 The existing building must have been used as a Special Permit use for not less than 10 years before applying for conversion.



- 47.2.2 The existing building shall never have been used for residential use.
- 47.2.3 Professional office use shall be limited to the property owner or owner's immediate family.
- 47.2.4 The floor area of the building cannot exceed 2,000 Sq. Ft. floor area.
- 47.2.5 The sign must conform to applicable requirements of Section 32 and (Effective date 5/15/15)
- shall not exceed six square feet in area;
  - shall not be internally illuminated; and (Effective date 5/15/15)
  - any lighting shall be shielded to illuminate the sign only.
- 47.2.6 The Commission may restrict the time of illumination and wattage of any illumination. (Effective date 5/15/15)
- 47.2.7 On-site parking shall conform to the applicable provisions of Section 34. (Effective date 5/15/15)
- 47.2.8 The use must meet all other requirements of the R-70 District. (Effective Date 01/31/2003) (Effective date 5/15/15)

#### **Section 48. Multi-family Dwellings**

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##### **48.1 Purpose**

Where permitted by these Regulations, multi-family dwelling developments shall comply with this Section in addition to the general requirements applying to any use permitted by Site Plan or Special Permit approval. (Effective date 5/15/15)

##### **48.2 Site Development**

- 48.2.1 All multi-family residential developments shall have a minimum parcel size of three acres and a density not exceeding 10 dwelling units per acre.
- 48.2.2 All multi-family residential developments shall be served by public sewer, public water supply, and fire hydrants to the specifications of the Fire Marshal. All electric, telephone, and other cable supplied services shall be installed underground.
- 48.2.3 Each residential unit shall have a private outside space of at least 50 square feet, such as a terrace, deck, patio, or courtyard adjoining and directly accessible to the residential unit.

##### **48.3 Recreational Facilities**

- 48.3.1 The recreation area shall be of such grade and dimensions that the space shall be readily usable for same and shall be convenient to building entrances and planned in proper relation to buildings and other features, both on and off-site.

48.3.2 In addition to the required private open space, at least 600 square feet of lot area per dwelling unit shall be allocated for outdoor recreational use; at least 75% of the area shall not exceed a grade of 10%, nor be identified as inland wetlands; and no dimensions shall be less than 40 feet. The areas allotted for outdoor recreational use shall be shown on the Site Plan, as well as the nature and type of recreation and facilities to be provided.

#### 48.4 Architectural Design

48.4.1 The architectural design, scale and mass of buildings and other structures, including exterior building materials, colors, roof lines, and building elevations, shall be residential in character so as to harmonize with, and preserve the appearance of the surrounding residential area. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse containers shall be screened from view on all sides.

48.4.2 Buildings shall be designed for maximum solar access, preferably with an east-west orientation, and grouped in such a manner as to provide adequate light, air, ventilation, and privacy for all habitable rooms.

#### 48.5 Site Features

48.5.1 Existing features of the site which are of value for the development or to the Town as a whole, such as trees, watercourses, and similar irreplaceable assets, shall be preserved as far as possible through harmonious design and placement of the buildings, driveways, walkways, and parking facilities.

48.5.2 All disturbed areas shall be suitably graded and landscaped with consideration given to its effectiveness at all seasons of the year.

#### 48.6 Parking and Vehicle and Pedestrian Access

48.6.1 Parking facilities for both passenger and service vehicles shall be convenient to building entrances, adequately graded, drained, paved, and maintained in all seasons to prevent dust, excessive water flow, and congestion of driveways and to promote the safety of residents and visitors.

48.6.2 A minimum of one garaged space per unit shall be provided. All garages shall be fully enclosed and have a minimum width of 10 feet and minimum depth of 20 feet per parking space.

48.6.3 Major access roads, within the development, shall have a minimum pavement width of 20 feet. For dead-end streets within the development, turnarounds shall be provided with a minimum outside pavement diameter of 120 feet. All driveways and access roads shall be set back 20 feet from all property lines.

- 48.6.4 Driveways shall be arranged in a suitable and convenient traffic-pattern and adequately graded, drained and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, fire-fighting and snow removal equipment.
- 48.6.5 Walkways shall be arranged in a suitable and convenient manner and shall be adequately surfaced, drained, and maintained in all seasons.
- 48.6.6 No parking shall be permitted in the required front yard. All parking shall be screened from view from the public street in accordance with the standards of Section 31.
- 48.6.7 Garage aprons and other parking spaces in tandem shall not be counted towards satisfying the minimum parking requirement. (Effective date 5/15/15)

#### **Section 49. Indoor Self-Storage Facilities**

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Where permitted by Special Permit and Site Plan approval, indoor storage facilities shall comply with the following provisions and standards in addition to the standards and provisions of Section 9. (Effective date 5/15/15)

##### 49.1 Access

Indoor self-storage facilities shall be accessed from a common indoor hallway. (Effective date 5/15/15)

##### 49.2 Application Requirements

Application for Special Permit for an indoor self-storage facility shall include a statement of use, together with a floor plan or layout of the storage facility. (Effective date 5/15/15)

##### 49.3 Eligibility

Structures in existence for a minimum of twenty (20) years only are eligible for approval under this Section.

##### 49.4 Prohibitions

The owner/landlord shall maintain with the ZEO a copy of the current lease agreement, in which there will be a prohibition against the storage of any hazardous or toxic materials as may be defined periodically by the Connecticut DEEP. (Effective April 21, 2006).

#### **Section 50. Conversion of Certain Existing Industrial Buildings**

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##### 50.1 Purpose

Where permitted in the B-G1 District by Special Permit and Site Plan approval, the conversion of existing industrial buildings shall comply with the following standards in addition to the standards and provisions of Section 9 for the purpose of ensuring appropriate reuse of certain industrial buildings no longer suitable for originally intended uses. (Effective date 5/15/15)

## 50.2 Requirements

- 50.2.1 To qualify for conversion subject to this Section, an industrial building shall
- a. Have been erected before 1950 and have more than one story; (Effective date 5/15/15)
  - b. Be served by a public-water supply and sanitary sewer; and (Effective date 5/15/15)
  - c. Be of a functional design no longer considered efficient by contemporary standards for manufacturing uses but suitable with proper safeguards and appropriate standards for conversion to office, retail, and/or residential use. (Effective date 5/15/15)
- 50.2.2 The Commission shall determine that the existing building and its environs will be suitable for multi-family, retail, and/or office conversion and will not adversely impact the character of the existing area nor be adversely impacted by the existing area character. (Effective date 5/15/15)

## 50.3 Uses Permitted

A building qualified as required may be converted to any of the following purposes. (Effective date 5/15/15)

- 50.3.1 Residence dwelling units, none of which shall be permitted to be located below ground level, subject to the following standards.
- a. Minimum lot area per dwelling unit (Areas occupied by lakes, rivers or wetlands shall not be included in the lot area calculation): 2,000 sq. ft. (Effective date 5/15/15)
  - b. Minimum Usable Open Space per dwelling unit: 250 sq. ft.
  - c. Minimum Off-Street Parking Spaces: 2 spaces per dwelling unit (Effective date 5/15/15)
  - d. Minimum Floor Areas for dwelling units (Efficiency units shall exceed 10% of all units to be provided):
    - For an efficiency unit - 650 sq. ft.
    - For a 1-BR. unit - 775 sq. ft.
    - For a 2-BR. unit - 900 sq. ft.
  - e. All active recreation areas shall not be less than 10 feet from any building or less than 10 feet from any lot line.
  - f. Parking areas and driveways shall be adequately lighted in conformance with Section 33. (Effective date 5/15/15)

- g. Stairways leading to the second or any higher floor shall be located within the walls of the building. Fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
- h. Separate entrances, stairways, and/or elevators shall be provided for residents as distinct from any office use in a building to be converted to joint usage.
- i. Refuse collection areas shall be established and conveniently located for all users. The collection areas shall be properly screened with covered receptacles.
- j. All buildings, structures, and off-street parking areas shall be provided with suitable landscaping, including screening, and/or walls or fencing, as required by Section 31.

50.3.2 Offices and studios of doctors, dentists, architects, artists, designers, accountants, lawyers, engineers, tutors, real estate and insurance agents, brokers, and members of other recognized professions (excluding veterinarians, barber shops, beauty and massage parlors, and other similar uses), together with incidental laboratory and mechanical equipment; government offices; and offices of charitable; philanthropic organizations and corporate headquarters. All such offices shall meet the following standards.

- a. No storage of a stock in trade or sale of commodities on the premises.
- b. No visits by the general public as purchasers of goods or as customers, as distinguished from patients or clients.

50.3.3 Retail uses subject to the following.

- a. Retail uses shall be limited to those permitted in the underlying zone and subject to the provisions thereof.
- b. Retail uses shall be limited to ground floor location.
- c. Offices and/or residences may be permitted on floors above retail use.

#### 50.4 Additional Construction Permitted

Additional dwelling units and/or offices may be permitted by the Commission as part of a Special Permit and Site Plan approval subject to compliance with all applicable standards and with the following. (Effective date 5/15/15)

50.4.1 The number and type of dwelling units shall be in accordance with the provisions Paragraph 50.3.1 above; (Effective date 5/15/15)

50.4.2 The addition shall not exceed 50% of the GFA of the existing building;

50.4.3 The addition shall conform to all other zoning requirements of the zoning district which it is located; and

50.4.4 The addition shall be compatible architecturally and in scale to the existing building.

### **Section 51. Adult Uses**

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### 51.1 Purpose

The intent of this Section is to regulate uses which have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, and commercial and residential property values, particularly when several of such uses are concentrated in a small area of the community. The primary purposes of this Section are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Watertown's neighborhoods/commercial districts, and the quality of urban life through effective land use planning. Uses permitted in accordance with this Section and the provisions and standards of Sections 8 and 9 may be permitted by Special Permit and Site Plan approval in the B-G1 District. (Effective date 5/15/15)

### 51.2 Exemptions

Nothing in this Section shall prohibit the following uses and activities.

- 51.2.1 Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse, or a registered professional nurse.
- 51.2.2 Electrolysis treatment by a licensed operator of electrolysis equipment.
- 51.2.3 Hospitals, nursing homes, medical clinics, or medical offices.
- 51.2.4 Barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.
- 51.2.5 Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution.
- 51.2.6 Health, establishments including commercial and non-commercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts, or the use of exercise equipment.

### 51.3 Regulated Uses

Regulated uses refer to all adult uses as defined in Subsection 2.2 and include, but are not necessarily limited to the following. (Effective date 5/15/15)

- 51.3.1 Adult bookstores.
- 51.3.2 Adult entertainment - cabarets.
- 51.3.3 Adult mini-motion picture theaters.
- 51.3.4 Adult motion picture theaters.
- 51.3.5 Adult video stores.

#### 51.4 Separation Requirements

All regulated uses identified in Subsection 51.3 shall be permitted subject to the following separation restrictions.

51.4.1 No adult use shall be allowed within 1,000 feet of another existing adult use.  
(Effective date 5/15/15)

51.4.2 No adult use shall be located within 800 feet of any residentially zoned land.  
(Effective date 5/15/15)

51.4.3 No adult use shall be located within 1,000 feet of any public or private school, church or place of worship, public park, or public building. (Effective date 5/15/15)

#### 51.5 Sign and Exterior Display Requirements

No adult uses shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, shop window, or other opening. (Effective date 5/15/15)

#### 51.6 Prohibited Uses

Adult physical culture establishments are not permitted in any District.

### **ARTICLE VIII – OVERLAY DISTRICTS**

#### **Section 52. Aquifer Protection**

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##### 52.1 Purpose

The Aquifer Protection Overlay Zone ("APZ") is to protect the public health, safety, and welfare through the preservation of the Town's major groundwater resources to ensure a future supply of safe and healthy drinking water for the Town and its residents. The Aquifer Protection Zone is designated as an overlay district to regulate development activities within these areas in order to reduce the potential for groundwater contamination. (Effective date 5/15/15)

##### 52.2 Applicability

52.2.1 These Regulations shall apply to all land and uses encompassed within the APZ as designated on a map entitled: "Watertown Planning and Zoning Commission Aquifer Map", which map is hereby made a part of these regulations.

52.2.2 These Regulations shall be in addition to the requirements for the underlying Zoning Districts as designated on the Zoning Map. Both the requirements of the Zoning Regulations as set forth in other sections and the requirements contained herein for

the APZ shall apply within such zone, and in the event of a conflict, the more restrictive requirements shall control.

- 52.2.3 Within the boundaries of the APZ comprising the primary recharge areas of designated aquifers, no land shall be used except in compliance with the provisions of these Regulations.

### 52.3 Permitted Uses

The following are permitted uses in the APZ.

- 52.3.1 All uses permitted in the underlying district except as provided in Subsections 52.4 and 52.6.
- 52.3.2 On-site sewage disposal systems provided that no such system shall discharge more than 500 gallons of sanitary wastewater per acre per day.
- 52.3.3 On-site storage of petrochemicals for heating use in tanks of less than 550 gallons installed above-ground, provided that such tanks shall be designed and constructed in accordance with the standards of Underwriters Laboratories, Inc., Canadian Standards Association, National Fire Prevention Association or Section 29-62 of the General Statutes.

### 52.4 Special Permit Uses

The following uses are permitted in the APZ subject to Site Plan and Special Permit approvals in accordance with Sections 8 and 9.

- 52.4.1 On-site sewage disposal systems that discharge more than 500 gallons of sanitary wastewater per acre per day.
- 52.4.2 Any uses which include the use of storage of potential groundwater contaminants, either liquid or dry materials, including but not limited to, on-site storage of petrochemicals in tanks installed in-ground, or tanks larger than 550 gallons installed above-ground.
- 52.4.3 Groundwater heat pumps supplying heating and cooling for other than a detached single-family residence, provided that such systems shall be restricted to closed-loop types.
- 52.4.4 Public garages.

### 52.5 Conditions for Special Permit Uses

- 52.5.1 The handling, use, or storage of dry materials which are potential groundwater contaminants, including but not limited to chemical fertilizers, pesticides, or road salt and de-icing materials, shall be done in a manner to prevent leachate contamination, utilizing both structural and non-structural measures. Such measures



may include, but are not limited to, building enclosures, impervious pads and pavements, self-contained drainage systems, detention basins, filters, separators or other devices, and sound management practices.

- 52.5.2 All tanks for the storage of materials which are potential groundwater contaminants shall be designed and constructed in accordance with the standards of Underwriters Laboratories, Inc., Canadian Standards Association, National Fire Prevention Association, or Section 29-337 of the General Statutes. Underground storage shall be prohibited and secondary containment shall be required.
- 52.5.3 The handling, storage, or use of liquid materials which are potential groundwater contaminants including but not-limited to, dry-cleaning establishments, laundries, printing, and photo finishing establishments, shall be in conformance with the following conditions.
- a. There shall be no discharge of liquid to the ground.
  - b. The liquid and the equipment using the liquid material shall be kept in an area with no floor drains, designed and constructed to contain a spill of at least the maximum amount of liquid material on the premises at one time. The Special Permit shall establish the maximum amount of liquid material to be stored on the premises at one time.
  - c. The liquid material shall be stored in clearly labeled, Department of Transportation Approved, containers.
  - d. The hazardous material shall be removed from the premises every 90 days or less by waste haulers licensed by the State and transported to permitted treatment or disposal sites in accordance with Part III of the Connecticut Department of Environmental Protection Hazardous Waste Regulations, as amended.
  - e. In order to obtain a Special Permit to handle, store, or use liquid materials which are potential groundwater contaminants, as provided by these Regulations, the applicant shall prepare for approval by the Commission, a spill protection, control, and containment plan, which shall include but not be limited to the following items: the precautions to be taken during the handling or transfer of the liquid material; provision of sufficient absorbent materials on-site; a schedule for the inspection and maintenance of equipment and containers; the method of detection of spills and leaks, and the name(s) of the person(s) responsible for implementing the spill protection, control, and containment plan. The approved plan shall be kept on file in the office of the Commission. All spills shall be reported to the Zoning Enforcement Officer. Failure to report a spill may result in revocation of the Special Permit. (Effective date 5/15/15)
  - f. Agricultural operations shall employ best management practices as recommended by the Soil Conservation Service and/or the Agricultural Stabilization Service for the application, storage, and handling of manure, fertilizers, or pesticides and management of animal wastes.

## 52.6 Prohibited Uses

The following uses are prohibited in the APZ.

- 52.6.1 Where the manufacture, use, handling, storage, or disposal of hazardous or materials is a principal activity.
- 52.6.2 The treatment of hazardous material.
- 52.6.3 The storage of hazardous waste generated off-site.
- 52.6.4 The storage of hazardous waste generated on-site for a period in excess of 60 days.
- 52.6.5 Motor vehicle service stations.
- 52.6.6 Oil, gasoline, or hazardous material pipelines.
- 52.6.7 Septage disposal.
- 52.6.8 Any permitted industrial use which discharges hazardous materials or pollutants into the groundwater.
- 52.6.9 Dry cleaners, photo processors, or furniture strippers.

## 52.7 Waiver of Use Regulations

Where it can be determined through on-site investigation which meets the standards of the U.S. Geological Survey that a parcel of land within the APZ is not within a primary or secondary recharge area, the restrictions above shall not apply.

## 52.8 Modification of APZ Map

The Commission, following a public hearing, may change the boundaries of the APZ Map. The Commission may change such Map on its own motion or upon the filing of a written petition. Following the public hearing, the APZ Map may be changed to delete areas which are not within the primary recharge area of the aquifer in question, or the APZ Map may be changed to include other areas which are within the primary recharge area of such aquifer, but were not previously shown as such on the APZ Map.

## **Section 53. Development in Flood Prone Areas**

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### 53.1 Purpose

To promote the health, safety and general welfare within the Town through the regulation of development in flood-prone areas to secure safety from flood and prevent property damage and losses.

### 53.2 Regulated Areas

These regulations shall apply to all properties located within the 100 year flood plain, more specifically defined as the flood hazard areas identified as Flood Zones A and A1-30 on the "Flood Insurance Rate Map (FIRM), Town of Watertown, Connecticut, effective date November 5, 1980", or any revision thereto, prepared by the Federal Emergency Management Agency, and the floodway and floodway fringe as shown on the "Flood Boundary and Floodway Map (FBFM), Town of Watertown, Connecticut, effective date November 5, 1980", or any revision thereto prepared by the Federal Emergency Management Agency.

### 53.3 Definitions

Additional specific definitions for terms used herein, other than those in Subsection 2.2 of these Regulations, shall be as defined in Title 44 of the Code of Federal Regulations Section 59.1.

### 53.4 Interpretation of Flood Prone Boundaries

For a watercourse for which no base flood elevation data is available, a base flood elevation equal to four feet above the mean annual elevation of the surface of the watercourse shall be assumed or determined by the best available data from State, Federal, or other sources for the best purpose of this Section. Unless otherwise indicated on the Zoning Map, Flood Prone Areas shall be a minimum of 75 feet from the center of any stream. When interpretation is needed as to the exact location of the boundaries of the Zone as shown on the official zoning map, as for example where there appears to be in conflict between a mapped boundary and actual field conditions, the Commission shall make the necessary interpretation. (Effective date 5/15/15)

### 53.5 Use Regulations

The Flood Prone Areas shall be considered as overlying other Districts. Any use permitted in the portions of the Districts so overlaid may be permitted as an exception if authorized by Special Permit by the Commission.

### 53.6 Permitted Uses

The following uses which have low flood damage potential and do not represent a hazard to other lands during times of flood may be permitted within the Flood Prone Areas as a matter of right.

53.6.1 Conservation of soil, water, plants, and wildlife, including wildlife management shelters.

53.6.2 Outdoor recreation, including but not limited to play areas, nature study, boating, fishing, and hunting, where otherwise legally permitted.

53.6.3 Foot, bicycle, horse path, and bridges, provided such uses do not affect the natural pattern of any watercourse.

53.6.4 Agriculture of all types, including but not limited to grazing, crop farming, nurseries, truck gardening, and harvesting of crops.

- 53.6.5 Forestry including landscaping and accessory uses, such as flowers or vegetable gardens, lawns, and fences.

### 53.7 Special Permits In the Flood Prone Areas

The Commission may grant a Special Permit for any use, including public utilities and/or structures, subject to the following.

- 53.7.1 The proposed use will not be detrimental to the public health, safety, and welfare; and will not detract from the purpose of these Regulations. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.
- 53.7.2 The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards, affecting health, safety, or the general welfare.
- 53.7.3 No encroachment including fill, new construction, substantial improvements, and other development shall be permitted in a floodway, unless a technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge. All other Flood Prone Area standards shall also be satisfied.
- 53.7.4 Structures and improvements shall be designed to cause the least possible impediment to the flow of floodwater and debris.
- 53.7.5 Any reduction in the water-holding capacity of the flood plain caused by structures, improvements, or filling or re-grading of land shall be compensated by deepening and widening of the flood plain, prior to issuance of a Building Permit.

### 53.8 Non-Conforming Use Requirement

In a Flood Prone Area, no non-conforming use shall be expanded, but may be modified, altered, or repaired to incorporate flood-proofing measures in compliance with the State Building Code, provided such measures do not raise the level of the 100 year flood.

### 53.9 Application

In addition to the requirements of Sections 8 and 9, all Site Plan and Special Permit applications submitted for structures and uses in Flood Prone Areas shall include the following: (Effective date 5/15/15)

- 53.9.1 A written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations and the performance standards of Section 28; four copies shall be submitted.

53.9.2 Architectural/engineering plans of all proposed buildings, structures, anchoring to prevent flotation and lateral movement, and signs. Such plans may be in preliminary form, but shall include exterior elevation drawings, generalized floor plans and perspective drawings prepared by an architect or professional engineer except for drawings for signs. Four copies shall be submitted.

53.9.3 Copies of all State and/or Federal permits shall be submitted as required.

### 53.10 Standards

In reviewing and acting upon an application for Site Plan and Special Permit approval, the Commission shall consider consistency with the factors described in Subsection 8.12 and Subsection 9.9 and find all of the following standards to be fulfilled.

53.10.1 Convenience and safety of vehicle and pedestrian movement within the site, and in relation to adjacent streets and property.

53.10.2 Location and construction of utilities so as to minimize or eliminate flood damage.

53.10.3 All new construction and substantial improvements in the Flood Prone Area shall be elevated and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, and shall be constructed of materials and utility equipment resistant to flood damage and using methods and practice that minimize flood damage.

53.10.4 New replacement water system shall be designed to minimize infiltration of floodwater. New and replacement sanitary systems shall be designed to minimize infiltration of floodwater and discharge from the system into floodwater. On-site sanitary disposal system shall be located to avoid impairment to them or contamination from them during flooding.

53.10.5 The floor of the basement, or if none, the lowest floor of new construction or substantial improvement of structure for residential use shall be at or above one foot above the base flood elevation.

53.10.6 The floor of the basement, or if none, the lowest floor of construction or substantial improvement of structures for non-residential use shall be at or above one foot above the base flood elevation or flood-proofed in compliance with the requirements of the State Building Code and FEMA regulations.

53.10.7 No use or land filling will raise the 100 year flood level more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

53.10.8 New or modified uses within the flood area will not raise the level nor impede the flow of the 100 year flood.

- 53.10.9 Base flood elevation data shall be provided for all subdivision proposals greater than fifty lots or five acres, whichever is less, whether or not such data is available from the Federal Insurance Administration.
- 53.10.10 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.
- 53.10.11 All manufactured homes (including recreational vehicles) placed on a site for fewer than 180 consecutive days shall be elevated so that the lowest floor is above the base flood elevation.
- 53.10.12 All manufactured homes (including recreational vehicles) placed on a site for 180 consecutive days or longer shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

#### 53.11 Information to be Recorded

The Commission shall record and maintain a record of the actual as-built elevation of the lowest floor, including basement, of all new or substantially improved structures in the Flood Prone Areas. The Commission shall also record actual as-built elevation and flood-proofing certifications for all new or substantially improved flood-proofed structures.

#### 53.12 Iteration of Watercourses

The Commission shall be provided with assurance by the applicant that maintenance will be provided within the altered, or relocated portion of said watercourses so that the flood-carrying capacity will not be diminished. The Commission shall notify adjacent municipalities and the Water Resources Unit of the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence, of such notification to the Federal Insurance Administration. [Effective May 28, 2010]

#### 53.13 Variance Procedure

As provided in Article IX, the Zoning Board of Appeals shall hear and decide requests for variances from the requirements of this Section. In passing upon such applications, the Zoning Board of Appeals shall consider the purposes of this Section, and all technical evaluations, relevant factors, and standards specified in this Section and may attach such conditions to the granting of variances limited to furthering the purposes of this Section. [Effective May 28, 2010]

#### 53.14 Conditions Under Which Variances May be Granted

- 53.14.1 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to

and surrounded by lots with existing structures constructed below the base flood level.

53.14.2 Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.

53.14.3 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

53.14.4 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

#### 53.15 Written Notice to Applicant

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation. Such notice shall also advise the applicant that the project is not exempted from flood insurance requirements and that insurance costs will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### 53.16 Records

The Zoning Board of Appeals shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

#### 53.17 Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

### **Section 54. 4 – 10 Acre Age Restricted Housing Developments (ARHa)**

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#### 54.1 Purpose

To provide an opportunity for the development of Age Restricted Housing to meet local housing needs through the use of an overlay to the R-12.5 and R-30 Districts, in order to increase the diversity of housing options within the Town.

#### 54.2 Establishment of an ARHa

The establishment of an ARHa overlay zone within an existing R-12.5 or R-30 District shall be considered a zone change subject to the requirements and procedures of CGS Section 8.3 and the provisions of Section 60 of these Regulations. (Effective date 5/15/15)

#### 54.3 Basic Standards for ARHa Developments

- 54.3.1 No individual who has not attained the age of 21 years may be domiciled within a dwelling unit in an ARHa development for more than 30 days within a calendar year. Any person who is permitted to and did occupy a unit with an age qualified person may continue to occupy the unit, after the death of such age qualified person, or if such age qualified person becomes a permanent resident of a health care facility. An ARHa is designated to meet the needs and requirements of an active adult community. The community shall qualify as "housing for older persons" described in the "Fair Housing Act" except that each unit shall have at least one resident age 55 or older unless otherwise provided. The above age restrictions shall be verified on an annual basis in writing by the Association required by Subsection 54.8, below. (Amendment adopted 12/07/2005 effective 01/04/2006) (Effective date 5/15/15)
- 54.3.2 The maximum permitted density for Age Restricted Housing shall be six (6) Units per acre (two units shall be permitted for any additional 1/3 acre), and not more than three (3) Units per building. Wetlands, floodplains and slopes greater than 25% shall not be counted toward the total acreage to determine density. There shall be a maximum of two bedrooms per dwelling and at least one bedroom and one full bathroom shall be located on the first floor level. There shall be a maximum of three permanent residents per dwelling unit.
- 54.3.3 An ARHa development requires a minimum parcel size of four (4) acres.
- 54.3.4 An ARHa development parcel size shall not exceed ten (10) acres.
- 54.3.5 A minimum distance of one half mile shall be required between any ARHa or ARHb developments as provided herein.
- 54.3.6 ARHa developments shall be subject to the area and dimensional requirements of the underlying zone except that a minimum twenty (20) foot side yard setback shall be required for all structures. The Commission may, at its discretion, require buffering within the setback areas.
- 54.3.7 ARHa developments shall be approved only on lots adjacent to or that have direct access to the following major roadways.
- a. CT Route 63 (Litchfield Road, Main Street Watertown, Straits Turnpike)
  - b. CT Route 73 (Main Street Oakville)
  - c. U.S. Route 6
  - d. State Route 855 (262) (Buckingham Street)
  - e. Echo Lake Road
  - f. Falls Avenue
  - g. French Street

#### 54.4 Site Plan and Special Permit



An ARHa development application shall be subject to Special Permit and Site Plan approvals in accordance with Sections 8 and 9 of these Regulations and the following additional standards and requirements.

- 54.4.1 The site shall be served by public water and public sewer, and fire hydrants to the specifications of the Fire Marshal. All electric, telephone and other cable supplied services shall be installed underground.
- 54.4.2 Each residential unit shall have a private outside space of at least 50 square feet, such as a terrace, deck patio, or courtyard adjoining and directly accessible to the residential unit.
- 54.4.3 The Commission shall determine that the architectural design, scale, and mass of buildings and other structures, including exterior building materials, colors, roof lines, and building elevations shall be residential in character so as to harmonize with and preserve the appearance of the surrounding residential area. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse containers shall be screened from view on all sides.
- 54.4.4 Buildings shall be designed for maximum solar access, preferably with an east-west orientation, and grouped in such a manner as to provide adequate light, air, ventilation and privacy for all habitable rooms.
- 54.4.5 Existing features of the site which are of value for the development or to the Town as a whole, such as trees, watercourses and similar irreplaceable assets, shall be preserved as far as possible through harmonious design and placement of the buildings, driveways, walkways and parking facilities.

**54.5 Parking and Road Requirements**

- 54.5.1 A minimum of one garage space per unit shall be provided. All garages shall be fully enclosed and have a minimum width of 12 feet and a minimum depth of 20 feet per parking space.
- 54.5.2 Major access roads, within the development, shall have a minimum pavement width of 20 feet. For dead-end streets within the development, turnarounds shall be provided with a minimum pavement diameter of 120 feet, or a suitable configuration to be determined at the Commission's discretion. All driveways and access roads shall be set back 20 feet from property lines.
- 54.5.3 The road and storm drainage facilities within the development shall be constructed to Town of Watertown standards and be owned and maintained by a private homeowners association pursuant to the Connecticut Common Interest Ownership Act (C.G.S. Chapter 828).

54.5.4 Driveways shall be arranged in a suitable and convenient traffic pattern and adequately graded, drained and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, fire-fighting, and emergency equipment.

54.5.5 No parking shall be permitted in the required front yard. All parking shall be screened from view from the public street in accordance with the standards of Section 31.

54.5.6 Garage aprons and other parking spaces in tandem shall not be counted towards satisfying the minimum parking requirements as specified in Section 34.

#### 54.6 Open Space

Thirty-five (35%) percent of the site shall be set aside as open space. At the discretion of the Commission, water quality basin areas and conservation restriction areas may be included in determining the percentage. The Commission may increase or decrease the Open Space requirement by not more than 5% during Site Plan and Special Permit review based upon the specifics of the site.

#### 54.7 Affordable Housing

At the discretion of the Commission, the applicant may be required to designate up to 35% of the dwelling units as affordable housing as defined in CGS Section 8-30g.

#### 54.8 Homeowners' Association and Deed Restrictions

A homeowners' association (common interest ownership association per CGS Chapter 828) for the ARHa development must be established to the satisfaction of the Commission and in accordance with Connecticut Law. The association documentation must be recorded on the land records of the Town of Watertown and must, at a minimum, contain the age, occupancy, and other restrictions and limitations contained in this ARHa regulation. The association shall be responsible for ensuring compliance with said restrictions. The restrictions as to age and number of occupants shall be specifically included as an encumbrance on the deed of each unit to be recorded on the land records. (Effective Date 7/10/2004)

### **Section 55. 150 – 200 Acre Age Restricted Housing Developments (ARHb)**

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#### 55.1 Establishment of an ARHb

The establishment of an ARHb overlay zone within an existing R-12.5 or R-30, R-70, R-90, or R-G District shall be considered a zone change subject to the requirements and procedures of CGS Section 8-3 and the provisions of Section 60 of these Regulations. In approving any such zone change application, the Commission shall determine that a need for an ARHb zone has been established.

#### 55.2 Basic Standards for ARHb Developments

55.2.1 No individual who has not attained the age of 21 years may be domiciled within a dwelling unit in an ARHb development for more than 30 days within a calendar

year. Any person who is permitted to and did occupy a unit with an age qualified person may continue to occupy the unit, after the death of such age qualified person, or if such age qualified person becomes a permanent resident of a health care facility. An ARHb is designated to meet the needs and requirements of an active adult community. The community shall qualify as "housing for older persons" described in the "Fair Housing Act" except that each unit shall have at least one resident age 55 or older unless otherwise provided. The above age restrictions shall be verified on an annual basis in writing by the Association required by Subsection 55.6. (Amendment adopted 12/07/2005 effective 01/04/2006) (Effective date 5/15/15)

55.2.2 Permitted uses in an ARHb development are the following.

- a. Single-family detached buildings.
- b. Single family attached buildings with up to 4 units per building.
- c. Multifamily buildings of up to 4 units per building, provided that each unit shall have exterior ground level access.
- d. Open space conservation land both public and private.
- e. Recreational facilities appurtenant to the community.
- f. Maintenance facilities appurtenant to the community.

55.2.3 The maximum permitted density shall be two (2) units per gross acre, including any lands dedicated in any way as open space. The owner shall have discretion as to the building mix within the community based upon market conditions but the overall maximum density shall not be exceeded. There shall be a maximum of 5 permanent residents per dwelling unit.

55.2.4 An ARHb development requires a minimum parcel size of one hundred fifty (15) acres.

55.2.5 An ARHb development parcel size shall not exceed two hundred (200) acres.

55.2.6 An ARHb development shall be developed pursuant to CGS Chapter 828, the Connecticut Common Interest Ownership Act.

55.2.7 All dwelling units constructed along existing Town roads shall be single family detached with a minimum setback of 50ft (from the Town road) or single family attached with a minimum setback of 150ft (from the Town road).

55.3 Dimensional Requirements

Building separation	no less than 10 ft.
Setback from roads	no less than 15 ft. excluding driveways
Setback from residential boundary	50 ft. (The Commission may permit a lesser setback by a majority vote)
Setback from Industrial boundary	75 ft.
Maximum building height	35 ft.
Maximum Building coverage	15%
Maximum Impervious Surface Coverage	25%

#### 55.4 Site Plan and Special Permit

An ARHb development application shall be subject to Special Permit and Site Plan approvals in accordance with Sections 8 and 9 of these Regulations, and the following additional standards and requirements.

- 55.4.1 Each residential unit shall have a private outside space of at least 50 square feet, such as a terrace, deck, patio, or courtyard adjoining and directly accessible to the residential unit.
- 55.4.2 The Commission shall confirm that the architecture is themed, that the exterior building materials are of good quality, and that the elevations are residential in character. There shall be no mechanical equipment, except solar collectors, on the roofs visible from the ground. Mechanical equipment and refuse containers shall be screened from view on at least three sides. The Site Plan application shall include conceptual images of each of the proposed housing types, demonstrating a consistent architectural theme and a consistent application of good quality exterior siding and roofing materials, which shall be subject to approval by the Commission at the time of Site Plan approval.
- 55.4.3 All driveways and access roads shall be set back no less than 20 feet from all property lines, excepting as required for access roads to connect with town roads. The Commission shall have the authority to permit a lesser setback by a majority vote. At no time shall on street parking be permitted within the development and shall be so signed.
- 55.4.4 The ARHb site shall be served by public water and public sewer. Fire hydrants to meet fire marshal specifications. Electric, telephone, and cable connections shall be installed underground. All water and sewer mains within the community road system shall be owned and maintained by the Watertown Water and Sewer Authority. All water and sewer laterals from the roadways to the buildings will be owned and maintained by the community.
- 55.4.5 A minimum of two (2) off-street resident parking spaces shall be provided for each dwelling unit and located in proximity to each unit, at least one (1) of which shall be located within an enclosed garage. A minimum of (2) off-street visitor parking spaces shall be provided for every four dwelling units. Driveway parking spaces may be counted as either resident or visitor parking spaces.
- 55.4.6 The roadway system shall be private. The Community Association shall be responsible for the maintenance, repair and replacement of the road system and shared driveways. Primary collector roads shall be twenty-four (24) feet in width, secondary arterial roads shall be eighteen (18) feet in width and shared driveways shall be fourteen (14) feet in width. The roadway and driveway plan shall meet the approval of the Commission. The profile of the primary collector road shall be constructed to Town standards to require a 12-inch gravel base and 4 inches of asphalt. Suitable pedestrian walkways and trails shall be provided.

- 55.4.7 All road and storm drainage facilities within the Development shall be constructed in accordance with Best Management Practices (BMP's) for storm water quality and management, as specified in Section 30. Sheet flow techniques and roadside swaling shall be encouraged over curbing, catch basins, and manholes. The storm water management plan shall provide for a zero increase in peak runoff from the site. All road and storm drainage facilities within the development shall be maintained, repaired, and replaced by the Homeowners' Association. An annual report of said maintenance and repairs shall be provided by The Homeowners' Association to the Town Engineer. (Effective date 5/15/15)
- 55.4.8 Twenty-five (25%) percent of the site shall be set aside as contiguous public open space. A conservation restriction area may be included in determining the percentage. At least 25% of the minimum required public open space shall not be designated as wetlands or have greater than a 25% slope. In addition, at least another 10% of the site shall be designated as private open space. Water quality basin areas and conservation restriction areas may be included in determining the percentage of private open space. At least 25% of the minimum required private open space shall not be designated as wetlands or have greater than a 25% slope.
- 55.4.9 The ARHb development shall include a clubhouse that provides at least 15 square feet of floor area per dwelling unit. The clubhouse shall be used for recreational purposes and community meetings.

#### 55.5 Affordable Housing

The Commission may authorize a density bonus of up to 5% to be exercised at the developer's discretion for provision of affordable housing in accordance with the criteria provided in CGS 8-30g.

#### 55.6 Homeowners' Association and Deed Restrictions

A homeowners' association (common interest ownership association per CGS Chapter 828) for the ARHb development must be established to the satisfaction of the Commission and in accordance with Connecticut Law. The association documentation must be recorded on the land records of the Town of Watertown and must, at a minimum, contain the age, occupancy, and other restrictions and limitations contained in this ARHb regulation. The association shall be responsible for ensuring compliance with said restrictions. The restrictions as to age and number of occupants shall be specifically included as an encumbrance on the deed of each unit to be recorded on the land records.

### **Section 56. Residential Transition/Professional Office (RT) Overlay District**

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#### 56.1 Purpose

An overlay zone to the R-12.5 and R-30 Districts is intended to accommodate a transition of residential uses ranging from single-family dwellings to multi-family dwellings, while maintaining or preserving the existing character of the area. To guide the Commission's consideration of a zoning amendment proposal to create a RT District, the purpose of a professional office ("PO") use in an R-

30/R-12.5 Residential Transition Zone is to accommodate a transition between the commercial zone B-SC and the residential R-30/R-12.5 Zone, while still maintaining and preserving the residential character of the area. (Effective date 5/15/15)

#### 56.2 Establishment of a RT District

A RT District may be established as an overlay zone by zoning amendment in accordance with the procedures of Section 60 in an existing R-12.5 or R-30 District bordering Straits Turnpike or Bunker Hill Road [This paragraph amended effective July 11, 2008] (Effective date 5/15/15)

#### 56.3 Uses Permitted by Right

56.3.1 Those uses currently permitted in the R-12.5 and R-30 Residential Districts as a matter of right subject to the uses, conditions, provisions, and area and dimensional requirements of the respective districts.

56.3.2 Existing two-family dwellings. (Effective date 5/15/15)

56.3.3 New two-family dwellings. (Effective date 5/15/15)

56.3.4 Conversion or enlargement of existing single-family dwellings to two-family dwellings provided that

- a. Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing the street and
- b. Each dwelling unit shall have a minimum GFA of 650 square feet.

56.3.5 Existing three-family dwellings. (Effective date 5/15/15)

#### 56.4 Uses Permitted by Special Permit and Site Plan Approval

56.4.1 The uses currently permitted in the R-12.5 and R-30 Residential Districts subject to the Special Permit and Site Plan approvals in accordance with Sections 8 and 9, and subject to the uses, conditions, provisions, and area and dimensional requirements of the respective districts.

56.4.2 New three-family dwellings. (Effective date 5/15/15)

56.4.3 Conversion or enlargement of existing single or two-family dwellings to three-family dwellings provided that

- a. Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing a street and
- b. Each dwelling unit shall have a minimum GFA of 650 square feet.

56.4.4 Multi-family dwellings in accordance with the requirements of Section 48 except that such development shall have a minimum parcel size of five acres and a density not exceeding eight units per acre.

56.4.5 Professional offices.

56.5 Table of Area and Dimensional Requirements in a RT District

56.5.1 RT District Area and Dimensional Requirements		
Minimum Area	Minimum Square	Minimum Frontage
1.5 acres.	100 ft.	50 ft.
Minimum Setbacks		
	Buildings and Structures	Parking Areas
Front Yard	50 ft.	25 ft.
Rear Yard	25 ft.	50 ft.
Side Yard	25 ft. each	50 ft. each
All Yards Abutting Residential District	50 ft.	50 ft.
Bulk and Coverage		
Maximum Height	Maximum Impervious Surface Coverage	Maximum Building Coverage
2.5 stories/60 Ft.	35%	25%

56.6 Design Standards:

The following design standards shall apply to professional office uses in a RT District. (Effective date 5/15/15)

- 56.6.1 The proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, to the terrain, and to the use, scale, and architecture of existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification.
- 56.6.2 All spaces and structures visible to the public from public roadways shall be designed to add to the visual amenities of the area consistent with those of the residential district in and around the proposed building or modification. (Effective date 5/15/15)
- 56.6.3 The color, size, height, proportion of openings, roof treatments, materials, and landscaping of the property and any proposed signs and lighting shall be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments, and landscaping.
- 56.6.4 The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.
- 56.6.5 The arrangement and orientation of any proposed building or site improvement shall be similar in the immediate residential neighborhood.

- 56.6.6 The building and layout of buildings and parking lots shall reinforce existing buildings and streetscape patterns and the placement of buildings and parking lots shall ensure there is no adverse impact on the immediate residential neighborhood.
- 56.6.7 Open space of the proposed developments shall reinforce open space patterns of the immediate neighborhood, in form and siting.
- 56.6.8 Locally significant features of the site such as distinctive buildings or vistas shall be integrated into the site design.
- 56.6.9 The landscape design shall complement the neighborhood's landscape patterns and reinforce functional qualities.
- 56.6.10 The exterior signs, site lighting, and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the surrounding neighborhood.
- 56.6.11 The scale, proportions, massing and detailing of the proposed building shall be in proportion to the scale, proportion, massing, and detailing in the neighborhood.
- 56.6.12 The sign shall be limited to one freestanding sign eight square feet in area, a maximum of five feet in height and located 10 feet from all property lines or such other dimensions as approved by the Commission.
- 56.6.13 The site lighting shall conform to the requirements of Section 33, however, the height of any light posts in the associated parking area shall be determined by the Commission,
- 56.6.14 The applicant shall provide a sample of the building material for Commission review.
- 56.6.15 A 50 foot landscaped buffer shall be provided between all residential homes and the building used for Professional Office use. The buffer shall be sufficiently landscaped with continuous evergreen trees or hedges having a minimum height of seven feet providing screening and buffering. (Effective date 5/15/15)
- 56.6.16 Existing trees shall be saved, if possible; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from damage.
- 56.6.17 No paving shall be permitted within the required buffer. (Effective date 5/15/15)
- 56.6.18 The Commission may permit fencing or walls in addition to the landscape buffer.
- 56.6.19 Parking shall be located to the rear and side of the building used for Professional Office use. (Effective date 5/15/15)
- 56.6.20 The amount of parking spaces shall be determined by the Commission.  
(Amendment Approved June 2, 1999 Effective July 7, 1999)

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**Section 57. Designed Residential Development District**



### 57.1 Purpose

A Designed Residential Development District (“DRD”) may be established by the Commission within and overlapping the Residence R-20 District in accordance with the procedures, standards, and conditions of this Section and the procedures of Section 60. Any DRD shall be established for the purpose of authorizing provision of dwellings containing two (2) or more dwelling units or clusters of single detached dwellings for one (1) family so as to provide reasonable opportunity for occupancy of alternative dwelling types and when such dwellings are located on a tract of land of sufficient size, served or to be served by public water supply, municipal sanitary sewers, and adequate street access, where use of land, buildings, and structures and site development will constitute an integrated and harmonious design unit, consistent with the character of the Town of Watertown the orderly development of the neighborhood, and the purposes of these Regulations. (Effective date 5/15/15)

### 57.2 Application Requirements (Effective date 5/15/15)

57.2.1 A request for establishment of a Design Residence District constitutes a petition to amend these Regulations in accordance with Section 60. The petition shall be submitted in writing to the Commission and shall be signed by the owner or owners of all lots within the proposed District, provided however that the proposed District may include existing street and utility rights-of-way not owned by the petitioner. The petition shall be accompanied by the following:

57.2.2 Fifteen copies of a written regulation to be applicable within the proposed District, in form suitable for adoption as an amendment to these Regulations, containing no less than the following. (Effective date 5/15/15)

- a. A suitable boundary description and survey map of the District, and of any land use areas, reserved areas or sub-districts proposed within the District;
- b. The precise uses of land, buildings and other structures to be permitted;
- c. Standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots;
- d. Site development and building standards, including provision for landscaping and for any recreation facilities;
- e. Incorporation of the General Plans that are to be applicable within the District as set forth in Paragraph 57.2.3.
- f. Procedures for administrative review and approval of detailed plans and specifications for land and building development within the District; and
- g. Any other necessary regulatory provisions, including guarantees for completion of proposed public improvements and citation of other provisions of these Regulations that are to be applicable within the District. (Effective date 5/15/15)

57.2.3 Six (6) copies of a “General Plan” for the entire District, including site plans, architectural plans and other drawings as relevant and in sufficient detail to illustrate the existing topography and the character, function and location of uses, buildings, structures, streets, driveways, parking facilities, accessory uses and services, contours, wetlands, water courses, drainage, erosion and sedimentation

control, sewerage, water supply, outdoor illumination, and landscaping, which General Plans may but need not necessarily show the degree of detail required for a Site Development Plan under Section 8 and for an application for a Zoning Permit.

- 57.2.4 Six copies of a petition map as specified in Section 60. (Effective date 5/15/15)
- 57.2.5 A written report explaining the purpose of the Design Residence District, how the District would meet the criteria set forth in Subsection 57.1, any proposals for scheduling or staging of development, proposed methods of ownership and maintenance of the premises, and identification of permits required from governmental agencies. (Effective date 5/15/15)

57.3 DRD Development Standards (Effective date 5/15/15)

The following minimum standards shall apply to a DRD development. (Effective date 5/15/15)

- 57.3.1 The minimum size of a parcel or multiple adjoining parcels ("development site") to be developed as a DRD shall be twenty (20) acres, exclusive of any existing street or utility rights-of-way. (Effective date 5/15/15)
- 57.3.2 The number of dwelling units in a DRD shall not exceed one (1) for each 12,500 square feet of lot area of the proposed development site, provided however that flood prone areas and wetlands subject to regulations under Section 22a-36 through 22a-45 of the Connecticut General Statutes shall be subtracted from the total development site area for the purposes of such computation. (Effective date 5/15/15)
- 57.3.3 No dwelling shall contain more than six (6) dwelling units. Any dwelling unit containing three (3) or more bedrooms shall have a main entrance at ground level. Dwellings shall not exceed a height of 35 feet and shall also not exceed a height of two and one half (2-1/2) stories; any floor area having a ceiling height of seven (7) feet or more and not exceeding half of the floor area of the story next below shall be considered such permitted "half story".
- 57.3.4 No building or other structure, and no off-street parking space or access aisle in connection therewith, shall extend within less than 50 feet of any street line or the DRD boundary line, provided however that access driveways from streets, with no parking spaces thereon, may cross such setback area. (Effective date 5/15/15)
- 57.3.5 The total ground coverage of the DRD, exclusive of street and utility rights-of-way, by all buildings and structures, areas for off-street parking, loading and driveways, and all paved areas, but excluding coverage by sidewalks, ornamental plazas, terraces, and swimming pools, shall not exceed 30% of the area of the proposed development site(s). (Effective date 5/15/15)
- 57.3.6 Except as otherwise specified in this Section, the area, location, and bulk standards applicable in the R-20 District shall be applicable to any DRD development. (Effective date 5/15/15)

#### 57.4 Procedure and Adoption

When a request for a Designed Residential Development District meeting all of the special submission requirements of this Section is received by the Commission, the Commission shall hold a public hearing and act thereon in the same manner as required for amendment of these Regulations. The DRD District may be adopted by the Commission only upon finding that the proposed District, and the elements thereof expressed in the DRD Regulation and on the General Plans, meet the purposes and criteria of Subsection 57.1 and that the District is in accordance with the comprehensive plan of zoning for the Town of Watertown. (Effective date 5/15/15)

#### 57.5 Detailed Plans

- 57.5.1 The use, buildings, structures, and site development authorized by a DRD District are permitted subject to administrative approval of detailed plans as provided below. The detailed plans shall be submitted to the ZEO together with an application for a Zoning Permit and shall include no less than the information required for Site Development plans under Section 8 of these Regulations. Detailed plans may be submitted for approval in sections or stages. The Commission shall act on the detailed plans in the same manner as specified for approval of Site Plans under Section 8. The detailed plans, as determined by the Commission, shall conform to the DRD Regulation, shall be consistent with the general plans that are a part of such Regulation and shall conform to the standards of Section 8 as the standards may be modified by such Regulation. Detailed plans may be submitted with the request for establishment of the DRD District and may be approved at the same meeting when the District is adopted. (Effective date 5/15/15)
- 57.5.2 The DRD District may be adopted by the Commission with notice of adoption in the same manner as required for amendment of these Regulations. Any adopted DRD District shall be shown on the Zoning Map with its own DRD number. (Effective date 5/15/15)
- 57.5.3 The Commission, in connection with adoption of a DRD District, may specify time periods within which application for a Zoning Permit and submission of detailed plans shall be made, construction shall commence, and the use, buildings, structures and site development shall be completed, not to exceed five years. The Commission may extend such time periods after public hearing for good cause shown. In the event of failure to meet such time periods, as the same may be extended, the Commission is deemed authorized by the owner or owners of the lots to amend these Regulations and the Zoning Map, deleting the DRD District. A Certificate of Zoning Compliance shall be issued for completion of each requirement of this Paragraph. (Effective date 5/15/15)
- 57.5.4 The owners of all of the lots within an adopted DRD District may at any time give written notice to the Commission of abandonment of any and all interests in the District and may proceed to use the land within the District in accordance with the current provisions of the R-20 District. Upon receipt of such notice, the

Commission is deemed authorized by such owner or owners to amend these Regulations and the Zoning Map, deleting the DRD District.

## **Section 58. Route 262 Planned Commercial District (B-PCD262)**

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### **58.1 Purpose**

The intent of the Route 262 Planned Commercial District is to address the following.

- 58.1.1 Provide an opportunity for high quality commercial development near Route 8 along a portion of Route 262 and Echo Lake Road east of Turkey Brook within a Planned Commercial District overlay zone to be adopted in accordance with a zoning map amendment in accordance with the procedures of Section 60 in the existing IR-80 District. (Effective date 5/15/15)
- 58.1.2 Expand retail, office, and other compatible use options within the Town of Watertown, as defined in Subsection 58.13, and to increase the diversity of the Town's tax base. (Effective date 5/15/15)
- 58.1.3 Create an attractive and high visibility entrance to the District, and to the Town of Watertown at Route 8 using landscaping and signage features. The design of a development determines much of streetscape character, attractiveness, and site friendliness. Marketing interests of corporations, even those with strong image-making building and landscaping designs, can be potentially detrimental to community aspirations and sense of place when they result in developments that do not contribute to and integrate with the Town in a positive way. The B-PCD262 zoning District includes special standards and guidelines for retail and office development that requires a basic level of architectural variety, compatibility of scale, and mitigation of the negative impacts of large scale development, and encourages site-specific design. The standards and guidelines in this Section are not intended to limit creativity.
- 58.1.4 Permit development flexibility and consequently more creativity and imaginative design than is generally possible under conventional zoning. Applicants must avoid submitting stereotypical or franchise-type buildings unless the buildings truly demonstrate architectural excellence.
- 58.1.5 Encourage pedestrian walkways, bikeways, arcades with benches and wide walkways, and high quality, attractive landscaping and outdoor lighting.
- 58.1.6 Require access management techniques to reduce the number of driveways and street cuts onto public roads, private service roads, and to individual buildings.
- 58.1.7 Require where feasible within the B-PCD262 Zoning District, shared (a) stormwater detention and retention systems, (b) site infrastructure utilities, (c) outdoor lighting, (d) parking lots, (e) driveways, (f) roads, (g) pedestrian walkways, and (h) bikeways.

- 58.1.8 Promote economical and efficient use of land while allowing a harmonious variety of land uses by phasing public and private improvements in accordance with an approved conceptual plan and a Detailed Site Plan. (Effective date 5/15/15)
- 58.1.9 Promote development continuity by consolidating contiguous parcels within the District. "Consolidation" is defined here as the integration of two or more individually owned parcels into a single consolidated parcel for the purpose of creating a shared-use arrangement of selected site components.
- 58.1.10 Discourage strip commercial center development within the District. Strip commercial centers typically have large parking lots in front with many or most of the stores arranged in a straight row along an arterial street with an automobile-centric design.
- 58.1.11 Encourage on-site and off-site bus transit, pedestrian and bicycle transportation, conforming to the Town of Watertown Plan of Conservation and Development.

## 58.2 Overlay District Location

- 58.2.1 The Commission may adopt and may amend an overlay Zoning District, ("District", "Planned Commercial District", or "B-PCD262") to an IR-80 District in accordance with the procedures, guidelines, standards, and conditions specified in Section 60 and these Regulations.
- 58.2.2 On a lot or lots within the overlay District, only buildings, other structures, and site improvements associated with uses consistent with Subsection 58.13 are permitted. (Effective date 5/15/15)
- 58.2.3 The outermost boundaries of the overlay District are Route 262, Turkey Brook, Echo Lake Road, Route 8, and Frost Bridge Road. The Commission may amend the Zoning Map to include all or a portion of land within said boundaries to be the B-PCD262 overlay District. A lot or any portion of a lot not within the adopted overlay District, as District is defined on the Zoning Map, is not in the District. The Planned Commercial District may be one or several lots, however, the Commission encourages all lots in the District to be developed as if one parcel.
- 58.2.4 No lot may be developed inconsistent with the provisions and intent of this Section, as determined by the Commission. The location, orientation, structure, texture, materials, landscaping, and other features shall be consistent with the character of the District, character of the neighborhood, character of the Town, the Zoning and Subdivision Regulations, the Zoning Map, and the Plan of Conservation and Development, all as interpreted by the Commission. Development of a parcel should demonstrate high quality design merit.

## 58.3 General Procedure

Development within the District requires a change to the Zoning Map and approval of a conceptual plan, and one or more Detailed Site Plans. It is the intent of the Commission to amend this Section of the Regulations prior to approving the first B-PCD262 District amendment to the Zoning Map, so as to include Regulations specific to information the Commission considered during a B-PCD262 Zoning Map amendment application. (Effective date 5/15/15)

- 58.3.1 A request for a Planned Commercial District overlay zone or B-PCD262 constitutes a petition for legislative action to amend the Zoning Map in accordance with Section 60 of the Regulations. Fifteen copies of the application and required information must accompany the petition at the time of submittal to the Commission. Application fees are in accordance Town Ordinance 10-1-07-280. (Effective date 5/15/15)
- 58.3.2 The standards the Commission shall use to consider approval of a B-PCD262 overlay Zoning Map amendment are as follows.
- a. The petitioners own a lot or lots that are all contiguous to each other and to other lots within the District, or to be within the District, as District is defined on the Zoning Map.
  - b. The petitioners of the Zoning Map amendment demonstrate they want the B-PCD262 District in a lot or lots they own within the boundaries described in Subsection 58.2.
  - c. The petitioners acknowledge the purpose of the District described in Subsection 58.1.
  - d. The Commission determines the application satisfies the requirements of this Section.
  - e. The Commission determines no text amendments to the Zoning Regulations and this Section are required to additionally regulate development mitigation impacts, and to regulate additional development requirements.
  - f. The Commission determines the Zoning Map amendment is in compliance with the Watertown Comprehensive Plan of Zoning, and is consistent with the Watertown Plan of Conservation and Development. (Effective date 5/15/15)
- 58.3.3 A petition for an amendment to the Zoning Map must be signed by all the owners, or their agents, of a lot or lots within the area that is the subject of the petition and on a lot or lots owned by at least one of the petitioners. The lot or lots must be within the area defined in Section 58.2. All owners of lots within the area defined in Section 58.2 should consent to the Zoning Map petition. In the event an owner of a lot does not consent to the petition, the applicant shall inform the Commission of the reason consent to the Zoning Map petition was not given. Lack of consent to the application by a lot owner whose lot is not the subject of the petition, is not a reason for the Commission to deny the petition. Notice of Zoning Map application should be sent by the petitioner in accordance with the procedures of Section 60. (Effective date 5/15/15)
- 58.3.4 The application should be complete at the time an application is submitted to the Commission. The Commission encourages, but does not require, the applicant to

have informal discussions with the Commission prior to application for a Zoning Map amendment.

- 58.3.5 In addition to the requirements of Section 60, the following information shall be required. (Effective date 5/15/15)
- a. The purposes of the development within the Planned Commercial District. (Effective date 5/15/15)
  - b. How the Planned Commercial District conforms to the stated purpose of the District as described in Subsection 58.1. (Effective date 5/15/15)
  - c. The intended uses of the land, and the anticipated site improvements, buildings, and other structures. (Effective date 5/15/15)
  - d. Conceptual plans and information in accordance with the conceptual plan requirements in Subsection 58.4. (Effective date 5/15/15)
  - e. Reports required by Paragraph 58.7.3, assuming a fully built-out conceptual plan as defined by the applicant inclusive of all planned development phases. (Effective date 5/15/15)
  - f. Renderings of the site and architectural renderings of the types of buildings and architectural styles, in accordance with the provisions of Subsection 58.10 and Subsection 58.11. (Effective date 5/15/15)
  - g. The bus transit circulation network within the DRD District. (Effective date 5/15/15)
  - h. A building and site security report for review by the Commission and the Watertown Chief of Police in accordance with the provisions of Subsection 58.10. (Effective date 5/15/15)
  - i. A permitted sign plan for approval by the Commission in accordance with Subsection 58.10. (Effective date 5/15/15)
  - j. Submit a report on required parking spaces in accordance with the provisions of Subsection 58.10. (Effective date 5/15/15)
- 58.3.6 Pursuant to Section 3.1.5 of the Town of Watertown Ordinance 10-1-07-280 “Ordinance Establishing Fees for Planning and Zoning” as may be amended, the Commission may require the applicant to pay for consulting studies that are conducted independent of the applicant and under the direction of the Commission to review all or part of the applicant’s submission, and to address those requirements of Subsection 58.11 which, in the opinion of the Commission, requires additional information. (Effective date 5/15/15)

#### 58.4 Conceptual Plan Procedure

Fifteen copies of the application and required information shall accompany the petition at the time of application to the Commission. A public hearing is required. The application for conceptual plan approval must be signed by all the owners, or their agents, of lots within the area that is the subject of the petition, and on a lot or lots owned by at least one of the petitioners. The lot or lots must be within the area defined on the Zoning Map as B-PCD262. All the owners of a lot or lots within the area described in Section 58.2 should consent to the conceptual plan application. In the event an

owner of a lot or lots does not consent to the application, the applicant shall inform the Commission of the reason consent to the conceptual plan was not given. Lack of consent to the application by a lot owner whose lot is not the subject of the petition, is not a reason for the Commission to deny or condition the petition. Notice of conceptual plan application should be sent by the petitioner by certified mail, return receipt requested to all owners of lots within the area described in Section 58.2, and to all owners of lots five hundred feet from the area described in Section 58.2, such lot owners are as described on the Town Assessor's records. The return receipts must be submitted by the applicant to the Commission. The Commission may require third party reviews; which costs shall be paid by the applicant in accordance with Town Ordinance 10-1-07-280. As a condition of approval of the conceptual plan, the Commission may specify a time period within which a detailed Site Plan may be submitted to the Commission for approval; which time shall not be greater than five years from the date of the conceptual plan approval. If the expiration date is not specified, the conceptual plan shall expire five years from the date the Commission approves the conceptual plan, unless at least one detailed Site Plan has been approved by the Commission. In the event at least one detailed Site Plan is approved by the Commission, the conceptual plan shall expire in accordance with the provisions of Subsection 58.5. The Commission may extend such time periods for good cause shown, but not for a time exceeding the length of the original time period. A Mylar copy of the Commission approved conceptual plan signed by the Commission Chairman shall be filed by the applicant in the Town Clerk's Office. (Effective date 5/15/15)

#### 58.5 Detailed Site Plan Procedure

Fifteen copies of the application and required information must accompany the application at the time of submittal to the Commission in accordance with the provisions of Section 8 and this Section of the Regulations. A detailed Site Plan application may not be submitted concurrently with an application for amending the Regulations or the Zoning Map. A detailed Site Plan application may not be submitted prior to the Zoning Map having a B-PCD262 District on all of the land subject to the detailed Site Plan. Fees for submission of a detailed Site Plan application are as described in Town Ordinance 10-1-07-280. The application for detailed Site Plan approval must be signed by all the owners, or their agents, of lots within the area that is the subject of the petition, and on a lot or lots owned by at least one of the petitioners. The lot or lots must be within the area defined on the Zoning Map as B-PCD262. All the owners of a lot or lots within the area on the Zoning Map defined as B-PCD262 should consent to the Detailed Site Plan application. In the event an owner of a lot or lots does not consent to the application, the applicant shall inform the Commission of the reason consent to the Detailed Site Plan was not given. Lack of consent to the application by a lot owner whose lot is not the subject of the petition, is not a reason for the Commission to deny or condition the petition. Notice of Detailed Plan application should be sent by the petitioner by certified mail; return receipt requested to all the owners of the lots within the area defined on the Zoning Map as B-PCD262, such lot owners are as described on the Town Assessor's records. The return receipts must be submitted by the applicant to the Commission. The Commission may specify a time period within which a detailed Site Plan expires. That time period shall not be greater than five years from the date of the detailed Site Plan approval. Unless otherwise specified, the conceptual plan and the Detailed Site Plan shall expire five years from the date the Commission approves the detailed Site Plan. The Commission may extend such time periods for good cause shown, but not for a time exceeding the length of the original time period. (Effective date 5/15/15)



**58.6 General Requirements of the Conceptual Plan and the Detailed Site Plan**

- 58.6.1 Original construction, uses, site improvements, and modifications thereto shall require submittal to the Commission for review and approval, in accordance with the provisions of Section 8, this Section, a conceptual plan, and a detailed Site Plan. (Effective date 5/15/15)
- 58.6.2 Both the conceptual plan and the detailed Site Plan must be approved on the same land in order for a Site Plan to be approved, as Site Plan is defined by these Regulations and the Connecticut General Statutes. (Effective date 5/15/15)
- 58.6.3 The conceptual plan shall show proposed land use mix, land use areas, parking areas, land use intensity, the location and footprints of buildings, and the location of utility systems (including gas, water, sanitary sewer, electric, telephone, and cable television), roadways, bus transit and pedestrian circulation networks, bikeways, arcades, and stormwater drainage systems. (Effective date 5/15/15)
- 58.6.4 A public hearing is required for the conceptual plan. Notice of a public hearing shall be sent by the applicant in accordance with Section 10. The applicant may submit applications for a Special Permit, a conceptual plan, and a detailed Site Plan at the same time, excepting a Special Permit application and a detailed Site Plan application may not be submitted concurrently with an application to amend the Regulations or the Zoning Map. If a conceptual plan and a detailed Site Plan are submitted at different times, approval of one, and not both, does not constitute approval of the Site Plan. The detailed Site Plan shall not conflict with the conceptual plan, as determined by the Commission. The Detailed Site Plan may include all or a portion of land included in the conceptual plan, but should include land in the B-PCD262, as defined on the Zoning Map. (Effective date 5/15/15)
- 58.6.5 In addition to the procedures, standards, guidelines, and conditions imposed in this Section with respect to the conceptual plan, the applicant shall report the following to the Commission with a conceptual plan application: (Effective date 5/15/15)
- a. Consistency with the Plan of Conservation and Development; provided the area permitted by the Zoning Map shall be available for application under this Section.
  - b. Effects on existing Watertown businesses
  - c. Effects on business sprawl on Route 262 and Echo Lake Road
  - d. Effects on municipal services including but not limited to police, fire, emergency medical services, public water, public sanitary sewer, stormwater drainage systems, streets, and schools
  - e. Effects on quality of life and Town character
  - f. Street circulation and changes in traffic, fire hazard, panic hazard, and public safety
  - g. Environmental impacts in accordance with the provisions of Section 60.
  - h. Potential development constraints associated with brownfields and topographical conditions such as steep slopes, rock outcroppings, and wetlands

- i. Effects on the values of land and buildings within the District and properties adjacent to the District
- j. Essential characteristics of the District should be described with particular attention to Subsections 58.10 and 58.11. Renderings of the building and site showing these characteristics shall be provided with the conceptual plan application. (Effective date 5/15/15)
- k. Phasing plan of the conceptual plan and the detailed Site Plan, if any.

#### 58.7 Conceptual Plan Requirements

The conceptual plan shall show proposed land use mix, proposed land use areas, parking areas, land use intensity, location and footprints of buildings, location of utility systems (including but not limited to gas, water, sanitary sewer, electric, telephone, and cable television), roadways, bus transit and pedestrian circulation networks, arcades, and location of stormwater drainage systems of all land in the B-PCD262. The Plan shall include the following.

- 58.7.1 Drawings in accordance with generally accepted standards of detail on 24" X 36" sheets of a scale not less than 1" = 100' with match lines showing the entire zoning District and
  - a. The entire land area in the B-PCD262 shall be divided into discrete land use areas with land and use types in compliance with the Regulations
  - b. Existing land use within the District and within 500 feet of the B-PCD262
  - c. Location of all roadways (public and private) and access locations from connecting roads and driveways within the site to existing or proposed road systems and service roads
  - d. Location of parking lots
  - e. Location and footprints of buildings
  - f. Location of pedestrian walkways, bikeways, bus transit network, and arcades
  - g. A table of ratios for the conceptual plan indicating the area of proposed land use in acres, amount of building development proposed for each land use in square feet, wetland areas in acres, flood plain areas in acres, parking, overall site floor area ratios, and overall site lot coverage
  - h. Existing topography with contours of sufficient spacing to show general gradient of the site, existing structures, existing roads and rights-of-way, site boundary descriptions, existing easements, adjacent landowners, major topographic features (including wooded and open areas, inland wetlands watercourses and flood plains)
  - i. Proposed general system of utilities for public water, sanitary sewer, storm water drainage, and fire protection. Included must be sizes, connection points to existing systems, and the proposed location of major storm drainage culverts and drainage basins serving the site.
  - j. Describe limits of planned development phases, if more than one phase is proposed
  - k. Identification of landscaping areas, buffer yard areas, and general planting schemes

- l. Identification of spaces that are primarily intended to preserve natural features and those intended for active or passive recreation
- 58.7.2 An application to modify the conceptual plan shall depict the entire land area in the B-PCD262 and shall identify the land use areas to be modified.
- 58.7.3 Reports accompanying the submission of a conceptual plan application or any modification thereto shall include the following.
- a. A traffic report prepared by a professional traffic engineer licensed in Connecticut detailing existing traffic conditions and predicted traffic using ITE trip generation guidelines and generally accepted standards for measuring traffic flow assuming a fully developed and built-out conceptual plan. The traffic study need not address remedies for mitigating congestion; however for each area of roadway where traffic level of service resulting from the study is lower than the existing traffic level of service, there must be a statement of feasibility that, after improvements, a specific level of traffic service should result. Particular emphasis should be made to addressing traffic on municipal roadways. The Commission intends to use traffic information considered at the time of application for Zoning Map amendment to determine traffic improvement requirements of a detailed Site Plan. The Commission may amend the Regulations prior to approval of the Zoning Map amendment to reflect these requirements. The applicant for a detailed Site Plan is required to submit a comprehensive traffic study prepared by a professional traffic engineer licensed in Connecticut, detailing the effects of the proposed development and the measures necessary to mitigate those effects.
  - b. A report prepared by a professional engineer licensed in Connecticut shall show, assuming a fully developed conceptual plan, the projected impact on public water supply and distribution systems, stormwater drainage system, sanitary sewer systems, and environmental impacts. The applicant shall comply with the "2004 Connecticut Stormwater Quality Manual", as amended, and the "2002 Erosion and Sedimentation Control Guidelines", as amended.
  - c. Such other relevant information as the applicant may want to present to the Commission, or as the Commission may reasonably request.
  - d. The applicant shall make a presentation of the proposed development to the Watertown Economic Development Commission prior to submitting an application for a Zoning Map amendment.
  - e. A building and site security report for review by the Commission and the Watertown Chief of Police in accordance with the provisions of Subsection 58.10.
- 58.7.4 The Commission shall evaluate and determine whether the proposed uses are compatible with the location and natural features of the site, whether the proposed location of the land use areas on the site avoids the placement of incompatible uses, whether there is suitable transition between different proposed uses, and whether there is sufficient buffering as required by the Regulations. The Commission shall

also determine whether the proposed land uses meets the purpose and intent of Section 36 and the Regulations. (Effective date 5/15/15)

#### 58.8 Detailed Site Plan Requirements

The Detailed Site Plan application shall be in accordance with the Regulations including this Section and Section 8. The Detailed Site Plan application is submitted for the purpose of providing detail sufficient for the Commission to evaluate the proposed development of a site of one or more lots within the District for conformance with the Regulations. The Detailed Site Plan shall, in the opinion of the Commission, conform to the conceptual plan, be compatible with other Detailed Site Plan approvals, if any, and be consistent with the character of the District, the neighborhood, and the Town. The Detailed Site Plan shall include drawings in accordance with generally accepted standards of detail on 24" X 36" sheets of a scale not less than 1" = 100' with match lines showing all the B-PCD262 zoning District and the following.

- 58.8.1 Site information and engineering plans should show an accurate description of the area covered by the Detailed Site Plan prepared and sealed by a registered land surveyor and registered engineer, as applicable, showing existing topographic and geographic features including contour lines at no more than two foot intervals, existing structures and easements, proposed grading and contours at no more than two foot intervals, proposed storm water drainage design and details, including storm detention/retention basin calculations, typical details for this development, and impact on a fully developed conceptual plan, public sanitary sewer and public water details including connection points to existing systems, fire hydrant locations, roadways, pedestrian walkways, bikeways, arcades, driveway locations, delivery traffic circulation, motorists traffic circulation, pedestrian traffic circulation, bus transit circulation, generally accepted standards of plan details in accordance with the provisions of Section 8, and names of roadways, driveways, and buildings. A name of a building does not mean a name of a building tenant.
- 58.8.2 Detailed Site Plans should show the locations of all building and accessory structures, outdoor lighting, vehicle parking areas with number of parking spaces, landscaping, signage, and a table of ratios indicating the proposed uses, floor areas, parking and floor area ratios, distance between buildings and lot lines, the distance between buildings, distance between buildings and parking areas, lot coverage, open space ratios, height of buildings and lot sizes. Landscaping plans shall be prepared and sealed by a registered landscape architect and shall show the detailed Site Plan landscape integration with the conceptual plan and other Detailed Site Plan approvals, if any.
- 58.8.3 Architectural plans, building elevations, and other details necessary to show the size, scale, height, building materials and colors for proposed buildings. Buildings shall be of an architectural design which visually reduces the scale and impact of large buildings, and is constructed of materials which in color and texture are compatible with adjacent buildings and other buildings either in the District, or on adjacent properties outside the District, and will not have a materially negative impact upon

property values in the District or upon adjacent properties outside the District. District is defined in accordance with the Zoning Map.

- 58.8.4 Reports from a professional engineer licensed in Connecticut: (1) stating that traffic conditions as described in the traffic report submitted to the Commission for conceptual plan approval, and any modifications approved thereto, have not changed; or, if traffic conditions have changed, in what ways; and (2) a comprehensive traffic study as defined in Paragraph 58.7.3.
- 58.8.5 A copy of the application to the State Traffic Commission
- 58.8.6 A copy of the application to the Department of Environmental Protection for a General Discharge Permit
- 58.8.7 Site lighting plans conforming to Section 33. (Effective date 5/15/15)
- 58.8.8 Fire hydrant and hookup up locations, and fire equipment access approvals from the Watertown Fire Marshall.
- 58.8.9 Approvals from the Torrington Area Health Department
- 58.8.10 Public water and public sewers are required
- 58.8.11 The applicant shall report to the Watertown Chief of Police in accordance with the provisions of Section 58.
- 58.8.12 Utilities shall be underground, except where approved by the Commission for above ground. Above ground utilities should be screened or buffered, as approved by the Commission, to make them attractive.
- 58.8.13 A tabular statement on the Detailed Site Plan showing with respect to each land use area:
  - a. Total land area already developed or subject to an approved Detailed Site Plan
  - b. Land area included in applicant's Detailed Site Plan
  - c. Remaining land area
  - d. Total floor area already developed or subject to an approved Detailed Site Plan
  - e. Floor area included in the Detailed Site Plan
  - f. Remaining buildable floor area
- 58.8.14 The detailed Site Plan shall be submitted in accordance with Section 8 and this Section including
  - a. Engineering plans at a scale of not less than 1" = 40' showing details of all public improvements to be deeded in fee simple to the Town of Watertown and
  - b. The Commission may require additional plans, maps, and other relevant information to evaluate the submitted application

58.8.15 A Zoning Permit or Certificate of Zoning Compliance shall be issued for construction or site work only when they comply with a Commission approved conceptual plan, detailed Site Plan, and Special Permit, if any.

58.8.16 The applicant shall comply with the "2004 Connecticut Stormwater Quality Manual", as amended, and the "2002 Erosion and Sedimentation Control Guidelines", as amended.

58.8.17 The applicant shall comply with Section 39. [Effective May 28, 2010]

#### 58.9 Changes to the Conceptual Plan and the Detailed Site Plan

58.9.1 Material changes to an approved conceptual plan require a public hearing. A detailed Site Plan does not require a public hearing, but does require Commission approval in accordance with the provisions of Section 8 and this Section. A material change shall be (a) any increase in floor area ratio, (b) change in lot area coverage, or (c) increase in traffic generated by site uses which adds traffic to an approved conceptual plan or detailed Site Plan by more than 100 trips at any single point during peak hour. Following Commission approval of any material changes, the applicant shall submit a revised Detailed Site Plan with one Mylar copy and two paper copies, signed and sealed by a professional engineer licensed in Connecticut.

58.9.2 Non-material changes to an approved conceptual plan and a detailed Site Plan do not require a public hearing, but do require Administrator for Land Use / Zoning Enforcement Officer approval in accordance with the provisions of Section 8 and this Section. Non-material changes may include, as interpreted by the Administrator for Land Use / Zoning Enforcement Officer, but are not limited to, changes in the location of buildings, parking areas or landscaped areas, minor expansion, demolition, or reconstruction of buildings, alterations of building facades features such as materials and colors, changes of less than twenty six parking spaces, and in the opinion of the Administrator for Land Use / Zoning Enforcement Officer non-significant changes to grading or landscaping..

58.9.3 Minor changes to an approved conceptual plan or detailed Site Plan may be approved by the Administrator for Land Use / Zoning Enforcement Officer. Minor changes do not affect the overall layout, design or density of a conceptual plan or detailed Site Plan. Such minor changes may include, but are not limited to, the relocation of sidewalks, arcades, driveways, and other such physical improvements due to unforeseen topographical or subsurface geological features, location and screening of trash disposal and mechanical facilities, slight alterations of finished contours, minor rearrangement of lighting fixtures, benches, and other incidental outdoor furniture. A narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration of approval by the Administrator for Land Use / Zoning Enforcement Officer. (Effective date 5/15/15)

#### 58.10 General Requirement of the Site Design

Site design requirements for the conceptual plan and the detailed Site Plan are intended to control vehicular access, promote pedestrian access, provide snow shelves, provide efficient and safe delivery access, and reduce the negative visual impacts of large parking lots and buildings.

58.10.1 Parking Lots: In addition to standards contained elsewhere in these Regulations, excepting the number of required parking spaces as described in this Paragraph which shall prevail, lots shall be constructed according to the following standards. Where these standards conflict with the standards found elsewhere in the Regulations, the more stringent standards shall prevail. (Effective date 5/15/15)

- a. Parking lots shall be separated from street right-of-way subject to Paragraph 58.10.9. Berms, walls, landscaping or existing vegetation shall be used to screen parking lots from streets and to filter views of large buildings to reduce their scale.
- b. In addition to trees or shrubs specified elsewhere in the Regulations, there shall be at least eight (8) shrubs with an 18" to 24" spread planted within the area of the parking lot for every ten parking stalls.
- c. Curbing shall be constructed of granite or concrete conforming to Town of Watertown standards.
- d. The Commission shall determine the number of required parking spaces in the District after considering the applicant's planned uses and uses the Commission anticipates may be in the District. Commission anticipated uses are limited to permitted uses defined in Subsection 58.13.

58.10.2 Access Management: Regulation of vehicular access is necessary to maintain the efficient and smooth flow of traffic, and to maintain public safety and minimize traffic impact outside the District to protect the functional level and maximize traffic capacity within the District. An Access Management Plan and program must be developed and approved by the Commission to address

- a. Limiting the number of driveways;
- b. Choosing driveway locations to reduce conflicts;
- c. Designing driveways to reduce conflicts and the severity of conflicts; and
- d. Roadway improvements that reduce or control conflicts.

58.10.3 All sites within the B-PCD262 zoning District must be designed to incorporate access management practices and techniques to accomplish the above objectives. Access management practices may include such considerations as

- a. Shared access between two adjacent lots;
- b. Consolidated access for contiguous lots;
- c. Alternative access via side streets; and (Effective date 5/15/15)
- d. Frontage roads.

58.10.4 Sidewalks: Pedestrian sidewalks are required along public street frontage, and connecting building entrances and exits to parking lots. Additional sidewalks and pedestrian access ways located within the site are encouraged. Sidewalks should interconnect to existing or future walkways on abutting properties within the boundaries described in Subsection 58.2. Sidewalks, including non-public

sidewalks, shall be constructed to sidewalk specifications in the Subdivision Regulations Appendices, and the Regulations. The applicant is encouraged to provide site interior pedestrian walkways and bikeways that link to existing or future multimodal trail systems. A unified system of sidewalks shall be provided to facilitate safe pedestrian access in accordance with the following standards.

- a. Pedestrian sidewalks shall be constructed of concrete with concrete or granite curbing and shall be a minimum of five (5) feet in width to accommodate passing shopping carts.
- b. If bikeways are proposed, the bikeway shall be wide enough to also accommodate pedestrians, in the opinion of the Commission.
- c. Sidewalks that are perpendicular to adjacent parking stalls shall be a minimum of seven (7) feet wide to account for vehicular overhang, unless concrete wheel stops are provided in the parking stalls.
- d. Sidewalks may be flush with adjacent parking stalls to facilitate wheelchair and shopping cart access if concrete wheel stops are provided.
- e. Sidewalks with a minimum of five (5) feet in width shall be provided with a ten foot buffer from the road pavement along the entire public street frontage. Maintenance of public sidewalks, including the clearing of snow, shall be the responsibility of the abutting property owner.
- f. At least one sidewalk must connect to the public sidewalk at the public street and to the vicinity of the entrances to each building.

58.10.5 Mechanical Equipment, Loading Docks, Waste/Trash Disposal Equipment, Outdoor Sales, Outdoor Storage, and Other Standards shall conform to the following standards.

- a. Mechanical equipment such as HVAC units and electrical equipment shall be screened by landscaping or architectural elements integrated into the design of the building and land.
- b. Loading docks visible from a public street or adjacent property shall be contained in masonry (or other material acceptable to the Commission) enclosures supplemented with landscaping acceptable to the Commission.
- c. Waste and recycling dumpster/compactors shall have screened doors or lids that shall remain closed when not being loaded or emptied and shall be contained in masonry enclosures (or other material acceptable to the Commission) supplemented with landscaping acceptable to the Commission. To prevent pavement damage, dumpster / compactor pads and tractor trailer loading spaces shall be constructed of high strength concrete.
- d. No delivery, loading, trash removal, trash compaction, or other similar operations shall be permitted between the hours of 10:00pm and 7:00am unless the applicant submits evidence under the Special Permit in accordance with the provisions of Section 9, and the detailed Site Plan in accordance with the provisions of Section 8 and this Section, that sound barriers between all areas for such operations effectively reduce noise emissions to a peak level of 45 decibels inclusive of all noise emanating from the District at approximately



11:00PM on a non-holiday weekday, as measured at any B-PCD262 boundary line defined on the Zoning Map.

- e. Except as qualified hereafter, outdoor storage or display of goods for retail sale shall be enclosed within permanent walls attached to the building, or screened fences attached to the building or within three feet of the building, which are integrated into the design of the buildings and which are not higher than the lowest roof line of the nearest building. The permanent walls and screened fences shall be designed to prevent viewing the outdoor storage area from the exterior of the building. Storage or display racks and goods thereon shall not exceed the height of the screening walls or fences. Goods shall not be displayed or merchandise for sale in landscaped areas, on exterior walls, or in parking lots. The Administrator for Land Use / Zoning Enforcement Officer may permit outdoor display and sale of merchandise only on sidewalks. Display and sale of merchandise may only be (a) on sidewalks adjacent to the applicant's store, and/or (b) on sidewalks of an adjacent store subject to the approval of the owner of the adjacent store. The period of time of such displays and sales may not be greater than two months in any calendar year provided a written request accompanies the application that states the nature of the outdoor sales including: the location, duration, and types of merchandise to be sold. Display and sale of merchandise must be clearly Permitted Uses for that store. Outdoor displays shall be delineated on the application and plans, and shall not impede normal use of sidewalks. Signage for outdoor displays shall be by approval of the Administrator for Land Use / Zoning Enforcement Officer, subject to the provisions of Paragraph 58.10.15.
- f. Outdoor cafes and outdoor sale of food requires Special Permit approval in accordance with the provisions of Section 9.
- g. No vending machines shall be installed outside of buildings, except bottle return machines that are within three feet of an exterior building wall, and are accessory to a Permitted Use at that building.
- h. The applicant shall describe energy efficiencies designed into buildings and site improvements.

58.10.6 Side Yards and Rear Yards: Side yard and rear yard requirements are waived at common lot boundaries within the District, as the District is defined by the Zoning Map.

58.10.7 Yard and Bulk Requirements.

- a. Minimum lot frontage: 100 feet
- b. Minimum front yard building setback: 50 feet
- c. Minimum side yard building setback: 35 feet
- d. Minimum rear yard building setback: 35 feet
- e. Minimum setback abutting a residential district: 100 feet
- f. Minimum setback for parking and loading areas: 25 feet
- g. Maximum impervious surface coverage: 75%
- h. Maximum floor area ratio: .5

- 58.10.8 Maximum building heights:
- a. Predominately General Office or Hotel: 80 feet or 6 stories
  - b. Not predominately General Office or Hotel: 60 ft
- 58.10.9 Minimum parking lot landscaped buffer from public street right-of-way: 100 feet
- 58.10.10 Outdoor Lighting: Driveways, parking lots, sidewalks, and building exteriors shall incorporate standard fixtures and poles in order to obtain a uniform lighting appearance. Outdoor lighting shall have full cut-off fixtures and comply with Section 33.
- 58.10.11 Amplification of sound is prohibited outdoors.
- 58.10.12 A report shall be submitted by the applicant to the Watertown Chief of Police prior to submitting an application for a Zoning Map amendment, a conceptual plan, or a Detailed Site Plan that describes anticipated security outside buildings and within buildings. The Commission shall review this report at time of application.
- 58.10.13 Shopping carts can become an unattractive facet of retail operation when not actively managed. Outside storage of carts and parking lots with shopping carts strewn around can detract from even the most attractive building and site design. (Effective date 5/15/15)
- a. Any retail business that permits shopping carts to be used outside of its building shall have a Cart Management Plan approved by the Commission. The plan must describe in detail the terms of the retail company cart management program and prevention of accumulation of carts in parking lots, sidewalks, and roads.
  - b. Shopping carts shall not be stored outside overnight.
  - c. The Cart Management Plan must require that carts be returned to the interior of the store within two hours after customer use.
  - d. The approved Cart Management Plan must be implemented. Failure to maintain the standards of the shopping Cart Management Plan as approved by the Commission will be subject to enforcement as a zoning violation. Notice of this requirement shall be stated in building tenant leases.
- 58.10.14 All public and private streets and driveways shall conform to this Section and the Zoning and Subdivision Regulations. The standard paved width of roadways and driveways is 30 feet. The Commission may determine with a 2/3's (5 members) vote of approval that the paved width of roadways and driveways within the B-PCD262 to be no less than 12 feet and no more than 36 feet. Parking or parking standing is prohibited on any roadway or driveway, excepting for bus transit. The roadways and driveways shall be signed noticing "No Parking" and "No Standing". (Effective date 5/15/15)
- 58.10.15 Permitted signs are subject to Subsection 32.10 "Alternative Signage Program for Large Developments" and require the submission of a Permitted Sign Plan. The applicant shall submit a Permitted Sign Plan for approval by the Commission which

shall regulate signage in the B-PCD262. The Permitted Sign Plan shall limit sign application permits subject to Commission approval to sign classification types listed herein, as those classification types defined in Section 32.2 as (a) Freestanding sign when at a public street, (b) Roof sign, and (c) Billboard. Other sign application submitted for permit is subject to approval by the Administrator for Land Use / Zoning Enforcement Officer in accordance with the provisions of the Permitted Sign Plan and Section 32. (Effective date 5/15/15)

#### 58.11 General Requirements of the Building Design

The following building design guidelines are not intended to limit creativity but to address issues of architectural variety, compatibility of design and scale within the District, the surrounding neighborhood, and pedestrian access.

##### 58.11.1 Articulation.

- a. Wall plan projections or recesses should be utilized to limit uniform facades to less than 100 continuous linear feet. The aggregate length of a projection or recess shall be at least 20% of the facade length.
- b. Architectural elements such as arcades, display windows, entry areas, awnings, or other such features should account for at least 60% of the horizontal length of the ground floor facade.

##### 58.11.2 At least three of the following should be repeated along the facade at intervals of approximately 30 feet and at least one should repeat horizontally.

- a. Color
- b. Texture change
- c. Material change
- d. Expression of architectural or structural bay through a change in plane no less than 12" in width, such as an offset, reveal, projecting rib or pilaster.

##### 58.11.3 The following human scale elements should be incorporated into the design of buildings to reduce their visual impact and create motorist and pedestrian friendly experiences. (Effective date 5/15/15)

- a. Banding of exterior materials and architectural details should be incorporated at eye-level to break up large facades and to create human scale elements.
- b. The bottom six feet of all facade walls should be of the highest quality material being used on the building. To avoid damage from shopping carts, vehicles, or vandalism; the use of exterior insulation finish systems or other easily damaged building materials may not be used within this area.
- c. Arcades are encouraged as a means of providing human scale elements. Arcades should conform to the following requirements:
- d. An arcade should be inviting to pedestrians; incorporating benches, wide walkways, display windows or similar features.
- e. When there are multiple tenants in a building, signs should be incorporated into the design to allow pedestrians to easily recognize establishments from beneath arcades. Signs are subject to the provisions of Paragraph 58.10.15.

58.11.4 The following guidelines are intended to reduce the massive scale of large buildings and complement the character of the District and nearby areas. Roofs should include at least two of the following elements: (Effective date 5/15/15)

- a. Parapets concealing flat roofs and rooftop equipment. The average height of such parapets should not exceed 15% of the height of the supporting wall; and at no point should a parapet exceed 30% of the height of the supporting wall. Parapets should feature three dimensional cornice treatments.
- b. Overhanging eaves extending no less than three feet past supporting walls.
- c. Sloping roofs should not exceed the average height of supporting walls with an average slope not greater than one foot of vertical rise for every three feet of horizontal run, and not less than one foot of vertical rise for every one foot of horizontal run
- d. Three or more roof slope planes

58.11.5 Exterior building materials and colors should be compatible with materials and colors used in the District. Building materials should comply with the following guidelines. (Effective date 5/15/15)

- a. Predominant exterior building materials should be of high quality including brick, stone, wood, or tinted, textured, concrete block. Exterior insulation finish systems, smooth-face concrete blocks, and pre-fabricated steel panels may not be used as the predominant exterior building material.
- b. Predominant exterior building materials should be non-glossy and have subtle, neutral, or earth tone colors. The use of high intensity, metallic, black, or fluorescent colors is prohibited.
- c. Building trim and accent areas may feature brighter colors, including primary colors, but not neon tubing features.

58.11.6 Entrances.

- a. To orient customers to entrances, each building shall have no less than three of the following elements:
  - Canopies or porticos
  - Overhangs
  - Recesses / projections
  - Arcades
  - Raised, corniced parapets over the door
  - Peaked roof forms
  - Arches
  - Outdoor patios
  - Display windows
  - Architectural details such as tile work and moldings integrated into the building
  - Integrated planters or wing walls that incorporate landscaped areas and places for sitting.

- b. Where more than one store is located in a building, each ground level store shall have a least one exterior customer entrance.
- c. Large retail buildings shall incorporate multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store.
- d. At least one entrance should be located on two facades of a building that directly faces an abutting public street.

58.11.7 The following requirements are intended to minimize the traffic impacts of large scale commercial developments on roadways. (Effective date 5/15/15)

- a. A comprehensive traffic study prepared by a professional traffic engineer licensed in Connecticut, detailing the effects of the proposed development and the measures necessary to mitigate those effects, shall be submitted with the application for a Detailed Site Plan approval. Particular attention in the report should be given to effects on non-State roads.
- b. When two or more access driveways are located on one site, they shall be located no closer than 150 feet apart unless they are one-way driveways.
- c. Except for driveways permitting only right turns into or out of a site, access driveways shall align with opposing public or private streets and driveways.
- d. Parking lots shall be configured to provide access to adjacent commercial parking lots through either a driveway or a separate service road.
- e. For proposed developments on corner lots, the Commission may limit access onto a street if the street is residential in character and the traffic impact on that residential character outweighs the need for street access.

#### 58.12 Modifications

The intent of this Section is not to limit design creativity. If the Commission determines that modifying the requirements in Subsection 58.11 would result in a conceptual plan, detailed Site Plan, or Special Permit that meets the intent of this Section, the Commission may modify the requirements upon a two-thirds (5 members) vote of approval of the Commission. The Commission shall, among other issues, consider safety and the character of the District, the neighborhood, and the Town when making the determination to waive any requirements. (Effective date 5/15/15)

#### 58.13 Permitted Uses

58.13.1 The following principal uses shall be permitted without a drive-thru. Prior to approval of any Zoning Permit and Application for Certificate of Zoning Compliance, a conceptual plan and a Detailed Site Plan must be approved by the Commission in accordance with the provisions of this Section and Section 8.

- a. Retail store
- b. Personal services
- c. Bank, financial, and insurance institution
- d. Restaurant

- e. Medical office and out-patient services
- f. General office
- g. Hotel
- h. Theater, bowling alley, museum, cultural facility
- i. Food or grocery store
- j. Health club and gym
- k. Radio and television studio
- l. Performing arts studio
- m. Food court
- n. Permitted Accessory Uses

58.13.2 The following accessory uses shall be permitted. (Effective date 5/15/15)

- a. Uses normally accessory to a principal use requiring Detailed Site Plan approval, provided that such uses shall be applied for in the Detailed Site Plan application.
- b. Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for in the Special Permit application in accordance with the provisions of Section 9.
- c. Building mechanical equipment located outside the structure, including radio and television reception equipment; provided that such equipment shall be properly screened.
- d. Signs in accordance with the provisions of this Section and the Permitted Sign Plan.
- e. Off-street parking and loading, including parking garages and parking structures. (Effective date 5/15/15)
- f. No vehicle or equipment shall be parked within any required yard or landscaped area.
- g. Medical Clinics, cafeterias, and day-care for employees only must be conducted inside a building.
- h. Recreational facilities, provided that all such uses are inside a building and on the same lot to which they are accessory to the primary use.
- i. The display and sale of goods outside of a building is subject to Section 58.10. Such use shall be clearly accessory to the principal use. No other goods shall be displayed or merchandise for sale outside of a building.
- j. Assembly hall for meetings incidental to the business of the principal use
- k. Utilities necessary for the operation of the uses within the B-PCD262.

58.13.3 The Zoning Board of Appeals is not permitted to grant use variances in the B-PCD262 Zoning District. (Effective date 5/15/15)

## **ARTICLE IX – ZONING BOARD OF APPEALS**

### **Section 59. Zoning Board of Appeals**

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#### **59.1 Powers and Duties**

The Zoning Board of Appeals (“ZBA”) shall have all of the powers and duties prescribed by these Regulations and the Connecticut General Statutes and may adopt rules and procedures necessary to exercise its authority.

#### 59.2 Appeals

The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the ZBA on any such appeal shall be limited to the question of whether or not, and to what extent, such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

#### 59.3 Variances

The ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape, or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon, make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety, and welfare secured.

#### 59.4 Variances in Flood Prone Areas

The ZBA shall hear and decide requests for variances from the requirements pertaining to flood prone areas in Section 53 of these Regulations, in accordance with Subsections 53.13 through 58.16 and subject to the following. (Effective date 5/15/15)

59.4.1 No use variance shall be granted by the ZBA which would permit

- a. A use allowed only in a residential zone to be established in a business or industrial zone;
- b. A use allowed only in a business zone or industrial zone to be established in a residential zone;
- c. A use allowed only in a business zone to be established in an industrial zone;
- d. A use allowed only in an industrial zone to be established in a business zone;
- e. A use prohibited either implicitly or explicitly by these regulations, to be established in any zone;
- f. The expansion of a non-conforming use; or
- g. The number of dwelling units in a building to exceed the maximum allowed in the subject zone.

59.4.2 Prior to a public hearing on any application for a use variance, the ZBA shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

59.4.3 No variance shall be granted by the ZBA unless it makes the following findings.  
(Effective date 5/15/15)

- a. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought whether in violation of the provisions herein, or not;
- b. That, for reasons fully set forth in the findings of the ZBA, the circumstances or conditions are such that the particular application of the provisions of these regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose; (Effective date 5/15/15)
- c. That the granting of the variance shall be in harmony with the general purposes and intent of these Regulations and the Town's Plan of Conservation and Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare; and
- d. That the granting of the variance is not based upon the non-conformity of neighboring lots, uses, buildings, or structures, nor upon a financial or economic hardship. Previous variances granted by the ZBA shall not be considered precedent for new variances.

#### 59.5 Procedures

The ZBA shall follow the following procedures on all applications and appeals.

- 59.5.1 All appeals to the ZBA from an order, requirement, decision, or determination of the ZEO, shall be taken within such time as is prescribed by a rule adopted by the ZBA. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.
- 59.5.2 All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted. Included in such application shall be the names and addresses of the current owners of land adjacent to, and across the street from, the subject property.
- 59.5.3 The ZBA may refer such appeal or application to any department, agency, or official it deems appropriate, to review and comment.
- 59.5.4 The ZBA shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of its decision as required by the General Statutes.
- 59.5.5 Whenever the ZBA grants a variance, it shall include in its minutes as part of the record, the reason for its decision, the specific provision of these Regulations which



was varied, the extent of the variance and the specific hardship upon which its decision was based.

- 59.5.6 In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety, and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.
- 59.5.7 Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk.
- 59.5.8 Any variance granted by the ZBA which is not filed and exercised within three years from its effective date, shall be null and void.
- 59.5.9 If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.

#### 59.6 Alteration of Special Permits

No appeal or variance shall be granted that would alter, revise, or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

#### 59.7 Posting Public Hearings Notices on Subject Property

Public hearings are required in the process of deciding appeals to zoning compliance. In addition to the required legal notice by the ZBA published in a local newspaper having substantial circulation in Town, applicants for an appeal from zoning compliance action shall place public hearing notice signs on the subject property observable to passing motorists and pedestrians. Public hearing notice sign(s) shall comport with the following. (Effective date 5/15/15)

- 59.7.1 Signs shall be
- a. Placed no further than 500 feet apart along paved street frontage of property which is the subject of a ZBA public hearing, and shall be in proximity to the street with clear and unobstructed visibility to motorists passing the sign(s). If a property has no paved street frontage, sign(s) shall be posted in location(s) determined by the Administrator for Land Use / Zoning Enforcement Officer;
  - b. Provided by the Land Use Office upon receipt of an application fee and shall be posted on the subject property by the applicant during the ten day period prior to commencement of and during a ZBA scheduled public hearing. More than one sign may require an additional fee; (Effective date 5/15/15)

- c. No less in size than 2 feet wide by 1½ feet high, indicating a land use public hearing is scheduled and displaying the Land Use Office telephone number to contact for information about the public hearing; and (Effective date 5/15/15)
  - d. Reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all sign(s) shall be removed by the applicant.
- 59.7.2 The applicant shall provide a statement on forms provided by the Land Use Office certifying compliance with this Regulation. (Effective date 5/15/15)
- 59.7.3 Failure to post and maintain sign(s) as required by this Section shall be cause for the ZBA to deem an application incomplete, unless waived by a vote of four (4) members of the ZBA. (Effective October 10, 2008) (Effective date 5/15/15)

## **ARTICLE X - AMENDMENTS, VALIDITY, AND EFFECTIVE DATES**

### **Section 60. Zoning Amendments**

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#### 60.1 Authority

The Commission, either on its own initiative or by petition of others, may amend these Regulations or the Zoning Map, in accordance with the Connecticut General Statutes.

#### 60.2 Petition for Amendment

Any owner of property within the Town may petition the Commission for an amendment to the text of these Regulations or the Zoning Map. Three copies of such petition shall be submitted to the Commission prior to a Commission meeting and shall include or be accompanied by the following information, as appropriate.

- 60.2.1 The proposed wording of any requested amendment to the text of these Regulations clearly indicating any suggested repeal or elimination of existing provisions, as well as any proposed new provisions.
- 60.2.2 A map drawn to a suitable scale, acceptable to the ZEO, showing property lines, building locations, section, lot and block numbers, according to the Tax Assessor's records, and any other relevant information concerning such properties, including neighboring lands, which are the subject of an application for an amendment to the Zoning Map. A metes and bounds description of the area proposed to be changed and all properties and lot area within 500 feet of the proposed change shall accompany any petition for a Zoning Map amendment. (Effective date 5/15/15)
- 60.2.3 A written statement of the reasons for the proposed amendment, including full disclosure of any special interest the petitioner may have, by virtue of property ownership or otherwise, in such change.

- 60.2.4 The name and address of each petitioner.
- 60.2.5 An environmental impact statement, including environmental information for the purpose of compiling a complete environmental impact analysis. The statement shall address the following and provide such other information as may be relevant. (Effective date 5/15/15)
- a. The likely impact of potential development resulting from the zoning amendment on the characteristics of the surrounding neighborhood, addressing such issues as congestion on public streets, harmony with surrounding development and effect on property values, and overall neighborhood stability.
  - b. How the proposed amendment is consistent with the objectives of the Town Plan of Conservation and Development. (Effective date 5/15/15)
  - c. The extent to which any sensitive environmental features may be disturbed and what measures shall be taken to mitigate these impacts. Consideration shall be given to steep slopes, (including erosion control), wetlands, drainage ways and vegetation, and any other land feature considered to be significant.
  - d. The impact of the potential development resulting from the proposed amendment on the water supply, sanitary sewer, and storm drainage systems of the Town and an indication of improvements that may be required. (Effective date 5/15/15)
  - e. Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate.
  - f. Analysis of how the potential development resulting from the proposed amendment would affect various Town services such as police, fire, schools, and recreation.
  - g. Adverse impacts which cannot be avoided.
  - h. Alternatives to the proposed action.
  - i. Mitigation proposed for adverse impacts.
- 60.2.6 The Commission may waive any or all of the requirements of Paragraph 66.2.5 by a two-thirds vote of the entire Commission.
- 60.2.7 The Commission may require the petitioner to submit, at or prior to the public hearing on such application, any other information which the Commission deems necessary or appropriate to permit it to arrive at a proper determination concerning the requested amendment.

### 60.3 Referrals

- 60.3.1 Any proposed amendment to the Zoning Map or Zoning Regulations affecting the use of a Zoning District any portion of which is within 500 feet of the Town boundary, shall be referred by the Commission to the appropriate regional planning agency, as required by CGS. (Effective date 5/15/15)

60.3.2 To assist with its consideration of any petition to amend these Regulations or the Zoning Map, the Commission may refer such petition to any department, agency, or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency, or official.

#### 60.4 Public Hearing

60.4.1 The Commission shall hold a public hearing on all proposed amendments to these Regulations or to the Zoning Map, shall decide thereon, and shall give notice of its decision as required by CGS.

60.4.2 The applicant for a Zoning Map amendment (not for a Zoning Regulations text amendment) shall at their expense and by their action send a copy of the public hearing notice prepared by the Commission for publication in a local newspaper to the record owners of property, as shown on the Assessor's records, which is adjacent to the subject property perimeter boundary including property located across the street. The notice shall be sent not later than ten (10) days prior to the hearing. The date of the hearing may be included in calculating the ten (10) days prior notice requirement. Not later than the commencement of the public hearing the applicant shall present certificates of mailing to the Commission as evidence of compliance. The applicant shall post notice of public hearing on the subject property for a Zoning Map amendment and shall conform to requirements of Subsection 10.2 of these Regulations. [This paragraph is effective November 13, 2009.] (Effective date 5/15/15)

### **Section 61. Validity**

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#### 61.1 Provision of Regulation Adjudged to be Invalid

If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

#### 61.2 Provision Adjudged to be Invalid as Applies to Particular Building or Structure or Lot

If any provision of these Regulations are adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure, or lot, the effect of such decision shall be limited to the particular building, other structure, or lot, and the general application of such provision to other buildings, structures, or lots shall not be affected.

### **Section 62. Effective Dates**

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These Regulations were originally adopted and effective on May 1, 2015. The latest revision and reorganization was adopted and became effective on May 15, 2015.

## **APPENDICES**

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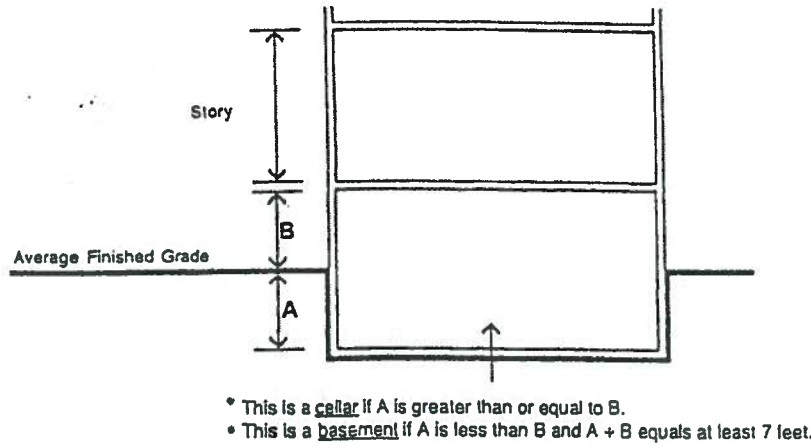
Appendix A: Dimensions, Measurements, Fixtures

Appendix B: Bond Documents

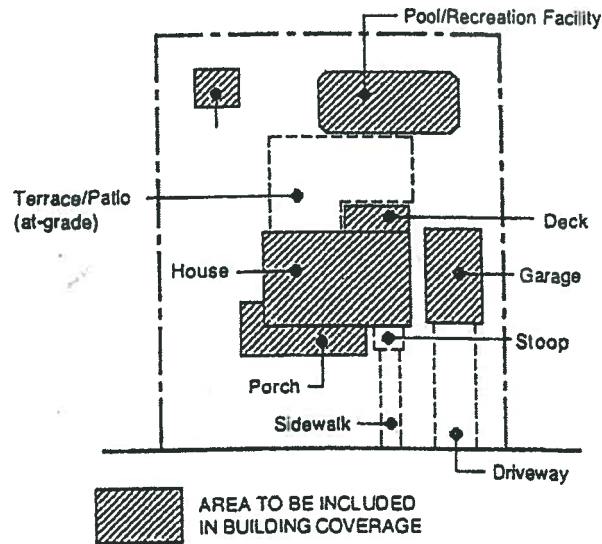
Appendix C: Cross Reference to Previous Regulation Version

**Appendix A: Dimensions, Measurements, Fixtures**

**Figure A-1: Basement, Cellar and Story; Figure A-2: Calculation of Building Coverage**



**FIGURE A-1: BASEMENT, CELLAR AND STORY**



**FIGURE A-2: CALCULATION OF BUILDING COVERAGE**

Figure A-3: Measurement of Building Height; Figure A-4: Yards and Lines

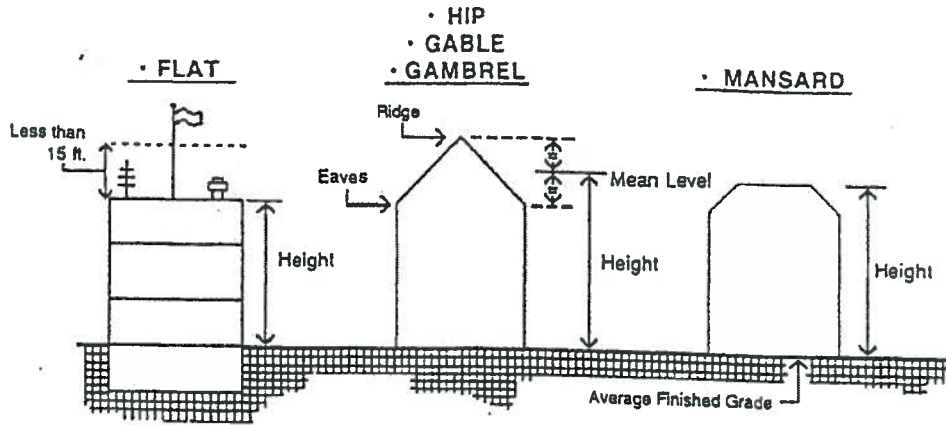


FIGURE A-3: MEASUREMENT OF BUILDING HEIGHT

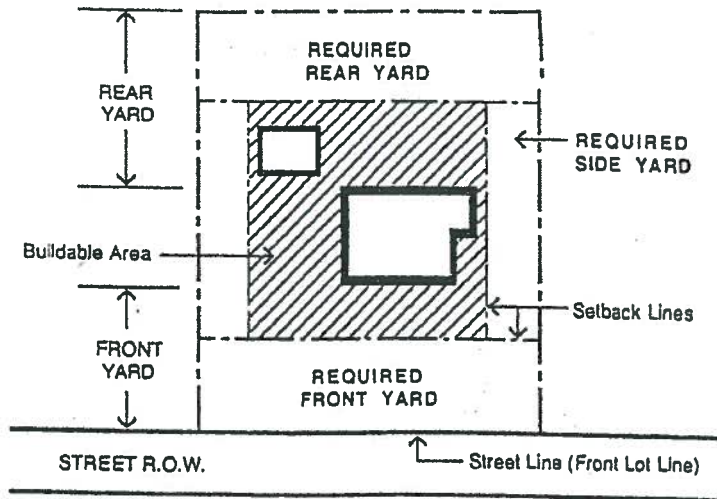


FIGURE A-4: YARDS AND LINES

Figure A-5: Types of Lots; Figure A-6: Typical Minimum Square Requirement

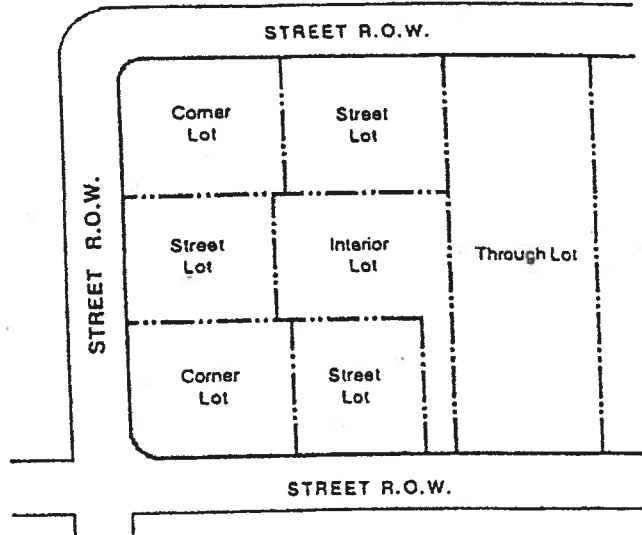


FIGURE A-5: TYPES OF LOTS

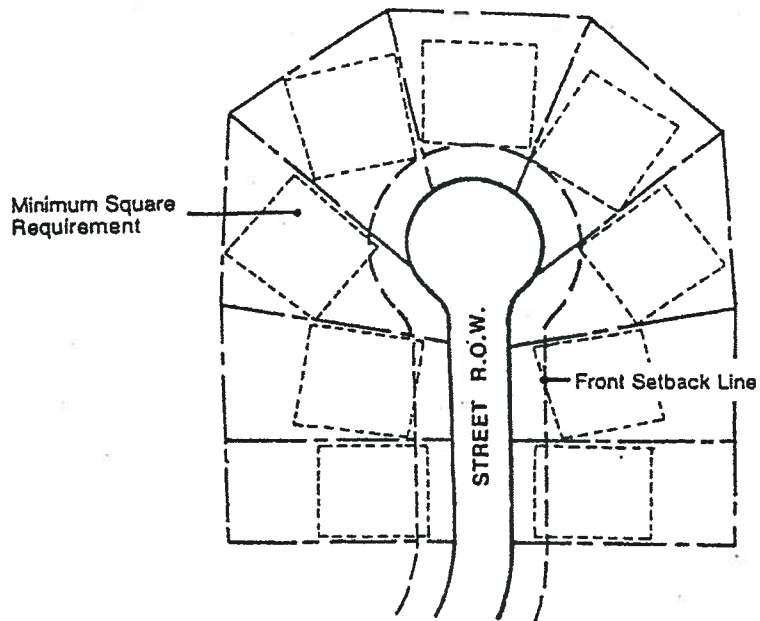


FIGURE A-6: TYPICAL MINIMUM SQUARE REQUIREMENT



Figure A-7: Corner Lots and Interior Lots; Figure A-8: Visibility at Street Intersections

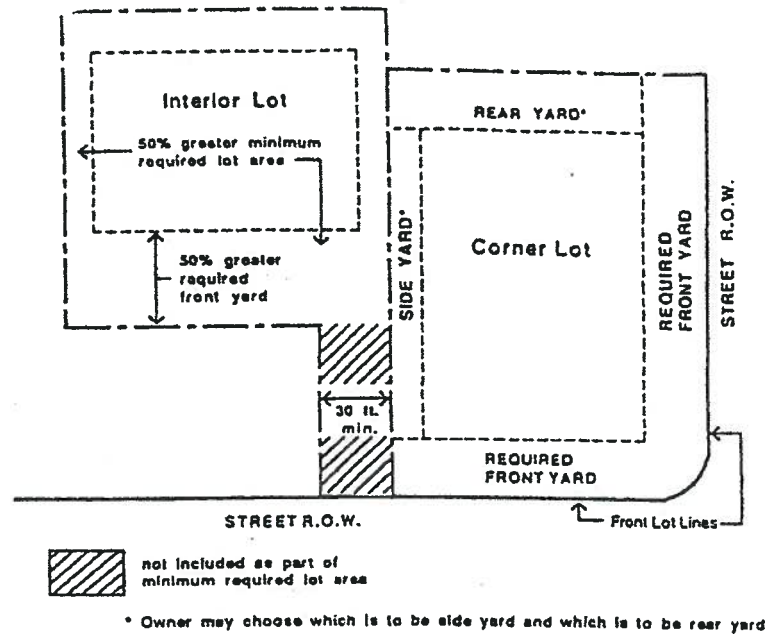


FIGURE A-7: CORNER LOTS AND INTERIOR LOTS

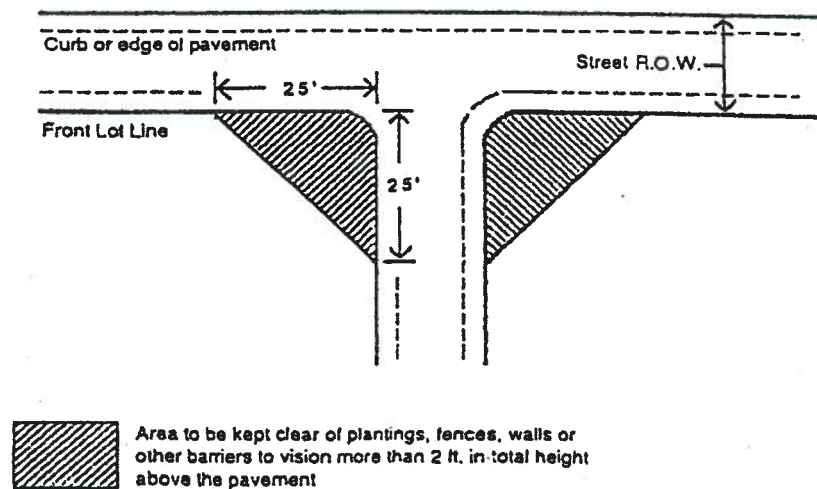


FIGURE A-8: VISIBILITY AT STREET INTERSECTIONS

Figure A-9: Location Accessory Buildings - Residential Districts; Figure A-10: Buffer Requirements

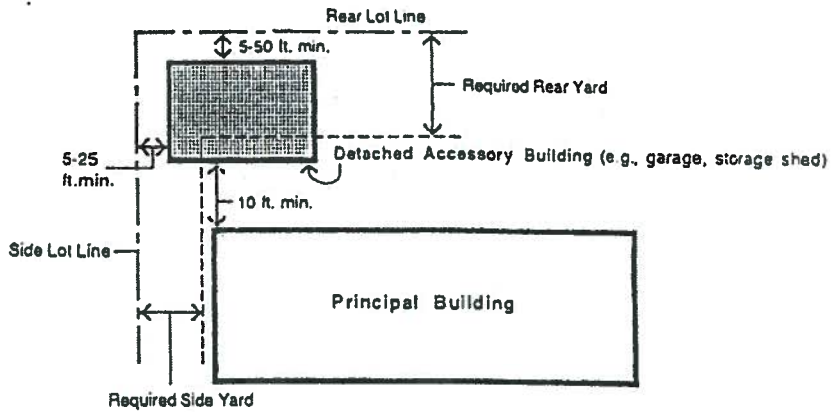


FIGURE A-9: LOCATION OF ACCESSORY BUILDINGS, STRUCTURES AND USES - RESIDENTIAL DISTRICTS

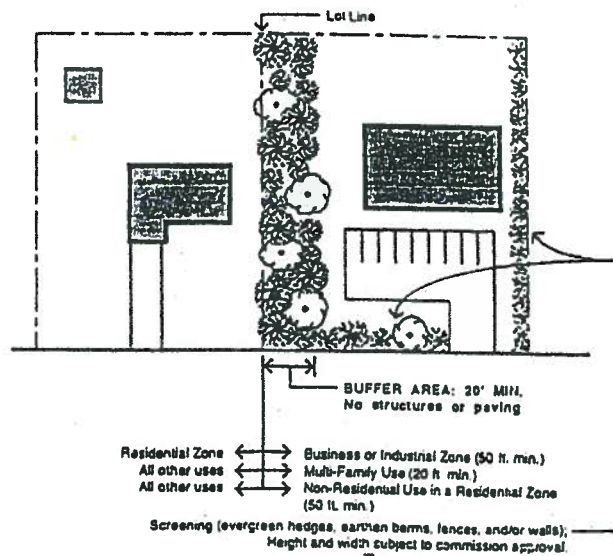
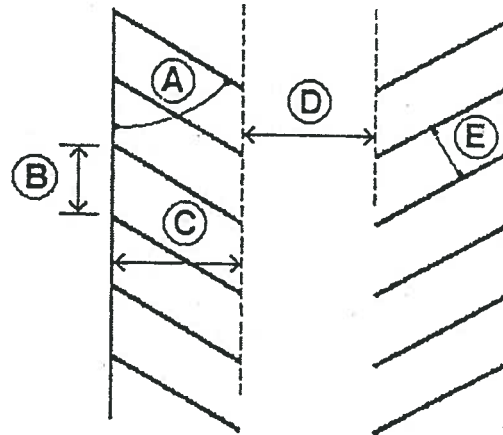


FIGURE A-10: BUFFER REQUIREMENTS

Figure A-11: Minimum Dimensions for Parking Areas



(A)	Parking Angle	0°	45°	60°	90°
(B)	Curb Length per Space	23'	13'	10'	9'
(C)	Space Depth	9'	18'	19'	18'
(D)	Access Aisle Width	15'	15'	18'	25'
(E)	Space Width	9'	9'	9'	9'

FIGURE A-11: MINIMUM DIMENSIONS FOR PARKING AREAS

Figure A-12 Driveway Requirements for Non-Residential Use; Figure A-13: Types of Signs

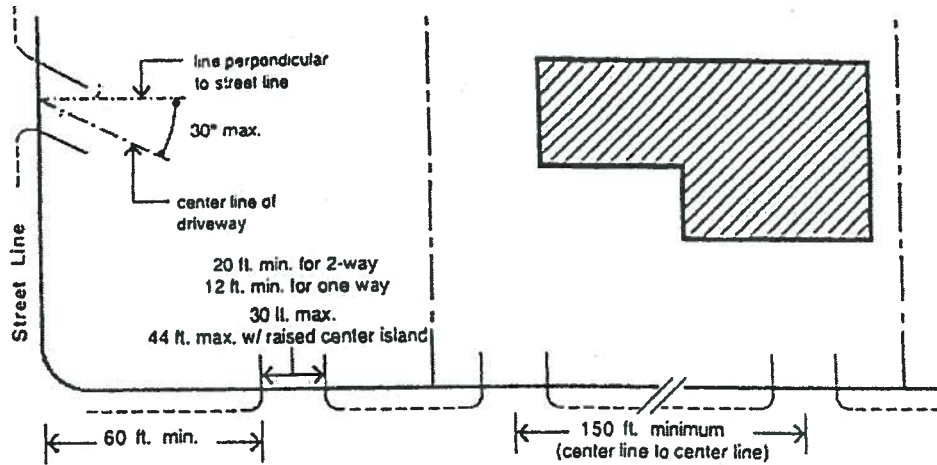


FIGURE A-12: DRIVEWAY REQUIREMENTS FOR NON-RESIDENTIAL USE

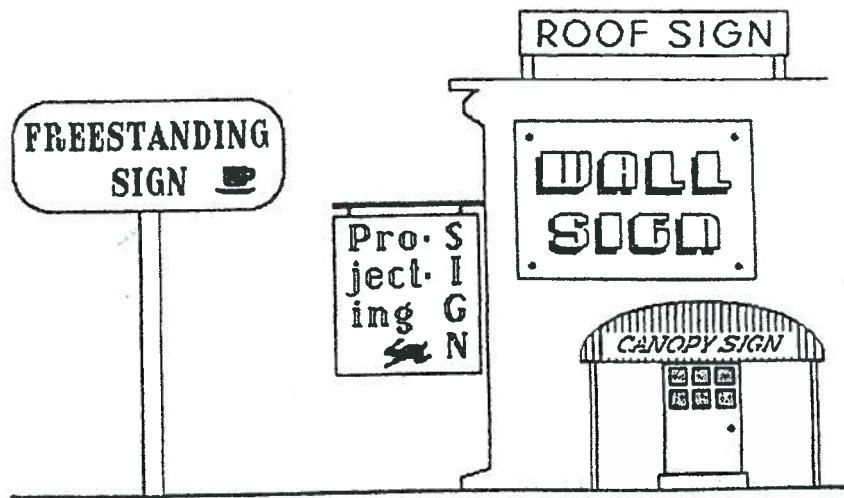


FIGURE A-13: EXAMPLES OF TYPES OF SIGNS

Appendix A-14: Outdoor Lighting Regulations

## TOWN OF WATERTOWN OUTDOOR LIGHTING REGULATIONS

The following chart of Maintained Horizontal Illuminance Recommendations (foot-candles) as set forth by the Illuminated Engineering Society of North America (IES) as amended shall be observed.

### APPENDIX A-14

IES PARKING LOT LEVELS OF ACTIVITY	EXAMPLES	IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS (FOOTCANDLES)					
		General Parking & Pedestrian			Vehicle-Use Only		
		Ave	Min	U. Ratio	Ave	Min	U. Ratio
High	Major League Athletic Events; Major Cultural or Civic Events; Regional Shopping Centers; Fast Food Facilities	3.6	.9	4:1	2.0	.67	3:1
Medium	Community Shopping Centers; Cultural, Civic or Recreational Events; Office Parks; Hospital Parking; Transportation Parking; (Airports, Commuter Lots, Etc.); Residential Complex Parking;	2.4	.6	4:1	1.0	.33	3:1
Low*	Neighborhood Shopping; Industrial Employee Parking; Educational Facility Parking; Church Parking	.8	.2	4:1	.5	.13	4:1

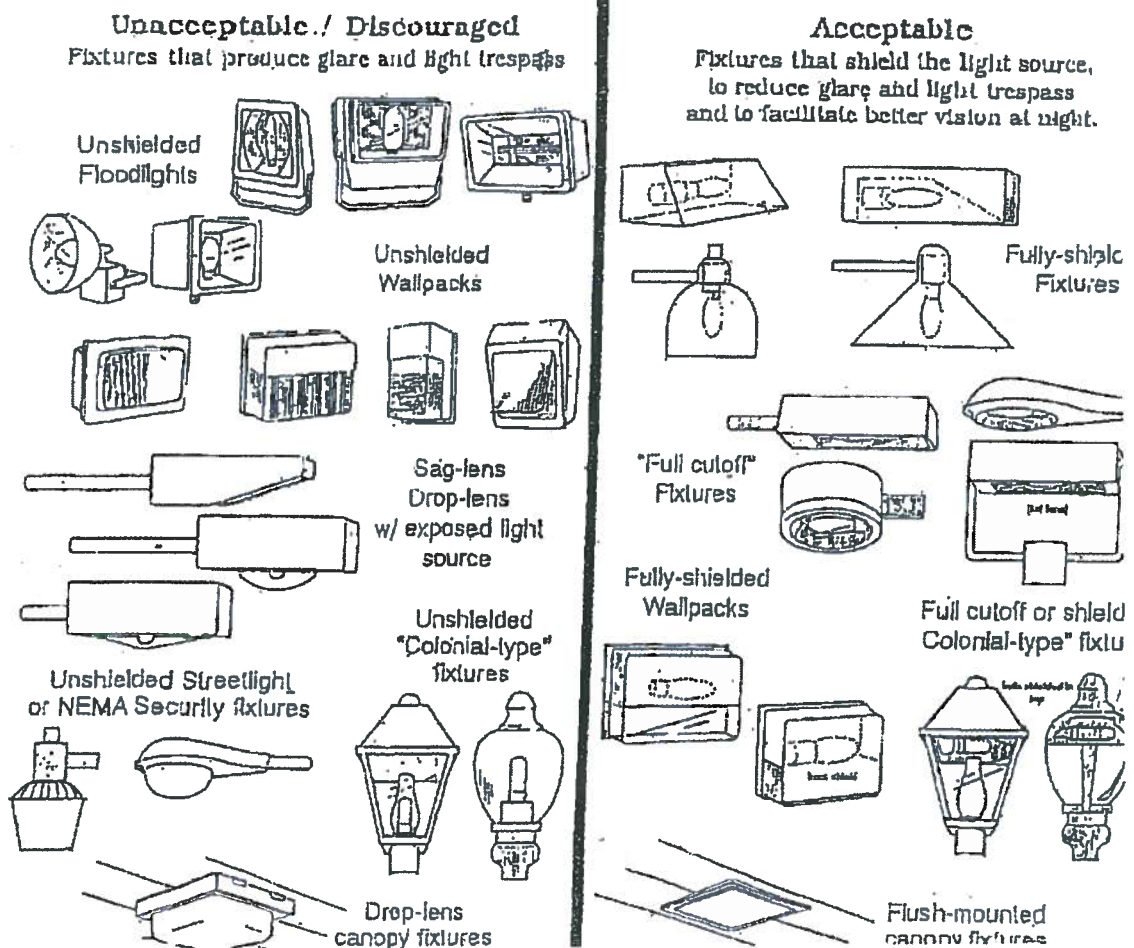
IES states: "This recommendation is based on the requirement to maintain security any time in areas where there is a low level of nighttime activity."

Appendix A-15 Outdoor Lighting

## TOWN OF WATERTOWN OUTDOOR LIGHTING REGULATIONS

The following examples of recommended lighting style fixtures are to be used in conjunction with Article VI SUPPLEMENTARY REGULATIONS SECTION 61 ENVIRONMENTAL PERFORMANCE STANDARDS Section 61 Outdoor Lighting

### Examples of Unacceptable/Acceptable Fixture Types



Appendix A-16 Parking

**Local interpretation and application of  
IES Parking Lot Levels of Activity Examples  
not specifically identified or quantified:**

USE	LEVEL OF ACTIVITY
Regional shopping centers containing retail space of 300,000 Square feet or greater	HIGH
Community shopping centers containing retail space of 5,000 to 299,999 square feet	MEDIUM
Neighborhood shopping containing retail space of less than 5,000 square feet	LOW
Fast Food Facilities with customer seating capacity of 40 or greater	HIGH
Automotive Dealerships	HIGH
Entertainment theaters, sports arenas	HIGH

**Appendix B: Bond Documents**

Bond Appendix - Schedule A – For Owner/Applicants

[Effective: September 30, 2011]

BOND

KNOW ALL MEN BY THESE PRESENTS, that (INSERT LAND OWNER NAME), of \_\_\_\_\_, Connecticut, (the “Principal”) is held and firmly bound unto the Town of Watertown, Connecticut (the “Town”) in the penal sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) in lawful money of the United States (the “Bond”) for the payment of which sum well and truly to be made, it binds itself and its successors and assigns firmly by these presents.

THIS CONDITION OF OBLIGATION is such that:

WHEREAS, the Principal is the owner of certain property (the “Property”) in the Town of Watertown, shown on a map entitled “\_\_\_\_\_” scale \_\_\_\_\_ = \_\_\_\_\_ last revised \_\_\_\_\_ and prepared by \_\_\_\_\_; which Subdivision Plan or Site Plan has been approved by the Watertown Planning and Zoning Commission (the “Commission”) and is filed or is to be filed by the Principal on the land records in the Watertown Town Clerk’s Office, and

WHEREAS, the Town, acting through the Commission, requires this bond to secure the completion and satisfaction of certain improvements stated in the Bond Obligation Schedule in accordance with the Subdivision Plan, the Site Plan, and Special Permit approved by the Commission for (INSERT NAME OF SUBDIVISION / DEVELOPMENT) and as contained in the Commission Motion of Approval dated (INSERT DATE OF APPROVAL), the Watertown Zoning Regulations and appendices, the Watertown Subdivision Regulations and appendices (both Regulations and appendices hereinafter referred to as the “Regulations”), and ordinances of the Town of Watertown; to the



completion of work satisfactory to the Commission on or before (INSERT DATE OF PLAN EXPIRATION) hereinafter referred to as the "Obligation", and

WHEREAS, the Principal has agreed and is firmly bound to furnish a surety instrument(s) to the Town prior to the start of work at the Property, such surety instrument(s) to be (a) in the form conforming to the Regulations, (b) in the amount of the Bond, and (c) delivered to the Administrator for Land Use / Zoning Enforcement Officer at the office of the Commission, to secure the Obligation; such funds to be used only for the correction of violations of the Obligation as the Commission in its discretion determines necessary to complete and satisfy the Obligation; and

WHEREAS, the Principal has agreed to permit and does hereby grant unrestricted access to the Commission designated agents and contractors to enter onto the Property to inspect the Obligation, and to correct and abate any violations of the Obligation, and

WHEREAS, the Principal has agreed to fully indemnify and save the Town harmless from all costs and damages which the Town may suffer by reason of failure of the Principal to well and truly complete the Obligation to the satisfaction of the Commission. The Principal shall reimburse and pay to the Town all outlay and expense which the Town may incur in making good on any default of the Obligation, or damage that may be done to the improvements or caused by the improvements, including court costs and legal expenses.

NOW THEREFORE, the condition of the Obligation is that if the Principal shall well and truly complete the Obligation to the satisfaction of the Commission, and the Commission approves the work and releases the Bond, then this instrument is to be null and void; otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, this instrument is executed this \_\_\_\_ day of \_\_\_\_\_

Signed and delivered in the presence of:

PRINCIPAL

(INSERT LAND OWNER NAME)

\_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_ Its: \_\_\_\_\_

STATE OF )

) ss:

COUNTY OF )

On this the \_\_\_ day of \_\_\_\_\_, personally appeared (NAME OF PRINCIPAL) before me, signer of the foregoing instrument, and acknowledged the same to be h\_\_self free act and deed, or if a limited liability company, the same to be h\_\_self free act and deed of the limited liability company.

\_\_\_\_\_  
Commissioner of the Superior Court  
Notary Public  
My Commission Expires: \_\_\_\_\_

Rev. 9-30-2011

Bond Appendix - Schedule B – For Non-Owner/Applicants

[Effective: September 30, 2011]

BOND

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_ a Connecticut corporation having a usual place of business at \_\_\_\_\_, Town/City of \_\_\_\_\_, County of \_\_\_\_\_ and State of Connecticut (or \_\_\_\_\_), having a mailing address of \_\_\_\_\_, Connecticut (herein referred to as the "Principal") AND

\_\_\_\_\_, a Connecticut corporation having a usual place of business at \_\_\_\_\_, Town/City of \_\_\_\_\_, County of \_\_\_\_\_ and State of Connecticut (or \_\_\_\_\_ having a mailing address of \_\_\_\_\_, \_\_\_\_\_, Connecticut) (hereinafter referred to as the "Surety") are held and firmly bound unto the Town of Watertown, Connecticut (the "Town") in the penal sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_) in lawful money of the United States (the "Bond") for the payment of which sum well and truly to be made, it binds itself and its successors and assigns firmly by these presents.

THE CONDITION OF OBLIGATION is such that:

WHEREAS, the Principal is the owner of certain property (the "Property") in the Town of Watertown, shown on a map entitled " \_\_\_\_\_ " scale \_\_\_\_ = \_\_\_\_ last revised \_\_\_\_\_ and prepared by \_\_\_\_\_; which Subdivision Plan or Site Plan has been approved by the Watertown Planning and Zoning Commission (the "Commission") and is filed or is to be filed by the Principal on the land records in the Watertown Town Clerk's Office, and

WHEREAS, the Town, acting through the Commission, requires this Bond to secure the completion and satisfaction of certain improvements stated in the Bond Obligation Schedule as may be amended by the Commission, in accordance with the Subdivision Plan, the Site Plan, and the Special Permit approved by the Commission for (INSERT NAME OF SUBDIVISION / DEVELOPMENT) and as is in the Commission Motion of Approval dated (INSERT DATE OF APPROVAL), the Watertown Zoning Regulations and appendices, the Watertown Subdivision Regulations and appendices (both Regulations and appendices hereinafter referred to as the "Regulations"), and ordinances of the Town of Watertown; to the completion of work satisfactory to

the Commission on or before (INSERT DATE OF PLAN EXPIRATION) hereinafter referred to as the "Obligation", and

WHEREAS, the Principal has agreed and is firmly bound to furnish a surety instrument(s) to the Town prior to the start of work at the Property, such surety instrument(s) to be (a) in the form conforming to the Regulations, (b) in the amount of the Bond, and (c) delivered to the Administrator for Land Use / Zoning Enforcement Officer at the office of the Commission, to secure the Obligation; such funds to be used only for the correction of violations of the Obligation as the Commission in its discretion determines necessary to complete and satisfy the Obligation; and

WHEREAS, the Principal has agreed to permit and does hereby grant unrestricted access to the Commission designated agents and contractors to enter onto the Property to inspect the Obligation, and to correct and abate any violations of the Obligation, and

WHEREAS, the Principal has agreed to fully indemnify and save the Town harmless from all costs and damages which the Town may suffer by reason of failure of the Principal to well and truly complete the Obligation to the satisfaction of the Commission. The Principal shall reimburse and pay to the Town all outlay and expense which the Town may incur in making good on any default of the Obligation, or damage that may be done to the improvements or caused by the improvements, including court costs and legal expenses.

NOW THEREFORE, the condition of the Obligation is that if the Principal shall well and truly complete the Obligation to the satisfaction of the Commission, and the Commission approves the work and releases the Bond, then this instrument is to be null and void; otherwise it shall remain in full force and effect. The Obligation herein set forth shall be joint and several with respect to all parties executing this Bond.

IN WITNESS WHEREOF, this instrument is executed this \_\_\_ day of \_\_\_\_\_

PRINCIPAL

(INSERT THE PRINCIPAL NAME)

\_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_ Its: \_\_\_\_\_

SURETY

(INSERT SURETY NAME)

\_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_

STATE OF )

) ss:

COUNTY OF )

On this the \_\_\_ day of \_\_\_\_\_, before me, personally appeared \_\_\_\_\_, who acknowledged h\_self to be the \_\_\_\_\_ of \_\_\_\_\_ being authorized so to do executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by h\_self as such officer aforesaid.

\_\_\_\_\_

Commissioner of the Superior Court

Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF )

) ss:

COUNTY OF )

On this the \_\_\_ day of \_\_\_\_\_, personally appeared, \_\_\_\_\_, signer and sealer of the foregoing instrument, who acknowledged the same to be h\_self free act and deed before me.

\_\_\_\_\_

Commissioner of the Superior Court

Notary Public

My Commission Expires: \_\_\_\_\_

Bond Appendix - Schedule C – Pledge of Savings Time Deposit

PLEDGE OF SAVINGS TIME DEPOSIT

(INSERT TODAY’S DATE)

(INSERT LANDOWNER NAME AND ADDRESS)

(INSERT BANK NAME AND ADDRESS)

FOR VALUE RECEIVED, (INSERT LANDOWNER’S NAME), whose mailing address appears above, hereby transfers to the Town of Watertown all balances now or any time hereafter standing to our credit with respect to that account including all subsequent deposits and all accrued dividends, or interest now or hereafter added and/or credited to said balances up to \_\_\_\_\_dollars (\$\_\_\_\_\_) and grants a security interest in that certain savings certificate No. \_\_\_\_\_, in the name of (INSERT LANDOWNER’S NAME), held by (INSERT BANK NAME) and any extensions or renewals thereof, if the account is one which may be extended or renewed, (such account and any extensions or renewals being hereinafter the “Account”, on the following terms and conditions:

This assignment of the Account shall secure all indebtedness of the owner of the Account (hereinafter the “Pledgor”) to the Town of Watertown.

The term “indebtedness”, as used herein, shall mean all debts, obligations and liabilities of every kind and character, whether direct or indirect, contingent, primary secondary, joint, several, joint and several, or otherwise and whether now existing or hereinafter arising, whether evidenced by bond, draft, acceptance, overdraft, or otherwise, regardless of the manner in which, or the person or persons in whose favor originally created,

and regardless of the manner in which acquired by the Town of Watertown, and all renewals or extensions of such items or any of them. The above debts, obligations and liabilities are referred to hereinafter as the "Obligation". The person or persons obligated to repay the Obligation are referred to hereinafter as the "Obligator".

1. The indebtedness of the Obligator to the Town of Watertown is \_\_\_\_\_ dollars (\$\_\_\_\_\_).
2. The Pledgor represents and warrants that (i) the Pledgor is the owner of the Account and has authority to execute and deliver this assignment. (ii) no financing statement covering the Account, or any part thereof, has been filed with any filing officer, (iii) no other assignment or security agreement has been executed with respect to the Account; and (iv) the Account is not subject to any liens or offsets of any person, firm, or Corporation other than the Town of Watertown.
3. So long as the Obligation or any part thereof remains unpaid, the Pledgor covenants and agrees: (i) from time to time promptly to execute and deliver to the Town of Watertown all such other assignments, certificates, passbooks, supplemental writing, and financial statements and do all other acts or things as the Town of Watertown may reasonably request in order to more fully evidence and perfect the security interest herein created; (ii) promptly to furnish the Town of Watertown with any information or writings which the Town of Watertown may reasonably request concerning the account; (iii) promptly to notify the Town of Watertown of any change in any fact or circumstances warranted or represented by the Pledgor herein or in any other writing furnished by the Pledgor to the Town of Watertown in connection with the Account or the Obligation, (iv) promptly to notify the Town of Watertown of any claim, acting, or proceeding affecting title to the Account, or any part thereof, or the security interest herein, and, at the request of the Town of Watertown, appear in, and defend any such action or proceeding; and (v) pay to the Town of Watertown the amount of any court costs and reasonable attorney's fees assessed by a court and incurred by the Town of Watertown following default hereunder. The Pledgor covenants and agrees that without the prior consent of the Town of Watertown the Pledgor will not; (vi) create any other security interest in, mortgage, or otherwise encumber, or assign the account or any part thereof, or permit the same to be or become subject to any lien, attachment, execution, sequestration, other legal or equitable process, or any encumbrance, other legal or equitable process, or any encumbrance of any kind or character, except the lien herein created; or (vii) make or allow to be made any withdrawals from the Account. Should any funds payable with respect to the Account be received by the Pledgor, they shall immediately upon such receipt become subject to the lien hereof and while in the hands of the Pledgor be segregated from all other finds of the Pledgor and be held in trust for the Town of

- Watertown. The Pledgor shall have absolutely no dominion or control over such funds except to immediately pay them into the Account.
4. The Town of Watertown shall never be liable for its failure to use due diligence in the collection of the Obligation, or any part thereof, or for its failure to give notice to the Pledgor of default in the payment of the Obligation, or any part thereof, or in the payment of or upon any security, whether pledged hereunder or otherwise.
  5. Should any other person have heretofore executed or hereafter execute, in favor of the Town of Watertown, any deed of trust, mortgage, or security agreement, or have heretofore pledged or hereafter pledge any other property to secure the payment of the Obligation, or any part thereof, the exercise by the Town of Watertown of any right or power conferred upon it in any such instrument, or by any such pledge, shall be wholly discretionary with it and the exercise or failure to exercise any such right or power shall not impair or diminish the Town of Watertown's rights, titles, interest, liens, and powers existing hereunder.
  6. The term "default", as used herein, means the occurrence of any of the following events: (i) default in the payment of the Obligation or any part thereof as it becomes due in accordance with the terms of the bond which evidences it, (ii) default in the punctual and proper performance of any covenant, agreement, or condition contained herein or in any other agreement, or contract of any kind securing or assuring payment of the Obligation or any part thereof, (iii) the dissolution of the Pledgor; (iv) the insolvency of the Pledgor, (v) the levy against the Account or any part thereof of any execution attachment, sequestration, or other writ; (vi) the appointment of a receiver of the Pledgor or of the Account or any part thereof, (vii) the adjudication of the Pledgor as a bankrupt; and (viii) the filing of any petition or other pleading seeking adjudication of the Pledgor as a bankrupt, or an adjustment of the Pledgor's debts, or the Pledgor as a bankrupt, or an adjustment of the Pledgor's debts, or any other relief under any bankruptcy, reorganization, debtor's relief, or insolvency laws now or hereafter existing.
  7. Upon the occurrence of a default, the Town of Watertown, in addition to any other remedies it may have, may declare the entire unpaid balance of principal of and all earned interest on the Obligation immediately due and payable and may demand payment thereof from the funds in or credited to the Account. Upon written demand from the Town of Watertown following any such default, the depository of the Account is hereby authorized and directed by the Pledgor to make payment directly to the Town of Watertown of the funds in or credited to the Account, or such part thereof as the Town of Watertown may request and such depository shall be fully protected in relying upon the written statement of the Town of Watertown that the Town of Watertown is entitled to payment of the Obligation there from. The Town of Watertown's receipt for sums paid it pursuant to such demand shall be a full and complete release, discharge and acquittance to the depository making such payment to the extent of the amount so paid. The Pledgor hereby authorizes the Town of Watertown upon the occurrence of default and so long as any part of the Obligation remains unpaid, (i) to withdraw, collect, and receipt for any and all funds on deposit in or payable on the Account; (ii) on behalf of the Pledgor to endorse the name of the Pledgor upon any checks, drafts or other instruments payable to the Pledgor evidencing



- payment on the Account: and (iii) to surrender or present for notion of withdrawal the passbook, certificate, or other documents issued to the Pledgor in connection with the Account. No power granted to the Town of Watertown by the Pledgor shall terminate upon any disability of the Pledgor. The Town of Watertown shall not be liable for any loss of interest on or any penalty or charge assessed by the depository institution against funds, in payable on, or credited to the Account as a result of the Town of Watertown's exercising any of its rights or remedies under this assignment.
8. The Town of Watertown shall be entitled to apply any and all funds received by it hereunder toward payment of the Obligation in such order and manner as the Town of Watertown in its discretion may elect. If such funds are not sufficient to pay the Obligation in full, Obligor shall remain liable for any deficiency, the liability of each Obligor (if more than one) to be determined by the Town of Watertown following its receipt and crediting of such funds. Upon full and final payment of the Obligation, the Town of Watertown, at the written request of the Pledgor, shall release its rights hereunder.
  9. All rights, titles, interests, liens, and remedies of the Town of Watertown hereunder are cumulative of each other and of every other right, title, interest, lien, or remedy which the Town of Watertown may otherwise have at law or in equity or under any other contract or other writing for the enforcement of the security interest herein or the collection of the Obligation, and the exercise of one or more rights or remedies shall not prejudice or impair the concurrent or subsequent exercise of other rights or remedies. Should the Pledgor have heretofore executed or hereafter execute any other security agreement in favor of the Town of Watertown, the security interest therein created and all other rights, powers, and privileges vested in the Town of Watertown by the terms thereof shall exist concurrently with the security interest created herein.
  10. No waiver by the Town of Watertown of any default shall be deemed to be a waiver of any other subsequent default, nor shall any such waiver by the Town of Watertown be deemed to be a continuing waiver. No delay or omission by the Town of Watertown in exercising any right or power hereunder, or under any other writings executed by the Pledgor as security for or in connection with the Obligation, shall impair any such right or power or be construed as a waiver thereof or any acquiescence therein, nor shall any single or partial exercise of any such right or power preclude other or further exercise thereof, or the exercise of any other right or power of the Town of Watertown hereunder or under such other writings.
  11. This assignment shall be binding on the Pledgor and the Pledgor's heirs, executors, administrators, other legal representatives, successor, and assigns and shall inure to the benefit of the Town of Watertown, its successor, and assigns. If there be more than one Pledge, their obligations and agreements hereunder are joint and several and shall be binding upon their respective heirs, executors, administrators, other legal representatives, successors, and assigns, and an accounting to any one or more of them shall discharge the Town of Watertown of all liability therefore.

- 12. This order has been delivered to the bank as collateral security for our obligations to the Town of Watertown, to complete improvements to (INSERT NAME OF SUBDIVISION/DEVELOPMENT) and to secure any damage that may be done to the improvements or caused by said improvements all in accordance with the Bond Obligation Schedule for the Subdivision Plan, the Site Plan, and Special Permit approved by the Commission as contained in the Commission Motion of Approval dated (INSERT DATE OF APPROVAL), the Watertown Zoning Regulations and appendices, the Watertown Subdivision Regulations and appendices, and ordinances of the Town of Watertown.

**PLEDGOR ACKNOWLEDGES RECEIPT OF A COPY OF THIS ASSIGNMENT**

Executed by the Pledgor on the date above written

By: \_\_\_\_\_

(INSERT LAND OWNER NAME)

The undersigned depository has been advised that the Pledgor has assigned the Account as described in the foregoing assignment to the Town of Watertown. The records of the undersigned depository have been marked to show the foregoing assignment. The undersigned depository hereby acknowledges that the Account, as described in the foregoing assignment, has been validly created by the undersigned depository in favor of the Pledgor, that the present balance on deposit in the Account is \_\_\_\_\_ dollars (\$\_\_\_\_\_) and that the above signature compares correctly with the signature shown on the signature card for such account. The undersigned depository hereby subordinates any and all rights of set-off and all other rights and liens of the undersigned depository against the Account to the rights, security interests, and liens of the Town of Watertown under the foregoing assignment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(INSERT BANK NAME)

By: \_\_\_\_\_

It's Branch Manager, (INSERT NAME)

LAND OWNER

By: \_\_\_\_\_

(INSERT LAND OWNER NAME)

Rev. 11-30-2009

Bond Appendix - Schedule D – Letter of Credit

[Effective: September 30, 2011]

**(Must be on Bank Stationary)**

**(INSERT TODAY’S DATE)**

Planning and Zoning Commission

Town of Watertown

(INSERT COMMISSION OFFICE ADDRESS)

Attention: \_\_\_\_\_, Administrator for Land Use / Zoning Enforcement Officer

At the request of (INSERT LANDOWNER’S NAME), we advise you that we have established our unconditional and irrevocable Letter of Credit in your favor and hereby authorize you to draw to us, for account of (INSERT LANDOWNER’S NAME) for sum in U.S. Dollars not exceeding \_\_\_\_\_ dollars (\$\_\_\_\_\_) in the aggregate, available by your drafts at sight on us, accompanied by a statement signed by a duly authorized agent of the Town of Watertown Planning and Zoning Commission under oath:

(i)“The amount stated in the sight draft accompanying the certification is due to the Town of Watertown in its sole judgment as a result of the failure of (INSERT LANDOWNER’S NAME) (hereinafter the “Principal”) to complete the construction and installation to the satisfaction of the Watertown Planning and Zoning Commission of all improvements and conditions of the Subdivision Plan, the Site Plan, and the Special Permit approved by the Watertown Planning and Zoning Commission on (INSERT DATE OF APPROVAL) shown on a map entitled “\_\_\_\_\_” scale \_\_\_\_\_ = \_\_\_\_\_ last revised \_\_\_\_\_ and prepared by \_\_\_\_\_, and is filed on the land records in the Watertown Town Clerk’s Office; and to secure any damage that may be done to the improvements or caused by the improvements”

Drafts must be drawn no later than \_\_\_\_\_, at which time this Letter of Credit will be considered cancelled (not less than 30 days after the expiration of the period for completion).

This Letter of Credit is transferable and is governed by the Uniform Customs and Practice for Documentary Credits (1993 Revision) and as set forth in the International Chamber of Commerce Publication No 500. We hereby agree with all drawers, endorsers, and holders in due course of drafts drawn under and in compliance with the terms of this Letter of Credit, that such drafts will be duly honored by us on presentation.

Very truly yours,

(INSERT BANK'S NAME)

By: \_\_\_\_\_

(INSERT SIGNATORY'S NAME)

It's (INSERT BANK TITLE)

Note: A resolution or other evidence of authorization of the signer of the Letter of Credit to execute it on behalf of the Bank is required.

Bond Appendix - Schedule E – Public Entity - Commission Approval Payment to Contractor

[NAME OF PROJECT]

---

BOND AGREEMENT

PUBLIC SITE IMPROVEMENTS

Agreement made this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ by and between the Town of Watertown (hereinafter the “Town”) acting herein by its Town Manager and by the Chairman of the Public Buildings Committee (hereinafter the “Committee”), and the Watertown Planning and Zoning Commission (hereinafter the “Commission”) acting herein by its Chairman.

WITNESSETH

WHEREAS, the Commission approved Special Permit #\_\_\_\_/ Site Plan for the [Name of Project] at [Name of Property], on [Date of Commission Approval];

WHEREAS a condition of those approvals is a bond to be posted for all public site improvements in a form to be approved by the Commission;

NOW THEREFORE, in consideration of the mutual promises made herein, the parties agree as follows:

1. The public site improvements to be covered by this Agreement, and the amount allocable to each such item are as follows:

- 2. The Town hereby agrees that the items listed under paragraph 1 of this Agreement will be done in the orderly progression of the project, but in no event later than *[Date Permit Expires]*, and the monies allocable to those items will be paid to the contractors performing the work only after the Administrator for Land Use / Zoning Enforcement Officer and the Commission have signed off that the work has been properly completed to Town and Commission specifications, which sign offs shall be done in a timely fashion so as to avoid late payments under the Town's building contracts.
  
- 3. In no event will the Town expend 100% of the money allocable to the *[Name of Project]* project at Town referendum held on *[Date of Referendum]* until the conditions of paragraph 2 hereof have been complied with, the effect of which is that the Town shall not be permitted to expend the sum of \_\_\_\_\_ (\$\_\_\_\_\_) Dollars of the monies allocable to the *[Name of Project]* project until the conditions of Paragraph 2 are met.
  
- 4. The Town shall be permitted to expend the monies required to be held under this Agreement in installments as individual items of the public site improvements are accomplished, provided the conditions of paragraph 2 are met; the Town will not be required under this Agreement to hold all of the monies until all of the public site improvements are completed.

In witness whereof, the parties have hereunto set their hand and seal the day and date first written above

WITNESS:

TOWN OF WATERTOWN

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, Town Manager

\_\_\_\_\_

**COMMITTEE**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, Chairman

**Public Buildings Committee**

\_\_\_\_\_

**PLANNING & ZONING  
COMMISSION**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, Chairman

Rev. 11-30-2009



Bond Appendix - Schedule F – Public Entity Cash Bond

[NAME OF PROJECT]

---

**SPECIAL PERMIT / SITE PLAN**

**BOND**

KNOW ALL MEN BY THESE PRESENTS, that the TOWN OF WATERTOWN which is the owner of the property to be developed, having its principal office and place of business at 424 Main Street, Watertown CT (the “Town”), acting herein by the Town Manager and by the Chairman of the Public Buildings Committee, is held and firmly bound unto the WATERTOWN PLANNING & ZONING COMMISSION (the “Commission”) in the penal sum of \_\_\_\_\_ DOLLARS AND 00/100 cents (\$\_\_\_\_\_) in lawful money of the United States for the payment of which sum well and truly to be made, it binds itself and its successors and assigns firmly by these presents.

THIS CONDITION OF OBLIGATION is such that:

WHEREAS, the Town is the owner of certain property in the Town of Watertown, known as *[Name of Property]*, located on *[Street Address]*, *[Town]* CT; and

WHEREAS, the Commission requires this bond to secure the completion and satisfaction of a specific public site improvement, to wit: *[Description of Work]* in accordance with the planned construction associated with the Special Permit No. [\_\_\_\_] / Site Plan, as approved by the Commission on *[Date of Commission Approval]*, to the satisfaction of the Commission on or before *[Date Permit Expires]* (the “Obligation”); and

WHEREAS, the Town has furnished to the Commission a CASH BOND in the total amount of \_\_\_\_\_ DOLLARS AND 00/100 cents (\$\_\_\_\_\_) to secure the Obligation, such funds to be used only for the completion of the design and installation of the [Description of Work] as required by the Commission, and said funds to be held in a restricted account which cannot be released without the written authorization of the Commission, which written authorization shall be done in a timely fashion so as to avoid late payments under the Town’s building contracts;

NOW THEREFORE, the condition of the Obligation is that if the Town shall well and truly complete the design and installation of [Description of Work] as required under the Commission approvals of [Date of Commission Approval], and shall obtain the written concurrence of the Commission by [Date Permit Expires] or earlier, or if the [Name of Property], at [Street Address] is [Conditioned by Commission], that the Obligation has been met as approved by the Commission, then this instrument is to be null and void; otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this document on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

Signed and delivered in TOWN

the presence of:

\_\_\_\_\_  
\_\_\_\_\_, Town Manager

STATE OF CONNECTICUT )  
 ) ss. Watertown \_\_\_\_\_, 2\_\_\_\_  
COUNTY OF LITCHFIELD )

On this the \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_, personally appeared before me, \_\_\_\_\_, Town Manager of the Town of Watertown, the signer and sealer of the foregoing instrument, who, being duly authorized so to do, acknowledged the execution of the same to be his free act and deed and the free act and deed of said Town of Watertown.

\_\_\_\_\_

Commissioner of the Superior Court

Signed and delivered in  
the presence of:

PUBLIC BUILDINGS COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Chairman

STATE OF CONNECTICUT )

) ss. Watertown \_\_\_\_\_, 2\_\_\_\_

COUNTY OF LITCHFIELD )

On this the \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_, personally appeared before me, \_\_\_\_\_, Chairman of the Watertown Public Buildings Committee, the signer and sealer of the foregoing instrument, who, being duly authorized so to do, acknowledged the execution of the same to be his free act and deed and the free act and deed of said Public Buildings Committee.

---

Commissioner of the Superior Court

Rev. 11-30-2009

Bond Appendix - Schedule G – Notice of Pledge

NOTICE OF PLEDGE

(Must be on Planning and Zoning Commission Stationary)

(INSERT TODAY'S DATE)

There has been pledged to the undersigned a savings certificate number \_\_\_\_\_ from (INSERT BANK NAME) which has been delivered to the undersigned with an order of all balances represented thereby, an executed original of which order is herewith filed with you. You are requested to sign and return the copy enclosed which is headed "Receipt of Notice".

PLANNING AND ZONING COMMISSION

TOWN OF WATERTOWN

By: \_\_\_\_\_

Administrator for Land Use / Zoning Enforcement Officer

Rev. 11-30-2009

Bond Appendix - Schedule H – Receipt of Notice

(Must be on Bank Stationary)

RECEIPT OF NOTICE

Administrator for Land Use / Zoning Enforcement Office

Town of Watertown

(INSERT COMMISSION OFFICE ADDRESS)

The undersigned depository has been advised that the Pledgor has assigned the account as described in the forgoing assignment to the Town of Watertown. The records of the undersigned depository have been marked to show the forgoing assignment. The undersigned depository hereby acknowledges that the Account, as described in the foregoing assignment has been validly created by the undersigned depository in favor of the Pledgor, that the present balance on deposit in the Account is \_\_\_\_\_ dollars (\$\_\_\_\_\_) and that the above signature compares correctly with the signature shown on the signature card for such account. The undersigned depository hereby subordinates any and all rights of set-off and all other rights and liens of the undersigned depository against the Account to the rights, security interest, and liens of the undersigned depository against the Account to the rights, security interest, and liens of the Town of Watertown under the foregoing assignment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(INSERT BANK NAME)

By: \_\_\_\_\_

It's Branch Manager, (INSERT NAME)

LAND OWNER

By: \_\_\_\_\_

(INSERT LAND OWNER NAME)

Rev. 11-30-2009

**Appendix C: Cross Reference to Previous Regulation Version**

<b>Previous Section</b>	<b>New Section(s)</b>
<b>Article I – General Provisions</b>	
1 – Intent and Purpose	Art. I, Section 1 – Intent and Purpose
2 – Certificate of Zoning Compliance	Art. II, Section 7 – Permits and Certificates
3 – Establishment of Zoning Districts	Art. I, Section 4 – Zoning Districts
4 – Zoning Map	Art. I, Section 4 – Zoning Districts
5 – Language and Definitions	Art. I, Section 2 – Language and Definitions
6 – Non-Conformity	Art. I, Section 5 – Non-Conformity
7 – Application of Zoning Regulations	<ul style="list-style-type: none"> <li>• Art. II, Section 6 – Application and Administration of Zoning Regulations</li> <li>• Art. VI, Section 38 – Accessory Trailers and Vehicles</li> <li>• Art. VII, Section 43 – Wind Turbines</li> </ul>
<b>Article II – Residence Districts</b>	
21 – R-90 District	Art. III, Section 12 – Town Residential Districts
22 – R-70 District	Art. III, Section 12 – Town Residential Districts
23 – R-30 District	Art. III, Section 12 – Town Residential Districts
24 – R-12.5 District	Art. III, Section 12 – Town Residential Districts
25 – R-G District	Art. III, Section 12 – Town Residential Districts
26 – Accessory Dwelling Units	Art. VI, Section 35 – Accessory Dwelling Units and Accessory Dwellings
26A – Accessory Dwelling	Art. VI, Section 35 – Accessory Dwelling Units and Accessory Dwellings
27 – Planned Community Development	Art. VII – Section 40 – Planned Residential Development
28 – Home Occupations or Home Offices	Art. VI, Section 36 – Home Occupations
29 – Affordable Housing	Art. VII, Section 41 – Affordable Housing
29A – Age Restricted Housing Development 4-10 acres	Art. VIII, Section 54 – 4-10 Acre Age Restricted Housing Developments
29B – Age Restricted Housing Development 150-200 acres	Art. VIII, Section 55 – 150-200 Acre Age Restricted Housing Development
30 – RT District	Art. VIII, Section 56 – RT Overlay District
<b>Article III – Business Districts</b>	
31 – B-C District	Art. IV, Section 15 – B-C District
32 – B-L District	Art. IV, Section 16 – B-L District
33 – B-SC District	Art. IV, Section 17 – B-SC District
34 – B-G District	Art. IV, Section 18 – B-G1 District

35 – General Requirements for all Business Districts	Art. IV, Section 14 – General Business Districts Provisions
36 – Route 262 Planned Commercial District	Art. VIII, Section 58 – B-PCD262 District
37 – B-MG District	Art. IV, Section 19 – B-MG District
<b>Article IV – Industrial Districts</b>	
41 – IG-80 District	Art. V, Section 26 – IG-80 District
42 – IR-80 and IR-200 Districts	Art. V, Section 27 – IR-80 and IR-200 Districts
43 – General Requirements for all Industrial Districts	Art. V, Section 24 – General Industrial Districts Provisions
44 – Conversion of Certain Existing Industrial Buildings	Art. VII, Section 50 – Conversion of Certain Existing Industrial Buildings
<b>Article V – Site Plans and Special Permits</b>	
51 – Site Plans	Art. II, Section 8 – Site Plans
52 – Special Permits	Art. II, Section 9 – Special Permits
<b>Article VI – Supplementary Regulations</b>	
60 – Telecommunications Facilities	Art. VII, Section 42 – Telecommunications Facilities
61 – Environmental Performance Standards	Art. VI, Section 28 – Environmental Performance Standards
62 – Signs	Art. VI, Section 32 – Signs
63 – Parking and Loading	Art. VI, Section 34 – Access, Parking, and Loading
64 – Earth Materials Activity	Art. VII, Section 39 – Earth Materials Activity
66 – Development in Flood Prone Areas	Art. VIII, Section 53 – Development in Flood Prone Areas
67 – Adult Uses	Art. VII, Section 51 – Adult Uses
68 – Aquifer Protection Zone	Art. VIII, Section 52
69 – Erosion and Sediment Control	Art. VI, Section 29 – Erosion and Sedimentation Control
<b>Article VIII – Supplementary Regulations</b>	
70 – Landscaping, Screening and Buffering	Art. VI, Section 31 – Landscaping, Screening, and Buffering
71 – Zoning Board of Appeals	Art. IX – Zoning Board of Appeals
72 – Administration	Art. II, Section 6 – Application and Administration of Zoning Regulations; Section 7 – Permits and Certificates
73 – Penalties and Remedies	Art. II, Section 6 – Application of Zoning Regulations
<b>Article VIII – Amendments, Validity and Effective Dates</b>	
81 – Zoning Amendments	Art. X – Zoning Amendments
82 – Validity and Effective Date	Art. X – Validity and Effective Dates



<b>Article IX – Watertown Fire District</b>	
83.1 – Jurisdiction	Art. I, Section 3 – Watertown Fire District
83.3 – Districts	Article III, Section 12 –Residential Districts; Article IV, Sections 20, 21, 22 – Business Districts; Article V, Section 25 – Industrial Districts
83.5 – Definitions and Use Standards	Art. I, Section 2 – Language and Definitions
83.6 – Non-Conformity	Art. I, Sections 3, 5 – Non-Conformity
83.7 – Permitted Uses	Art. III, Section 12 – Residential Districts; Art. IV, Sections 20, 21, 22 – Business Districts; Art. V, Section 25 –Industrial District
83.8 – Area, Location and Bulk	Art. I, Section 6 – Application and Administration of Zoning Regulations
83.20 – R-30F District	Art. III, Section 12 –Residential Districts
83.21 – R-20F District	Art. III, Section 12 –Residential Districts
83.22 – R-10F District	Art. III, Section 12 –Residential Districts
83.23 – R-GF District	Art. III, Section 12 –Residential Districts
83.31 – B-CF District	Art. IV, Section 20 –B-D District
83.32 – B-OF District	Art. IV, Section 21 – B-O District
83.33 – B-GF District	Art. IV, Section 22 – B-G2 District
83.41 – I-G20F District	Art. V, Section 25 – IG-20 District
83.53 – Designed Residence District	Art. VIII, Section 57 –Designed Residential Development District
83.62 – Signs	Art. VI, Section 32 – Signs
83.63 – Parking and Loading	Art. IV, Section 34 – Access, Parking, and Loading

# ZONING MAP OF THE TOWN OF WATERTOWN CONNECTICUT



Code	Description
R-1	Residential Single-Family
R-2	Residential Single-Family
R-3	Residential Single-Family
R-4	Residential Single-Family
R-5	Residential Single-Family
R-6	Residential Single-Family
R-7	Residential Single-Family
R-8	Residential Single-Family
R-9	Residential Single-Family
R-10	Residential Single-Family
R-11	Residential Single-Family
R-12	Residential Single-Family
R-13	Residential Single-Family
R-14	Residential Single-Family
R-15	Residential Single-Family
R-16	Residential Single-Family
R-17	Residential Single-Family
R-18	Residential Single-Family
R-19	Residential Single-Family
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R-27	Residential Single-Family
R-28	Residential Single-Family
R-29	Residential Single-Family
R-30	Residential Single-Family
R-31	Residential Single-Family
R-32	Residential Single-Family
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R-34	Residential Single-Family
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R-36	Residential Single-Family
R-37	Residential Single-Family
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R-40	Residential Single-Family
R-41	Residential Single-Family
R-42	Residential Single-Family
R-43	Residential Single-Family
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R-91	Residential Single-Family
R-92	Residential Single-Family
R-93	Residential Single-Family
R-94	Residential Single-Family
R-95	Residential Single-Family
R-96	Residential Single-Family
R-97	Residential Single-Family
R-98	Residential Single-Family
R-99	Residential Single-Family
R-100	Residential Single-Family

Chairman Erik Markowitz  
 APPROVED BY THE TOWN BOARD AND COMMISSION  
  
 Prepared by: Highbond  
 ORIGINAL DATE: April 1, 1955  
 LAST COMMISSION REVISION: 5-14-15

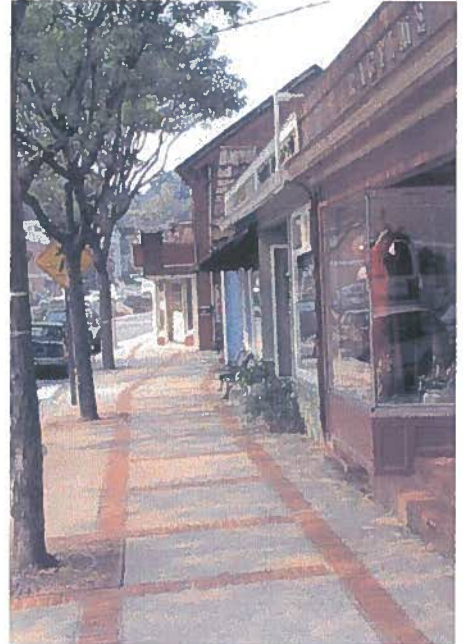
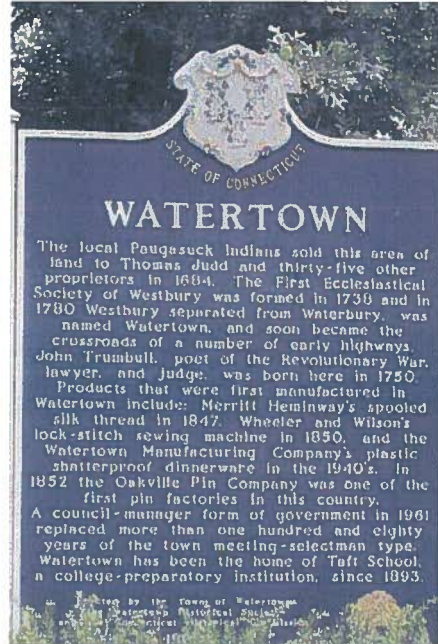
**ZONING DISTRICT BOUNDARY LINES:**  
 - PROPERTY LINE  
 - OVERLAY DISTRICT LINE  
 - WATERTOWN FIRE DISTRICT BOUNDARY  
 - ALL OTHER ZONING BOUNDARIES - Centerline of street or easement, line 50/100/0 distance from right-of-way line of street, straight line between transmission towers, or projection of an established line.  
 OVERLAY DISTRICT



# Plan of Conservation and Development

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## Town of Watertown, Connecticut

Effective:  
December 28, 2007

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# Plan of Conservation and Development Watertown, CT

Effective: December 28, 2007

# Acknowledgments

## Watertown Planning and Zoning Commission

### Regular Members

David E. Minnich, Chairman  
Jeff Franson  
Gary Martin  
Ron Russ  
Carl Mancini

### Alternate Members

Fay Rondeau  
Duane George

### Other Contributors

#### BFJ Planning

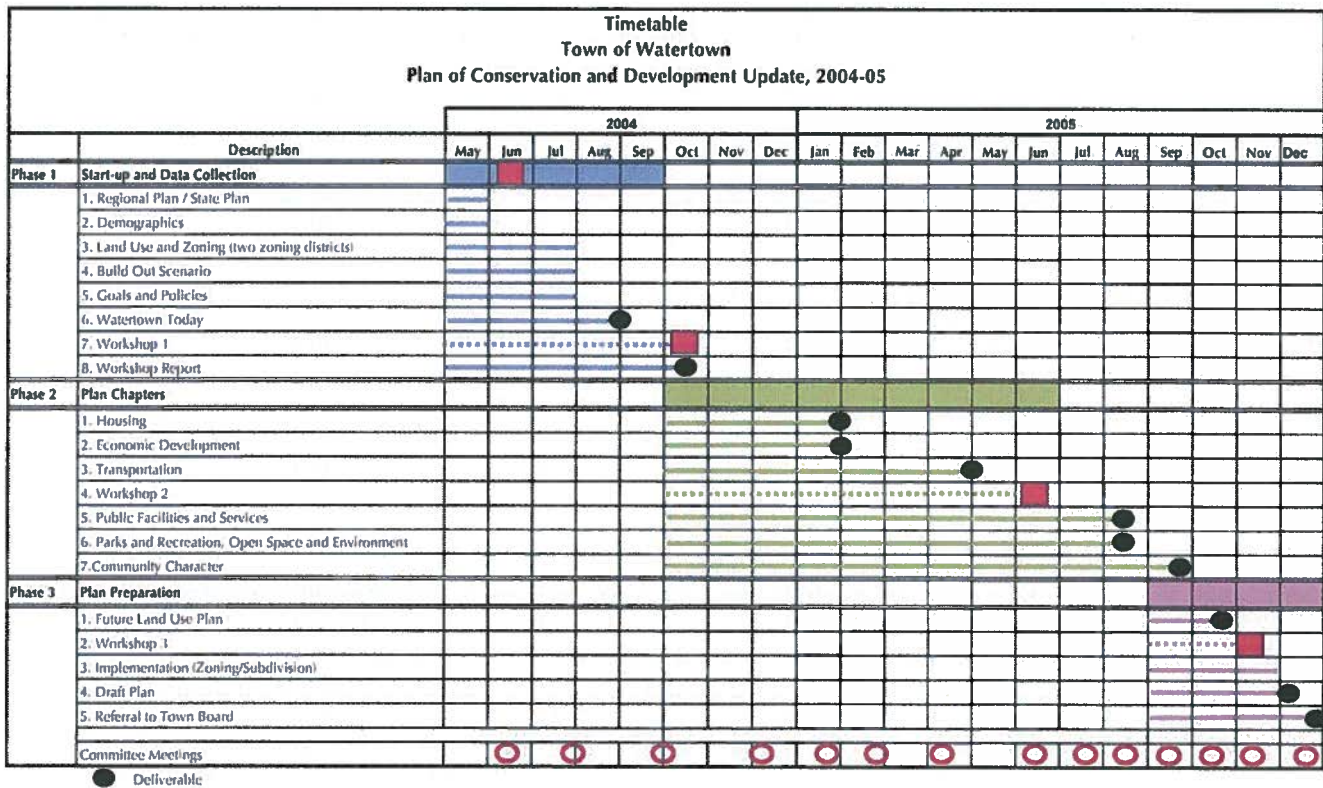
Frank Fish, Principal  
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We acknowledge the contribution of Town Manager Meredith Robson and Town Planner Mary Barton, both of whom served as valuable resources until they left town government in 2006.

We further recognize the contributions of former Planning and Zoning Commission members Mark Tedesco, Jim Lukasavage and George Velez; members of the Town Council; Town Manager Charles Frigon; Economic Development Commission; Parks and Recreation Commission; members of the Study Circles; Watertown residents who participated at public hearings; many town officials including Administrator for Land Use Ruth Mulcahy; and Planning and Zoning Commission secretaries Carol Allen and Loretta Crestino.

# Preface

The Planning and Zoning Commission (P & Z) of Watertown has completed a Plan of Conservation and Development. The work schedule was as follows and was completed in 2007.







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# Plan of Conservation and Development Watertown, CT

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## Chapter 1.0 Introduction

## 1.0 INTRODUCTION

### 1.1 Background: Plan of Conservation and Development

#### State Requirements

The Watertown Planning and Zoning Commission prepared this Plan of Conservation and Development in accordance with the provisions of Section 8-23 of the Connecticut General Statutes. Those provisions mandate that every municipality in the state prepare a Plan of Conservation and Development and that such plan be reviewed and updated if necessary at least once every ten years. The local planning commission is given the statutory responsibility to prepare the plan and has sole authority for adopting and amending it.

Chapter 126, Section 8-23 states in part: "The plan of development shall be a statement of policies, goals, and standards for the physical and economic development of the municipality...Such a plan shall show the Commission's recommendation for the most desirable use of land within the municipality for residential, commercial, industrial and other purposes and for the most desirable density of population in the several parts of the municipality." These various land uses must coexist to form a community that is not only attractive, but that also affords economic, recreational, cultural, and housing opportunities to its residents.

This current plan – intended to update the Plan of Development adopted by the Watertown Planning and Zoning Commission in 1991 – was prepared over a period of four years by the Commission with the assistance of both its professional staff and the planning firm of Buckhurst, Fish & Jacquemart, Inc. Residents of Watertown also contributed to the process by providing input from Study Circles and two interactive public workshops at different stages of the planning process. This collaborative effort afforded local residents, the business community and other interested parties an opportunity to express their views about the past, present and future of Watertown.

The plan presents a vision for the future of the town and discusses the tools and techniques needed to achieve that vision. Of crucial importance to the ongoing planning process is review and modification of the plan to assure that it remains representative of the community's vision and that the implementation strategies are feasible for the town to achieve.

#### A Town in Transition

The Commission recognizes that physical, economic, and social changes have taken place in Watertown since 1992. As one of 169 municipalities in the State of Connecticut, Watertown is located in Litchfield County, bordered by Morris to the north, Thomaston to the northeast, Bethlehem and Woodbury to the west, Middlebury to the south and Waterbury approximately 8 miles to the southeast. Watertown encompasses 29 square miles and has a population of 21,661 residents, according to the 2000 U.S. Census. The population has increased by 5.8 percent since 1990, generally outpacing population increases in surrounding communities of Litchfield and New Haven Counties.

State and federal roads connect Watertown to nearby towns as well as more distant areas of Connecticut (See Figure 1-1). U.S. Route 6 crosses through the center of Watertown and intersects with Route 262, which connects to U.S. Route 8, a multi-lane north-south highway providing access to western Connecticut. CT Route 6 also intersects with Route 63, which meets Interstate 84. These connections link Watertown with Danbury, Hartford and areas along the Massachusetts Turnpike and New York City.

The town is a quasi-rural and suburban community with convenient highway access that provides connections to a variety of employment opportunities within the town as well as in surrounding communities. Watertown has some significant open space but is located in an area of Connecticut experiencing increasing development pressures. Since 1992, approximately 600 acres have been approved for residential development. As undeveloped land grows more scarce, the regional economy changes, and market

Figure 1-1: Regional Location



Source: Connecticut Department of Transportation, 1989-1990

conditions shift, Watertown will need to focus on the kind of growth and development that reflects its character. The updated Plan is integral to shaping this process. The Plan identifies the town's current conditions and lays out a strategy of actions, which combined, should lead to the realization of the community's goals.

### Components of a Plan

By statute, the following are among the issues a Plan of Conservation and Development *must* consider:

- Recommendations for the most desirable residential, recreational, commercial, industrial, and any other land uses;
- Policies of the state plan of conservation and development, noting any inconsistencies;
- Provision for the development of housing opportunities including multi-family housing for residents of the planning region. This includes the promotion of housing choice and economic diversity in housing, including low and moderate income households, and encouraging the development of housing to meet the needs identified in the state plan and housing plan;
- The need for the protection of existing and potential public surface and ground drinking water supplies

In addition, the Plan *may* contain the following:

- Recommendations for a system of principal thoroughfares, parkways, bridges, streets and other public ways;
- Recommendations for airports, parks, playgrounds and other public grounds;
- Recommendations for the general location, relocation and improvement of public buildings;
- Recommendations for the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewer, light, power, transit and other purposes;
- Recommendations for the conservation and preservation of trap rock ridgelines, as defined in Section 8-1aa of the Statutes;
- Other matters as will, in the judgment of the Planning Commission, be beneficial to the municipality; and,
- Programs for the implementation of the Plan.

## 1.2 State and Regional Planning Context

**Connecticut Plan of Conservation and Development** - State law requires that every five years the State Office of Policy and Management (OPM) prepare a Conservation and Development Policies Plan. The first such plan was adopted in 1979; the most current one was adopted by the General Assembly in 2005 and covers the period from 2005-2010.

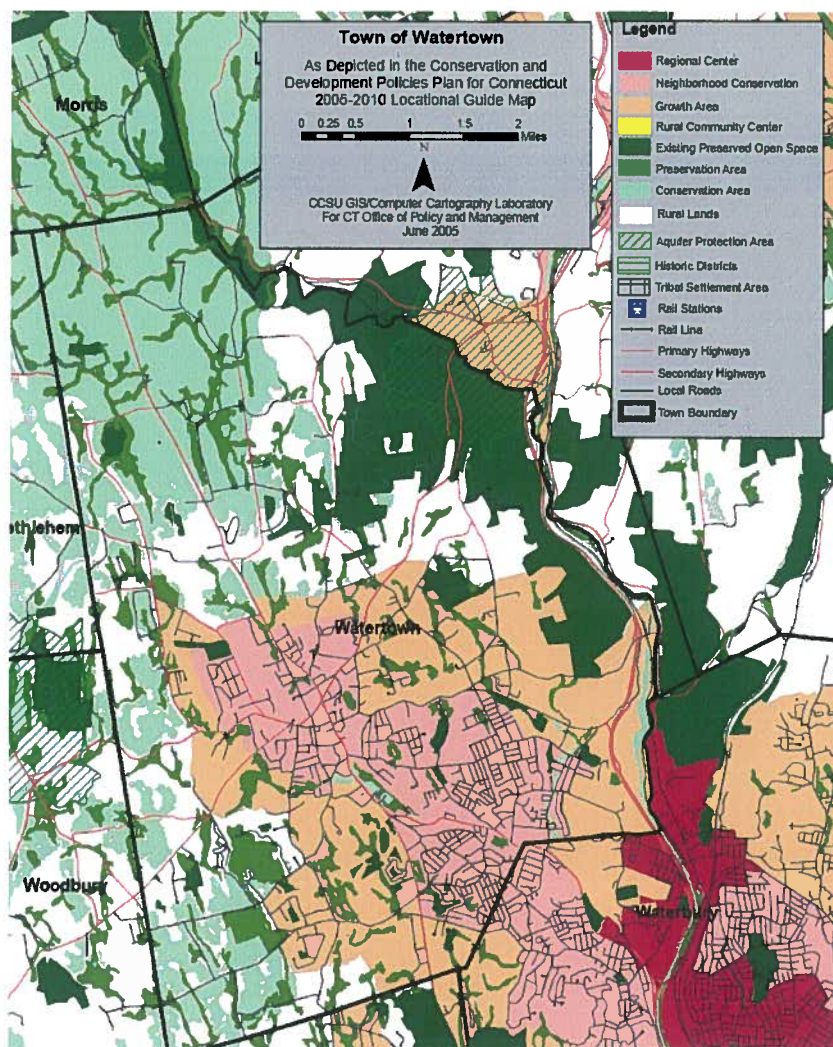
According to the state's Policy Development and Planning Division, the *Conservation and Development Policies Plan* "provides an advisory policy framework for the planning



decisions of state government. In addition, most capital investments and grants for the acquisition, development or improvement of real property, or for acquisition of public transportation equipment or facilities must conform to this plan.” The significance of the state plan for Watertown ultimately lies in the availability of funding. It is more likely that state funding of infrastructure needs or open space projects will be available if those needs are compatible with the state plan.

The overall strategy of the state plan is “to reinforce and conserve existing urban areas, to promote staged, appropriate, sustainable development, and to preserve areas of significant environmental value.” To that end, the plan apportions the state into eight broad land categories according to each area’s characteristics and suitability for different forms of development or conservation action, and then establishes priorities for these categories (See Figure 1-2).

Figure 1-2: Conservation and Development Policies Plan for Connecticut (Watertown Region)



Source: Connecticut Office of Policy and Management, 2005

As Figure 1-2 shows, the southeastern portion of Watertown is designated either for neighborhood conservation – stable, developed areas that should be maintained and further developed only when supportive of community stability and consistent with the capacity of available urban services – or for growth – areas that provide opportunity for staged urban expansion conforming to municipal or regional development plans. The rest of the town is designated as existing preserved open space, preservation areas, conservation areas or rural lands. Development is discouraged in these other categories. The 2005-2010 State Plan is focused around six growth management principles, each with an accompanying set of policies:

1. Redevelop and revitalize regional centers and areas with existing or currently planned physical infrastructure.
2. Expand housing opportunities and design choices to accommodate a variety of household types and needs.
3. Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options.
4. Conserve and restore the natural environment, cultural and historic resources, and traditional rural lands.
5. Protect and ensure the integrity of environmental assets critical to public health and safety.
6. Promote integrated planning across all levels of government to address issues on a statewide, regional and local basis.

Section 8-23 of the Connecticut General Statutes requires that each municipal plan of conservation and development “take into account the state plan of conservation and development and note any inconsistencies it may have with said state plan.” In addition, the state plan serves as a document of reference for certain types of municipal projects for which state funding is sought; such projects must be reviewed by OFM to determine the extent of their conformance to the state plan. In general, a municipal project that is in (greater) conformance with the state plan is more likely to receive state funds than one that is less so. As such, it is in the town’s best interest that, to the maximum extent possible, the Plan of Conservation and Development be consistent with the state plan.

**Central Naugatuck Valley Regional Plan** - The Connecticut General Statutes require that the state’s regional planning agencies also prepare and adopt comprehensive plans. The Council of Governments of the Central Naugatuck Valley (COGCNV), located in Waterbury, carries out regional planning functions related to economic development, land use, water planning and transportation for the 13 municipalities in the Central Naugatuck Valley Region (See Figure 1-3), which are located in both Litchfield and New Haven counties. Municipalities in Litchfield County are Watertown, Bethlehem, Thomaston and Woodbury. Municipalities in New Haven County are Beacon Falls, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Wolcott and Waterbury, the fifth-largest city in Connecticut.

The COGCNV's Regional Plan of Conservation and Development was prepared in 1998 and serves as a framework for comprehensive planning in the region. The purpose of the regional plan is to facilitate coordinated planning at the state, regional and local level in terms of growth management and community revitalization. The goal in the regional Plan is to *improve the quality of life for current and future residents of the Central Naugatuck Valley Region by promoting orderly conservation and development of the Region as a whole, while encouraging community identity and character.* The Watertown Planning and Zoning Commission considered the COGCNV's goals and recommendations for the region and will develop its own goals and recommendations that are generally compatible with the region, but which also reflect the specific needs and priorities of Watertown residents.

Figure 1-3: Central Naugatuck Valley Region



### 1.3 1992 Watertown Plan of Conservation and Development

Adopted in 1992, Watertown's existing Plan of Development updated the town's 1965 Plan. The Planning and Zoning Commission at that time, with guidance from its consultants, embarked on a planning process to record the "best thinking of the town as to its future physical growth and conservation and to give direction to both public and private development." The 1992 Plan includes a summary of the background information contained in sixteen (16) detailed memoranda on topics such as open space, housing and municipal facilities and a series of goals, policies and recommendations that the town could apply in order to achieve various elements of the plan. At the end of the document, recommendations were provided to assist the Commission in revising portions of the town's Zoning Regulations to ensure that the town could more effectively achieve its goals.

The goals and policies included in the 1992 plan had their roots in the 1965 Plan of Development and the 1971 report entitled *The Centers*. Using those two reports as a starting point, the Commission responsible for preparing the 1992 plan carried forward those goals and policies that are relevant to Watertown, even some twenty (20) years later. The Commission supplemented the list by adding new goals and policies to reflect changes that had occurred in the town, as well as attitudes of Watertown residents.

In preparing the 2007 Plan of Conservation and Development, the Commission reviewed the goals and policies of the previous plan to determine what had been accomplished and what still remained to be done, and to propose new recommendations to guide the town's development over the next 10 years.

## 1.4 Public Participation

While the 1992 Commission elicited public input during the planning process, there was a sense that input was limited. The plan belongs to the people of Watertown and should reflect the town's agreed-upon goals and policies. Therefore, for the 2007 Plan Update, the Commission encouraged the public to be actively involved in various stages of the planning process.

### Study Circles

Prior to the start of the planning process, the Commission organized Study Circle sessions to identify planning issues in the town and to formulate goals that would later be incorporated and refined in the plan. The Study Circle sessions were not formal meetings of any town agency, but rather a vehicle for allowing residents to enter into town-wide discussions on issues important to them. Four Study Circle sessions were organized, each focusing on a particular question: (1) How is growth changing our community? (2) Why is our community experiencing these changes? (3) What are our options for addressing growth issues? (4) Shaping the future: What can we do in our community?

Sixteen volunteers from the community were trained to facilitate the sessions. Nearly 160 community members participated and were arranged into groups of eight people each to engage in detailed discussions. Group comments and recommendations were recorded and assembled into a single document titled *Plan of Conservation & Development Study Circles Summary Report*, which is an Appendix of this plan. It is important to note that the comments included in the report are a non-prioritized listing that represents preliminary goals and objectives from town residents that have been refined and incorporated, where appropriate in this Plan of Development.



### Public Workshops

In addition to Commission meetings which were open to the public, the Commission held two public workshops. One shared the first few draft chapters of the plan, and the second shared additional completed draft chapters of the plan. The workshops were designed to be highly interactive in an effort to not only inform the public about the Commission's progress on the plan, but to elicit public reaction to the concepts and preliminary recommendations included in the various chapters. Public comments were helpful in refining the draft chapters into the finished plan.



The Final Plan has been presented to a public hearing and to the Town Council.

### Economic Development Survey

The Town of Watertown and its Economic Development Commission (EDC) commissioned research into the preferences of the public for local economic development. The purpose

of the work was to gain input of residents in a manner that was representative of the public at large, not just those willing and able to attend meetings and hearings.

This report reviews the findings from a telephone survey conducted during October, 2005 of Watertown residents. The survey was designed to identify the preferences of residents for various commercial, residential, retail and industrial development opportunities facing the Town. The survey results are assembled into a single document titled "Economic Development Survey Report" which is an appendix of this Plan.





# Plan of Conservation and Development Watertown, CT

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## Chapter 2.0 Population

## 2.0 POPULATION

This section examines Watertown's demographic trends and characteristics, as depicted in existing conditions, recent past trends, and likely future scenarios. It focuses on information relating to population, race and ethnicity, household information, income, educational level, labor force participation and place of work. The primary source of information is the 2000 U.S. Census of the U.S. Bureau of the Census. Supplementing the Census is information provided by the COGCNV and by the Connecticut Department of Economic and Community Development. The purpose of this examination is to describe the social framework for the Plan of Conservation and Development that is the defining traits of Watertown as a community.

### 2.1 Population Growth



According to the 2000 Census, 21,661 people reside in Watertown. Between 1990 and 2000, the population increased by 1,205, or 5.8%. Only one town in the surrounding area, Thomaston, had a larger percentage increase in population (8%) during that time period. In fact, Watertown's increase in population outpaced the percent increase in population for Connecticut as a whole. Table 2-1 compares Watertown's population and growth rate with those of surrounding towns for the past 50 years.

Watertown experienced a relatively sharp population growth between 1950 and 1970. After 1970 population continued to increase modestly at approximately 5% in each of the next two decades. In the 1990 decade the population increased just under 6%. As shown in Table 2-2, since 1990, Watertown's population has increased at the same pace or faster than the state's. Watertown's population increased at a faster rate than Litchfield County between 1990 and 2000, but after 2000, the county's population outpaced the town's population.



Population in Watertown is expected to continue to increase at a moderate rate. As recorded in the Connecticut Department of Economic and Community Development's 2004 *Town Profiles*, Watertown's population increased from 21,661 people in 2000 to 22,324 in 2004 (3.0%) and is estimated to increase to 23,107 by 2009 (6.6%). According to estimates, the county's population will continue to grow at a modestly faster rate each year between 2004 and 2009 than both Watertown and the state as a whole.



**Table 2-1: Population Change 1950-2000, Watertown Area Communities, Litchfield and New Haven Counties, State of Connecticut**

Place	1950	1960	1970	1980	1990	2000	1990-2000	
							No.	%
Beacon Falls	2,067	2,886	3,546	3,995	5,083	5,246	163	3.2%
Middlebury	3,318	4,785	5,542	5,995	6,145	6,451	306	5%
Naugatuck	17,455	19,511	23,034	26,456	30,625	30,989	364	1.2%
Thomaston	4,896	5,850	6,233	6,276	6,947	7,503	556	8%
Waterbury	104,477	107,130	108,033	103,266	108,961	107,271	-1,690	-1.5%
<b>Watertown</b>	<b>10,699</b>	<b>14,837</b>	<b>18,610</b>	<b>19,489</b>	<b>20,456</b>	<b>21,661</b>	<b>1,205</b>	<b>5.8%</b>
Litchfield County	98,872	119,856	144,091	156,769	174,092	182,193	8,101	4.6%
New Haven County	545,784	660,315	744,948	761,337	804,219	824,008	19,789	2.5%
Connecticut	2,007,280	2,535,234	3,032,217	3,107,576	3,287,116	3,405,565	118,449	3.6%

Source: Plan of Development, Watertown Connecticut, 1992; U.S. Bureau of the Census, 2000

**Table 2-2: Population Change 1950-2000, Comparative Population Growth at Town, County and State Levels**

	Watertown		Litchfield County		State of Connecticut	
	Population	% Change	Population	% Change	Population	% Change
1990	20,456	-	174,092	-	3,287,116	-
2000	21,661	5.8	182,193	4.6	3,405,565	3.6
2004	22,324	3.0	189,521	4.0	3,507,246	3.0
2009	23,107	3.5	198,123	4.5	3,626,616	3.4
'04-'09 Growth/Year		0.7%		0.9%		0.7%

Source: CERC Town Profiles, December 2004

## 2.2 Race and Ethnicity

Watertown's racial composition has not changed significantly since 1990 (See Table 2-3). The town remains predominantly non-Hispanic white, although the percentage has slightly decreased since 1990 (98 percent to 96.5%). The Asian/Hawaiian/Pacific Islander population increased slightly (as did the Hispanic population). The American Indian and Black populations, as a percentage of the entire population, remained nearly the same as in 1990. The Black percentage is significantly below the state average. The numbers of people identifying themselves as "Other" rose considerably, and for the first time, people were able to indicate more than one race on the census form. Hispanics can be identified with any race, and thus, the Hispanic count overlaps with people included in other racial categories. The number of people identifying themselves as Hispanic increased from 245 in 1990 to 406 in 2000(65%).

**Table 2-3: Population by Race and Ethnicity, 1990-2000**

Race	1990	%	2000	%
White	20,071	98	20,894	96.5
Black	151	.7	162	.7
American Indian	38	.1	27	.1
Asian/Hawaiian/Pacific Islander	161	.7	286	1.3
Other	35	.1	103	.5
Two or More Races	-	-	189	.9
Total	20,456	100	21,661	100
Ethnicity				
Hispanic	245	1.2	406	1.9

Source: U.S. Census 2000

## 2.3 Age Distribution

Watertown's age distribution generally follows the regional trends (See Table 2-4). The region experienced a dramatic shift in age distribution between 1990 and 2000. The "baby boomers" entered the 45-64 age groups increasing that group by 26.9 percent. The region's school age children between 5 and 17 also increased significantly (21.1%)

**Table: 2-4: Age Distribution, Selected Areas, 2000**

Location	Age							Median
	Under 5	5-17	18-24	25-34	35-44	45-64	65 +	
	Total Population							
Watertown	1,257	4,112	1,370	2,598	3,888	5,386	3,050	39.0
	5.8%	19.0%	6.3%	12.0%	17.9%	24.9%	14.1%	
CNVR	18,209	52,040	19,583	35,164	46,287	62,033	39,278	N/C*
	6.7%	19.1%	7.2%	12.9%	17.0%	22.8%	14.4%	
Connecticut	223,344	618,344	271,585	451,640	581,049	789,420	470,183	37.4
	6.6%	18.2%	8.0%	13.3%	17.1%	23.2%	13.8%	

\*Not Calculated

Source: U.S. Census 2000

and adults ages 35-44 increased moderately (14.6%). There was a substantial decrease in young adults ages 18-24 (22.7%) and adults ages 25-34 (23.1%) and a slight decrease in preschoolers (under 5) (3.9%).

## 2.4 Income Distribution

The median household income of Watertown residents in 2004 was \$64,405. In constant dollars, the median income actually fell by 3.4 percent between 1989 and 1999. Yet, it is higher than the county (\$60,854) and the state (\$58,438). More than 58 percent of households have incomes of \$50,000 or greater. Fifteen percent of Watertown households have incomes below \$24,999, compared to 21.7 percent in the state and 24.3 percent in the CNVR (See Table 2-5).

Table 2-5: Household Income Distribution, Selected Areas, 1999

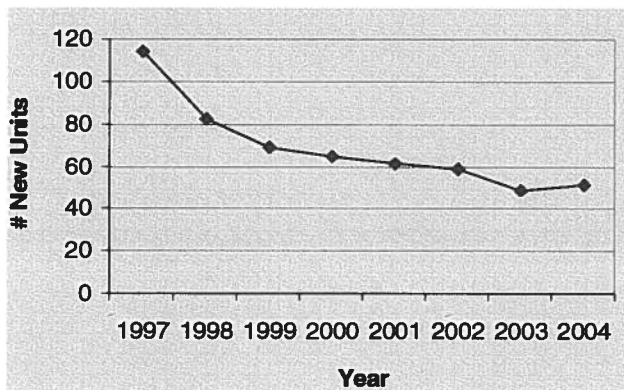
Area	Less Than \$10,000	\$10,000-14,999	\$15,000-24,999	\$25,000-34,999	\$35,000-49,999	\$50,000-74,999	\$75,000-99,999	\$100,000 or More
Watertown	344 4.3%	299 3.7%	587 7.3%	834 10.4%	1,260 15.7%	1,852 23.0%	1,345 16.7%	1,530 19.0%
Waterbury	5,694 13.3%	3,783 8.9%	6,535 15.3%	5,591 13.1%	6,937 16.3%	7,576 17.8%	3,508 8.3%	3,031 7.1%
CNVR	7,935 7.7%	6,006 5.8%	11,172 10.8%	11,011 10.7%	15,605 15.1%	21,017 20.4%	13,818 13.4%	16,614 16.1%
Connecticut	91,721 7.0%	64,895 5.0%	126,157 9.7%	130,916 10.1%	188,021 14.4%	265,470 20.4%	172,569 13.3%	262,478 20.2%

Source: U.S. Census, Census 2000 Summary File 3

## 2.5 Housing Units

Watertown had 8,401 total housing units in 2004. According to Watertown’s Building Department, the town added 220 new residential buildings between 2001 and 2004. As shown in Table 2-6, the town has not experienced significant new residential growth between 1990 and 2000. There was a significant decrease in residential building permits

Table 2-6: New Building Permits, 1990-2000



Source: U.S. Census 2000 & Watertown Building Department

issued by the town between 1997 (114 permits) and 1999 (69 permits). The number of building permits then continued to decrease moderately every year after 1999, with a slightly larger decrease in 2003. The yearly number of new residential buildings in 2004 is approximately 50 percent fewer than the number issued in 1997. Despite the slowing rate of construction, population growth (as noted in Section 2.1) is a source of concern for Watertown residents.

## 2.6 Economic Characteristics

Of Watertown's residents 16 years of age and over, 70 percent are in the labor force. Of those people, 61 percent work outside the county. The majority work in Waterbury, which is in New Haven County. Table 5 below shows the work location of Watertown residents, based on 1990 and 2000 Census data. According to the 2000 Census, approximately 25 percent of all workers residing in Watertown both live and work in the town. This represents an 8.8 percent decrease from 1990. Similarly, the number of Watertown residents commuting to jobs in Waterbury fell roughly 21 percent. As shown in Table 2-6, there was a significant decrease in Watertown residents working in Thomaston, while there were significant increases in residents commuting to jobs in New Haven, Cheshire and Middlebury (See Table 2-7).

By far, manufacturing is the largest business sector in Watertown in terms of employment. Table 2-8 shows the business and job profile of Watertown in 2005. Approximately 40 percent of jobs were in manufacturing. Services and Trade jobs are the next strongest, while Government and Agriculture sectors combined employ less than 3 percent of the total workers. In 2001, the top five major employers in town were The Siemon Company, The Taft School, County Line Buick/Nissan, Waterbury Extended Care Facility and O'SPAM Sylvania Products, Inc. In 2002 and 2003, the top five major employers were The Siemon Company, United Parcel Service, The Torrington Company, Bristol Babcock, Inc. and Eyelematic Manufacturing Company.

**Table 2-7: Work Location of Watertown Residents**

Town	1990	2000	% Change
Watertown	3,367	3,072	-8.8%
Waterbury	3,023	2,385	-21.1%
Naugatuck	380	N/A	N/A
Thomaston	344	205	-40.4%
Southbury	315	396	25.7%
Cheshire	251	375	49.4%
Middlebury	206	367	78.2%
Wolcott	182	N/A	N/A
Hartford	165	184	11.5%
New Haven	149	302	102.7%

Source: CEFC Town Profiles, December 2004; CEFC Town Profiles, July 2005

Table 2-8: Business Profile, 2005

Sector	Firms	% of Total	Employment	% of Total
Agriculture	39	3.9%	99	1.0%
Const. & Mining	180	18.0%	493	4.9%
Manufacturing	90	9.0%	3,990	39.4%
Trans. & Utilities	27	2.7%	254	2.5%
Trade	212	21.5%	2,378	23.5%
Finance, Ins & Real Estate	64	6.4%	307	3.0%
Services	374	37.3%	2,464	24.3%
Government	12	1.2%	141	1.4%
Total	998	100.0%	10,126	100.0%

Source: CERC Town Profiles, July 2005

## 2.4 Oakville Socioeconomic Characteristics

Oakville is a Census-designated place and neighborhood section in the southeastern portion of Watertown, north of I-84 and east of Route 6. Because the neighborhood is a large and distinct area within the Town and serves as a business center, it is useful to compare its demographics with those of Watertown as a whole.

### Population Growth

According to the 2000 Census, 8,618 people reside in Oakville, representing approximately 40 percent of Watertown's total population. Oakville's 2000 population decreased by about 1.4 percent from 8,741 people in 1990, compared with Watertown's population increase of 10.2 percent during the same period. This decrease also contrasts with the population growth of 4.6 percent and 3.6 percent experienced by Litchfield County and the state of Connecticut, respectively.

### Race and Ethnicity

Oakville is predominantly non-Hispanic white, but has become less so from 1990 to 2000 (98 percent to 96 percent). The Black, Hispanic and Asian/Hawaiian/Pacific populations, as a percentage of the total population, each increased slightly during the 10-year period. These trends in the neighborhood were roughly comparable to those experienced by Watertown as a whole.

### Age Distribution

Oakville's age distribution roughly mirrors that of Watertown, and generally follows regional trends as well (see Table 2.4, above). As of 2000, the neighborhood has a slightly lower percentage of "Baby Boomers" (age 45 to 64), at 22.9 percent versus 24.9 percent for the Town. Oakville has a somewhat greater proportion of residents aged 25 to 34 (13.4 percent compared with 12 percent for Watertown) and residents aged 35 to 44 (18.3 percent versus 17.9 percent for Watertown). Oakville's median age of 37.8 years is slightly lower than Watertown's median age of 39.

**Income Distribution**

The median household income of Oakville residents in 2000 was \$48,395, significantly lower than Watertown's median household income of \$64,405, as well as the county and state levels. The neighborhood has a greater proportion of residents earning less than \$10,000 a year (4.7 percent versus 4.3 percent for Watertown as a whole), and has significantly more residents earning between \$10,000 and \$50,000 a year (46.8 percent compared with 37.1 percent for the Town). Finally, only 9.2 percent of Oakville residents earn \$100,000 or more, compared with 19 percent of all Watertown residents.

**Economic Characteristics**

Of Oakville's residents 16 years and over, 70.5 percent are in the labor force, comparable to the labor force participation level for Watertown as a whole. As for Watertown, manufacturing is by far the largest business sector for the neighborhood in terms of employment, with 21.9 percent of Oakville residents employed in that industry. A significant proportion (38.7 percent) of Oakville residents are employed in the services industry, while another 16.6 percent are employed in either wholesale or retail trade.



Plan of Conservation and Development  
Watertown, CT

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Chapter 3.0  
Existing Land Use and Zoning

### 3.0 EXISTING LAND USE AND ZONING

The built environment (the type, location and intensity of existing and future land uses) defines the character of a town. The town's Zoning Code, subdivision regulations, and wetland regulation are the major tools with which the town regulates land use and influences development patterns and practices. This chapter summarizes the existing pattern of land use in Watertown.

#### 3.1 Land Use

Watertown contains 29.6 square miles (18,960 acres) of land, including 0.4 square miles of water, according to the U.S. Census Bureau. The town is for the most part a residential suburban community within the larger Waterbury metropolitan area, but with a solid industrial base. As of 2004, there were 8,401 housing units. Population density is roughly 754 people per square mile, or 1.17 persons per acre.

There are fourteen land use categories in Watertown: five residential, four businesses, one industrial, two public and semi-public, one general wetland, and one open space. The designated land use categories and boundaries are generally comparable to existing zoning categories (zoning districts discussed in Section 3.2). In 1997, the Connecticut Department of Environmental Protection (CDEP) completed a land-use survey of Watertown using its own seven general land use categories. Below is a summary of CDEP's 1997 land-use estimates.

Land Use (acres):

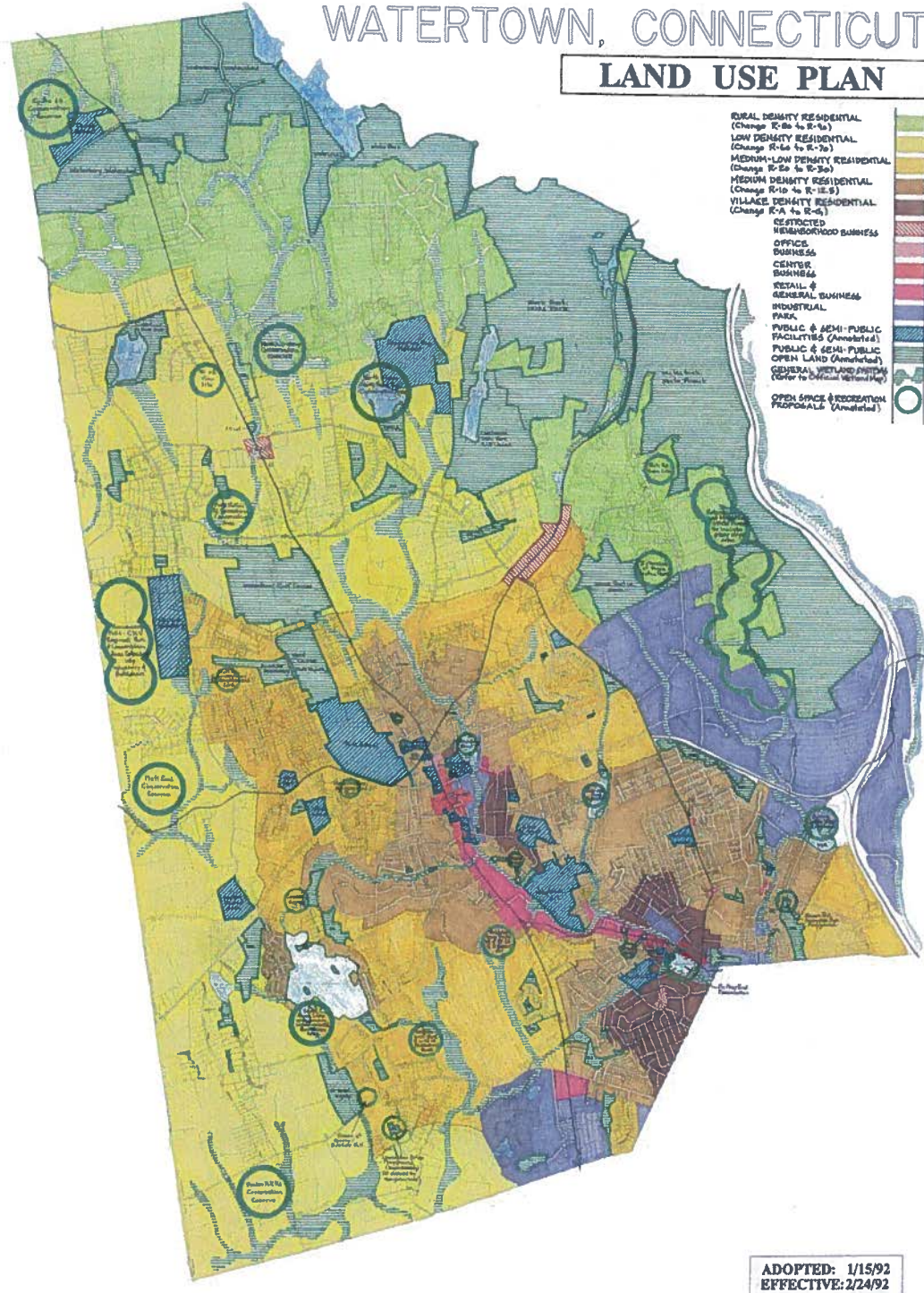
<u>Total</u>	<u>Urban</u>	<u>Agriculture</u>	<u>Forest</u>	<u>Barren</u>	<u>Water</u>	<u>Wetland</u>	<u>Other</u>
18,960	2,818	5,954	9,580	128	428	36	16

Current land-use patterns in the community are fairly well established and reflect a pattern of relatively compact development around the town center, surrounded by low-density residential, rural areas, industrial areas, forests and watershed areas (See Figure 3-1). Low density residential developments outside the town center are generally located along Litchfield Road, Guernseytown Road and Northfield Road. There is no development along the entire eastern portion of town, which is occupied by the Mattatuck State Forest, or the northern section of town occupied by Black Rock State Park. The northeast section is sparsely populated because much of the area is designated part of the Waterbury Watershed.

Existing land uses generally conform to the 2005-2010 State Plan of Conservation and Development's Locational Guide Map, as shown in Figure 1-2, as well as the plan's six growth management principles, as discussed on page 4.



Figure 3-1: Existing Land Use Plan



Source: Town of Watertown

### 3.2 Land Use Guidelines

The town encourages future residential and non-residential development that can be supported by existing infrastructure. Should new or expanded infrastructure be required, it should be supported primarily through new development. Future development should be consistent with and enhance the existing character of the town. In addition, to the greatest extent possible, new development should avoid causing adverse impacts on the environment, particularly in sensitive areas.

To preserve open space and protect environmentally sensitive lands (such as wetlands), the town should consider a change to its regulations making cluster subdivisions as-of-right and conventional subdivisions a special permit use. The promotion of cluster subdivisions would serve to combat urban sprawl and preserve the rural character of the community, protect natural features, and would allow the town to pursue its goal of a consistent greenway.

The Council of Governments of the Central Naugatuck Valley has addressed the issue of agricultural land use in its draft 2007 regional plan, noting that agriculture is important in the region both for its aesthetic value and its economic importance. However, COGCNV found that land in agricultural use within the region decreased by 13 percent between 1990 and 2000, and there is often a conflict between such uses and suburban development when they become neighbors. The promotion of cluster subdivisions, as discussed above, would preserve the rural character of Watertown (including agricultural land use), while providing buffers between these uses and residential uses.

### 3.3 Zoning

The town is under zoning authority of a seven-member Watertown Planning and Zoning Commission. The Watertown Fire District, located in the center of Watertown, delegated its zoning authority to the Planning and Zoning Commission as of July 1, 2007. The Commission has maintained separate zoning regulations for the Fire District. Table 3-1 lists the different zoning classifications for the town, together with the amount of acreage dedicated to each group of land-use categories. Special zoning districts do not have minimum acreage figures next to their description because they are overlays on residential and business zones. They provide additional regulations supplementing the underlying zones. The current zoning districts and boundaries were revised in 1993. The districts recognize the character, type, location, and extent of existing development within the town. District types include seven residential districts, four business districts and three industrial districts.

**Table 3-1: Town Zoning Classifications**

Map Code	Districts & Minimum Lot Sizes	Acres <sup>1</sup>	% Total <sup>2</sup>
	<b>Residential Districts</b>	<b>16,489</b>	<b>86.0%</b>
R-90	Residence R-90 (2.25-acres)	6,455	
R-70	Residence R-70 (1.75-acres)	5,119	
R-30	Residence R-30 (.75-acres/ 1-acre*)	2,982	
R-12.5	Residence R-12.5 (.3 acres/ 1-acre)	1,582	

R-G	General Residence R-G (.18-acre)	337	
PCD	Planned Community Development	-	
RT	Residential Transition Zone	14	
A.R.H.	Age Restricted Housing	-	
	<b>Business Districts</b>	<b>272</b>	<b>1.4%</b>
B-C	Central Business B-C (N/A)	46	
B-L	Local Business B-L (.25-acres)	35	
B-SC	Shopping Center Business B-SC (5-acres)	88	
B-G	General Business B-G (.5 acres)	103	
	<b>Industrial Districts</b>	<b>1,605</b>	<b>8.7%</b>
I-G 80	General Industrial I-G 80 (2-acres)	335	
I-R80	Restricted Industrial I-R80 (2-acres)	695	
I-R200	Restricted Industrial I-R200 (5-acres)	575	

<sup>1</sup>Lots not served by municipal water supply.

<sup>2</sup>Calculations have a margin of error of roughly 4%, due to estimations of individual district area sizes.

**Watertown Fire District**

The boundaries of the Watertown Fire District encompass an estimated 1,396 acres in the downtown area of Watertown bounded by U.S. Route 6, Main Street/Litchfield Road, Hamilton Avenue (Lane), Middlebury Road and Guernseytown Road (See Figure 3-2). A majority of the district is zoned residential, including the northwest section of the district which is occupied by the Taft School.

The district was established by a Special Act of the Connecticut Legislature in 1913 as an organization similar to municipalities within the state for the purpose of providing fire protection to the central part of Watertown. Originally charged in 1947 with the zoning function, the five-member Fire District Commission now only provides water and sewer services to residents and businesses within the district. Funds for water system operation are obtained by consumption charges to customers. Water rates are established and approved by the District Commission. Funds for wastewater collection and treatment operations are obtained as of July 1, 2007, from user fees established and approved by the District Commission. Previously sewer funds were obtained from taxes on real estate, motor vehicles, business property and personal property.

**Figure 3-2: Watertown Fire District**



The Watertown Fire District is divided into eight district classifications: four residential districts, including an overlay district called a Designed Residence District, three business districts, and one industrial district. Table 3-2 lists the different zoning classifications for the Fire District, together with the amount of acreage dedicated to each group of land-use categories. Note that the Designed Residence District is an overlay to the Residence R-20F District and provides additional regulations that supplement the underlying residential zone.

**Table 3-2: Fire District Zoning Classifications**

Map Code	Districts and Minimum Lot Sizes	Acres*	% Total of District*	% Total of Town*
	<b>Residential Districts</b>	<b>1,260</b>	<b>90%</b>	<b>6.6%</b>
R-20F	Residence R-20F (.5-acre/1-acre*)	621		
R-10F	Residence R-10F (.25-acre/1-acre*)	533		
R-GF	Residence R-GF (.18-acres)	71		
DFD-F	Designed Residence District	35		
	<b>Business Districts</b>	<b>80</b>	<b>6%</b>	<b>.4%</b>
B-CF	Central Business B-CF (no min.)	43		
B-OF	Local Business B-OF (.18-acres)	15		
B-GF	Shopping Center Business B-GF (.5-acres)	22		
	<b>Industrial Districts</b>	<b>56</b>	<b>4%</b>	<b>.2%</b>
I-G 80	General Industrial I-G20F (.5-acres)	56		

\* Lots not served by municipal water supply

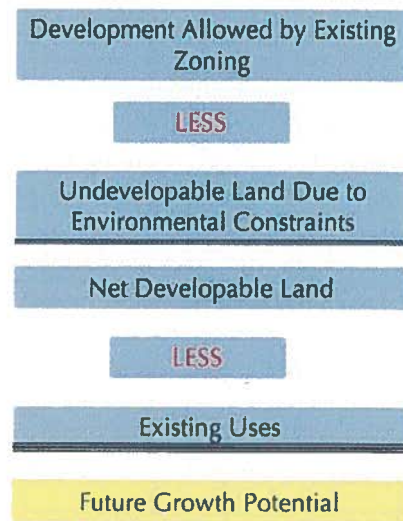
\* Calculations have a margin of error of roughly 4%, due to estimations of individual district area sizes.

### 3.4 Build-Out Analysis

A build-out scenario has been included as part of the Plan Update in order to get a general estimation of the future growth potential in Watertown consistent with the existing zoning and development patterns. In order to calculate the growth potential, we began by calculating the amount of land that has not been currently developed. We ascertained which land areas were not developed based on the town’s parcel data and existing land-use map and 1991 aerial photography. For this analysis, state park, watershed and conservation areas designated on the existing Land-Use Map were not included as undeveloped areas. Underutilized portions of under-developed parcels were also not included.

The next step was to overlay the undeveloped areas over the town’s zoning map to see where each undeveloped area was located. The underlying zoning determines the minimum lot size allowable within each district.

**Figure 3-3: Calculating Future Growth Potential**



The final step was to deduct a certain amount of area not considered buildable from each of the undeveloped areas. Undevelopable areas include land with environmental constraints (wetlands and steep slopes), roadways and plat constraints. It should be noted that exact acreages of undevelopable land have not been calculated. Instead, the amount of undevelopable land has been estimated to be 25 percent – a standard deduction estimate used by planners. This size deduction appears consistent with the amount of minimally and moderately constrained areas shown on the Natural Resource Constraints Map for Watertown prepared by the COGCNV. The remaining area after the 25 percent deduction is the total amount of land available for potential development.

Table 3-3 shows the theoretical amount of potential future residential, commercial and industrial development in Watertown. An estimated 3,707 acres of undeveloped land could be developed for residential, business and industrial uses. According to existing zoning, if all available land was developed, it would include an estimated 2,848 additional homes, 413,820 square feet of additional commercial space and 9,901,188 square feet of additional industrial space.

**Table 3-3: Theoretical Development Build-Out**

<b>Zone</b>	<b>Undeveloped Acreage</b>	<b>Undeveloped Minus 25% (in acres)</b>	<b>Potential Development</b>
R-90	1,222	917	444 Homes
R-70	1,976	1,482	922 Homes
R-30	876	657	953 Homes
R-12.5	194	146	507 Homes
<i>Fire District</i>			
R-10F	6	5	22 Homes
<b>Total Residential</b>	<b>4,274 acres</b>	<b>3,207 acres</b>	<b>2,848 Potential Homes</b>
B-G (.5 FAR)	4	3	65,340 sf
B-SC (.4 FAR)	12	9	156,816 sf
B-L (.4 FAR)	15	11	191,664
<b>Total Business</b>	<b>31 acres</b>	<b>23 acres</b>	<b>413,820 Potential Business Square Feet</b>
I-R80 (.5 FAR)	344	258	5,619,240 sf
I-R200 (.4 FAR)	149	112	1,951,488 sf
I-G 80 (.5 FAR)	143	107	2,330,460 sf
<b>Total Industrial</b>	<b>636 acres</b>	<b>477 acres</b>	<b>9,901,188 Potential Industrial Square Feet</b>

## Theoretical Build-Out Numbers

Future development in Watertown is contingent upon a variety of factors including the availability of land and the state of the local economy. The theoretical build-out analysis is a potential saturation-point scenario that assumes all of the undeveloped land in Watertown is developed according to the underlying zoning. This information is a guide and does not suggest actual building levels for the next decade.

The analysis indicates that the greatest amount of undeveloped land lies within the 2.25-acre, R-90 and 1.75-acre, R-70 residential zones. Combined, these zones encompass 3,198 acres of undeveloped land. After excluding a factor of 25 percent for roads, open space and the environmentally sensitive areas (wetlands and steep slopes), approximately 1,366 new homes could be built in these two districts. There are also 876 undeveloped acres in the .75-acre, R-30 residential zone. Again, excluding undevelopable areas, a total of 953 new homes could be built in the R-30 district. Practically all of the residential zones within the Fire District are developed; however, there are 6 acres in the .25-acre, R-10F district that could be developed with a total of 22 homes. It is likely that the residential units would be single-family detached homes, as permitted by existing zoning.

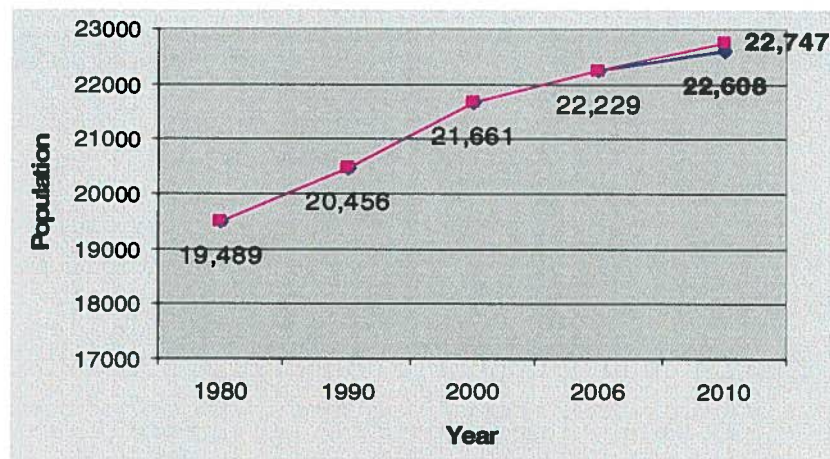
At the current household size of 2.67 persons per household, a full build-out of Watertown would add 7,604 additional residents, for a maximum town population of 29,265.

In the 1992 plan, it was estimated that, given the amount of undeveloped land that could be developed per the existing zoning, there could be an increase in population of 20,000-22,000 people, or a theoretical town population of 40,000-42,000. This is a much higher population estimate than the 29,265 estimate described above. Three reasons account for the large difference. The first is the town's 1993 rezoning to larger lot sizes (R-80 to R-90, R-60 to R-70, R-20 to R-30 and R-10 to R-12.5). The zone changes were in direct response to the theoretical build-out of at least 40,000 people in the 1992 plan. The second reason is the change in household size. In 1992, the average household size was 2.9 persons. Consistent with household trends across the country, Watertown currently has a lower average household size of only 2.67 persons. Finally, BFJ utilized a 25 percent deduction from remaining undeveloped areas for environmental constraints, roads and plat constraints. It is unclear what deduction was used in the 1992 buildable land calculations. A smaller deduction would indicate a larger amount of available land for development.

### 3.5 Growth Projections

While the theoretical build-out could result in roughly 2,300-2,400 additional homes, it is highly unlikely that this would happen in the foreseeable future. Remaining land tends to be less desirable in terms of ease and cost of development because of wetlands and slope limitations, multiple ownerships, varying estate issues and a lack of land actually for sale. To project potential town growth to 2010, a number of factors need to be examined including population forecasts, household size estimates and economic growth opportunities. One indicator of these is past growth. Table 3-4 shows two growth projections for 2010. The first is to use a straight line growth methodology to extend the Connecticut Department of Economic and Community Development's 2006 population projection of 22,229 persons out four years. The second is to take the average growth rate from 1980 to 2000 on a straight line projection to 2010. These two projection methodologies provide a reasonable range of growth from the 2000 Census (21,661) to between 22,608 and 22,747 persons.

**Table 3-4: Growth Projections for 2010**



Source: Connecticut Department of Economic and Community Development







# Plan of Conservation and Development Watertown, CT

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## Chapter 4.0 Housing

## 4.0 HOUSING

Housing is the single largest land use in Watertown. Housing decisions present an important opportunity to shape Watertown’s image, natural environment, and quality of life. This chapter summarizes a number of key characteristics of Watertown’s existing housing stock.

### 4.1 Existing Conditions

Approximately 90 percent of all land in Watertown is zoned residential. Of that land, roughly 25 percent is undeveloped. Most of the developed areas are located near the center of town, with the majority of undeveloped areas in the southern and northern sections of the town. The housing stock in Watertown is varied and unique and reflects the ever-changing economic conditions in the town.

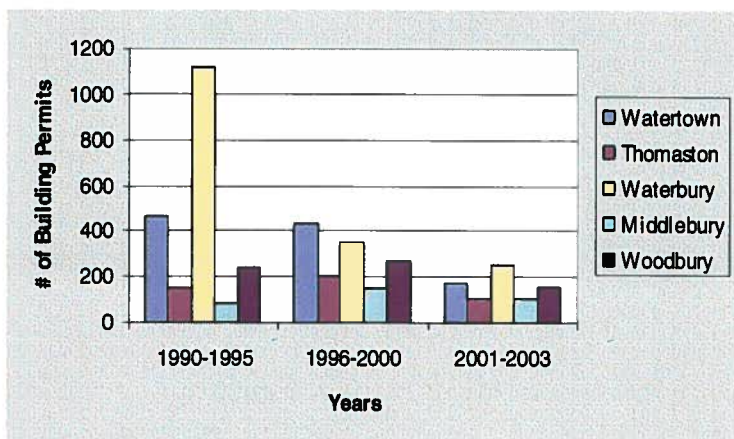


The town has not experienced substantial new residential growth since 2000. According to the U.S. Census, Watertown had 8,298 total housing units in 2000 (a 10.3 percent increase from 1990). There was a significant decrease in residential building permits issued by the town between 1997 (114 permits) and 1999 (69 permits). The number of building permits then continued to moderately decrease every year after 1999, with a slightly larger decrease in 2003. In 2004 there were 8,401 housing units, a 1.2 percent increase from 2000. The yearly number of new residential buildings in 2004 is approximately 50 percent fewer than the number issued in 1997.



Figure 4-1 compares the number of building permits issued in Watertown with the surrounding towns. As shown, Watertown issued more permits than Thomaston, Middlebury and Woodbury during the time periods from 1990-1995, 1996-2000 and 2001-2003. Only Waterbury issued a larger number of building permits between 1990-1995 and 2001-2003. Between 1996 and 2000, Watertown surpassed Waterbury’s issuance of building permits by 84 permits.

Figure 4-1: Housing Permits, Watertown and Surrounding Towns, 1990-2003



Source: U.S Bureau of the Census, 2000

Table 4-1 shows the annual growth in housing units in Watertown and surrounding communities. Between 1980 and 2000, Watertown outpaced adjacent towns (aside from the City of Waterbury) in the number of new housing units. However, by 2002 and again in 2003, the growth in Watertown’s housing units matched the average for the region.

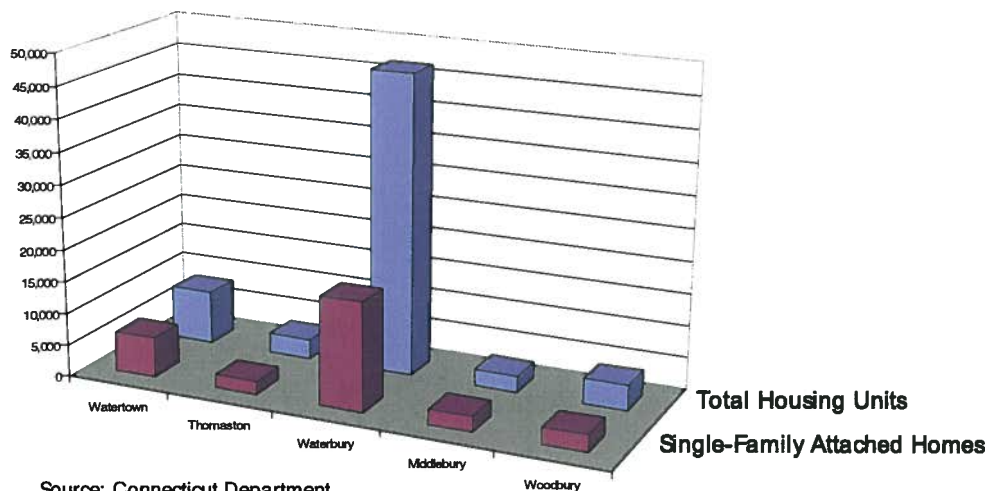
**Table 4-1: Annual Growth in Housing Units, 1980-90, 1990-2000, 2000-2003**

Town	Annual Net Gain in Housing Units					
	2003	2002	2001	2000	1990-2000 average	1980-1990 average
Bethlehem	8	20	18	20	12.6	18.8
Middlebury	42	31	27	27	16.6	19.7
Thomaston	22	43	32	53	27.8	48.9
Waterbury	115	53	-7	19	-37.8	635.1
<b>Watertown</b>	<b>46</b>	<b>53</b>	<b>63</b>	<b>58</b>	<b>77.6</b>	<b>90.4</b>
Woodbury	59	51	44	41	42.4	52.1

Source: Connecticut Department of Economic and Community Development

Single family detached homes are by far the most common type of housing in Watertown, at an estimated 76 percent of all residential structures (See Figure 4-2 and Table 4-2). Two-family structures are the next most frequent type of housing at an estimated 8.2 percent. Figure 4-2 also compares Watertown’s ratio of single-family detached structures to the ratios in surrounding towns. Apart from the more urban Waterbury area, the number of single-family structures is consistent with adjacent towns.

**Figure 4-2: Percent of Single Family Detached Structures, Watertown and Surrounding Areas**



Source: Connecticut Department of Economic and Community Development

**Table 4-2: Composition of Owner and Renter Occupied Housing Structures**

	Owner Occupied			Renter Occupied		
	Number	% of All Owner Occupied Structures	% of All Structures	Number	% of All Rental Structures	% All Structures
Single-family detached	5,676	89%	70.5%	450	27%	5.6%
Single-family attached	169	2.5%	2.1%	95	5.7%	1.2%
Two-family	273	4.3%	3.4%	385	23.1%	4.8%
Three to Four family	144	2.3%	1.8%	389	23.4%	4.8%
Five+ family	106	1.7%	1.3%	346	20.8%	4.3%
Other	13	0.2%	0.2%	0	0%	0%
<b>Total</b>	<b>6,381</b>	<b>100%</b>	<b>79.3%</b>	<b>1,665</b>	<b>100%</b>	<b>20.7%</b>

Source: U.S Bureau of the Census, 2000

Of all the owner-occupied structures, 92 percent are single-family homes. According to DECD, with estimated 20.7 percent rental housing, Watertown is comparable to the surrounding towns. However, with 79.3 percent of all structures being owner-occupied, Watertown is above both the county (68%) and the state (63%).



Watertown has a number of historic homes. Many of these structures are clustered on a ridge above Main Street and the manufacturing section to the east along Steele Brook. Italianate and Greek Revival houses dominate, but there are also examples of Federal, Queen Anne and Colonial Revival-style buildings, as well as one Gothic Revival-style dwelling. One Federal-style residence is included on the National Register of Historic Places (added in 2000). The area along Deforest, Main, Woodruff, Woodbury, North and Warren Streets was designated in 2001 as the

Watertown Center Historic District. The district encompasses residences, as well as buildings for government business and other institutional uses.

The remainder of Watertown is generally characterized by an aging housing stock, as shown in Table 4-3. Almost 50 percent of the housing stock was built prior to 1959. Structures built between 1990 and 2000 account for 10.5 percent of the total housing stock as of March 2000.

**Table 4-3: Age of Housing Stock**

Year Structure Built	# of Structures	% of Total
1999 to Mar 2000	34	0.4
1995-98	334	4.0
1990-94	509	6.1
1980-89	1,136	13.7
1970-79	1,144	13.8
1960-69	1,115	13.4
1940-59	2,337	28.2
1939 or earlier	1,689	20.4

Source: Connecticut Department of Economic and Community Development

## 4.2 Housing Demand

The bulk of housing demand will be filled by families with children living at home, looking for a single-family house. However, this well-established Watertown market can expect a new component. According to the 2000 Census, 15 percent of households in Watertown are headed by a person who is age 65 or older, remaining generally consistent over the past few decades (18.1 percent of the town-wide total in 1980 and 18.9 in 1990).

Traditionally, elderly residents living in single-family homes have either chosen to remain in their single-family homes, downsize to smaller apartments or condominiums, relocate to smaller units in retirement communities or age restricted developments, or for some, assisted care facilities or convalescent homes. For older residents who opt to downsize, some relocate to warm southern and western climates. However, many choose to remain within their communities to be close to their family.

In addition to the housing demand of existing elderly residents, a new housing market will likely emerge as a baby boom demographic bulge makes its way through the population. Baby Boomers are people who were born between the years 1946 and 1964 and who are now between 41 and 59 years of age. With their children grown and retirement near, aging baby boomers are starting to redefine the housing needs of empty nesters (couples whose dependents have moved out on their own).

This trend has an implication for housing demand. As many of the baby boom generation downsize from large single-family homes, there will likely be an increased demand for apartments, age-restricted communities and condominiums, at which exterior improvements (i.e. painting, snow removal, landscaping, etc.) are provided by the condominium associations. Accessory dwelling units are allowed in all of Watertown's single-family residential districts subject to the receipt of a zoning permit. These accessory units could be housing options for parents who move in with their children. Alternatively, the accessory units could provide housing to caregivers of older residents.

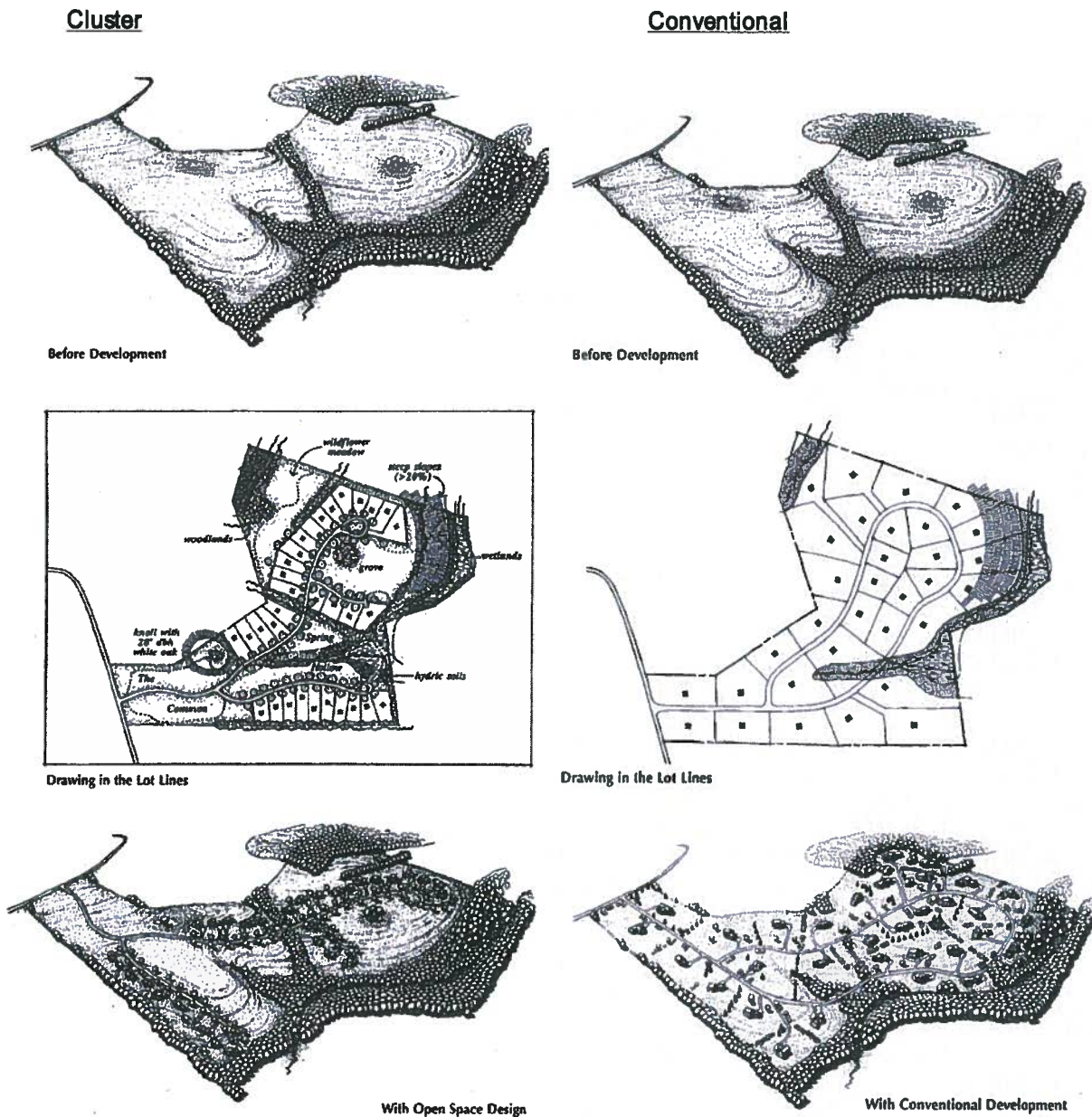
## 4.3 Residential Subdivisions

Watertown's existing subdivision regulations create conventional layouts. These provide each house with relatively the same lot size as envisioned by the zoning district's minimum lot size. All land in the project site is owned privately; there is no commonly-owned land. To preserve open space and protect environmentally sensitive lands (such as wetlands), the town should consider a change to the regulations that would make cluster subdivisions as-of-right and conventional subdivisions a special permit use.

A cluster subdivision is one in which individual single-family units are grouped on lots smaller than the minimum lot size. Standards for siting cluster lots generally include increased setbacks along property boundaries as well as buffers and screening. Undeveloped land in the subdivision is preserved as commonly-owned open space. Typically in a clustered subdivision, a minimum of 30 percent of land is dedicated as open space. Although the houses are located on smaller lots in a cluster subdivision, there is no increase in residential density.

Figure 4-3 (drawings reprinted by permission of Randall Arendt) provides a comparison of cluster or open space development principles and the conventional or standard subdivision design.

Figure 4-3 Cluster and Conventional Subdivisions



#### 4.4 Housing Affordability

In a well-functioning housing market, the relationship between housing demand and supply should reasonably match not only household preferences, but also housing needs and the ability to pay. Housing demand is best defined as a measurement against acceptable standards of housing conditions, such as household occupancy by housing size and physical condition. Ability to pay is largely determined by whether housing costs, associated with household preferences, represent an affordable percentage of household income. The generally accepted definition of affordability is for a household to pay no more than 30 percent of its annual income on housing. Families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care. A gap in the relationship between demand and supply can be considered a housing market deficit or deficiency when demand for housing is greater than the supply.

There is a significant demand in the Connecticut housing market for affordable, entry-level housing. While affordability of home purchases has improved since the 1990 census, it is still difficult for low-income families to afford to own a home in many parts of Connecticut, including Watertown. Watertown is a relatively affordable town with a diversity of housing and housing costs. In general, moderate-income wage earners are able to live, work, and participate in community life. However, while the town is relatively affordable, it has not met the requirements of the state statutes for 10 percent of the total housing stock to be affordable. A total of 4.4% of Watertown's housing stock meets the State's definition of affordability.

Section 8-30g of the Connecticut General Statutes defines affordable housing: Affordable housing units must be affordable to households earning no more than 80 percent of the lesser of the state median income or the local area median income. Affordable housing units are those that (1) 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, and/or (2) includes a forty-year deed restriction that guarantees that the unit will be sold or rented to families who meet income guidelines. These units include Housing Authority apartments, group homes, Section 8 certificates, homes purchased with ChFA mortgages, and those that are deed restricted.

According to COGCNV, in 2003, 4.4 percent of the housing units in Watertown were considered affordable:

Total Housing Stock (2000 Census)	8,298
Government Assisted Housing	209
ChFA Mortgages	159
Deed Restrictions	0
	<u>368 (4.4%)</u>

However, there are a larger number of affordable housing units in the town than the number suggests. Many of the accessory dwelling units to single-family homes described earlier qualify as affordable units under the State Statute. The State Statute classifies accessory units for which no rent is exchanged as affordable. The Commission

recommends there be a census of accessory dwelling units. This will provide a more accurate accounting of affordable housing stock.

*What Constitutes Affordable in Watertown?*

According to the 2000 U.S. Census, the median family income in Watertown is \$59,420. This income level is close to the state's median family income (\$56,273).

The following equation shows the maximum gross income for a family of four to qualify for affordable housing (the income limit is different for larger and smaller households).

$$\$59,420 \text{ (median family income)} \times 80\% = \$47,536 \text{ (income limit)}$$

A qualifying household cannot expend more than 30 percent of its income on household expenses, so the following equation shows the maximum amount a family of four could spend per month on housing costs:

$$\begin{aligned} \$47,536 / 12 \text{ months} &= \$3,961 \text{ monthly income} \\ \$3,961 \times 30\% &= \$1,188 \text{ maximum monthly household costs} \end{aligned}$$

The above maximum housing costs apply to both rental and home ownership. For rental households, monthly costs also include utilities.

The \$1,188/month housing cost translates into a home price between \$151,000 (5% down payment) and \$200,000 (20% down payment), assuming a 6 percent interest rate and the remainder for utilities, taxes and mortgage insurance (See Table 4-4).

**Table 4-4: Estimated Home Sales Price**

Income	\$47,536	\$47,536
Max. Monthly Housing Cost	\$1,188	\$1,188
Mortgage	\$800	\$800
Utilities, Taxes and Insurance	\$388	\$388
5% and 20% Down payment	\$7,550	\$40,000
Maximum Sales Price	\$151,000	\$200,000

\* Median selected homeowner costs for specified housing units.  
Source: U.S. Bureau of the Census, 2000, Summary File 3



As a comparison with other towns in the CNVR, only Waterbury and Naugatuck have a level of affordable housing that meets the 10 percent affordable minimum. Watertown is one of 140 Connecticut towns that do not meet the 10 percent threshold. However, while it has less than 10 percent, Watertown has the fifth highest percentage of assisted housing in the region at 5.4 percent (See Table 4-5).

**Table 4-5: Publicly Assisted Housing in the CNVR by Municipality, 2003**

Town	Number of Housing Units					
	Gov't Assisted	CHFA/FmHa Mortgages	Deed Restricted	Total Assisted	Total Structures	Percent Assisted
Bethlehem	24	2	0	26	1,388	1.9%
Middlebury	79	10	0	89	2,531	3.5%
Thomaston	95	113	0	208	3,014	6.9%
Waterbury	7,866	2,727	0	10,593	46,827	22.6%
Watertown	209	159	0	368	8,298	4.4%
Woodbury	61	18	0	79	3,869	2.0%

Source: State of Connecticut Department of Economic and Community Development, 2003

Table 4-6 shows the number of Watertown residential home sales in different sales brackets in 2003 as compared to the rest of the county and state. Sales prices in Watertown are significantly above the county and state for homes selling between \$100,001 and \$200,000 and moderately above for home sales ranging from \$200,001 to \$300,000. However, sales in Watertown for homes less than \$100,000 are generally consistent with the state, but significantly less than sales throughout the county.

Table 4-7 provides an inventory of single-family and townhouse units listed for sale, as of October 2004. Based on 91 detached single-family homes, the average asking price was \$437,847. Only two single-family properties have an asking price less than \$150,000.

**Table 4-6: Sales Price Distribution (2003)**

		Watertown		County		State	
		#	%	#	%	#	%
Number of Sales	Less than \$100,000	65	14.6	1,091	21.5	12,668	16.7
	\$100,001-\$200,000	212	47.7	1,933	38.1	27,434	36.0
	\$200,001-\$300,000	103	23.2	939	18.5	15,276	20.1
	\$300,001-\$400,000	41	9.3	528	10.4	8,135	10.6
	\$400,001 or More	23	5.2	581	11.5	12,673	16.6
<b>Total</b>		<b>444</b>	<b>100%</b>	<b>5,072</b>	<b>100%</b>	<b>76,186</b>	<b>100%</b>

Source: CEPC Town Profile 2004

Table 4-7: Housing Listed for Sale in Watertown, October 2004

# of Units	Price Range	Average Asking Price	# of Bedrooms	# of Baths
<b><i>Detached Single Family Units for Sale*</i></b>				
2	Under \$150,000	\$139,900	3	1
8	\$150,001 to \$200,000	\$189,288	2-4	1-2
9	\$200,001 to \$250,000	\$225,989	2-5	1-2
21	\$250,001 to \$300,000	\$260,943	3- 6	1-4
14	\$300,001 to \$350,000	\$328,150	3-5	1-3
13	\$350,001 to \$400,000	\$375,007	2-4	2-2.5
7	\$400,001 to \$450,000	\$434,786	3-4	2-3
2	\$450,001 to \$500,000	\$484,000	3-4	3
6	\$500,001 to \$550,000	\$529,633	3-5	2.5-3.5
1	\$550,001 to \$600,000	\$579,900	4	2.5
4	\$600,001 to \$650,000	\$637,325	3-7	2.5-7.5
3	\$650,001 to \$700,000	\$679,633	3-4	2-3.5
1	\$700,000 and over	\$1,600,000	5	4
Average	All Prices	\$437,847		
Median		\$324,900		
<b><i>Attached Condominium Townhouse Units for Sale</i></b>				
2	Under \$100,000	\$97,000	1	1
11	Over \$100,000	\$231,416	1-3	1-3
Average	All Prices	\$210,737		
Median		\$189,900		

\* Includes new construction listings

Source: Multiple listing search, October 2004

According to index figures in the RSMeans Square Foot Cost 1999, the average cost in Connecticut to construct a 2,000-square-foot house on an acre lot was \$172,372 during 1998. This was an increase of 11.36 percent from the average cost recorded for 1993, \$154,806. The most expensive construction component during 1993 was land, accounting for \$54,806 or 35.4 percent of the total. The second most costly element during 1993 was labor, \$31,500 of the total cost. Materials were the third most costly element in 1993, \$30,000. Current estimates of these breakdowns are not available. However, the Homebuilders' Association of Connecticut foresees labor, materials and land costs continuing to rise.

Watertown is included in the Waterbury metropolitan area which is the geographic area the Department of Housing and Urban Development (HUD) uses to determine Fair Market Rents (FMRs). FMRs are the amount needed to pay the gross rent (shelter rent and utilities) of privately-owned, decent and safe rental housing of a modest (non-luxury) nature with suitable amenities. Below is a comparison chart showing the FMRs for the Waterbury metropolitan area for the past five years, beginning in 2001. As shown, since 2001, FMRs have generally increased. Between 2001 and 2004, there was an 11%-12% increase in fair market rental prices for all size units. FMRs generally increase in proportion to increasing housing costs in particular metropolitan areas.

In fiscal year 2005, HUD changed its method for determining FMRs. For the first time, FMRs have been re-benchmarked using 2000 Census rent data and random digit dialing

surveys that were conducted in August 2004. (HUD was originally going to also use new geographic area definitions set by the Office of Management and Budget. However, HUD continued to use the old geographic definitions in the FY2005 FMRs due to a significant number of complaints arguing that the magnitude of changes in many areas would result from the new definitions needed to be examined further before being used.) Even by using the same geographic area as in previous years, the FY2005 FMRs for all unit sizes are less than the FY2003 and FY2004 FMRs (See Table 4-8). The decrease will be more significant for larger units. For instance, the FMR for a studio bedroom apartment will be 7 percent lower than in 2004, but a 4-bedroom will be 24 percent less in 2005 than in 2004. The result of lower FMRs in an area of high rental prices is that vouchers become less valuable. Landlords receiving smaller payments may opt out of providing affordable housing.

**Table 4-8: Fair Market Rents for Existing Housing, Waterbury, CT FMSA (Metropolitan FMR Areas)**

	Studio Bedroom (\$)	1 Bedroom (\$)	2 Bedroom (\$)	3 Bedroom (\$)	4 Bedroom (\$)
2001	467	630	781	973	1,091
2002	490	660	819	1,020	1,144
2003	507	685	849	1,058	1,186
2004	526	711	881	1,098	1,231
2005*	491	640	755	904	937

Source: Department of Housing and Urban Development

\* For the first time, the final FY2005 FMRs have been re-benchmarked using 2000 Census rent data and random digit dialing surveys conducted in August 2004 but use the same geographic area definitions as were used for the FY2004 FMRs.

Table 4-9 shows the median gross rental expenditures in Watertown and the surrounding areas in 2000. At \$646, gross rent in Watertown, which reflects monthly rent and utilities combined, is slightly below the state's median gross rent (\$681). Except for Waterbury that has a median gross rent of \$562, median gross rent in Watertown is below all adjacent towns including Bethlehem (\$983), Middlebury (\$668), Thomaston (\$649) and Woodbury (\$783). Gross rent in Watertown has increased by roughly 15 percent since 1990. Only two towns, Middlebury and Waterbury, experienced decreases over the past decade.

**Table 4-9: Median Gross Rent for Renter Occupied Housing**

Town	Median Monthly Gross Rent		Percent Change
	2000	1990	
Bethlehem	\$983	\$725	35.6%
Middlebury	\$668	\$680	-1.8%
Thomaston	\$649	\$532	22.0%
Waterbury	\$562	\$655	-14.2%
Watertown	\$646	\$562	14.9%
Woodbury	\$783	\$741	5.7%

Source: U.S. Bureau of Census

One way the town could increase its supply of affordable units would be to engage in town-sponsored housing development. In this type of arrangement, a town purchases land for residential construction and then transfers the land to a non-profit group responsible for developing and managing the housing. This arrangement allows the town to receive grants to lower the cost of the land, which in turn, enables the non-profit group to offer units at affordable rents. The town's role is critical to the process since it is less likely that a non-profit organization could secure certain grants on its own.



Plan of Conservation and Development  
Watertown, CT

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Chapter 5.0  
Economic Development

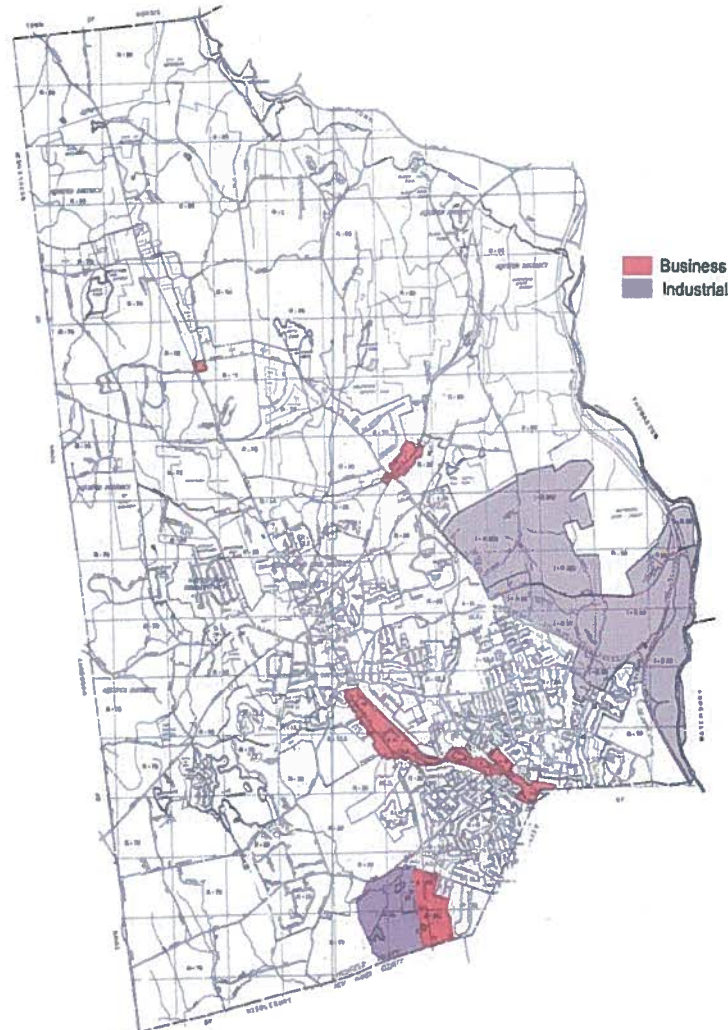
## 5.0 ECONOMIC DEVELOPMENT

The employment and Grand List benefits of non-residential districts and acreage cannot be taken for granted. Watertown recognizes that creating a healthy environment for viable businesses is a critical government function. The town has four districts (approximately 272 acres) zoned for business, including retail, and three districts (approximately 1,605 acres) zoned for industrial use. The industrial land is generally located in the eastern part of town between Buckingham Street and Route 8, north of Route 262 (See Figure 5-1). The backbone of the central business district is Main Street (Routes 63 and 73). Commercial and business uses are predominate along much of the street. The commercial and business uses are retail establishments, professional and business offices, municipal offices and services, restaurants and other service facilities.

While many jobs in Watertown are provided by the private sector, town government has a key role in fostering economic development. Economic development is a municipality's effort to improve the community's well being. The primary goals are to retain and expand existing businesses and attract new ones (including start-ups) that provide jobs, services, products and tax revenues needed to sustain the community's growth. A successful economic development strategy requires that a community understand market forces, is receptive to the needs of current businesses, selects market segments that enhance the community's economic make-up, and works diligently to resolve issues that undermine the community's marketability.

This chapter provides data on Watertown's economic fundamentals including its role in the regional economy and an analysis of how the town can build upon this foundation.

**Figure 5-1: Location of Business and Industrial Zoning Districts**



## 5.1 Regional Economy

The Connecticut economy has undergone a structural shift. The number of service occupations increased significantly, while employment in manufacturing continued to decline from 1990 to 2000. Employment in manufacturing fell by 29 percent from 346,552 in 1990. (Labor market information CDOL Office of Research)

Connecticut experienced an economic slowdown from the late 1990's through the early 2000's. By June 2002, the state had lost an estimated 25,800 jobs, or 1.5 percent of the workforce. Table 5-1 shows the change in the state's employment by industry between 1997 and 2001 and then again between 2001 and 2004.

**Table 5-1: Annual Average Employment by Industry, Connecticut, 1997-2001 and 2002-2004  
NAICS**

Industry Group	1997 Employment	2001 Employment	% Change	Industry Group	2002 NAICS Employment	2004 NAICS Employment (000s)	% Change
Connecticut Total	1,588,675	1,667,104	4.9%	Connecticut Total	1,623,800	1,612,100	-0.8%
Agriculture, Forestry & Fishing	15,590	18,194	16.7%	Agriculture, Forestry & Fishing	NA	NA	NA
Construction & Mining	56,822	66,136	16.4%	Natural Resources, Construction & Mining	64,200	66,500	3.6%
Manufacturing	274,809	253,784	-7.7%	Manufacturing	211,200	197,500	-6.5%
Transportation, Communications & Utilities	73,001	76,493	4.8%	Transportation, Warehousing & Utilities	49,000	49,400	0.8%
Wholesale Trade	82,686	78,470	-5.1%	Wholesale Trade	66,000	65,700	-0.5%
Retail Trade	268,450	280,845	4.6%	Retail Trade	194,200	193,200	-0.5%
Finance, Insurance & Real Estate (FIRE)	129,306	142,752	10.4	Financial Activities	142,600	140,700	-1.3%
Services	471,452	514,851	9.2%	Services	647,300	656,700	1.5%
Government	216,559	235,579	8.8%	Government	249,300	242,400	-2.8%
Other	1,505	1,166	-22.5%	Other	41,100	39,300	-4.4%

Source: Dun and Bradstreet 1997, 2001 & CTDOL Covered Employment statistics for NAICS 2002 & 2004

In 2002, the government adopted a new tabulation system of industries to reflect the changes that have occurred over the course of the past 50 years, primarily in technology. Table 5.1 shows 2002 and 2004 employment on the new NAICS basis as tabulated by the Connecticut Department of Labor. This data is not directly comparable to the 1997 and 2001 datasets, but is included in the same table to show more recent trends in statewide employment.

Between 2002 and 2004, the number of jobs in Connecticut as a whole decreased 0.8 percent. The slight decline was reflected in most of the major industrial categories. Industries which increased employment statewide were Transportation, Warehousing and Utilities (0.8%), Services (1.5%) and Natural Resources, Construction and Mining (3.6%). Industries having the largest losses were Manufacturing, Government and Financial Activities, which declined by 6.5 percent, 2.8 percent and 1.3 percent respectively. The decline in the financial industries may reflect the affects of companies returning to Downtown Manhattan after a period of relocation following the September 11, 2001 disaster, as well as the continuation of downsizing to bolster company earnings.

## 5.2 Local Economy



The Waterbury Region is well-situated to serve both New England and the Northeast markets. Interstate 84 is a major east-west route that provides ready access to both the Boston and New York metropolitan areas. Additionally, Route 8 provides north-south access to I-95 and I-90, and the Massachusetts Turnpike. Watertown's prominence in the regional economy is partly based on its location along these key routes. As a result, the economic and employment base in Watertown is a mix of large and small companies.

### Employment

Table 5-2 shows employment levels by economic sector in the latter part of the 1990s through 2001. Compared to adjacent municipalities, Watertown had the strongest employment level across all industries. With a 22 percent increase in the number of Watertown workers, the town moderately outpaced Woodbury (15%) and significantly outpaced Bethlehem (11%) and Thomaston (4%). Waterbury and Middlebury both saw a decline in total employment, with a decrease of 3 percent and 33 percent, respectively. For the period, Watertown's employment fell in the Agriculture, Construction and Mining industries, but grew in Manufacturing; Wholesale & Retail Trade; Finance, Insurance & Real Estate; and Other Services.

**Table 5-2: Percentage Change in Employment by Industry (1997-2001)**

1997-2001 Percent Change In SIC Employment by Industry									
Town	Total	Agri- culture	Construction & Mining	Manufacturing	Transportation, Communication and Utilities	Wholesale & Retail Trade	Finance, Insurance & Real Estate	Services	Gov't & Public Admin
Bethlehem	11%	30%	-99%	100%	-6%	10%	-27%	12%	30%
Middlebury	- 33%	74%	-7%	-79%	20%	-7%	16%	41%	-3%
Thomaston	4%	58%	-28%	8%	6%	21%	-15%	-26%	213%
Waterbury	-3%	46%	-19%	-14%	-23%	3%	-19%	0%	12%
<b>Watertown</b>	<b>22%</b>	<b>-7%</b>	<b>-17%</b>	<b>17%</b>	<b>-1%</b>	<b>45%</b>	<b>26%</b>	<b>28%</b>	<b>-4%</b>
Woodbury	15%	6%	-4%	8%	48%	13%	4%	32%	-86%

Source: CTDOLE SIC Annual Average Nonfarm Employment



Despite the regional and national downward trend in manufacturing, the Connecticut Department of Labor reported that four of the state's manufacturing sectors had employment concentrations more than 1.5 times their national levels in 2000. These sectors are transportation equipment; measuring, analyzing and controlling instruments; chemicals and allied products; and fabricated metal products (CTDOL, *Information for Workforce Investment Planning*, 2002). Manufacturing companies producing goods in these concentrations are found throughout the Waterbury region. Three are in Watertown: Torrington Co., Demsey Manufacturing Co. and Bristol Babcock, Inc. The consolidation of the Torrington and Temkin manufacturing companies caused a spike in manufacturing growth in 1993 and 1994. Other growth sectors during this time period were Finance, Insurance and Real Estate Trades and Construction.

The state Department of Labor stopped compiling data of town-level employment by industry after 2001. The most recent town-level data collected by its Office of Research are 2002 and 2003 Annual Average employment, showing a decrease in employment from 9,256 jobs in 2002 to 8,969 jobs in 2003. No other data are available.

Although CTDOL no longer provides employment-by-industry data at the municipal level, one can look to the CERC Business Profile to get an idea of how industry employment trends are progressing. However these numbers are not directly comparable to the official Department of Labor totals.<sup>1</sup>

The following profile of Watertown businesses, prepared by CERC in 2001 and 2005, shows that despite growth in the 1990s, the town's manufacturing sector has softened since 2000. As of 2005, the service sector, followed by the trade sector, represented the largest number of firms in the town (36.3% and 20.6%, respectively). The manufacturing sector lost 15 firms and 1,057 employees (21%) from 2001 to 2005. Yet 8.7 percent of total firms and nearly 40 percent of Watertown's jobs remain in the manufacturing sector. Services and Trade are the next strongest in terms of employment, while the Government and Agriculture sectors each employ about 2.5 percent of the total work force.

**Table 5-3: Profile of Watertown Businesses, 2001 & 2005**

Sector	Firms		% of Total		Employment		% of Total	
	2001	2005	2001	2005	2001	2005	2001	2005
Agriculture	34	39	3.5%	3.9%	90	99	0.7%	1.0%
Const. & Mining	172	180	17.5%	18.0%	587	493	4.8%	4.9%
Manufacturing	105	90	10.7%	9.0%	5,047	3,990	41.6%	39.4%
Trans. & Utilities	26	27	2.6%	2.7%	214	254	1.8%	2.5%
Trade	228	212	23.2%	21.5%	2,504	2,378	20.6%	23.5%
Finance, Ins & Real Estate	59	64	6.0%	6.4%	300	307	2.5%	3.0%
Services	353	374	35.8%	37.3%	3,358	2,464	27.6%	24.3%
Government <sup>2</sup>	7	12	0.7%	1.2%	44	141*	0.4%	1.4%
Total	984	998	100.0%	100.0%	12,144	10,126	100.0%	100.0%

Source: CERC Town Profiles, December 2004 and July 2005

<sup>1</sup> A table listing all datasets, sources and years of availability has been included as an appendix for reference.

<sup>2</sup> The government sector is made up of publicly owned establishments. It includes establishments of federal, state and local government agencies that administer, oversee and manage public programs and have executive, legislative or judicial authority over other institutions in a given area. These agencies also set policy, create laws, adjudicate civil and criminal legal cases and provide for public safety and national defense. Establishments such as public schools and public hospitals also are included in government. Prior to 2001, fire, police and school employees were considered service workers.

Table 5-4 shows the top five private-sector employers for 1997 and 2004. In 1997, the list included a variety of business types, with Simon Company, a manufacturing company, at the top of the list. In 2004, Simon was the only employer to remain on the list, although it fell in rank to number three. By 2004 the employers with the largest number of employees were primarily in the manufacturing sector.

**Table 5-4: Major Employers in Watertown (Private Sector)**

Top 5 Major Employers		
1997		
Employer	Business Type	
The Simon Company	Manufacturing	
Taft School	Private School	
County Line Buick/Nissan	Car Dealership	
Waterbury Extended Care Facility	Health Care	
Osram Sylvania Products, Inc.	Electronic Components	
2004 (Feb)		
Employer	Business Type	Approx. # of Employees
Timken Company	Manufacturing	700
Itt VEAM LLC	Manufacturing	485
Simon Company	Manufacturing	470
Bristol Babcock Company	Instrumentation Devices	300
Eyelematic Manufacturing	Manufacturing (Metal Stamping)	275

Source: CEFC Town Profiles, 2004; Town of Watertown

As a comparison to private-sector employment numbers, municipal employment in Watertown for 2003 to 2004 was 613 people, comprised of 131 general government employees and 482 Board of Education employees. The number of general government employees has remained consistent since 1999. Over the five-year period since 1999, the Board of Education has added 31 employees.

### Labor Force

Watertown's resident labor force increased by 0.9 percent from 1990 to 2000 according to the respective Census reports. In 1990, the labor force was 12,191, whereas in 2000, it was 12,309. A total of 118 people were added to the workforce within the 10-year period. Watertown's highest unemployment rate was in 1992 when it reached almost 8.5 percent<sup>3</sup>. Table 5-5 compares the labor force statistics for the years 2000, 2003 and 2005 for Watertown, Litchfield County and the State of Connecticut with post-Census estimates having been prepared by the Connecticut Economic Research Council (CEFC).

In 2000, Watertown's unemployment rate was slightly higher than the county, but below the State's. By 2003, Watertown's unemployment rate slightly surpassed both the county (5.1%) and the state (5.5%), but was comparable at 5.7 percent. Although 2005 county data were

<sup>3</sup> A person who is able and willing to work yet is unable to find a paying job is considered unemployed. The unemployment rate is the number of unemployed workers divided by the total civilian labor force, which includes both the unemployed and those with jobs (all those willing and able to work for pay).

not available, it is of interest to note that the respective unemployment rates dropped to 4.7 percent and 4.9 percent for Watertown and the State.

**Table 5-5: Labor Force Statistics, Town, County and State, 2000, 2003 & 2005**

	2000			2003			2005		
	Town	County	State	Town	County	State	Town	County	State
Labor Force	12,309	100,916	1,746,503	12,151	101,762	1,803,119	12,274	NA	1,810,800
Employed	12,075	99,053	1,707,150	11,453	96,611	1,703,962	11,694	NA	1,721,600
Unemployed	234	1,863	39,353	698	5,151	99,157	580	NA	89,200
Unemployment Rate	1.9%	1.8%	2.3%	5.7%	5.1%	5.5%	4.7%	NA	4.9%

Source: Town Profiles June 2002, Town Profiles July 2005, CTDOL

Detailed occupation data for Watertown residents is available only from the decennial censuses. Table 5-6 shows the change in occupations of residents from 1990 to 2000. There was a significant increase in the number working in managerial and professional positions as well as service jobs. However, by 2000, there was a decrease in the number of residents working in technical and sales positions, farming, and precision crafts.

**Table 5-6: Occupations of Watertown Residents, 1990 and 2000**

Occupation	1990	2000	% Change
Managerial and professional specialty occupations	3,229	4,022	24.6%
Executive, administrative, and managerial occupations			
Professional specialty occupations			
Technical, sales, and administrative support occupations	3,192	2,678	-16.1%
Technicians and related support occupations			
Sales occupations			
Administrative support occupations, including clerical			
Service occupations	1,362	1,859	36.5%
Private household occupations			
Protective service occupations			
Service occupations, except protective and household			
Farming, forestry, and fishing occupations	74	10	-86.5%
Precision production, craft, and repair occupations	1,566	1,168	-25.4%
Operators, fabricators, and laborers	1,655	1,601	-3.3%
Machine operators, assemblers, and inspectors			
Transportation and material moving occupations			
Handlers, equipment cleaners, helpers, and laborers			

Source: U.S. Census, 2000

Table 5-7 shows the work location of Watertown residents, based on 1990 and 2000 Census data.

Table 5-7: Work Location of Watertown Residents

Town Profile Data			
Commuters Into Town			
	1990	2000	% change
Into Town From:		Into Town From:	
Watertown	3367	Watertown	3072 -8.8%
Waterbury	2375	Waterbury	2604 9.6%
Naugatuck	502	Naugatuck	508 1.2%
Wolcott	247	Wolcott	157 -36.4%
Thomaston	236	Thomaston	432 83.1%
Torrington	184	Torrington	422 129.3%
Woodbury	243	Plymouth	176 -
Middlebury	141	Litchfield	169 -
Prospect	129	Bristol	164 -
Total	7424	Total	7704 3.8%
Commuting Out Of Town			
Commuting To:		Commuting To:	
Watertown	3367	Watertown	3072 -8.8%
Waterbury	3023	Waterbury	2385 -21.1%
Southbury	315	Southbury	396 25.7%
Cheshire	251	Cheshire	375 49.4%
Middlebury	206	Middlebury	367 78.2%
Thomaston	344	Thomaston	205 -40.4%
Naugatuck	380	Torrington	316 -
Wolcott	182	New Haven	302 -
Hartford	165	Danbury	234 -
Total	8233	Total	7652 -7.1%

Source: U.S. Census, 2000

### 5.3 Existing Economic Policies

The primary economic development policy in the 2007 plan is to retain and expand existing businesses and industries while attracting new businesses and industries to suitable locations in order to expand the tax base and increase employment opportunities in Watertown. The Town should continue to give priority to businesses and industries that: (a) provide a higher tax base and a higher number of job opportunities, (b) help support existing local business and industries, and (c) buffer local employment and Watertown's Grand List from negative affects of cyclical regional, State, and national trends by diversifying employment opportunities.

Commercial and industrial land should be protected from residential encroachment. This provision against residential development should remain a policy regardless of what future development occurs within the industrial-zoned areas. Residential and industrial uses are not compatible with each other. Residents become automatic opponents of industrial activities which, by their nature, conflict with residential living. To ensure that

there is an opportunity for existing businesses to expand and for new businesses to (re)locate in Watertown, the business and industrial zones should be protected.

While residential uses should not be allowed in industrial areas, other non-residential uses may be allowed in an effort to strengthen the town’s economic base. The industrial sector has continued to decline nationwide; however, compared with towns in the region, Watertown’s industrial base is relatively strong. Therefore, the town should promote the industrial areas as locations for industrial uses but also consider additional businesses that will increase the town’s economic vitality without undermining the operations of established and future industrial uses in the area.

### 5.4 Industrial Areas

As shown in Table 5-8, there is not a large amount of land available to support new businesses within the town’s existing business districts (an estimated 0.08 percent of the total land in the business-zoned areas). However, there remains a significant amount of land in the industrial-zoned areas.

A proportion of the undeveloped industrial-zoned land is located in the industrial area bordered by Route 262, where there is approximately 75 to 100 acres of potential buildable land.

**Table 5-8: Business and Industrial Development Potential**

Zone	Acres Not Developed	Acres Not Developed Minus 25%	Potential Development
B-G	4	3	65,340 sf
B-SC	12	9	156,816 sf
B-L	15	11	191,664
<b>Total Business</b>	<b>31 acres</b>	<b>23 acres</b>	<b>413,820 Potential Business Square Feet</b>
I-R80	344	258	5,619,240 sf
I-R200	149	112	1,951,488 sf
IG-80	143	107	2,330,460 sf
<b>Total Industrial</b>	<b>636 acres</b>	<b>477 acres</b>	<b>9,901,188 Potential Industrial Square Feet</b>

While the industrial base of these zones should be preserved, there are likely to be development pressures that would lead to a diversification of uses within the existing zoning district. Offices, occupational uses, hotels and restaurants are currently permitted in these zones.

The following are additional uses that may be appropriate in the industrial area that would not conflict with the existing industrial base:

1. **Retail Use**

It is suggested that retail use may be appropriate pending clearer definition by the study described in Section 5.7. These uses would provide daily services to the workers in the industrial businesses and offices and may provide access to goods and services for all residents of Town

## 2. Recreational Use

Recreational uses, such as indoor tennis courts, ice rinks, and health clubs, etc., could be allowed in the industrial zones. Because these uses typically have different peak hours than industrial users, there should be no conflict with industrial operations, such as truck deliveries.

## 3. Office Use

Research and development offices are currently allowed in the industrial zone. However, medical and other types of offices are not. A greater array of office types could be permitted, as appropriate. Vehicular trips generated from such offices should not be in conflict with industrial operations.

## 4. Child Day Care Facility

Child-day-care facilities are currently permitted in industrial zones by special permit and with site plan approval. Day-care facilities do not place development pressure on the existing industrial uses and can be beneficial to parents employed in the industrial area.

## 5. Self Storage

Self-storage facilities do not generate a significant amount of taxes and do not employ a large number of workers. However, self-storage facilities could be allowed in industrial zones by special permit only as an adaptive reuse of an existing vacant building. This would help restore and renovate buildings that may otherwise remain vacant and eventually deteriorate due to lack of use. It could also ensure that self-storage facilities are located within structures that preserve the visual character of the town. A maximum square footage of self-storage facilities within the zone should be determined to guide the Commission in its application reviews

**Industrial Area Site Constraints** In addition to economic and market conditions, much of the undeveloped land in the IR-200, IR-80 and IG-80 is due to various physical constraints: (1) the lack of public water and sewer connections (2) steep slopes and other topographical conditions, and (3) brownfields, which are defined as older industrial sites and buildings with environmental problems. All of these constraints increase the site development costs as well as increase construction schedules associated with locating a business in these areas.

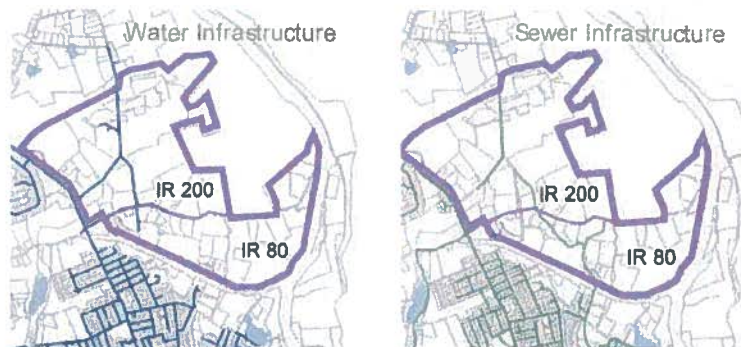
### *(1) Lack of Public Water and Sewer Connections*

There are currently no water and sewer connections to the vacant land in the industrial area, north of Route 262 (See Figure 5-2). Because there are three pressure drops in the industrial area, running water to the vacant land is complicated. The nearest water trunk line is located approximately 1,200 feet west of the vacant land. The Water and Sewer Authority estimates that extension of the water lines would cost approximately \$50 per linear foot. This estimate covers the costs of physically digging the trenches and laying the pipes, factoring in the additional expenses associated with the high incidence of ledge in the area. Using this estimate, for the 1,200 linear feet needed to extend the water lines, hard costs would be an estimated \$60,000. Adding in soft costs, extending the water lines would cost an estimated \$85,000 to \$100,000 for the pipes. However, in addition to the pipes, the industrial area would require a storage tank. The tank would be required for pressure reduction and would need to be situated at an elevation of approximately 70

feet. The cost of the tank would be around \$750,000. It would hold one million gallons and could be used for the entire southern part of town. The Water and Sewer Authority and Town Council should consider improvements to water and sewer services in the CT Route 262 industrial area.

The sewer line nearest to the vacant land in the industrial area runs along Turkey Brook. There is sufficient capacity in the existing sewer trunk line to service all potential development in the Turkey Brook area. Currently, the town does not have a sewer plan addressing infrastructure improvements that would be necessary to support additional development in all areas of town. The existing sewer plans in Watertown pertain specifically to the Turkey Brook and Steel Brook drainage basins. The CT Route 262 industrial area is located outside the drainage basins of both brooks.

**Figure 5-2: Industrial Area Water and Sewer Infrastructure**



While the cost of extending the water and sewer lines is not an insurmountable roadblock to development, it may be unlikely that an industrial business would need to be able to shoulder the expense required to locate in the industrial area. It is likely that only major commercial or retail businesses, which demand higher returns on investment, can fund the necessary infrastructure improvements.

The state has proposed the development of a regional bus depot near the intersection of Route 262 and Route 8. If the project moves forward, the extension would include a 12-inch water main in Echo Lake Road from the end of the existing main near Anco Tool and Carby Corp. to the proposed bus terminal, requiring two pump stations, one of which would probably be along Route 262. It is likely that the state would provide economic assistance by covering the cost of extending the infrastructure, thereby lessening costs to the town or potential developers.

*(2) Steep Slopes/Topographical Conditions*

Without significant and costly site work, topographical constraints, including rock outcroppings and steep slopes, will largely limit the amount of buildable land and dictate the siting, size and design of new buildings. Slopes are particularly steep in the IR-80 and IR-200 zones, located on the southern third of the industrial area, just north of Route 262. Although this area has significant site constraints, it represents an attractive development area due to its convenient access to Route 8 and the regional expressway system.

*(3) Brownfields*

There remains a perception, especially among many of the real estate developers and brokers in the region, that the cost of cleaning up old manufacturing sites is prohibitive. In recent years, several state and federal programs have been established to assist

communities with this type of clean-up. In 1992, the State of Connecticut developed the Urban Sites Remedial Action Program to conduct environmental reviews and clean up sites for industrial redevelopment. A \$25 million bond fund to support brownfield redevelopment was passed in 1993. Urban sites with "economic development potential" are eligible for state funding. The Naugatuck Valley Project has worked to promote the clean-up and redevelopment of the region's brownfields, including the Sealy Mattress Factory in the Oakville section of Watertown.

## **5.5 Straits Turnpike and Central Business Districts**

Straits Turnpike is a gateway into Watertown. In the 1980s, this area had many car dealerships and was zoned industrial. Following the 1992 plan, this area was rezoned to a Business Shopping Center (B-SC) District. Then in 1997, the Planning and Zoning Commission eliminated car dealerships as a permitted use within the B-SC Zone anticipating that other types of retail businesses would be encouraged to locate on this section of Straits Turnpike. Improvements to Straits Turnpike, including sidewalks, were completed in 2000. If future retail development were to be located where all the existing car dealerships are located, it would possibly negate the improvements to Straits Turnpike.

In 2005, car dealerships were allowed in the B-SC Zone by special permit. This will enable the town to control the visual character of the roadway and allow car dealerships to expand their facilities. Improvements to the visual character can be achieved in the permitting process by requiring the car dealerships to provide screening and appropriate lighting and signage.

An Access Management Plan for Straits Turnpike should be considered in anticipation of future development along the corridor. A plan would control multiple access points along Straits Turnpike by providing incentives to commercial properties to share driveways. This would reduce potential adverse traffic impacts from new developments and improve existing traffic operations.

In addition to the fact that there is only a limited amount of unused land in the business districts, an obstacle to increasing the amount of business is a lack of parking, particularly in the Central Business District. Many merchants do not have sufficient parking for their customers. New developments would create an even larger parking deficiency. The town should continue to encourage shared parking, where appropriate, and incorporate parking into the access management plan.

## **5.6 Education and Training**

According to the COGCNV, there appears to be a mismatch between available job opportunities and the interests of the region's residents. While it is one of the region's strongest sectors, the labor force in the CNVR appears to have a negative view of the manufacturing industry. Many believe that positions in manufacturing are not well paid



and involve undesirable working conditions, and security of jobs are at risk due to more favorable manufacturing market conditions outside Connecticut.

The region is facing a shortage of highly skilled workers because it is not attracting a portion of the workforce. Compared with the state of Connecticut, the CNVR region has a smaller proportion of highly educated residents. A lower percentage of the region's population over the age of 25 has a bachelor's degree (or higher) than in the state: 21.5 percent in CNVR compared to 27.2 percent in Connecticut. Several companies need to go outside of the region to recruit highly technical workers.

As described in the Mt. Auburn Associates report prepared for the COGCNV, many surveyed employers perceive that the region's workforce for entry-level jobs is deficient in basic skills. Survey results provide evidence that employers are facing increasing challenges in finding and keeping qualified employees. Employers believe that the secondary schools do not adequately prepare students for local entry-level jobs.

According to the 2000 U.S. Census, Watertown's workforce provides the town with a competitive advantage. Of the population 25 years of age and older, 34.4 percent have an associate's or bachelor's degree or higher, compared to 21.5 percent in the CNVR. The number of residents with college degrees is larger than the 31.6 percent of residents with only a high school education. However, 16.3 percent of the work force 25 years of age and older do not have high school diplomas.

Watertown's manufacturing businesses could benefit from the resources provided by The Connecticut State Technology Extension Program (CONNSTEP). CONNSTEP was established in 1994, with direct support from the Connecticut Department of Economic and Community Development (DECD), and now implements the state's Manufacturing Resource Center (MRC). The MRC provides the state's smaller manufacturers with the training they need to upgrade their operations and their workers' skills, in order to make their businesses more competitive.

## 5.7 Economic Development Strategy

Watertown is served at the regional level by the COGCNV and by the Watertown-Oakville Chamber of Commerce, a division of the Waterbury Regional Chamber. The Regional Chamber serves approximately 1,000 members in Waterbury, Watertown-Oakville, Bethlehem, Thomaston, Woodbury, Middlebury, Southbury, Oxford, Beacon Falls, Naugatuck, Wolcott, Prospect and Cheshire. The interrelationship of the Watertown-Oakville Chamber with the Regional Chamber provides the benefit of maintaining a local focus while enabling members to expand their business-relationships throughout the Greater Waterbury Region.

At the local level, the town has an economic development commission, comprised of seven members appointed by the Town Council. The town has recently hired a part-time economic development coordinator to assist promoting business development and guiding business owners through the permitting process, and assist with retaining

businesses in Watertown. This position is under the jurisdiction of the Town Manager and Economic Development Commission.

While the town's industrial base is relatively strong compared to the region, it is not likely to grow significantly enough in the short term to occupy the existing vacant land in the industrial area north of CT Route 262 at U.S. Route 8. The Commission recognizes the development potential of the area due to the size of available land and proximity to U.S. Route 8. Therefore, the Commission has indicated on the Future Land Use Plan (See Chapter 10) that this area may be appropriate as a planned commercial area.

Development of this land will have significant consequences on the future character of the town and quality of life for its residents. It is therefore in the town's best interest to undertake a special economic development study that would guide the pace and pattern of commercial growth. The study would likely have three components: real estate, planning and engineering. These three areas of study would provide valuable information relating to: (1) development strategies (use, size of buildings, access, etc.) that would not undermine existing businesses (2) potential development constraints associated with brownfields and topographical conditions, such as steep slopes and rock outcroppings (3) water and sewer extension improvements and costs (4) available financing resources, and (5) marketing strategies.

While this Plan recognizes that the appropriateness of rezoning a portion of the existing industrial area should be considered, any rezoning should be subsequent to the findings of the economic development study and may await an application from a developer. This study may be initiated by the Commission or the study may be initiated by an applicant and done under direction of the Commission



Plan of Conservation and Development  
Watertown, CT

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**Chapter 6.0**  
**Transportation**

## 6.0 TRANSPORTATION

A transportation network is comprised of several different components that complement each other. Watertown's transportation network is comprised of highways, streets, public transit, bicycle paths and sidewalks. However, as in most Connecticut towns outside the central cities, the prevalent mode of travel is the single-occupant private motor vehicle. This chapter examines the functioning of the transportation network.

### 6.1 Streets and Highways

The road network in Watertown is a hierarchy of roads, streets, and highways, each serving a different function. There are two sets of definitions, as categorized in the Connecticut Highway Functional Classification System, including one set for urban and one for rural areas. Watertown classifies roadways according to the rural system, which includes principal arterials, minor arterials, major and minor collectors and local streets. A description of each roadway classification is provided below:

**Principal Arterials:** provide corridor movement with trip length and density suitable for substantial statewide or interstate travel.

**Minor Arterials:** provide linkages between cities, towns and other traffic generators that are capable of attracting travel over longer distances.

**Major and Minor Collector Streets:** provide for traffic movement between neighborhoods and collect traffic from local roads. They create the connecting links in the street network. Vehicles are carried from local streets via collectors to principal and minor arterials.

**Local Streets:** provide direct access to properties located along them. The rural local street network primarily provides access to land adjacent to the collector network and serves travel over relatively short distances. All streets in Watertown not classified as collectors or arterials are considered local streets.

#### Proposed Roadway Classifications

In the 1965 and 1992 Plans all roads were designated in one of four categories using the functional classification hierarchy described above. Existing road classifications are shown in Figure 6-1. In this Plan, roads are classified differently as described below:

- **Principal Arterials (Limited Access Expressways)** – provide inter- and intra-state service without access to adjacent properties. Town roads classified as Limited Access Expressways are:
  - Route 8
  - State Route 262 (Partial) (Principal or Minor)
- **Minor Arterial Roadways (Major Streets)** – provide service through the town but allow access to individual properties. Town roads classified as major streets are:

- CT Route 63 (Litchfield Road, Main Street in Watertown Center and Straits Turnpike)
  - U.S. Route 6 (Woodbury Road, DeForest Street, Cutler Street and Thomaston Road)
  - State Route 855 (Buckingham Street)
  - CT Route 73 (Main Street in Oakville)
  - Echo Lake Road
  - Bunker Hill Road (Straits Turnpike to Waterbury Line)
- Major/Minor Collector Roads (Secondary Streets) – provide options for alternative traffic movement and serve as connectors between arterials. Town roads classified as secondary streets are:
- Major
    - CT Route 132 (Old Watertown Road and Judd Farm Road)
    - Hamilton Avenue
    - West Road
    - Falls Avenue
    - Sylvan Lake Road between Buckingham Street (CT Route 262) and Frost Bridge Road
    - Woodvine Avenue
    - Frost Bridge Road
    - French Street
    - Davis Street
    - Colonial Street
    - Bunker Hill Road (Straits Turnpike to Sperry Road)
    - Sunnyside Avenue
    - Guernseytown Road
    - Middlebury Road
    - Quassapaug Road
  - Minor
    - Platt Road (between CT Route 132 and Skilton Road)
    - Riverside Street
    - Candee Hill Road
    - Bunker Hill Road from Straits Turnpike (CT Route 63) to Quassapaug Road
    - Sperry Road
    - Lake Winnemaug Road between Middlebury Road and Sperry Road

Figure 6-2 indicates the location and size of recent or planned developments in Watertown. This provides a location indicator for population growth and shows where the function of the area roadways may need to be modified within the framework of the town's existing circulation system. A large number of proposed and approved housing units are occurring on the west side of town. It would be appropriate to reclassify Old Baird Road and Artillery Road (east of Hamilton Avenue) as collector roads once they are complete.

Figure 6-1: Existing Road Classifications

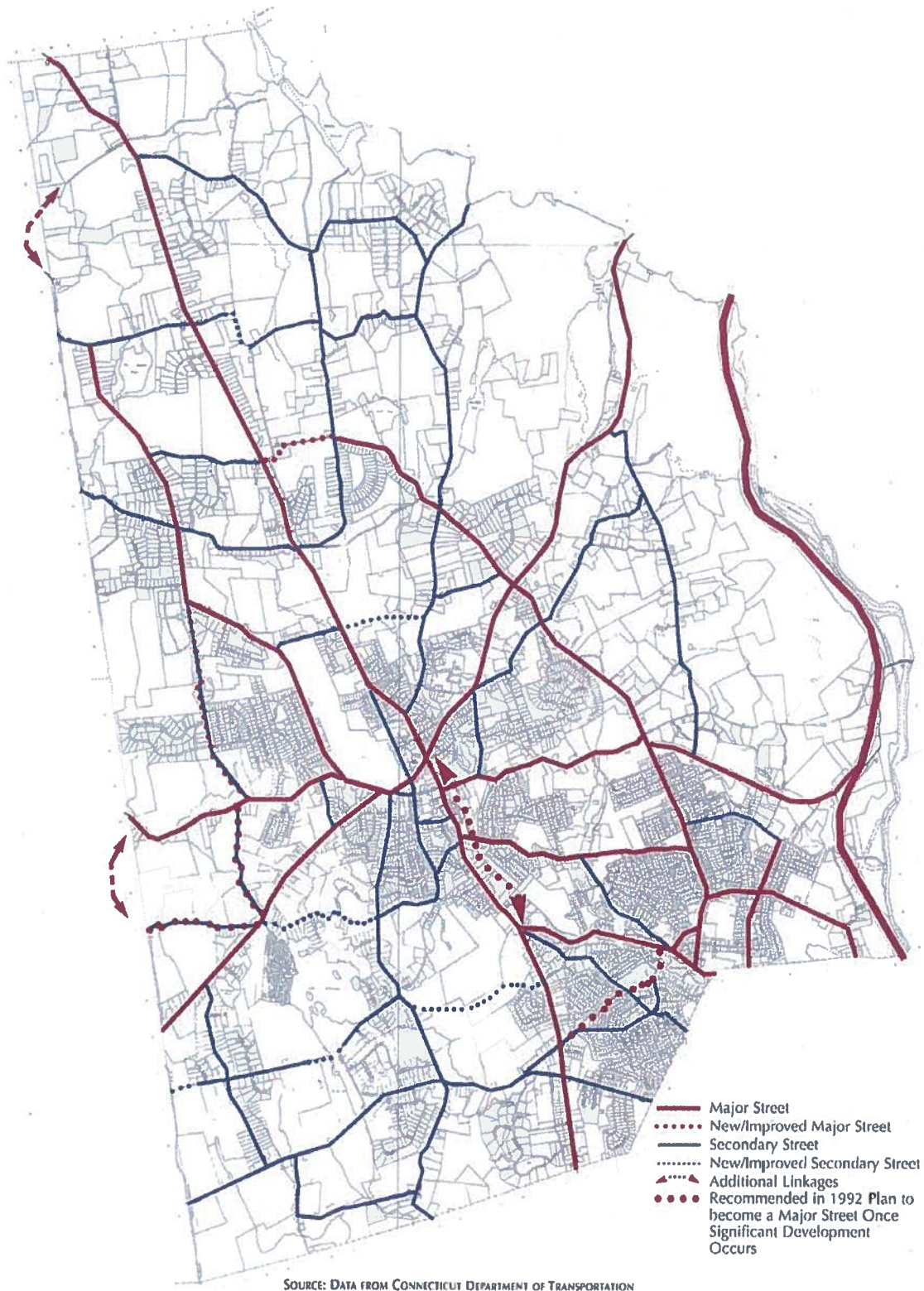


Figure 6-2: New Residential Development & New Road Classifications, 2007

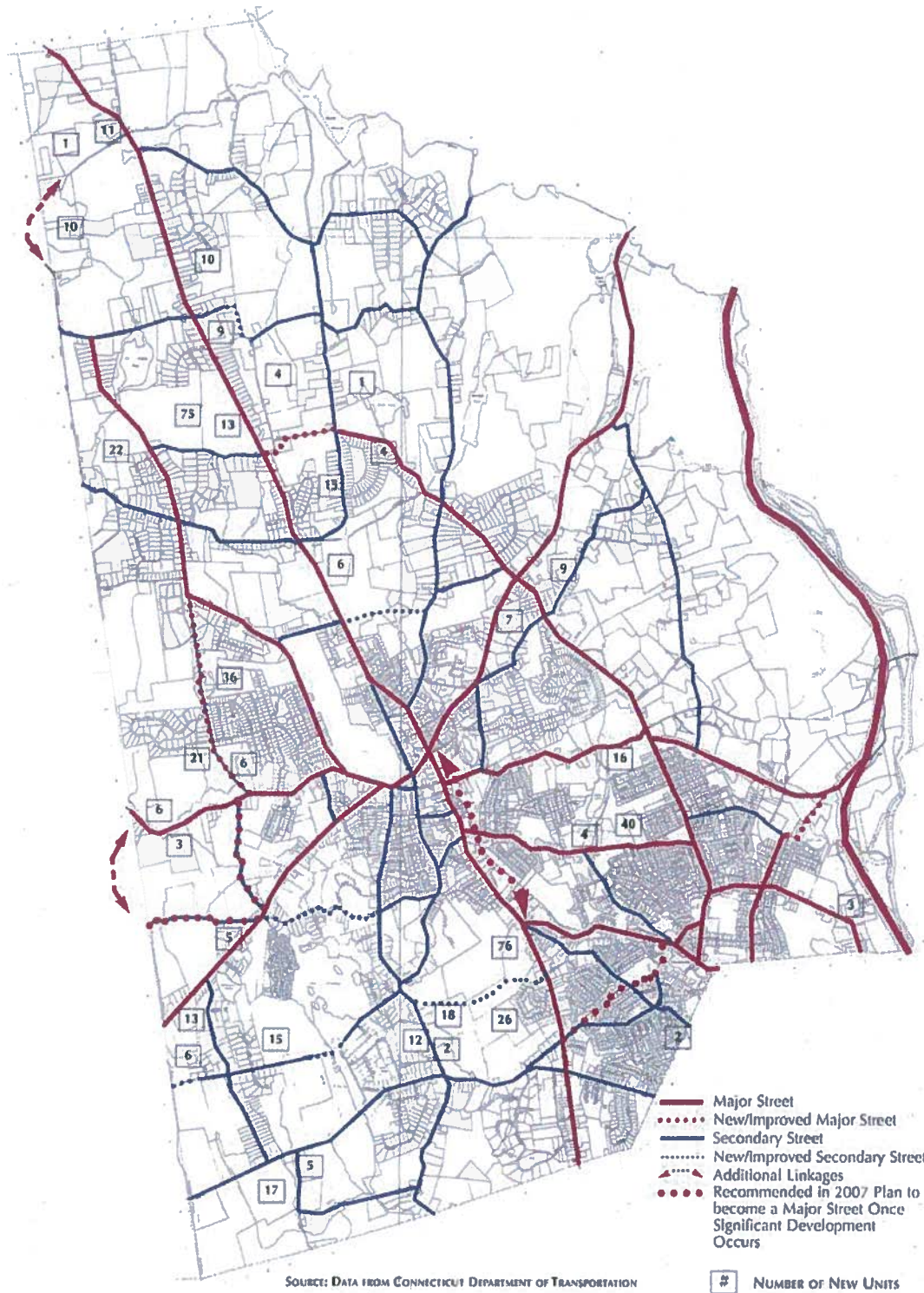
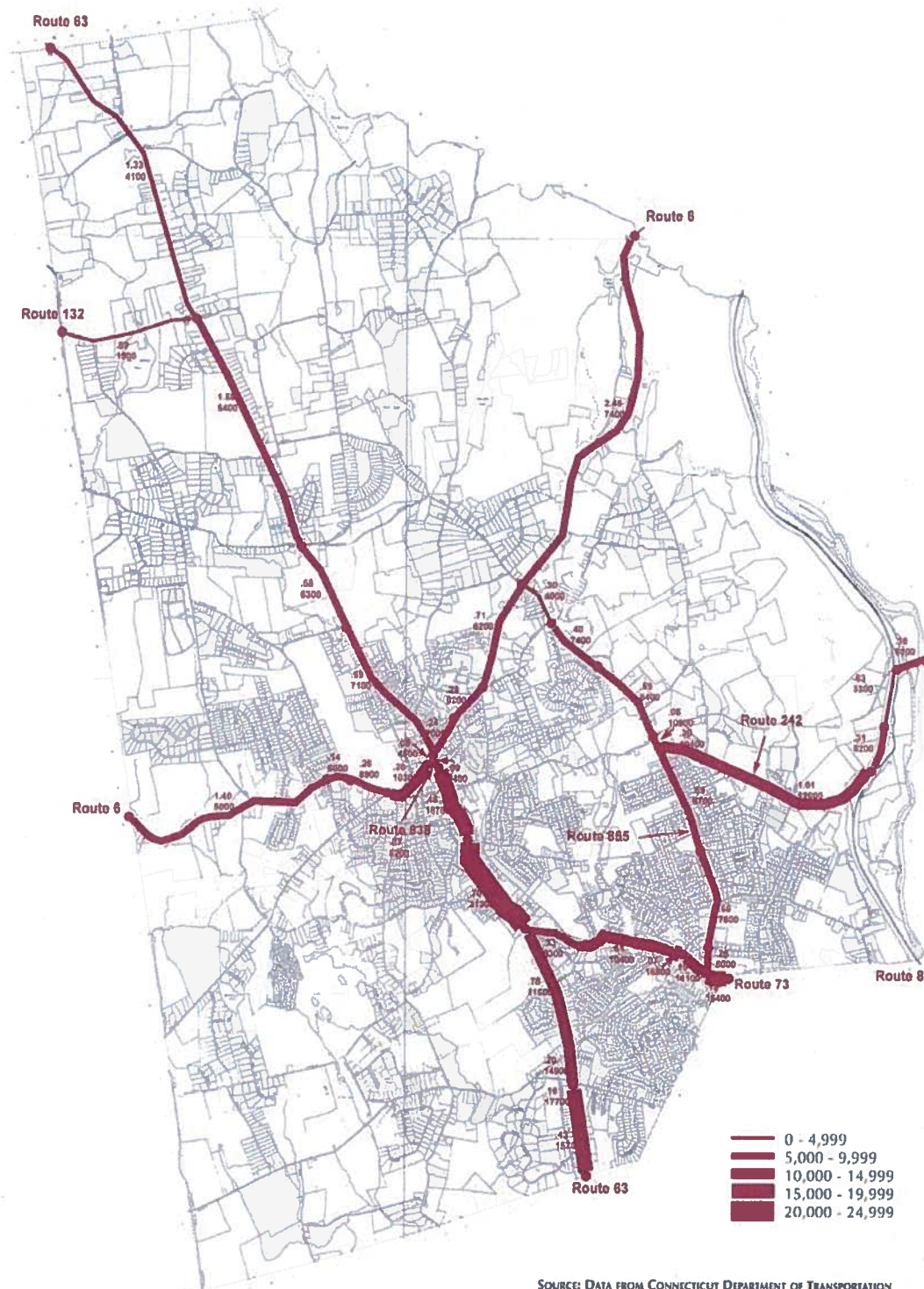


Figure 6-3: Average Daily Traffic, 2003





## Road Design Standards

The Plan of Development establishes criteria for the classification of the various roadways, including standards for residential, collector and arterial streets. The standards are reflected in subdivision regulations for new construction. The 2007 plan recommends residential streets should have a 50-foot right-of-way with 30-foot-wide pavement and industrial streets should have a 60-foot-wide right-of-way with 40-foot pavement. During the subdivision review process the town should continue to allow a waivable pavement width, where appropriate. For example, in the more rural areas of town including the R-70 and R-90 districts, the town should continue to allow a waivable 50-foot right-of-way which would be consistent with the current planning standard of 24 to 26-foot pavement widths on residential streets and 28-foot pavement widths in higher density areas. In industrial areas, where on-street parking is not needed, the town could allow 32-foot pavement widths (16-foot lanes).

## Vehicular Circulation

East-west connections remain important elements of the local transportation network, particularly in the western areas of town. Such connections facilitate cross-town travel, encouraging vehicular travel on roads outside the center of town where traffic levels are highest. As recommended in the 1992 plan, Killorin Road has been extended to Guernseytown Road. The plan recommended Hollow Road become a connection between Guernseytown and Litchfield Roads as the area became more intensively developed. Given the number of new units proposed in the northwest section of town, it is appropriate for the town to provide this connection. Discouraging cul-de-sacs within residential subdivisions will further enhance connectivity of the local street network by providing drivers with route options in addition to arterial roadways.

## 6.2 Accident Data

ConnDOT compiles accident data on an ongoing basis for all state-owned roadways, based on police accident reports, to identify sites for further surveillance. Those intersections or road segments that have 15 accidents or more over a three-year period and have an actual accident rate greater than a statistically derived improbable accident rate are considered high-accident locations or "critical," meaning that these areas have a higher frequency of accidents than would be expected for that type of roadway. ConnDOT publishes critical locations in an annual report known as the Suggested List of Safety Surveillance Sites (SLOSSS). Between 1998 and 2000, the SLOSSS report indicated eight critical locations in Watertown (See Table 6-1). On local roads, police reports indicate few injury-related accidents in Watertown between 2000 and 2002. The locations with the highest number of accidents occurred at the intersections of Colonial Street and Davis Street (five accidents) and at Depot Street and French Street (four accidents).

**Table 6-1: Accidents on State Roads, 1998-2000**

Accident Location	Number of Accidents
Route 73 (btw Buckingham Street and Eastern Avenue)	51
Route 73 (btw Hillside Avenue and Buckingham Street)	43
Route 73 (at Rockdale Avenue)	16
Route 63 (btw State Street and Bunker Hill Road)	50
Route 63 (btw Knight Street and Belden Street)	31
Route 63 (btw Pythian Avenue and Depot Street)	25
Route 63 (btw Depot Street and Echo Lake Road)	19
Route 838 (at Main Street)	19

Source: ConnDOT, Suggested List of Surveillance Study Sites (SLOSS), 2001

### 6.3 Traffic Volumes

Analyzing the existing traffic conditions on Watertown's major arterials helps determine where capital improvements are needed. The general unit of measurement for traffic on a road is the annual average daily traffic (AADT), which is defined by the Connecticut Department of Transportation (ConnDOT) as an estimate of the number of vehicles passing through the defined section of highway on an average day for both directions of travel combined. ConnDOT continually gathers traffic volume data for State and interstate highways. Figure 6-3 illustrates traffic volumes on the state roads in Watertown in 2003. As shown, the greatest traffic volume is on State Route 63/Main Street, with the highest traffic volumes for the section between French Street and the intersection of State Route 63/Straits Turnpike and State Route 73. Route 63 is the major north-south arterial street providing access to Watertown's local business district.

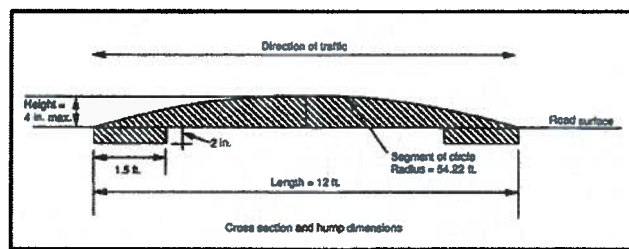
High traffic volumes on Main Street can be alleviated to some degree by better east-west connections in areas of town. Vehicles would be able to access east and west sections of town without necessarily having to use Main Street.

### 6.4 Traffic Calming

Generally, the purpose of traffic calming is to reduce the negative impacts of traffic intrusion into residential neighborhoods or other areas with relatively dense pedestrian activity. Traffic calming strategies involve reducing traffic speeds or limiting the degree of vehicular freedom in a neighborhood, without prohibiting traffic altogether.

Throughout the United States, traffic volumes and speeds are increasing, particularly on local streets. This is largely due to drivers looking for short cuts to avoid congested regional roads and arterials. Often, this results in drivers traveling through residential neighborhoods at relatively high speeds. Since local roads may be designed to be wide, straight and seemingly underutilized, as compared to arterial roads, drivers are tempted to accelerate and drive at 35-40 mph rather than at the 25-30 posted speed limits. This has an impact on the quality of life within the neighborhoods in terms of increases in noise and pollution levels, accident rates and hindrances to the mobility of local drivers.

Figure 6-4: Speed Hump Cross Section



Any traffic calming device should be reviewed and approved by the Police Commission in consultation with the Planning and Zoning Commission, and the Department of Public Works on a case by case basis. Among the various traffic calming devices the Watertown Police Commission may favorably consider speed humps in selected Watertown neighborhoods.

## 6.5 Route 63 / Main Street Bypass Route

A significant part of the 1992 plan includes information from the report titled "Connecticut Route 63/Main Street Corridor Traffic and Land Use Study" prepared by Wilbur Smith Associates (May 1991). The purpose of the study was to determine existing traffic-related deficiencies and anticipated traffic impacts of projected land development along Route 63 (Main Street) from the intersection of Route 73 north to U.S. Route 6.

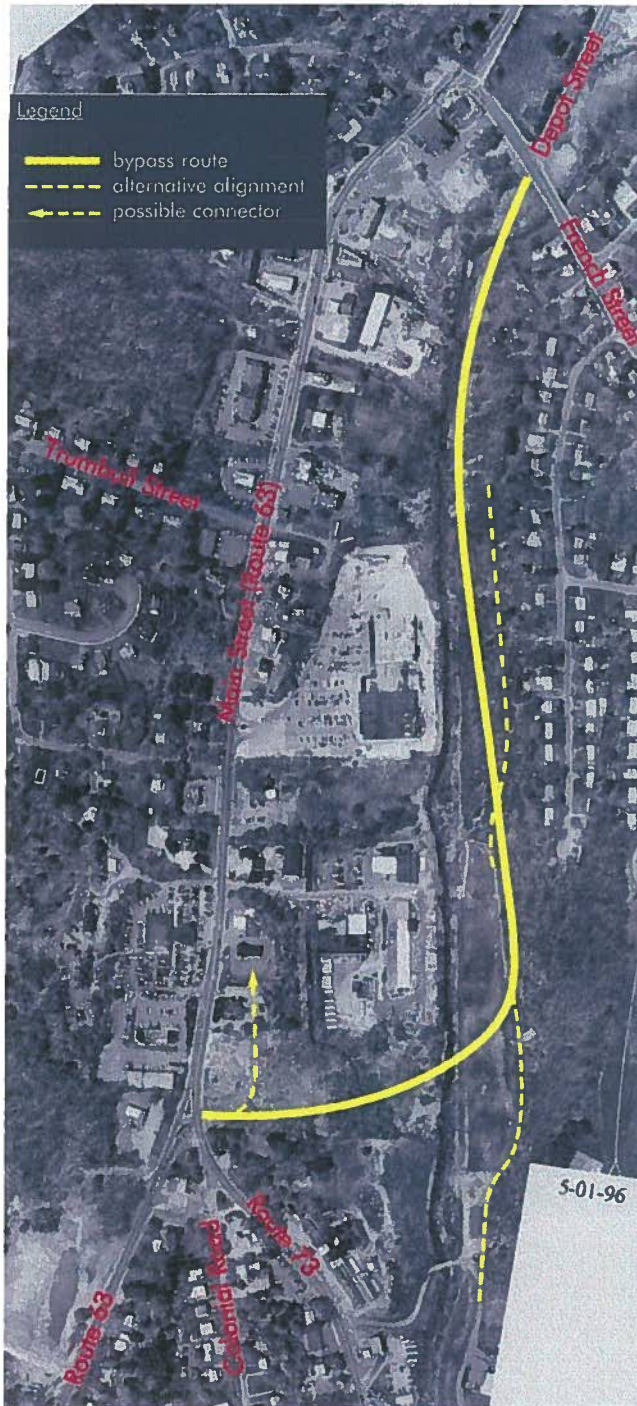
The deficiencies identified included the following:

- Main Street from French Street to Echo Lake Road: parking maneuvers; high pedestrian activity; high traffic volumes and turning movements; narrow pavement widths resulting in longer vehicle queuing and high accident experience.
- Inefficient traffic signal control
- Sight distance problems from side streets onto Main Street
- Difficulty of widening Main Street to accommodate high traffic volumes due to existing right-of-way, proximity of structures to roadway, roadway alignment and excessive driveways.

In 2007, the deficiencies along Main Street were still a major issue. Therefore, a bypass road is again recommended to alleviate the persistent traffic congestion on Main Street. Figure 6-5A shows a conceptual bypass road alignment, similar to the bypass alignment included in the 1992 plan. Additional engineering studies would be needed to more accurately align the bypass road, taking into consideration any geometric and environmental constraints.

Generally speaking, the bypass road would begin at the intersection of Route 63 and Route 73, on the east side of Main Street where there is an existing right-of-way adjacent to Rite Aid, wide enough to accommodate a new road. (The bypass road could extend south to connect to Route 63. It has not been shown in Figure 6-5 because it would be a long-term improvement.) There is an existing traffic light providing access into the Rite Aid parking lot. The bypass would continue perpendicular along the right-of-way and across Steele Brook.

**Figure 6-5A: Main Street Bypass Route**



There is an existing traffic light providing access into the Rite Aid parking lot. The bypass would continue perpendicular along the right-of-way and across Steele Brook. Crossing Steele Brook, the bypass would go through the existing ball fields. It may be possible to align the bypass road to intersect the fields so as to allow the fields to remain as active recreation areas. Following the geometry of Steele Brook, the bypass would cross it a second time as it connects to the intersection of French and Depot Streets.

**Figure 6-5B: Northern Bypass Connection**





Route 63/73 at Rite Aid



Right of way next to Rite Aid



Steele Brook



Soccer Fields

Rather than directing vehicles along Depot Street and back to Main Street, the bypass road could be extended to Echo Lake Road. The bypass road could continue along Princeton Road. Princeton Road is a wide street that currently provides access to four parking areas and connects Depot Street to Echo Lake Road. It also provides access to the residential neighborhood east of Depot Street (See Figure 6-5B).

The 1992 bypass route continues in this 2007 Plan to be recommended part of a loop system so that drivers would be able to travel along Main Street and the bypass “loop” road back toward Echo Lake Road. One-way streets are typically not recommended by transportation planners because (a) they restrict vehicular mobility (b) they encourage higher speeds and (c) they potentially reduces vehicular access to retail establishments. The currently proposed bypass route assumes Main Street and the bypass road are two-way streets. The Commission also recommends Main Street (CT Route 73) in Oakville be studied to improve traffic flow.

The 1992 bypass route continues in this 2007 Plan to be recommended part of a loop system so that

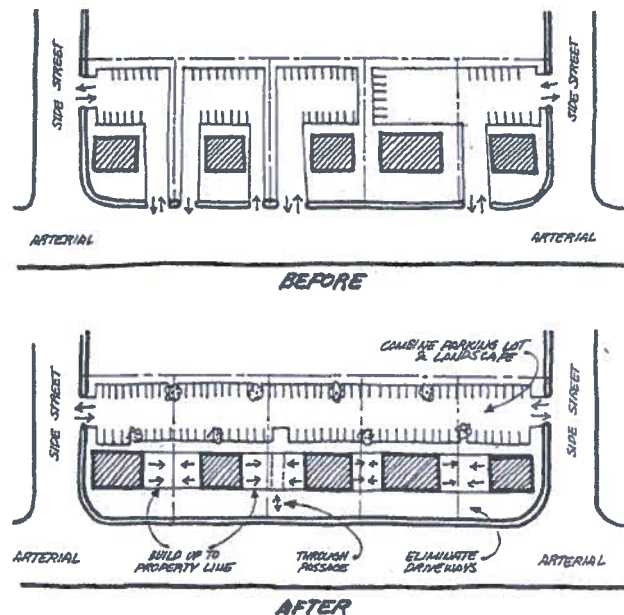
## 6.6 Access Management

Access management can reduce conflicts between vehicles by requiring the consolidation of access points (e.g. driveways and curb cuts) along a roadway. This achieves more efficient traffic flow and a safer road. Figure 6-6 illustrates the concept of access management.

Reducing the number of driveways/curb cuts along a street reduces the traffic conflicts along that street. For example, if there is an opportunity to provide a connection between two businesses drivers could go from one use to the other without having to enter street. Some existing curb cuts could then be eliminated.

Main Street is a state road, thus ConnDOT controls the treatment of the roadway. However, ConnDOT has stated that it recommends driveway closings on Main Street. The town should work with the state to reduce

Figure 6-6: Access Management Concept

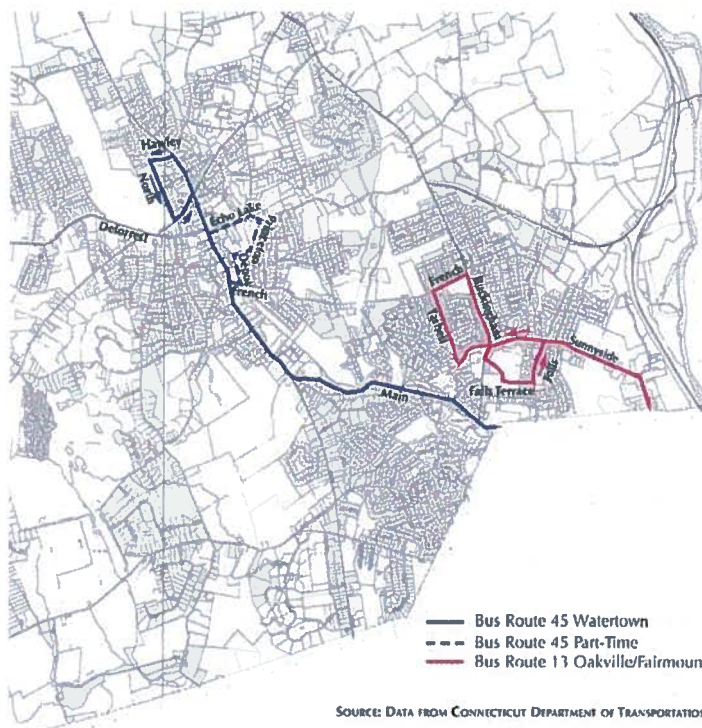


the number of curb cuts and encourage access management techniques where appropriate. One of the greatest difficulties with access management along an arterial is the general lack of incentives for property owners to share common access points and the lack of regulatory powers to require owners to consolidate driveways. It is therefore important to consider access management early in the plan review process and during site plan review. Property owners may be encouraged to obtain easements from neighboring property owners to eliminate unnecessary access points along arterials.

## 6.7 Public Transportation

Connecticut Transit (CTTransit) operates two fixed bus routes in Watertown that originate in downtown Waterbury. Bus service is provided on weekdays, Saturdays, and beginning July 1, 2007 on Sundays. Bus Route 45 serves Main Street through the Central Business District and Bus Route 13 serves Oakville (See Figure 6-7). Route changes to the # 13 bus may occur in the future as a result of a Statewide Bus System Study done in 2000 by Urbitran for ConnDOT. The study included a recommendation to eliminate the loop-road service to Buckingham Street, French Street and Tarbell Avenue and replace it with

**Figure 6-7: CTTransit Fixed Bus Routes**



enhanced service to the Department of Motor Vehicles in Waterbury.

The Northwest Region's Job Access and Reverse Commute Program, JobLinks, provides qualified individuals transportation to major employment areas. The JobLinks van service routes and timings supplement existing fixed-route bus services. In 2001–2002, JobLinks provided services to locations in the Central Naugatuck Valley Region including the Watertown Industrial Park and Watertown/ Straits Turnpike. Additional private operators serve the industrial park, including Job Works vans. Paratransit

services are provided to Watertown by the Greater Waterbury Transit District. The Town of Watertown also provides senior and disabled transportation.

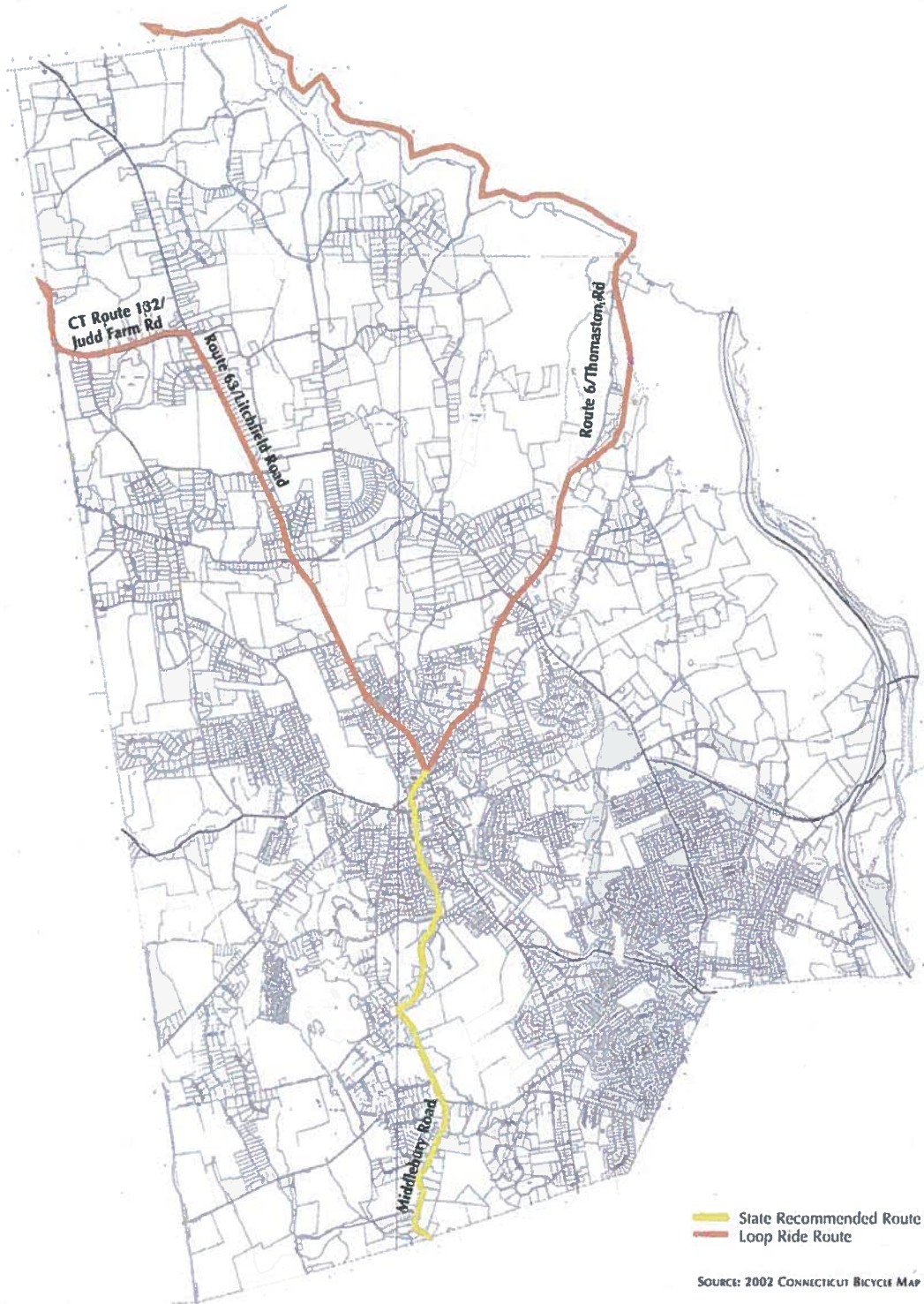
## 6.8 Bicycle Circulation

According to ConnDOT, a bicycle route is a system of on-street facilities such as shared roadways, wide-curb lanes, bicycle lanes and/or separate multi-use paths. The location and type of bicycle routes are dependent on factors such as accessibility, safety and the riding environment. Bicycle routes should be located where their use can be maximized. Factors that should be considered are the routes' ability to serve employment centers, commercial areas, shopping centers, education facilities, and parks and recreation areas. The location of bicycle routes should provide for adequate access points, and provide a route that connects origin and destination points in a direct manner.

Bicycle routes should be selected to minimize conflicts with motorists and pedestrians. They should also provide a riding environment that is aesthetically pleasing and commensurate with the physical ability of the average cyclist. Another important consideration is continuity. A bicycle route of alternating segments of separate bicycle paths and on-street bike lanes should be avoided. Such routes tend to encourage wrong-way bicycle travel beyond the end of a bike path where bicyclists are required to cross to the other side of the street to travel with traffic. If a route type change is necessary, the transitions from one type to another must be well marked.

Figure 6-8 shows the state's bicycle routes through Watertown, as shown on the Connecticut Bicycle Map (2002). The recommended bicycle route is along Middlebury Road which is classified as a secondary street. A loop-ride route is along Route 6 and Route 63, onto CT Route 132/Judd Farm Road in Watertown. The loop connects to bicycle routes within the towns of Bethlehem, Morris and Thomaston. While these routes are shown on the state map, there is no signage in town identifying them as bicycle routes. All state roads should be designated as future bikeways so that when the state looks at making improvements to a state road, the roads will be designed to provide adequate bike lanes. In addition, the Town should designate certain local roads as bicycle routes, submit these bicycle routes to the State for inclusion on the State Map, and initiate the necessary roadway improvements for bicycle routes to be part of municipal projects. Hamilton Avenue, Middlebury Road, French Street, Colonial Street, Falls Avenue, the upper portion of Buckingham Street, and possibly other secondary streets are potential bicycle routes. Access to the future Naugatuck River regional greenway path must also be considered. As the industrial area continues to develop and the volume of traffic increases, a specifically designated pedestrian/bikeway with a minimum ten foot wide span should be separate from roads. The pedestrian/bikeway needs to allow Oakville and Watertown residents to travel safely to the Naugatuck River greenway. Connectivity should be provided to Oakville residents from Sylvan Lake Road along Route 262 to the river greenway and along Echo Lake Road to the river greenway for Watertown residents.

Figure 6.8: Bicycle Routes





## 6.9 Pedestrian Circulation and Sidewalk Policy

The town is currently preparing a sidewalk plan for Main Street that will provide continuous sidewalks to connect the business districts of Watertown and Oakville. The sidewalk plan will fill in the gaps where sidewalks have not yet been constructed. Watertown's zoning code requires that all retail establishments within business districts provide sidewalks along the front of the property to the main entrance of the building. The town is also requiring sidewalks in new residential subdivisions, subject to Planning and Zoning approval. This is especially important in residential areas adjacent to business districts and institutions to encourage safe and efficient pedestrian circulation. The Commission encourages the Town Council to support State legislation to allow municipalities to establish a fund for constructing new sidewalks. This sidewalk fund would be financed by developers who are not required by local land use regulations to put sidewalks on roads interior and adjacent to their development.

## 6.10 Parking

Parking resources are important to the success of businesses in a town. However, the provision of an adequate amount of parking, particularly in older, largely built-out sections of a town center can sometimes be difficult. There are various potential strategies to address parking needs in Watertown's business areas.

The first is to set up a shared parking system, which means that parking spaces are shared by different types of users: space could be used by shoppers during the day, downtown diners in the evening and church-goers on Sunday. This allows parking spaces to be used more efficiently. Where shared parking is appropriate and there is limited overlapping demand among uses, the town could establish a certain distance, e.g. 200 feet, whereby off-street spaces could be counted toward a business's parking requirement. This would reduce the amount of on-site, off-street parking that would typically be required.

The second strategy is to study where there is a perceived shortage of parking spaces. The study would identify if additional resources are in fact needed. Recommendations would address the type, location and extent of potential parking resources that the town could create to alleviate actual parking shortages.

The third is to develop parking management strategies to deal with short-term parking supply. For example, in retail areas where parking resources are limited, priority should be given to shoppers for the most convenient parking spaces. The spaces closest to the stores could have signage indicating 2-hour parking to encourage turnover and discourage long-term parking. Long-term parking spaces would be located further from the stores for merchants and employees.





Plan of Conservation and Development  
Watertown, CT

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**Chapter 7.0**  
**Community Facilities and Services**

## 7.0 COMMUNITY FACILITIES AND SERVICES

Community facilities and services involve a broad range of functions that serve the general or specific needs of the public and that are considered to be the responsibility of a town or public agency. The town's ability to provide community services in an efficient manner is critical to the quality of life in a town. A balance must be struck, however, between the provision of adequate and needed services and the tax burden required to support them. This chapter covers those facilities provided by Watertown, such as schools, town-owned buildings, police and fire services, and utilities. (Public parks are discussed in the Open Space chapter.)

### 7.1 Police Service

There are 36 sworn officers in the Watertown Police Department, which is organized into two bureaus, the Administrative Bureau and the Field Operations Bureau. The department is comprised of the Chief of Police, the Deputy Chief of Police, 4 lieutenants, 6 sergeants, 4 detectives, and 20 patrol officers. The department also includes non-sworn support staff for records and dispatch needs, including 6 full-time and 4 part-time dispatchers. While Watertown's population has increased by roughly 1,200 people between 1990 and 2000, the police force has grown by only two additional sworn police officers. However, as indicated by police statistics, the department appears to be generally effective in protecting the community. The town also has an Animal Control Division, which is comprised of two full-time Animal Control Officers. The police station is located on French Street and the Animal Control Division's dog pound is located on Old Baird Road. Built in 1980, the police station is the town's newest facility and is adequate to meet the operational needs of the department.

### 7.2 Fire Protection

Fire protection is provided by a 97-person Volunteer Fire Department under the supervision of a Chief and Deputy Chief. Currently, the Fire Chief also serves as the full-time Fire Marshal. Department expenses are underwritten by Watertown. The department operates from two stations equipped with state-of-the-art equipment, including eight engines, two ladder trucks and one heavy-duty rescue vehicle. Training drills are conducted throughout the year, and over 60 percent of the department has advanced training in areas such as hazardous materials. The department has three emergency vehicles for first-response use and medical treatment during emergencies. Ambulance service is provided by private carriers.

The primary fire station on Main Street is undergoing renovations to add approximately 23,000 square feet of space for four bays, training facilities, and storage. The second fire facility is a substation on Buckingham Street in Oakville. To help improve response time in the northern part of town, a future consideration might include the addition of another two-bay substation. Possible locations are Middlebury and Bunker Hill Roads. Other locations south of Judd Farm Road may also be suitable. Sites beyond Judd Farm Road would not improve response time given the distance a majority of firefighters would need to travel to get the equipment before arriving at the emergency locations. There are no set standards for response time to alarms. The National Fire Protection Association has

developed recommendations, but these are not requirements. The Watertown Fire Department uses seven minutes as its target response time. When locating a new fire station the primary factor considered is this seven minute target response time. A new fire station is not justified at locations where response time can be provided within seven minutes from existing fire facilities. In 2006 Watertown participated with seven other CNVR municipalities developing and successfully testing its pre-disaster mitigation plan.

### 7.3 Library

Watertown is served by the Watertown Public Library which has two separate facilities run by the Watertown Library Association, a non-profit organization. The Association has served the community since 1865 when it was incorporated by a special act of the State Legislature. The Watertown Library is located at 470 Main Street. In 1968 the Watertown Library Association merged with the Oakville Library Association and a second branch was opened on Davis Street in Oakville. A major renovation of the Oakville Library was completed in June 2002.

The library collection holds over 68,966 books and serials, 16,010 non-print items including videos, CDs and audio books, and 22 electronic reference resources. The library's web based integrated system combines Main and Branch data and functions. The Library offers 24/7 offsite access to all of its electronic databases. The Main Street Library has 12 public access workstations and the Oakville Library has three.

The Association is governed by a board of 11 trustees; 10 are elected by the membership and one is appointed by the Town Council. The Association is supported primarily by a town grant, which constitutes approximately 90 percent of its operating budget and is supplemented by income from the Association's endowment, state aid, contributions, membership dues, and special fundraising events. Funds for building and capital improvements have been raised by the Association.

The Watertown branch of the library (in 2005) is open Monday to Thursday for a total of 48 hours. The Oakville branch in 2005 is open Tuesday through Thursday for a total of 20 hours.

### 7.4 Community Resources and Social Services

#### Town Hall

The town is currently looking to relocate Town Hall. The existing Town Hall building requires significant repair and is not large enough to accommodate the various municipal departments and offices, including the departments of recreation, engineering, the registrar, planning and zoning, the health inspector and the building department. Municipal offices are currently located in five separate locations. In addition to lack of office space, there is insufficient parking for municipal employees and visitors.



The 1992 Plan and this Plan recommend Town Hall be located on Main Street. Recently, the town has considered the Heminway Park School, located on Heminway Park Road, just off Main Street and highly visible from Echo Lake Road. The Commission supports this location and encourages all Town administrative offices be located in one building.

#### Post Office

Watertown is served by two post offices. The Watertown Post Office is located at 30 Woodruff Avenue. There have been discussions to relocate the Post Office. The Commission supports a central location that provides off-street parking to Post Office patrons, and is accessible by multiple roads. The Oakville Post Office is located at 322 Main Street in Oakville.

#### Health Services

Through its Social Services Department, Watertown provides various services to the elderly, troubled youths and the indigent, including meals and ride programs, counseling and public assistance. The Watertown Parks and Recreation Department oversees the Food Bank program. Public health needs are addressed through Watertown's membership in the Torrington Area Health District. St. Mary's Hospital and Waterbury Hospital, both teaching hospitals, are located in adjacent Waterbury.

#### Community Center

There is currently no community center. Community activities are generally organized through the schools when school facilities are available. The town should consider having a community center that could regularly provide space for a wide range of groups, including not-for-profit organizations, town departments, and residents. If the existing Town Hall on DeForest Street were to be renovated, part of it should be considered to be used as a Community Center.

#### Senior Citizen Center

The Senior Center is located at 311 Falls Avenue in the Oakville section of Watertown. The center provides services and programs for the elderly, including mini-bus service to areas within Watertown and areas out of town, including Waterbury and the Mall.



## 7.5 Watertown School District

The Watertown public school system has six schools. The percentage of students attending public schools is 84.9 percent. There are 15 students per full-time equivalent teacher (2002-03). All students in the public school system begin at John Trumbull Primary School for grades Pre-K to 2, after which, depending on place of residence, then move up to Judson or Polk Elementary for grades 3-5. For grade 6, all

students attend Heminway Park School. As of September 2008 Heminway Park School will no longer be used as a school. The addition to Swift School will be completed which will accommodate grades 6 through 8. The 7th and 8th grade students presently attend Swift Middle School before attending Watertown High School for grades 9-12.

The 2007 plan focused on the adequacy of the schools to serve population growth within the 10 to 20 year time period. Short-range needs are addressed by the local Board of Education. In 2007, one of the main goals was to ensure that the town would have a sufficient number of school sites to accommodate the future education needs of an expanded population. Ideal school sites were identified as having good access for all neighborhoods within the town and adequate parcel size. The 2007 plan affirmed that a long range plan for potential school sites would serve as a guide for the town in making land acquisitions, which in turn would ensure availability of school sites in the future. As of 2007 enrollment levels and population projections indicate that no new schools are needed in the next ten years; therefore, the town does not need to acquire property for new school facilities.

Table 7-1 provides school enrollment figures and projections through 2008. Since 1997, school enrollment has been generally between 3,500 and 3,600 students, with the largest enrollment in the 2001-2002 school year (3,608). Projections through 2008 are below 3,500. Decreasing enrollment figures are likely driven in significant measure by the aging baby boom generation, born between 1946 and 1964. The number of births during this period peaked in 1957. In the late 1970s through the early 1990s, the baby boom generation was of childbearing age (24-40). This led to an "echo" boom that was felt nationally at the elementary school level in the late 1980s through the mid 1990s. As this echo boom has aged, there has been some increase in the enrollment for high schools (and colleges), but less demand for the pre-kindergarten and elementary grades. Table 7-2 lists each of Watertown's school facilities and provides each school's date of most recent renovation, number of classrooms, capacity and actual enrollment, as of October 2003.

Table 7-1: School Enrollment

Year	Grades Pre-K-6	Grades 7-8	Grades 9-12	Total
<i>HISTORICAL</i>				
1993-94	1,949	515	805	3,269
1994-95	1,952	522	837	3,311
1995-96	2,037	574	826	3,437
1996-97	2,076	567	842	3,485
1997-98	2,118	558	886	3,562
1998-99	2,075	573	911	3,559
1999-00	2,071	563	923	3,557
2000-01	2,094	572	919	3,585
2001-02	2,076	619	913	3,608
2002-03	2,044	588	937	3,569
2003-04	2,019	570	947	3,536
2004-05	2,011	565	927	3,503
2005-06	2,016	576	938	3,530
<i>PROJECTED</i>				
2006-07	1,991	575	909	3,475
2007-08	1,949	594	906	3,449

Table 7-2: School Facilities

Facility	Grades	Most Recent Renovation	Construction Type	No. of Classrooms	Actual Enrollment 10/1/03	Rated Capacity
Watertown High	9-12	1972	Brick	56	947	900
Swift Junior High	7-8	1972	Brick	30	570	550
Heminway Park Judson Elementary	6 3-5	1929 1971	Brick Brick	16 24	296 432	236 452
Polk Elementary	3-5	1990	Brick	28	453	512
John Trumbull Primary	Pre-K-2	2000	Brick	39	838	900
Total				193	3,536	3,550

The 2002-2003 School expenditure per pupil was \$7,862 (ranked 167 of 169 in the state), a 20.8 percent increase from 1998. The state average in 2003 was \$9,808.39. Watertown's 2002-03 school expenditure per capita was \$1,252.53 (ranked 158 of 169). The state average was \$1,521.38. The 2002-2003 equalized school mill rate was 21.7.

Current issues for the town and the Board of Education include acquisition of land for expansion of its athletic facilities and reuse of decommissioned school facilities. The town had two decommissioned schools: the Griffin School was sold for use as a housing development to serve people age 55 and older, and the Baldwin School remains unused. The town is considering relocating Town Hall to the Heminway Park School building when it is not used as a school beginning September, 2008. Acquiring the school building would allow the town to consolidate municipal departments currently located in seven separate locations.



## 7.6 Utilities

### (A) Water

The Watertown Water and Sewer Authority provides water service to approximately 3,950 customers. The town has two water tanks and three water pumping stations. Upgrades to the system have been made including interconnection of the former north and south high services zones, negotiations of water purchase agreements with the Watertown Fire District for water in the west central section of Town. The system has remained adequate. Water is purchased from the City of Waterbury; consumption is currently 1 million gallons per day. Under terms of a contract with Waterbury, Watertown is able to purchase up to 3 million gallons per day. Water is delivered to portions of the central part of town by the Watertown Fire District which has a daily well capacity of 1 million gallons of water. The Fire District distributes approximately 670,000 gallons per day to 2,200 customers from well fields in Woodbury. The rest of the town gets water from private wells.

In compliance with Public Act 89-305, the Water and Sewer Authority and the Watertown Fire District have implemented conservation programs. The programs are intended to educate the public on water conservation, to determine adequate water specifications for new developments, and to design plans that will reduce water consumption for residential and commercial customers.

The 1992 plan assumes the following standards of consumption: 60 gallons per day per capita for residential use and 2,500 gallons per day per acre for commercial use or industrial use. The 1992 plan concluded that the total amount of residential and non-residential development permitted by existing zoning at that time could not be accommodated by the public water supply or sewage treatment facilities and therefore, minimum lot sizes were increased.

Based on the 2005 build-out estimates, the existing facilities will remain adequate. Water and sewer demand would be 1,662,750 gallons per day (gpd) for residential uses (11,085 units x 2.5 per household x 60 gpd) and 1,152,500 gpd for business/industrial uses (461 acres x 2,500 gpd) for a total of 2,815,250 gpd. The demand would be met by the 3 million gallons of water available from Waterbury and the 1 million well capacity provided by the Watertown Fire District.

### (B) Sewer

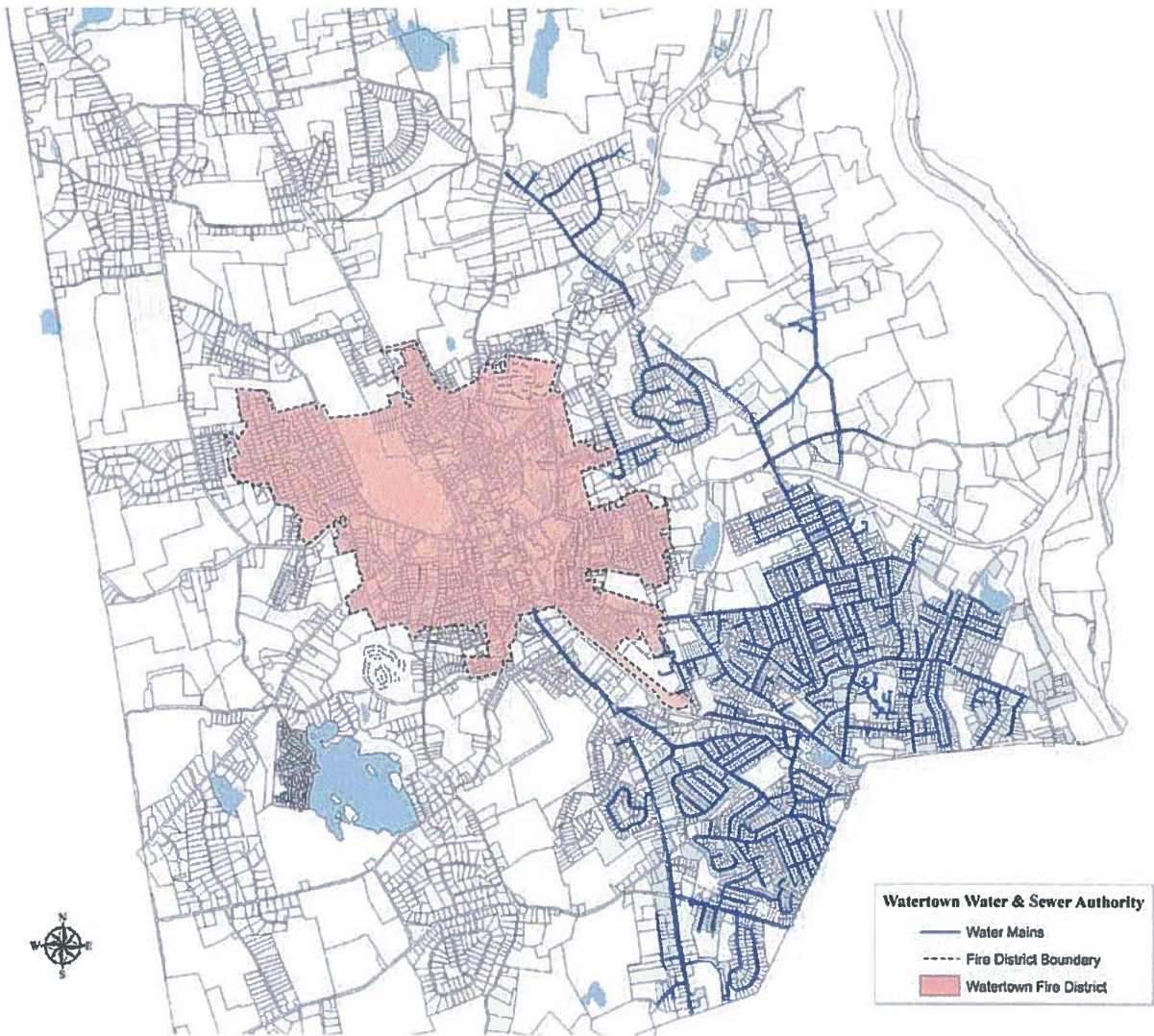
Town sewage disposal in the Oakville section of town is provided by the Watertown Water and Sewer Authority. Approximately 2.1 million gallons per day are transported through town-owned mains to City of Waterbury treatment facilities. Private septic systems serve the rest of the town.

Watertown has an agreement with the City of Waterbury for treatment of up to three million gallons per day (mgd) at the Waterbury Sewage Treatment Plant (STP). In 2005, the STP treated 1.8 mgd of Watertown's wastewater. In addition, the Watertown Fire District generated 0.9 mgd of sewage, which was treated at the Waterbury Sewage Treatment Plant.

The Waterbury Sewage Treatment Plant was given a state grant and loan in 2000 to continue its program to upgrade its sewer system and eliminate combined sewer overflows. The project included improvements to a pump station and the purchase of cleaning and maintenance equipment for the collection system.

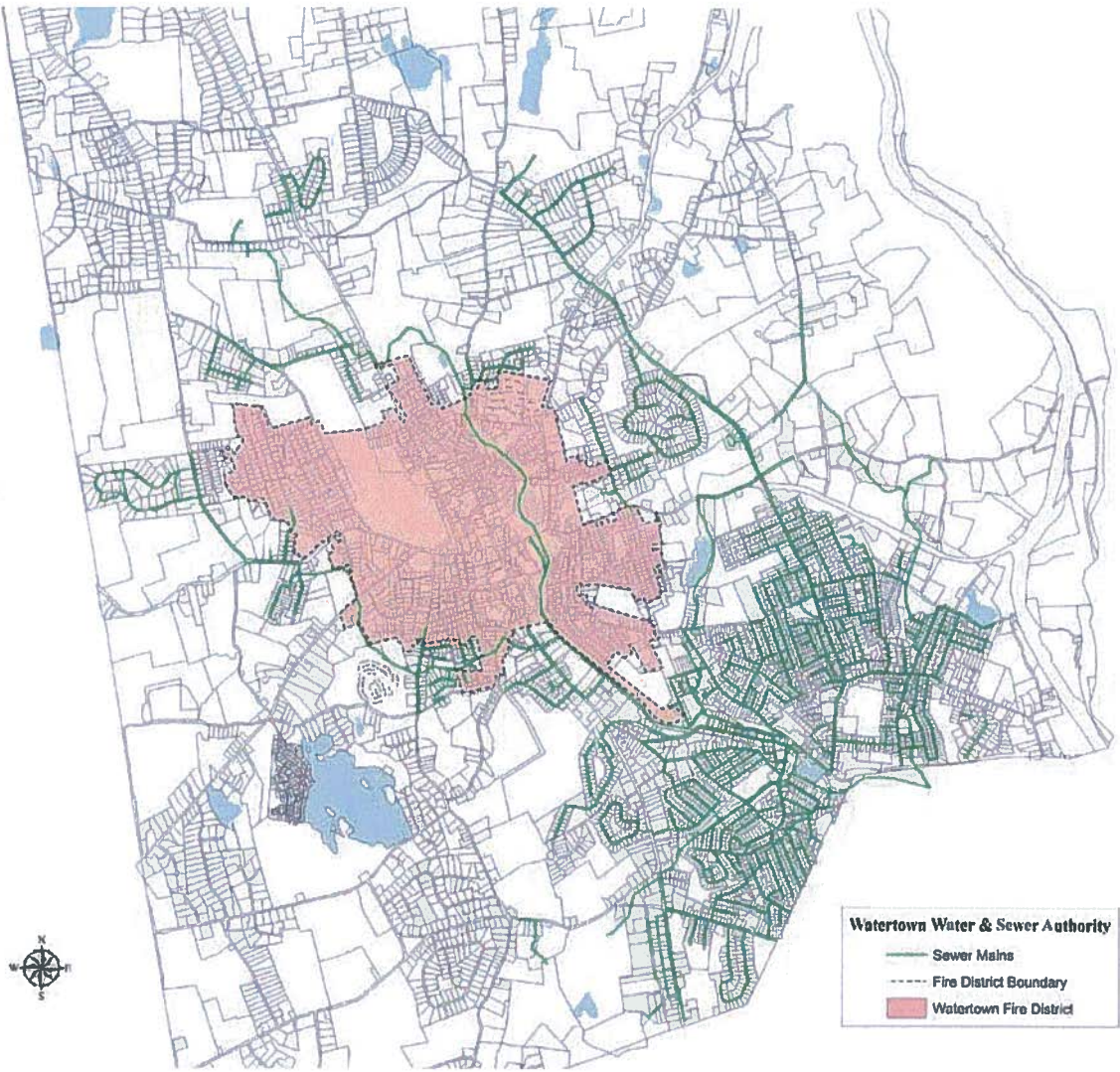
The Water and Sewer Authority should update its sewer infrastructure improvement plans. Construction of sewers should be avoided in rural areas (R-70 and R-90 zones).

**Figure 7-1: Water Infrastructure**



Source: Tighe & Bond

Figure 7-2: Sewer Infrastructure



Source: Tighe & Bond

## 7.7 Solid Waste

The town has executed a Service Contract with the Connecticut Resources Recovery Authority for the disposal of solid waste through the Mid-Connecticut System. Residential, commercial and industrial waste and recyclables are picked up by private trash haulers. Residences and non-profit organizations may dispose of waste and recyclables at the Watertown Transfer Station on Old Baird Road. For fiscal year 2004–05, Watertown's Minimum Commitment is 9,000 tons. The cost is \$70.00 per ton for regular solid waste and \$84.00 per ton for bulky solid waste. The agreement expires in 2012 at which time the Town will need to renegotiate a contract or make other arrangements for solid waste disposal. For many years Watertown has participated in a household hazardous waste removal program with seven other CNVR municipalities.

## 7.8 Public Works

The Department of Public Works consists of five divisions: (a) Engineering, (b) Highway Operations, (c) Maintenance, (d) Solid Waste, and (e) Street Lights. The Engineering Division is responsible for design and construction inspection of town-owned sewer and water mains, roads and storm drains. The Operations and Maintenance Division is responsible for maintenance of town facilities including 128 miles of road, 45 miles of storm drain, 52 miles of water main, 62 miles of sewer main, three water pumping stations, five sewer pumping stations and town equipment. The Solid Waste Division operates out of the municipal transfer and recycling center. The Public Works Director serves as the Tree Warden for all municipal trees. The Town pays Connecticut Light & Power Company for approximately 1,400 street lights.

The Public Works storm drainage plans concern the Turkey Brook and Steele Brook drainage areas. In August of 2005, the town completed the construction of the Turkey Brook Drainage Project to improve the drainage and flooding issues through the densely populated residential and industrial areas adjacent to the brook. The project consists of improvements along 2,180 feet of Turkey Brook and 1,020 feet of unnamed tributaries, including widening and deepening of the stream channels and installing armoring and bank stabilization. Improvements to the Steele Brook drainage areas are currently being constructed as of 2005.

The existing Public Works facility is located on Burton Street, off Echo Lake Road. The facility is situated on a three acre parcel within a solid residential neighborhood. There is no available adjacent land for the existing facility to expand. The three-acre parcel on which the existing facility is located limits the department's ability to be efficient. There is space at the facility to store enough salt for only one snowstorm. Once dispensed, trucks have to move portions of the 2,400 cubic yards of salt stored at the landfill to the highway garage for the next storm. Because the building does not provide interior space for all of its physical resources some vehicles are stored outside of the building. The number and size of mechanic and parking bays requires unnecessary maneuvering. There is not enough interior space to house the plow trucks and do repairs on vehicles. If trucks are sitting outside the garage in the winter, it takes longer for the trucks to warm up and plow the roadways. Exposure to the weather decreases the life expectancy of machinery faster

than if the machinery was indoors protected from the elements. Expanded interior space will also provide the department with meeting rooms, training facilities and rooms for overnight accommodation for drivers to rest during storms.

The town should consider relocating the existing facility to an area with more compatible land uses. A new facility would provide the department with adequate space to perform its operations in compliance with DEP regulations. An ideal facility would be situated on a 5 to 10 acre site, with opportunity for expansion and with access to major town roads to facilitate operations.





Plan of Conservation and Development  
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Chapter 8.0  
Parks, Recreation and Open Space

## 8.0 PARKS, RECREATION AND OPEN SPACE

Parks and open spaces are important Watertown resources. The protection and creation of open space resources contribute to environmental, social and economic benefits. Environmental benefits can include the protection of water quality, improved air quality and flood abatement. Social benefits can include a positive town image, enhanced quality of life, and a community which is strengthened through shared experiences in recreational activity centers. In turn, these benefits may lead to economic opportunities in terms of increased property values and increases in tourism.

Watertown's image and character is established largely from the high quality of its natural environment including parkland, farmland, various ponds, lakes, brooks and rivers, a number of privately owned large open-space parcels, and abundant scenic vistas created by varied and dramatic topography. However, posing a threat to the town's character are suburban sprawl pressures, stemming from migrations out of Waterbury, and construction of residential subdivisions and commercial developments.

### 8.1 Environmental Setting

As a nationally accepted standard, at least 10 acres of municipal recreation facilities should be provided for every 1,000 residents. Watertown has approximately 1,321 acres of public open space and vacant land on parcels controlled by the Town and the Watertown Land Trust. This represents 7 percent of the total acreage of the town (18,960 acres). However, even of this acreage, almost 140 acres are either not considered useable open space (as these may be severely wet areas, detention basins or areas too small to support recreational opportunities) or the open space is no longer available (sold or subdivided). Public open space and vacant land is divided among five categories: town-owned (non-park) land and buildings; the Board of Education; the Parks and Recreation Department; the Watertown Land Trust; and the fifth category including golf course, water companies, and State and federal governments. Table 8-1 shows the amount of land under each entity's control.

According to GIS calculations by the COGCNV, approximately 18.5 percent (3,511 acres) of Watertown's total area is currently committed open space (space that cannot be developed). COGCNV's calculations include privately held land (golf courses, water company lands, etc.) and parcels owned by the state and federal governments.

Of the 1,321 acres of open space controlled by the Town and the Watertown Land Trust, approximately 764 acres are categorized as passive recreation areas, providing opportunities for hiking, fishing, and picnicking, camping and other outdoor activities. The remaining 557 acres are active recreation areas. (Note that not all of the acreage listed as active recreation areas is used for active recreation. Available acreages include buildings, paved walkways and parking lots.) Active recreation parcels include ball fields, golf courses, lakes for boating, etc.

Of the 557 acres of active open space, almost 40 percent is located in state-owned Black



Rock State Forest in the northern section of town. There is a need for additional active recreation areas, particularly athletic fields, in the more densely populated areas of town. These fields represent a key part of the Plan of Conservation and Development. The challenge to the town is acquiring parcels large enough to accommodate athletic fields.

**Table 8-1: Open Space Ownership**

Entity	Number of Properties	Acres
Board of Education	9	114.59
Parks and Recreation	5	288.55
Land Trust	7	120.94
Watertown (vacant land)	93	762.06
Watertown (land with buildings)	13	34.99
Golf Courses, Water Companies, State and Federal Governments	unknown	2,189.87
<b>Total</b>	<b>127</b>	<b>3,511.00</b>

As shown in Table 8-2, there are currently 48 athletic fields in Watertown. A majority (40%) are for baseball and softball. Nearly 20 percent are multi-use fields, meaning various sports are played on each field at various times. Compared to fields dedicated to one sport, multi-use fields tend to get torn up faster, which requires more frequent and extensive maintenance expenditures by the town. Where possible, the town should provide dedicated fields. Acquiring additional land for active recreation should be done in coordination with the Parks and Recreation Department.

**Table 8-2: Parcels with Ball Fields**

No.	Recreation Area	Fields						Total	
		Baseball/ Softball	Football	Multi-use	Soccer	Basketball	Tennis		Volleyball
1	Baldwin School	1		1				2	
2	Heminway Park School	3				1		4	
3	John Trumbull Primary			1				1	
4	Judson School	3		1		1		5	
5	Polk Elementary	1		1		1		3	
6	Swift Middle School	1		1				2	
7	Watertown H.S	3	1	1	2		2	9	
8	UNICO				3			3	
9	Mosgrove Park	1						1	
10	Veterans Park	4		2		2		8	
11	YMCA	1		1		1	1	5	
12	Crestbrook Park Golf Course						4	4	
13	Black Rock State Park	1						1	
<b>TOTAL</b>		<b>19</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>1</b>	<b>48</b>

## 8.2 Open Space Preservation Mechanisms

A variety of techniques are available for the preservation of open-space resources, the protection of environmentally sensitive areas, and the provision of active recreational opportunities.

### 1. Town Purchase

A rational open-space system is fundamental to maintaining and enhancing the character of the town as it continues to grow. To guide the protection of Watertown's significant open spaces and improve the quality of life of its residents, the 2007 Plan establishes a goal in the next ten years of 20 percent of total Watertown acreage be designated open space (active and passive, combined). Working toward the 20 percent goal from its existing 18 percent, the 2007 Plan has identified and prioritized land that the municipality could acquire for open space, particularly active open space. Without municipal acquisitions of land to be devoted as open-space resources, vacant and underutilized parcels may be acquired for future development, or dedicated to the town by subdivision applicants.

Active open-space resources are most valuable to the town when they are accessible to all residents and large enough in size to accommodate a variety of recreational activities. Parcels for recreation should be located on main roads and not accessed from within subdivisions. While passive open-space resources within subdivisions should be provided, the town should not encourage formalized neighborhood (satellite) parks. The Parks and Recreation Department and the Planning and Zoning Commission has taken the position that neighborhood parks are not desirable because they provide inadequate vehicle parking for people not living in the subdivision and create maintenance issues for the Parks and Recreation Department. The greenway (discussed later in this chapter) should guide municipal acquisitions for active open space. Acquiring land adjacent to the greenway will create a significant unified town resource of both passive and active spaces that will be accessible to residents in various parts of town.

The Open Space Fund should be used only for acquisition of land for open space, land for parks, or land for passive or active recreation.

In 1970 the town completed an Open Space Plan in which open-space acquisition and preservation proposals were developed. The 1992 plan included an additional two proposals of regional and state importance. The Planning and Zoning Commission has long supported open space acquisitions. This 2007 Plan has devoted a significant amount of effort to determining which lands are in the best interests of Watertown to preserve and restrict use for open space and public parks accessible to all residents.

To reach the 20 percent open space goal the 2007 Plan endorses open space and recreational opportunities at the following 16+ properties. The 30 properties listed in Figure 8-1 need further study to determine if they are appropriated for active recreation. These 30 parcels are endorsed for open space and passive recreational opportunities.

- 1) **Crestbrook Golf Course:** The 18-hole public golf course has tennis courts, picnic facilities, a swimming pool and a lake for boating and fishing, pavilion and other outdoor recreational features. Updating the existing facilities would help the course to remain competitive in the region. The golf course is operated by user fees and does not receive funds from property taxes. The town should aim to expand the course through acquisition or a land swap.
- 2) **Echo Lake:** The town has acquired in 2005 land along the perimeter of Echo Lake to provide a walkway. Acquiring additional parcels in the vicinity of the lake will strengthen the environmental protection of the lake.
- 3) **Heminway Pond:** This could become the focal point of the Steele Brook greenway system. The town is considering draining the pond by removing the Heminway Pond dam. In a water-quality survey prepared in 2002, the Connecticut Department of Environmental Protection determined that iron precipitation below the dam is contributing to the impairment of aquatic life.
- 4) **French Street Properties:** These properties, located off French Street, south of the 55-year-and-older area, provide an opportunity to expand open space resources near Echo Lake. The town should consider these parcels as a priority for acquisition considering this densely populated part of town would greatly benefit from additional active recreational opportunities.
- 5) **Moorehouse Pond:** The town should acquire the privately-owned Moorehouse Pond should the opportunity arise. The town currently owns the open space abutting the pond, and should seek to purchase the right of first refusal.
- 6) **Oakville Green:** Oakville Green should be expanded. The town could acquire the corner where three existing buildings are located. A continuous walking path could be provided around the pond. The historic railroad arch should be a focal point.
- 7) **Scoville Cemetery:** The state owns the cemetery but does not actively maintain it. The town should have the ability to use it and even enhance it with signage.
- 8) **Sealy Parcel:** The town should acquire the parcels adjacent to the former Sealy building. The Sealy property has been cleaned to a commercial/industrial standard and would require additional remediation before it is able to be used as a recreation area.
- 9) **Veterans Memorial Park:** The town could consider acquiring property adjacent to the park.
- 10) **Waterbury Watershed:** The town should have the right of first refusal for the land around the Waterbury Watershed.
- 11) **Watertown Golf Course:** If the golf course does not continue to operate at some point in the future, the town should acquire it.
- 12) **Watertown Drive-In Site:** A portion (7-acres) of the former Watertown Drive-In site

may be available for active recreation and a walking trail along the Naugatuck River. Acquiring land adjacent to the Naugatuck River supports the goal of the region, which is the provision of access to the Naugatuck River via the Naugatuck River Greenway.







13) **YMCA:** If the YMCA should decide to sell its property in the future, the town should have the right of first refusal. Active recreation fields already exist on the site.

14) **Parcels in the vicinity of the Naugatuck River Greenway should be acquired by the Town.**

15) **Parcels of potential active recreation listed in Figure 8-1**

16) **Nonnewaug Falls:** A proposal of the Central Naugatuck Valley Regional Planning Agency to establish a multi-purpose conservation and recreational area westerly of Platt Road and Baird Road, extending into Towns of Woodbury and Bethlehem. Schematic proposals indicated some area to be purchases as a regional or State level and other areas reserved for private easement.

Figure 8-1 indicates the location of large parcels that the town should consider for active recreation.

- 1. 85.5 acres  
Quassapaug Road 
- 2. 17.17 acres  
Quassapaug Road 
- 3. 48.3 acres  
Quassapaug & Bunker Hill Road 
- 4. 89.34 acres  
Barnes Road 
- 5. Part of 89.34  
listed above  
Quassapaug Road 
- 6. TBD acres  
Aunt Olive Road 

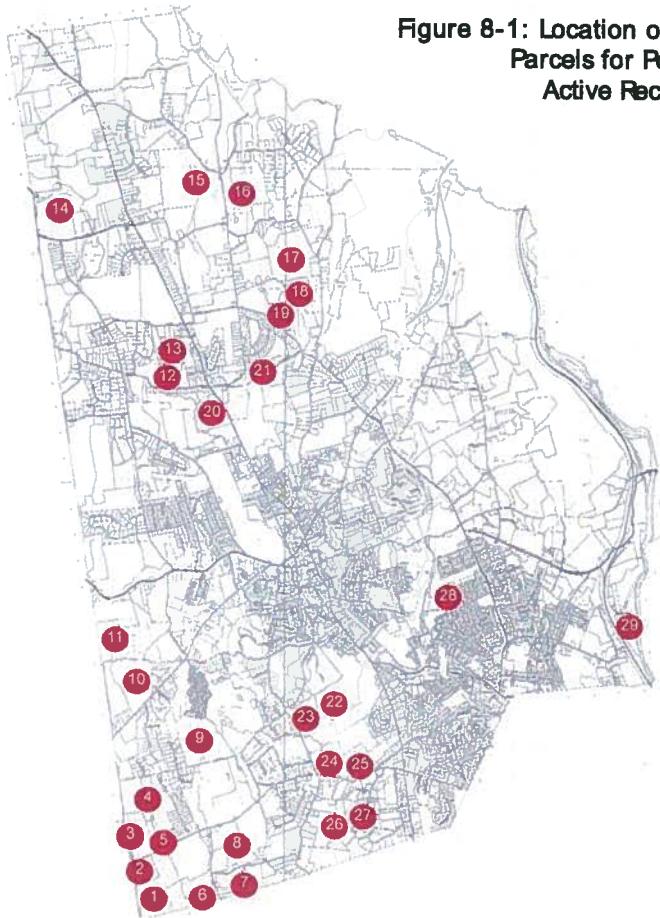


Figure 8-1: Location of Large Parcels for Potential Active Recreation

- |   |   |                                      |   |
|---|---|--------------------------------------|---|
| 7. 115.37 acres<br>Sand Bank & Aunt<br>Olive Road |    | 19. 30.6 acres<br>Smith Pond Road    |    |
| 8. 141.71 acres<br>Bunker Hill Road               |    | 20. TBD acres<br>Litchfield Road     |    |
| 9. 126.19 acres<br>Lake Winnemaug<br>Road         |    | 21. 43.35 acres<br>Butternut Lane    |    |
| 10. TBD acres<br>Artillery Road                   |    | 22. TBD acres<br>Road                |    |
| 11. TBD acres<br>Artillery Road                   |    | 23. TBD acres<br>Middlebury Road     |    |
| 12. 52.03 acres<br>Hollow Road                    |   | 24. 45.13 acres<br>Middlebury Road   |   |
| 13. 32.5 acres<br>Litchfield Road                 |  | 25. TBD acres<br>Bunker Hill Road    |  |
| 14. 200.55 acres<br>Judd Farm Road                |  | 26. 75.89 acres<br>Middlebury Road   |  |
| 15. 165.90 acres<br>Franson Road                  |  | 27. 96.56 acres<br>Bunker Hill Road  |  |
| 16. 352.49 acres<br>Linkfield & Bassett<br>Road   |  | 28. 43.87 acres<br>French Street     |  |
| 17. 112 acres<br>Northfield Road                  |  | 29. TBD acres<br>Black Rock Road     |  |
| 18. 45 acres<br>Northfield Road                   |  | 30. 7 acres<br>along Naugatuck River |   |

## 2. Greenways

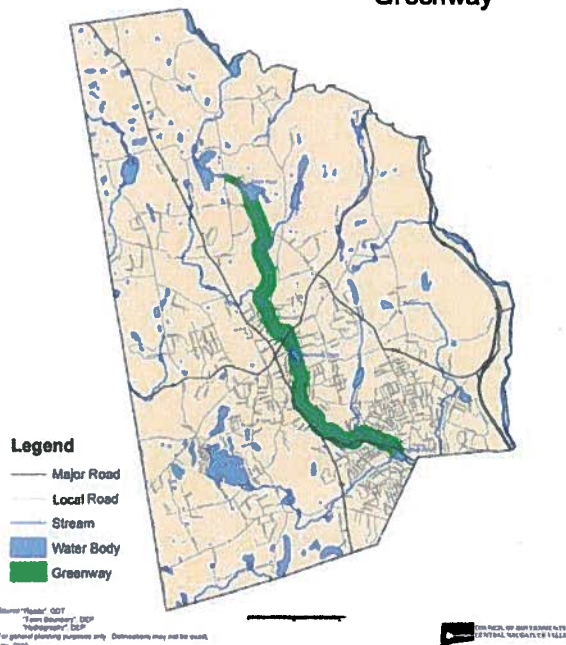
Greenways have emerged as a broad organizing principle in resource protection efforts in Connecticut. The Greenways Act (P.A. 95-355) declared the state's interest in creating a statewide greenway system. A greenway is a linear open space that can help conserve native landscapes and ecosystems by protecting, maintaining, and restoring natural connecting corridors. A greenway is much more than a geographical linear open space. A greenway can reconnect people to their communities, water resources and fields, enhancing the sense of place that helps define the quality of life in Watertown. They can provide opportunities for recreation, exercise, and alternative transportation. Greenways can also contribute to the preservation of scenic and cultural assets.

### *Criteria for the designation of Connecticut Greenways*

In 1995 the Connecticut General Assembly acted upon the recommendations of the Governor's Greenways Committee and passed Public Act 95-335, which institutionalized Connecticut's greenways program. The Public Act defines greenway as a "corridor of open space" that:

- May protect natural resources, preserve scenic landscapes and historical resources or offer opportunities for recreation or non-motorized transportation;
- May connect existing protected areas and provide access to the outdoors;
- May be located along a defining natural feature, such as a waterway; a man-made corridor, including an unused right-of-way; traditional trail routes or historic barge canals; or may be a green space along a highway or around a village (town).

**Figure 8-2: Proposed Watertown Greenway**



In order to meet the criteria for official designation as a greenway, open spaces and/or pathways must fit at least one aspect of this definition. The critical element, however, is connectivity. For example, while a loop trail in a public park may fit many recreational and open-space needs, it does not qualify as a greenway because it offers no opportunities to connect to a greater system. Conversely, a short segment of open space along a ridgeline or waterway may be deemed part of a greenway if it presently or in the future provides a linkage to a larger system.

Watertown is currently working with the COGCNV to develop a greenway system. The greenway would begin at the Pin Shop Pond, extending north on Main Street (Route 73) and along

Steele Brook. It would continue north to Heminway Pond, along Smith Pond Brook to

Smith Pond Road and terminating at Linkfield Road (See Figure 8-2). Once designation of the greenway occurs, the greenway alignment will be forwarded to the Office of Policy and Management for inclusion in future revisions of the State Plan of Conservation and Development, and will also be incorporated into any greenway plans developed by the Department of Environmental Protection. The COGCNV is also in the planning process providing a lineal recreation trail along the Naugatuck River. This trail will connect to Towns north and south of Watertown. A designated bicycle path for Watertown and Oakville residents needs to be established to connect to this trail.

### **3. Dedication to Land Trusts**

Land trusts are local, regional, or statewide nonprofit conservation organizations directly involved in helping protect natural, scenic, recreational, agricultural, historic, or cultural property important to a community. Approximately 163 acres in Watertown are under the stewardship of the Watertown Land Trust.

### **4. Conservation Agreements, Restrictions and Easements**

Conservation agreements are often used to provide permanent protection of open-space areas without the actual deeding of full property rights. Landowners agree to restrict the density and future development rights of their property, often in exchange for tax advantages from the reduction in its value. In many cases, the location of future development is restricted. Restrictions could be used for the preservation of scenic views and ridgelines.

### **5. Open Space Assessment Program**

To preserve open-space land as long as possible and slow the pace of growth, Watertown should consider adopting an open-space assessment program (also known as PA 490). Under the program, as allowed by Section 12-107 of the Connecticut Statutes, Watertown could assess land by its use (farm, forest, or open space) rather than its market value. The use assessment reduces the tax burden on the properties and reduces the likelihood that land will be developed to a more intensive use as a result of economic pressure and inability to pay the taxes. The legislation includes a "recapture provision" for property developed or sold within ten years of its designation. Additional tax, interest and, in some cases, penalties can apply.

An open-space assessment policy might include any portion of a parcel that exceeds the minimum lot size for the zone provided the area that receives the assessment is greater than the minimum lot size for the zone. Land that is used for business or utility purposes is excluded.







Plan of Conservation and Development  
Watertown, CT

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**Chapter 9.0**  
**Community Character**

## 9.0 COMMUNITY CHARACTER

This chapter looks at the physical character of Watertown, as it has transformed from a largely agricultural and industrial town in its earliest years, to a largely residential, suburban community that has maintained some of its traditional rural and industrial heritage.

### 9.1 History



Watertown's present character has been shaped incrementally over the last 200 years. The first settlements in Watertown emerged around 1700<sup>4</sup>. In 1738 the community was organized as Westbury, an ecclesiastical society of Waterbury. It was separated and incorporated as Watertown in 1780 and included the Village of Oakville.

Watertown was settled along fertile land, near an abundant number of water resources that were critical for farming and for powering early industry. The town's manufacturing tradition began with settlers operating mills for lumber and grain. By the early 1800s pewter buttons were being made. During this period, businesses in Watertown were also manufacturing shoes and clocks, and building wagons and equipment required for making and shipping cheese. By the mid-19<sup>th</sup> century, two major companies were founded that enabled Watertown to capitalize on the sewing industry. The first company was the manufacturer of the Wheeler Wilson Sewing Machine, that later sold its sewing machine patent to the Singer Sewing Machine Company in Bridgeport. The second company was the Heminway and Bartlett Company whose significant contribution was being the first company to wind silk thread onto spools. During World War II, the company switched from silk to nylon thread in order to supply parachute cord to the war effort.

### 9.2 Watertown Historical Society

Organized in 1945, the Watertown Historic Society is an organization focused on collecting and preserving local history. Historical Society members research various aspects of Watertown including schools, industries, and families to trace the progression of the town since it was first settled as Wooster-Westbury, and later as Watertown. Collected documents and artifacts, including manuscripts, books and genealogies are housed at the Historical Society Museum, located on Deforest Street. In addition to the artifacts and documents, there are also rotating exhibits. The museum is maintained by volunteers and is open to the public on Wednesdays, one Sunday a month and by appointment.



<sup>4</sup> Historical information adapted from the *Report of Historic District Study Committee*, Watertown, CT 1996 and "Watertown: Images of America," by Florence Crowell.

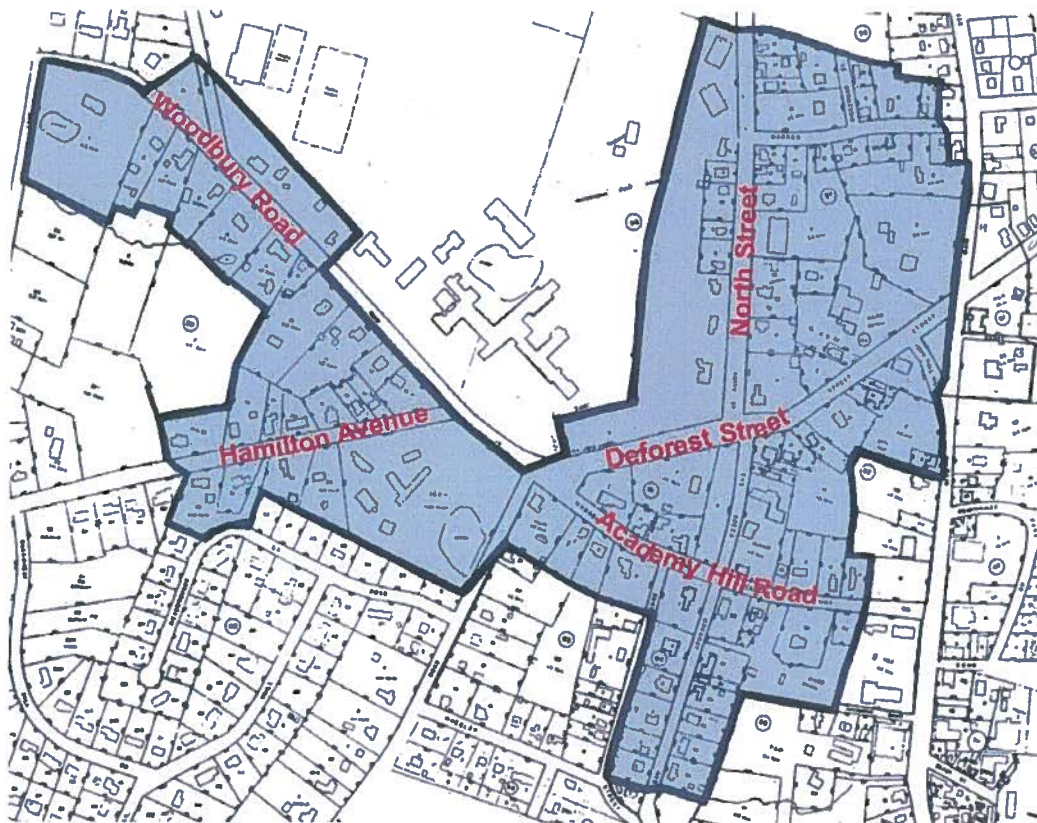
### 9.3 Historic District

The Watertown Center Historic District was established and added to the National Register of Historic Places in 2001. The Historic District is located roughly along Woodbury and Academy Hill Roads, Hamilton Avenue, and North and Deforest Streets (See Figure 9-1). Properties located within the district exhibit architectural/engineering and historic significance and are largely of the Greek revival and Federal styles. A complete list of all properties in the Historic District, including photographs of each property, is found in the *Report of the Historic District Study Committee, 1996*.



As established by state statute, any demolition or architectural alteration to the exteriors of properties within the district that would be visible from a public street must be approved by the Historic District Commission. Commission members, appointed by the Town Council, determine whether proposed changes are appropriate to the character of the district. In general, the Commission is concerned with scale, quality of design, harmony of buildings and streetscape.

**Figure 9-1: Historic District Boundaries**



## 9.4 Watertown Center Streetscape

As discussed in the transportation chapter, a bypass road would be effective in reducing the amount of traffic congestion that currently exists on Main Street, between the intersection of Routes 63 and 73 and Route 6. Diverting the through traffic will allow Main Street to cater more to local traffic, thereby enhancing the small-town character of the center of Watertown. However, reducing the level of traffic on Main Street alone will not create the desired small-town character. A consistent streetscape is also needed.

### *Main Street Existing Conditions*

The most visually dominant elements along the roadway are the overhead utility lines. Some utility poles have street lights attached to them. Where a utility pole does not exist, there are free-standing, cobra-headed light poles. These poles are out of scale and character with the existing Main Street architecture. Looking south from Route 6, the utility poles run along the west side of Main Street and switch to the east side of Main Street at Pythian Avenue. Parking areas exist in the rear of some Main Street structures and also along the roadway. Some parking areas are screened from the street with landscaping, however the majority are not. Additional typical visual elements that could be improved upon include inconsistent or complete lack of landscaping, proliferation of window signs and business signage.



### *Effective Streetscape Elements*

There are many attractive elements along Main Street, existing primarily between French Street and Depot Street (at the intersection with Main Street), and also on sections of Main Street continuing north. Positive streetscape elements along the corridor include buildings with notable architectural quality, green areas (grass and trees), quality sidewalk treatment with attractive pavers, and appealing storefronts typical of small-town centers.



## 9.5 Oakville Center Streetscape

### Main Street Existing Conditions

Main Street in Oakville is characterized by attractive, modest-scale architecture, with a mix of one- and two-story buildings. Many of the buildings have attractive retail storefronts. However, there is a general lack of consistent landscaping because of the shallow building setbacks from the street. While there are sidewalks along much of the roadway, they are typically too narrow and, in some sections, of poor quality and lacking curbs. In many places, pedestrian movement is obstructed by utility poles and mailboxes.

Sections of the roadway are in need of landscaping to enhance the visual character. Landscaping would be particularly beneficial where there are parking areas along the roadway. Not only would trees or shrubbery screen parked vehicles from the street to improve the visual character, but it would also ensure that the parked vehicles do not extend onto the sidewalks and conflict with pedestrian movement.



### Effective Streetscape Elements

Main Street, between Hillside Avenue and Buckingham Street, is an area with continuous retail uses and upgraded sidewalks with street trees. As in other roadway sections in Oakville, there are clearly delineated pedestrian crosswalks at the traffic lights.

Given the limited amount of area available on Main Street in Oakville to apply a continuous and consistent landscape treatment, curb extensions could be appropriate where there is on-street parking to improve the visual character. When designed large enough, the extensions could be planted with small trees or shrubs, thereby creating an attractive visual corridor along the length of the roadway.

Curb extensions improve the visual character of the roadway and will:

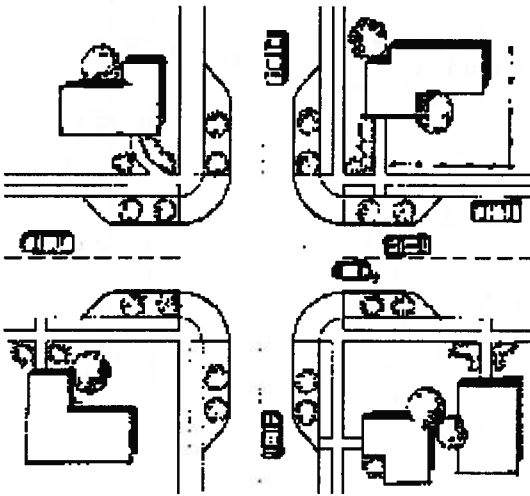
- Reduce crossing distances for pedestrians by shortening the curb-to-curb distance.
- Make pedestrians more visible to oncoming traffic.
- Slow traffic by funneling it through a narrow street opening. (Some curb extensions may only be 6 feet from the existing curb, which will protect parked vehicles, but will not typically affect the speed of motorists.)

Any curb extensions in Oakville would need State Department of Transportation approval. They have several disadvantages:

- Construction and maintenance costs are higher.
- Snow plowing and street cleaning are more difficult.

- They are less appropriate on roads with high truck volume when turning movements are critical at intersections.

One curb extension currently exists on Main Street in Oakville. Located west of the post office, the curb extension is not designed to accommodate landscaping. A new curb extension could be appropriate west of the post office, where a striped line on the road separates the travel lane from a parking lane. The parking lane is beside a poor quality sidewalk which lacks a curb. An upgraded sidewalk could include a curb extension in the area adjacent to the crosswalk. This area is too narrow to accommodate parking.





# Plan of Conservation and Development Watertown, CT

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## Chapter 10.0 The Plan

## 10.0 THE PLAN

By its nature, the Plan of Conservation and Development is a broad planning document – it provides guidelines for evaluating future land-use decisions and for developing new programs and regulations to direct the growth of the community. Included in the previous chapters are recommendations for the various functional elements of the plan, such as economic development and housing. This chapter summarizes the major recommendations developed using the set of goals and policies described below. In addition, this chapter presents a Future Land Use Plan that shows generalized land uses and areas of specific recommendations.

### 10.1 Goals and Policies

To develop the goals and policies for guiding Watertown's growth over the next ten years, the Commission began by reviewing the goals and policies contained in the 1992 plan. After careful consideration, the Commission eliminated goals and policies that were no longer relevant and added new ones that evolved over the course of developing the new plan. These policies comply with the growth management principles of the State Plan of Conservation and Development, as described more fully below.

#### General Planning

Establish a long-range planning program to anticipate and accommodate the town's needs for the next 10 to 20 years.

#### Policies

- A) Create a pattern of existing and future land use that: (a) encourages economic growth; (b) maintains a diversity of housing opportunities; (c) protects Watertown's small-town character as well as its historical and environmental resources; and (d) minimizes conflicts caused by incompatible uses.
- B) Accept local and regional growth as inevitable, but control such growth so that it is: (a) accommodated by the town's existing and planned infrastructure capacity (roads, sewers, drainage, parks, recreation, schools, fire and police) and (b) maintains the desirable character of the town.
- C) Encourage town agencies and departments to act on the objectives of the plan. All pertinent codes, regulations, and ordinances should be reviewed, and where applicable, enhanced and strictly enforced to support the goals of the plan.
- D) Promote greater citizen awareness of and participation in local planning efforts through appropriate meetings, publications and other mechanisms.

These policies are consistent with all of the State Plan of Conservation and Development growth management principles:



- Redevelop and revitalize regional centers and areas with existing or currently planned physical infrastructure.
- Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options.
- Expand housing opportunities and design choices to accommodate a variety of household types and needs.
- Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands.
- Protect and ensure the integrity of environmental assets critical to public health and safety.
- Promote integrated planning across all levels of government to address issues on a statewide, regional and local basis.

### **Economic Development**

Watertown should strive to strengthen the town's economic base to preserve Watertown as a desirable place to live, work and raise a family.

### **Policies**

- A) Retain existing businesses and industries while attracting new business and industry, expand the tax base, and increase employment opportunities. Priority should be given to businesses and industries which: (a) provide a higher tax base and a higher number of quality job opportunities, (b) help support existing local business and industries, (c) buffer local employment and the Grand List from negative affects of cyclical regional, State, or national trends by encouraging diverse types of businesses and industries to locate in Watertown, and (d) are not likely to relocate out of town or close their Watertown facilities.
- B) This Plan recognizes a potential economic development opportunity in the area of Route 262 near Route 8 bordering Echo Lake Road and Ledge Road. This Plan recommends changing zoning districts at this approximately 100 acres location from I-P80 (restricted industrial) to a "Planned Commercial District" permitting commercial and office uses. The Commission, property owners, or agent of the property owners may propose a zone change. A zone change application should review economic and traffic impacts to assist the Commission with defining the "Planned Commercial District". An economic impact study should analyze the proposed zone assuming it to be fully developed and its affects on (1) Watertown municipal, school, water and sewer services, (2) business sprawl on Route 262 and Echo Lake Road, (3) existing businesses in Watertown, and (4) quality of life and town character. An analysis of the highest and best use of the property is not recommended. A traffic impact study should use the ITE trip generation guide and generally accepted standards for measuring traffic flow. The traffic study need not address remedies for mitigating congestion; however for each congested area in the study there should be a statement of feasibility that after improvements a specific level of traffic service should result. If the Commission is not the applicant the studies should be independently reviewed by consultants selected by the Commission.

- C) Expand allowable uses in industrial zoned areas. Uses should be compatible with existing industrial businesses.
- D) Support business and industry retention and development. The Commission encourages annual meetings with the Watertown Economic Development Commission and the Economic Development Coordinator to discuss strategies.
- E) Keep major land uses distinct from one another: (a) protect existing residential neighborhoods from commercial encroachment by discouraging zone changes that would allow mixed uses in established residential areas, except at the borders where major streets are located and (b) protect industrial land from residential encroachment.
- F) Support municipal infrastructure maintenance and capital improvements including roads, storm water drainage, water, and sewer projects.

### **Housing**

Watertown needs a range of housing types and densities, both rental and owner-occupied, that maintains the town's character and quality of life. Particular attention should be given to allowing housing whose affordability is commensurate with the economic means of the town's population.

### **Policies**

- A) Develop regulations which provide more affordable housing opportunities for residents of Watertown by allowing a small density increase in housing developments which dedicate a certain number of units as "affordable."
- B) Develop regulations that encourage Town owned property for affordable housing. Provide adequate housing designed exclusively for the unique and special needs of the elderly, including congregate housing and life-care facilities.
- C) Explore opportunities for young families to purchase entry-level housing within the town.
- D) Preserve the integrity of existing neighborhoods. In established single-family areas, multi-family development should not be permitted. Encourage diversification of the housing stock in appropriate locations.
- E) Encourage conservation subdivision design for new single-family units to preserve critical environmental features and/or create or preserve valuable open space.
- F) Develop regulations for conservation subdivisions to be of right, and traditional single lot ownership to be regulated by special use permit.

## **Transportation**

Watertown should provide for the efficient and orderly movement of people and goods to and through Watertown and also provide access to places of employment, residence, recreation and commercial activity.

### **Policies**

- A) Develop Main Street bypass road to alleviate traffic congestion in the center of Watertown.
- B) Work with the State DOT to develop access management plans to minimize driveways and curb cuts on Main Street and Straits Turnpike. Generally maintain close liaison with all regional and state agencies having jurisdiction over transportation in the town in order to coordinate improvements.
- C) Continue to implement standards for streets and inter-connectedness within subdivisions that provide for the safe passage of traffic while preserving the rural character of town roads. As part of providing for adequate traffic flow to and through all sections of the town, strategically locate through-streets to serve the overall neighborhood. Dead-end roads or cul-de-sacs in new developments should be discouraged.
- D) Encourage non-vehicular circulation through safe pedestrian travel in all areas, mass transit, and bicycle travel.

## **Community Facilities and Services**

Watertown should provide a broad range of cost-effective municipal services.

### **Policies**

- A) Provide adequate Police and Fire Departments resources for effective and rapid response times to emergency calls. The Fire Chief may initiate an emergency medical services study to determine appropriate town and private sector responses to medical assistance calls.
- B) Study the extension of water and sewer services within densely developed areas. The Water and Sewer Authority should be pro-active acquiring land and easements.
- C) Maintain and expand public infrastructure facilities in densely populated areas of town including roads, storm water drainage systems, and public water and sewer services to ensure they are available when needed. Construction of sewers should be avoided in rural area (R-70 and R-90 zone). Infrastructure improvements should be constructed in a timely manner to encourage business and industry retention, expansion, and to attract new business and industry that do not pollute the air, water or land. The Commission should encourage appropriate levels of

funding in town and water and sewer operating and capital improvement programs to successfully achieve the goals of this policy.

- D) Explore the possibility of a community center to provide space for local civic or not-for-profit groups and residents, especially the young and the elderly.
- E) Evaluate the best use of all obsolete municipal and school facilities. If no use is identified the property should be disposed of to the best economic advantage to the Town. Baldwin School should be used for housing. Heminway Park School should be used as a Town Hall combining all municipal and school administrative offices in one building. The Munson House should be used for park purposes consistent with Munson deed restrictions. The Town Hall and Town Hall Annex should be used for private sector offices.
- F) Program capital improvements on the basis of a priority system carefully related to the needs of the entire community, fully integrated with the Plan of Conservation and Development.
- G) A new highway garage should be constructed at a suitable location on a 5 to 10 acre site. The existing highway garage on Burton Street should be sold and the property reuse should be compatible with nearby properties.
- H) The Watertown Water and Sewer Authority and the Watertown Fire District should cooperatively study town water supplies, water transmission and distribution systems, and sewer systems.

### **Parks, Recreation and Open Space**

Watertown should protect significant environmental resources, maintain the town's rural character and establish recreation opportunities for town residents.

### **Policies**

- A) Establish an open-space goal of 20 percent of total Watertown acreage (active and passive, combined). Meet this goal with a variety of actions: (a) acquire large open-space parcels for recreation fields as suitable land becomes available; parcels should meet established criteria in terms of size and location (b) encourage the Town of Watertown to acquire land for passive recreation activities, (c) encourage the Town of Watertown to acquire land for active recreation activities, and (d) support single-family conservation subdivisions on appropriately zoned parcels, at approved densities, as a tool for open-space protection and preservation.
- B) Improve existing recreation programs and create new ones: (a) coordinate services with existing semi-public recreation facilities (b) continue working with COGCNV to develop the proposed greenway system, and (c) implement the establishment of bikeways and pedestrian trails within the town.

- C) Encourage the Inlands/Wetlands Commission to adopt the DEP model regulation for upland review areas, which would increase from 50 feet to 100 feet the area of review from wetlands and watercourses.
- D) This Plan endorses acquiring open space and recreational opportunities on 16+ properties listed in Section 8.2. Further study is needed to determine the feasibility of active recreation on 30 properties listed in Figure 8-1.

### **Community Character**

Watertown should retain and/or improve important aspects of the town's character and quality of life.

### **Policies**

- A) Improve the business areas to make them more pedestrian friendly, have better and clearer signs, plantings and maintenance of trees, and presence of streetscape accessories (benches, canopies, banners, pedestrian lighting and litter baskets).
- B) Continue to pursue aesthetic improvements throughout Watertown by (a) requiring underground utilities for new subdivisions, multiple family projects, and commercial and industrial businesses, (b) installing gateway entrances into town on Route 262, Route 6, Route 63, and Route 73, (c) improving sign regulations enforcement, and (d) encouraging tree and shrubs landscape improvements along town and State roads, public right-of-ways, public open spaces, and parking lots.
- C) Protect the town's remaining unique historical and architectural structures and sites, and areas of unique physical beauty through rehabilitation, public acquisition, land development controls, demolition delay ordinance and establishment of a design review board.

## **10.2 Future Land Use Plan**

The Future Land Use Plan presented at the end of this chapter is intended to bring together into a single, graphic representation the goals and policies described above and the various components of the Plan of Conservation and Development. As with the plan itself, the map will serve as a policy guide for Watertown's government officials and agencies whose decisions affect the course of future land-use activity in the town. The Future Land Use Plan illustrates, in a generalized manner, the most desirable form, type and location of future development within the Town of Watertown. It reflects the goals and policies articulated in this chapter and all other chapters throughout this document.

The Future Land Use Plan should be seen in the context of the town's existing land-use map and zoning map. To a large extent, the Future Land Use Plan recognizes many of the town's existing land uses. It varies from the existing land-use map in four ways. First,

the existing land-use map includes a category for open-space and recreation proposals, which have been removed from the Future Land Use Plan. Instead, the viability and status of the previously recommended open-space proposals are discussed in the open-space chapter of this plan. Second, the Future Land Use Plan recommends a change in land use in the area north of Route 262 near Route 8, where a potential commercial area is to be considered to expand the town's economic base. Third, the proposed general alignment of the Main Street bypass route (discussed in the transportation chapter) is shown, representing an important land-use recommendation to improve vehicular circulation and economic development. Finally, the proposed Watertown greenway system is shown, representing an important network of open-space land.

The Future Land Use Plan supports existing zoning, except (a) in the area of Route 262 near Route 8 where a "Planned Commercial District" is recommended for approximately 100 acres of land presently zoned I-R80, and for (b) new residential subdivisions. This Plan recommends conservation subdivisions as an of-right and single lot ownership regulated by special permit. It is important to note that the Future Land Use Plan is distinctly different from a zoning map. While it is intended to provide the planning framework for zoning changes, the Future Land Use Plan delineates broad categories of land use and not site-specific zoning districts. When and whether such properties should be rezoned to reflect the recommendations of the Future Land Use Plan is the purview of the Planning and Zoning Commission, authorized by the Connecticut General Statutes to adopt and amend the town's Zoning Map and Zoning text.

The following criteria were paramount planning factors in creating the Future Land Use Plan:

**Land Uses:** The Future Land Use Plan is generally consistent with existing development. Dramatic changes in existing residential land uses are not proposed, as the settlement pattern is generally one that Watertown residents are satisfied with and wish to see continued.

**Zoning and Development Pressures:** The Commission adopted zone changes in 1993 to control residential development intensity. These regulations continue to successfully accomplish this policy. This Plan recommends furthering the goal of controlling residential development intensity by establishing conservation subdivisions as an of-right and single lot ownership regulated by special permit. This Plan endorses zone changes that support economic development by encouraging business and industry retention and expansion, and actively attracting new business and industry that do not pollute the air, water or land.

**Infrastructure:** Access to adequate roads and proximity to existing or potential water and sewer utilities are two factors defining the capacity of the land to accommodate different types and densities of development. The existing road network generally supports the residential density in the town. However, the recommended Main Street bypass road would improve the overall circulation network through Watertown's central business area. Existing utility infrastructure adequately supports Watertown's pattern of residential development. The plan proposal to permit a wider range of businesses in the area north of Route 262 near Route 8 is dependent on the extension of existing water and sewer systems to the area (using either private resources, public resources, or a combination).

Below is a description of each land use category.

#### **RESIDENTIAL USES (YELLOW)**

A majority of Watertown is occupied by residences. Residential land uses are separated into subcategories to reflect intensity of use and availability of infrastructure to support such use. These subcategories follow the existing zoning districts, although some names of land-use categories differ from zoning district names. Primary uses are single-family detached dwelling units, farms, parks and open space. However, primary uses in the Village Density Residential area also include two- and three-family dwelling units. Below is a brief description of each subcategory:

- Rural Density (R-90):** Low density residential development consistent with a rural environment in areas with sensitive environmental characteristics and/or without public facilities to support more intensive development.
- Low Density (R-70):** Low density residential development consistent with a rural environment in areas with limited public facilities and/or environmental constraints which would permit more intensive development.
- Medium-Low Density (R-30):** Medium density development consistent with a suburban environment in areas with no significant environmental constraints to development and with public facilities adequate to support the intensity of development.
- Medium Density and Village Density Residential (R-12.5 / R-G / R-10F / R-20F):** More intensive single-family residential development and related uses consistent with a suburban environment in areas with no significant environmental constraints to development and a full range of public facilities to support the intensity of development.

#### **BUSINESS USES (RED/PINK)**

Businesses are primarily located along Main Street (Route 63) and Route 73. Land-use boundaries and categories generally relate to the zoning district classifications of the town and the Fire District. Below is a brief description of each subcategory:

- Restricted Neighborhood Business:** this corresponds to the B-L Zoning District located along Thomaston Road and a portion of Litchfield Road in Watertown and along Davis Street and other small areas in Oakville.
- Office Business:** this corresponds to the Fire District B-OF zone located along Main Street.
- Center Business:** this corresponds to the B-C Zoning District and Fire District B-CF zone, encompassing many of the municipal facilities and businesses in the center of Watertown and Oakville.

- **Retail and General Business:** this corresponds to the B-G and B-SC Zoning Districts and the Fire District B-CF zone, located along Main Street, Route 73 Oakville and Straits Turnpike (Route 63).
- **Planned Commercial Area:** this corresponds to the area north of Route 262, between Ledge Road and Route 8.

#### **INDUSTRIAL USES (PURPLE)**

Watertown has four industrial locations, with the largest industrial area in the eastern section of town, north of Route 262, east of Buckingham Street and on the eastern and western sides of Route 8. Three smaller areas are located along the southern town border in the area of Commercial Street, east of the Watertown business center on Main Street south of Echo Lake Road, and on Route 73 in Oakville.

#### **PUBLIC FACILITIES (BLUE)**

Land uses in this category include publicly-owned land such as schools and municipal facilities.

#### **PARKS (DARK GREEN)**

Included in this category are the Black Rock State Park, the Mattatuck State Forest and the municipal parks.

#### **LAND PRESERVES AND DEDICATED OPEN SPACE (LIGHT GREEN)**

Land uses in this category are established and targeted conservation areas and areas without development potential including cemeteries, retreats and sanctuaries.

#### **WETLAND SYSTEM (PALE GREEN)**

The mapped wetland system indicates wetland and wetland buffer.

#### **GREENWAY SYSTEM (DOTTED GREEN LINE)**

The proposed greenway system begins at the Pin Shop Pond, extends north along Main Street (Route 73) and along Steele Brook, continues to Heminway Pond along Smith Pond Brook and Smith Pond and terminates at Linkfield Road. The open-space corridor will enable a continuous recreation resource between the centers of Watertown and Oakville. A greenway is also proposed along the Naugatuck River that will tie into the greenway proposed stretching from the base of the Naugatuck River in the Valley Region to the Massachusetts border. This is seen as a tourist and economic development stimulant for the region.

#### **INFRASTRUCTURE - MAIN STREET BYPASS ROUTE (BROWN LINE)**

One of the main recommendations in both the 1992 plan and this plan is a Main Street bypass route. A conceptual alignment is shown on the Future Land Use Plan. Additional



engineering studies would be undertaken to more accurately align the bypass road, taking into consideration any geometric and environmental constraints.

### 10.3 Implementation

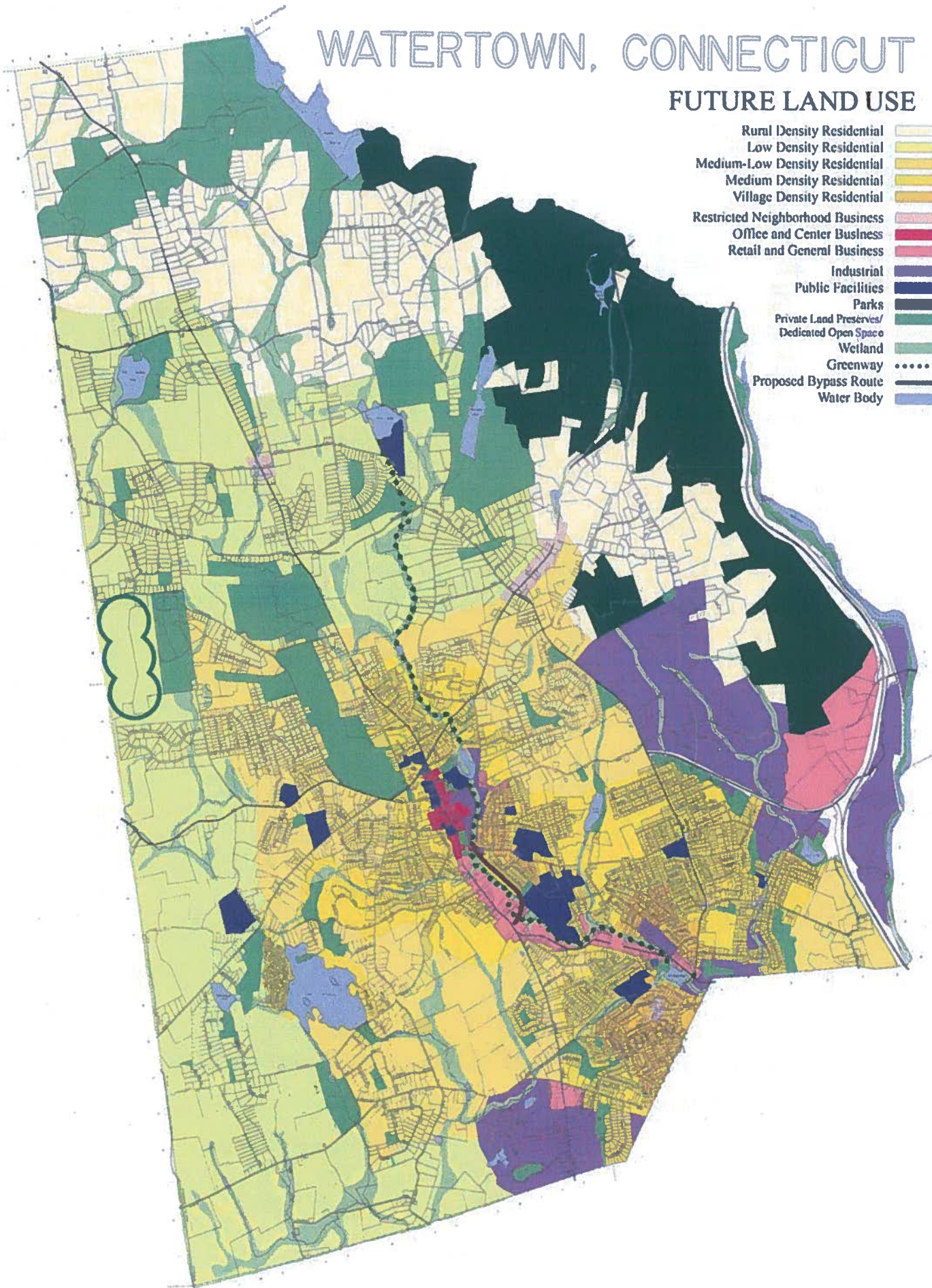
Adoption of the Plan of Conservation and Development by the Planning and Zoning Commission does not by itself bring the plan's recommendations into being. The plan describes for property owners and officials the community's goals and educates them about useful actions that can be undertaken at the municipal level. To bring the plan's recommendations into force, specific changes can be undertaken immediately. Short-term priorities include three major actions: (1) updating the town's Zoning Code, text and map changes (2) updating the town's subdivision regulations and other land-use controls, and (3) undertaking a special study to develop guidelines for future development in the area north of Route 262, which the Planning and Zoning Commission is considering rezoning from industrial to a "Planned Commercial Area." Mid-term recommendations will require some advance planning and capital budgeting, while longer-term recommendations, such as the Main Street Bypass Route, will require further study before realization.

Continuous planning is a critical component for the successful implementation of the plan. The plan should serve as a ready reference in developing decisions concerning land use, zoning, acquisition, capital programming and business recruitment. The Planning and Zoning Commission should actively use this document in the review of development proposals.

# WATERTOWN, CONNECTICUT

## FUTURE LAND USE

- Rural Density Residential
- Low Density Residential
- Medium-Low Density Residential
- Medium Density Residential
- Village Density Residential
- Restricted Neighborhood Business
- Office and Center Business
- Retail and General Business
- Industrial
- Public Facilities
- Parks
- Private Land Preserves/  
Dedicated Open Space
- Wetland
- Greenway
- Proposed Bypass Route
- Water Body





Plan of Conservation and Development  
Watertown, CT

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Appendix A  
Study Circle Summary Report



# Plan of Conservation & Development Study Circles Summary Report

June 15, 2004

**[This summary report lists discussion points from study circle sub-group participants. The items marked with an asterisk are those items that generally carried the greatest level of priority with the participants and were mentioned the most often.]**

## Economic Development

### Improve economic development opportunities

- \* hire economic development director, potentially as a combination planner, ombudsmen, grant writer
  - \* attract business by acquiring property for development (i.e. Rt. 262 drive-in site) promoting industrial space and strong points of community (i.e. location and access to major highways, academic and athletic achievements), utilizing regional marketing approach, exploring successes of other towns providing sewer and waster lines to industrial area
  - provide funding for economic development, perhaps through revolving loan fund
  - look into what generates most revenue – industrial, commercial, residential
  - keep current industry through tax incentives
  - need to be friendlier to business
  - market commercial land, promote commercial space on outside of town to promote better traffic flow, increase commercial retail shopping
  - increase base through planned development of clean industry
  - get more manufacturing into Town of Watertown
  - propose a uniform look to downtown which could include: 1)uniform signage, 2) gaslights, and 3) brick pavers
- 

## Town / School Management / Fire District / Town Council / Commissions

### Provide more information to community

- provide information as to how decisions are made
- \* Town Manager's column in Town Times or Town newsletter
- \* provide web site for all boards and commissions
- \* educate public on job descriptions and duties of town employees, contracts, and benefits
- \* print study circles results n Town Times
- use technology to enhance town services
- Town sponsored civic lessons to explain how town and commissions operate

### \* Eliminate Fire District

### Provide for broader participation by town residents

- \*independents should be able to serve on Town Council and various boards; change Charter to allow mandatory presence of independents

## *Study Circles Summary Report*

- \* town structure can be ineffectual – consider election of town officials, volunteers may not possess sufficient skills, recruitment and training needs to be implemented, town attorney should have full-time presence, Board of Education needs higher degree of accountability

### Provide vision and direction for Town of Watertown

- want our community unified/united, well conceived town structure and design, town amenities/facilities, recreation, quality of life (traffic, safety, budget), balanced (families, seniors, youth, residential, commercial) forward thinking on all fronts, open space preservation
- services are strained but public unwilling to pay for them
- prioritize input from study circles – be realistic, set time frame
- need mission statement for all boards and departments (accountability)
- stagger Town Council terms to promote continuity and institutional memory
- property values are related to how good education system is
- inadequate post office
- establish think tank to develop strategy for Town
- the town itself is beginning to look shabby. Examples about lights not working in front of Town Hall, and the difficulty that the Town Manager cannot plan for more than two years at time because once one party goes out of power, the Manager may be out of work – well written Plan of Development when coupled with strong town management and involved, caring citizens will ultimately produce a vibrant, strong and well developed town that meets the needs of its citizens for many years to come
- strive for greater cooperation among diverse political socio-economic interest to support the Plan of Development
- \* one place to conduct business would be nice
- \* fairly strong support for conversion of Griffin School or Heminway School to use as Town Hall
- Police Commission not always responsive
- crime is getting closer – public services are strained

### Provide more opportunities for town to come together

- town clean up and planting days
  - adopt road / neighborhood programs
  - formation of a “pro Watertown” (non-political) group to raise awareness and put positive light on change
  - more town wide events
  - coordinate with civic groups to plan activities for downtown area that could include adoption of a storefront, off-holiday festivities, meet your neighbor night
  - discuss possibility of Watertown becoming involved with a magnet school district
  - change composition of Board of Education – should include retired educator, CPA, and architect
-

## Town Hall / Facilities

- \* establish long term capital improvement and maintenance plan for town and school facilities
  - new town hall and town hall renovation; settle town hall issue
  - new high school and middle school
  - clean and maintain all lakes
  - explore use of vacant buildings and properties for town use
  - \* community / youth center
  - \* shortage of ball fields
- 

## Fiscal / Budget

- mainstream maintenance / capital improvements from Board of Education to Town administration – Board should handle education issues
  - \* expand tax base with commercial vs. industrial space
  - \* need pro budget committees; PTO's and PTA's should become political action force that can influence referenda
  - impact fees can be collected from developers for new projects to supplement educational budget; educational surcharge on future types of development
  - \* raise fees for subdivision permits
  - provide for independent review and assessment of town expenditures
  - \* town policies need to emphasize strong educational infrastructure, low budget support weakens local public school system; consider additional funding sources for education needs
  - Boards should keep on target spending utilizing original budget
  - charge rent for park vendors and use money for park repairs
  - \* it does not make sense to tax a senior who doesn't have money to pay
  - \* not for profit / tax exempt property should be totally overhauled with limitations that could reduce or eliminate tax base sheltered property
  - fight unfunded mandates
  - piggyback off State contracts where appropriate
-



## Traffic / Parking / Sidewalks

- improve traffic infrastructure:
    - there are few east / west roads – push through certain cul-de-sacs
    - consider bypass for less congestion, more on street parking, enhanced store fronts, increased safety
    - do traffic study for Main Street
  - provide greater traffic enforcement
    - consider alternative solutions to stop signs and active patrol
    - enforce posted speed signs
  - perhaps just try to promote people being more patient
  - improve parking – provide Main Street parking, enforce parking limits, install signs to show municipal parking; make signage cheerful and inviting, not standard format
  - need sidewalks; connect Watertown to Oakville
- 

## Planning / Zoning

- \* P&Z approach
  - right or wrong, citizens perception is that P&Z is obstructing, not facilitating, i.e. Copes moving truck facility, lettering on John Trumbull School
  - P&Z mindset too narrow – new policies must reflect changing regional economy
  - P&Z does too much micromanaging of wrong issues
  - P&Z members should be trained, certified members. The town should consider the merits of elected and/or rotating members on and off P&Z Commission in order to ensure parity, sound judgment and an appropriate level of expertise is exercised in decisions/rulings.
- Accommodating growth
  - would it be constitutional to have a moratorium on building until after Plan of Development is completed?
  - suburban sprawl needs to be limited

## *Study Circles Summary Report*

- town should have controlled smart growth that links parks, playground, and greenways to housing development
- want to keep the colonial flavor – small town feeling
- \* Plan of Development should define or address critical growth aspects; preserved open space; farm land; industrial; commercial; town's educational plan, i.e. capacity of students, desired building conditions, future sites for development; site for key buildings such as Town Hall plan for control of town growth; housing needs, i.e. cluster housing
- concern with pollution from runoff from developments
- \* bike paths – walking trails (utilize old rail line)
- \* we have many unique features in the town – let us not lose them to future growth; continue this uniqueness – does not foster the “cookie cutter” look of many commercial businesses i.e. McDonald's, Rite Aid, Stop & Shop, Dunkin Donuts
  
- Provide affordable housing opportunities
  - cluster housing, over 55 to reduce burden on education budget
  - the zoning laws allow developers to build affordable housing
  
- Zoning regulations
  - lot size regulations should remain
  - provide for consistent setbacks
  - provide for regulations that encourage business growth
  - \* consider changing industrial zoning to commercial i.e. from industrial to commercial on Rt. 262 up to Buckingham
  - regulations should include adequate parking, separate entrances/exits
  - Plan of Development regulations should be clearly defined yet provide sufficient latitude for an ever-evolving community; are zoning regulations compatible with wetland regulations and open space perceptions? Make IR Zone preferable to IG zone in order to maximize the tax base in the relatively small amount of industrial land left
  - potential development of Straits Turnpike from Carvel to Bunker Hill – is it time to revisit this
  - revisit qualifications for building lots to maximize open space
  - high quality building standards (no steel)
  
- P&Z operations, procedures should be revised
  - continuous quality enhancements to make zoning regulations and the P&Z office user friendly
  - create ongoing public relations program to educate residents on P&Z issues
  - \* the 92 Plan of Development is well written, but not implemented
  - P&Z should have open forums when they are actually working on the Plan, study circles participants want to be there to see what is on the maps and what is in each zone and have access to discussions of alternatives

## *Study Circles Summary Report*

- \* streamline procedures – maybe prepare some type of checklist that will help the people get through faster. If it's easier to do business, maybe we'll get more business, and also, residents shouldn't need a lawyer just to have to move a wall in their home
  - \* one facilitator found that many of the participants knew little of the technical portions of the regulations – detail of the regulations were not at hand – groups would like to participate in a grass roots open forum of the explanation of the zones, its locations, it's allowed and not allowed uses with an interactive discussion with planning and zoning; a formal public hearing is unacceptable and will not cut it
  - Miscellaneous
    - residential growth too fast in last 2 years
    - Nonnewaug Falls Scenic – no access
    - too many auto dealers
    - \* concern with pollution form runoff from developments
- 

## Miscellaneous

- the idea of the Watertown / Oakville feud while remembered vividly by the older members of the population, is not an issue to the younger members of the population
- people are not coming out to vote
- reopen the drive-in
- young people do not see themselves coming to Watertown when they get out school





Plan of Conservation and Development  
Watertown, CT

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**Appendix B**  
**Public Workshop Summary Report**



## Appendix B Public Workshop Summary Report

### Watertown Planning and Zoning Commission

#### Workshop Topics:

- Watertown Today  Housing  Economic Development
- Transportation  Community Facilities

June 15, 2005

## 1.0 INTRODUCTION

A public workshop was held on Wednesday, June 15, 2005 at 7:00 at the John J. Trumbull Primary School on Buckingham Street. The purpose of the workshop was to share with the public the draft chapters of the Plan of Conservation and Development which the Planning and Zoning Commission and its planning consultants, BFJ Planning, have written thus far. These chapters include:

- Watertown Today: Demographic Profile, Land Use and Zoning
- Housing
- Economic Development
- Transportation

In addition to these draft chapters, the public was provided with a technical memo describing community services and facilities. During the summer months, the Commission will work towards completing the Community Services and Facilities draft chapter, as well as the remaining two chapters of the Plan: Parks and Recreation, Open Space and Environment and Historic and Cultural Resources.

The workshop was designed to be highly interactive in an effort to not only inform the public about the Commission's progress on the Plan, but to elicit public reaction to the concepts and preliminary recommendations included in the various chapters. The draft chapters had been made available to the public on the Town's website. Paper copies of each chapter were also provided to each participant at the workshop.

The workshop began with an introduction by Judith Wick, Chair of the Planning and Zoning Commission. Following Ms. Wick's greeting and introduction, BFJ Planning presented a powerpoint presentation. Principal Frank Fish began the presentation with a discussion of Watertown Today, a chapter which provides a demographic profile of the Town as well as a discussion on land use and zoning, including a potential build out analysis for the Town. BFJ Senior Planner Shani Leibowitz continued the presentation by



giving a brief overview of each of the draft chapters. A copy of the presentation is included in Appendix A.

Approximately 40 people attended the workshop, including a cross section of residents, Town representatives, people from Watertown's Planning and Zoning Office and members of the Planning and Zoning Commission.



### Round Table Discussions

Following the presentation and a short coffee break, workshop participants were asked to divide up into smaller groups for roundtable discussions. Tables were organized by chapters of the Plan. For instance, participants at one table were asked to discuss issues relating to economic development, while participants at another table were asked to discuss issues relating to transportation. To guide roundtable discussions, each table was provided with a list of questions relating to the table's specific topic.

Commission members and consultants from E&J Planning joined each table to help facilitate discussions. A workshop participant, other than a person from the Town, was asked to record its group's responses to the questions, as well as any other comments related to the specified topic. At the end of the round table discussion session, the entire group reassembled and a designated person from each table was asked to share their tables' comments with the larger group. All comments made during round table discussions are included in Section 2.0.



## 2.0 ROUND TABLE DISCUSSION COMMENTS

Provided below are the roundtable discussion questions for each Plan Chapter. Following each list of questions are the responses by workshop participants.



**TABLE 1: COMMUNITY SERVICES AND FACILITIES**

- Questions**
1. If you have reviewed the memo, do you think it:
    - Captures the existing conditions in Wintertown?
    - Includes the proper analysis, i.e. emphasizes the appropriate issues?
    - Makes appropriate preliminary conclusions or recommendations?
  2. Should the post office be relocated?
  3. Community activities are generally organized through the schools. Should there be a community center?
  4. The 1992 Plan recommended that Town Hall be relocated to Main Street. The Town has been considering Herminway Park School. Do you think this is a good location?
  5. Do you have any recommendations for the reuse of Baldwin School?
  6. Do you agree that the public works building should be relocated to Old Baird Road?

### Comments

#### General:

- Water and sewer section needs to be reviewed – incomplete and incorrect.
- Budget problems – Lack of credibility, both on the school and Town side.
- Goal ok, but there is a disconnect between Town staff and public (where is everybody tonight).
- Baldwin/Town Hall/Herminway School/ Depot Street – Nice to preserve and keep, but given monetary constraints, the Town needs to focus.

#### Post Office:

- Needs new site with a central location.
- Not on Straits Turnpike.

- Lorrane Gardens?
- Massi Property?
- Trade Baldwin with St. John's to get at least one Town building back into use.

**Existing Town Hall:**

- Disgrace – It is in major disrepair. The Town needs to step up with the money to preserve and/or repair the building.

**New Town Hall:**

- Central Location: Massi Property/ French Street; Heminway School; Depot Mall.

**Baldwin School:**

- Should be reused, possibly a school/ community center.

**Highway Garage:**

- Dayton Construction Yard? – Dinuzzio Road.
- Old Baird Road has the same residential issues as current location.
- Other industrial/ manufacturing areas.



**TABLE 2: HOUSING**

**Questions**

- 1 If you have reviewed the chapter, do you think it:
  - Captures the existing conditions in Wittertown?
  - Includes the proper analysis, i.e. emphasizes the appropriate issues?
  - Makes appropriate preliminary conclusions or recommendations?
- 2 Residential is the largest land use in Wittertown. Do the residential developments create a desirable community character for the Town?
- 3 Do you think the Town should acquire property in the residential zones for open space which would limit the amount of land available for new housing developments?
- 4 How do you feel about the appropriateness in design and location of new housing units?

5. What type of development should be of right: standard or cluster?
6. Do you think there is adequate supply of affordable housing options for the elderly, low income and first time buyers?

**Comments**

- Need more units of affordable housing (now only 21% of housing is between \$150,000 and \$250,000); especially for fire fighters and other people in service jobs.
- Many people are buying high end houses (\$350,000-\$800,000) and sending their kids to private schools.
- Make cluster housing developments possible, but not mandatory, through zoning regulations.
- Manage growth of housing units to balance with open space to maintain rural character of the Town.



**TABLE 3: ECONOMIC DEVELOPMENT**

**Questions**

1. If you have read the chapter, do you think it:
  - Captures the existing conditions in Water town?
  - Includes the proper analysis, i.e. emphasizes the appropriate issues?
  - Makes appropriate preliminary conclusions or recommendations?
2. Who should pay for the extension of water and sewer to industrial areas to spur economic development: developers or the Town?
3. (a) Should retail, recreational, additional office and/or self storage uses be allowed in industrial zones? (b) Should the expansion of uses in industrial zones include big box retail considering related traffic impacts and proximity to schools?
4. Are there certain types of businesses that you think the Town should pursue?
5. Would you support the creation of a part-time or full time economic development coordinator position? If yes, should this position be within Water town's existing municipal structure or by a private or quasi-private economic development corporation?

### Comments

#### Question # 2:

- Land of Town: Town should pay; private owner: can give incentives i.e. 20 years to businesses.
- Need a separate sewer district for industrial area.
- Initial capital investment?

#### Question # 3:

- Industrial that is empty, storage does not provide jobs (should be last resort).
- Comsat; medical buildings; Haested-Bentley (renting); software
- Currently 20-25% vacancy rate for office space in the State.

#### Question # 5:

- Support an economic development coordinator (some participants).
- Southbury as a model:
  - Funded a partial government structure and found an undeveloped area to develop (non-residential or industrial to commercial).
  - Planning and Zoning works with economic development with new business
- Coordinator for economic development with existing money? Move work around? Focus with CEO of Watertown; take purchasing agent responsibilities and shift to department heads.
- Consultant versus full time position: group was split.
- Whether full- or part-time, the cost to the Town will be recouped by businesses coming in.

#### General:

- No Mall.
- Need an economic vision.
- To get economic development, the Town needs to offer something.
- Tourism money.



**TABLE 4: TRANSPORTATION**

Questions	
1	<p>If you have read the chapter, do you think it:</p> <ul style="list-style-type: none"> <li>• Captures the existing conditions in Watertown?</li> <li>• Includes the proper analysis, i.e. emphasizes the appropriate issues?</li> <li>• Makes appropriate preliminary conclusions or recommendations?</li> </ul>
2	Do you have any comments about the road classifications?
3	Do you support the idea of a bypass route?
4	Are there any roadways that you feel are dangerous due to high volumes of traffic, roadway geometries or location of driveways?
5	What types of traffic calming measures do you think would be appropriate and effective in Watertown, and in what areas should they be considered, eg. speed humps, median barriers, roundabouts?
6	Are there locations that require new or improved traffic signs (eg. stop signs and speed limit signs), pavement markings or traffic lights?
7	What streetscape improvements would you like to see in Watertown and Oakville?
8	Do you support the accommodation of other (non-motorized) modes of transportation including greenways and sidewalks?
Comments	<ul style="list-style-type: none"> <li>• Did not have time to read chapter regarding transportation.</li> <li>• Road classifications – at least as good as 1992 Plan of Development.</li> <li>• Bypass Route – YES.</li> <li>• Dangerous roads: (1) Route 73 @ Seymour Smith (2) Buckingham @ Nova Scotia – Full light.</li> <li>• Calming measures - not enough knowledge.</li> <li>• Signs and markings – not enough time to analyze.</li> <li>• Streetscape: more trees, landscaping and brick pavers.</li> <li>• Greenways and sidewalks – YES.</li> </ul>





Plan of Conservation and Development  
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Appendix C  
Economic Data Sources

Dataset and Years	Availability	
	State	Municipality
<b><i>Annual Average Employment (CTDOL)</i></b>		
2002-2003	Yes	Yes
2004	Yes	Not Yet Available
2005	Not Available until Q2, 2006	
<b><i>Annual Average Employment by Industry (CTDOL)</i></b>		
1997-2001	Yes	Yes
2002-2004	Yes	No, Discontinued
2005	Not Available until Q2, 2006	
<b><i>Profile of Town Businesses (CERC)</i></b>		
2001, 2005	NA	Yes
<b><i>Labor Force Statistics (CERC)</i></b>		
2001	Yes	Yes
2003	Yes	Yes
2005	Yes	Yes
<b><i>Occupations/Commuter Patterns (Census)</i></b>		
2000	Nothing New Available until 2010 Census	





Plan of Conservation and Development  
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Appendix D  
Economic Development Survey



*N. E. Willow Group, LLC*

***Economic Development Survey Report***

***Report to the Town Of Watertown  
Economic Development Commission***

***December 13, 2005***

Mark D. Robbins, Ph.D.  
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## INTRODUCTION

The Town of Watertown, and its Economic Development Commission (EDC), commissioned this research into the preferences of the public for local economic development. The purpose of the work was to gain the input of town residents in a manner that was representative of the public at large, not just those willing and able to attend meetings or hearings.

This report reviews the findings from a telephone survey conducted during October, 2005 of residents of Watertown, CT. The survey was designed to identify the preferences of residents for various commercial, residential, retail and industrial development opportunities facing the town. It was also designed to gauge the degree to which citizens are willing to pay increased taxes to support certain development strategies.

We present the survey findings in five areas; 1) preferences for retail shopping, 2) information about current resident shopping behavior (where people shop and why), 3) what people expect from development 4) the kind of development that residents wish to see, and 5) how much residents are willing to pay in order to have the town pursue various economic development strategies. Each section is addressed in order below. The full text of the questions in each of these areas is presented, accompanied by the proportional responses to each item, in the appendix to this report.

## METHODOLOGY

The Economic Development Commission is interested in understanding the opinions of Watertown residents concerning economic development strategies and opportunities. The Town of Watertown is too large to phone everyone in the Town to ask their opinions. Households were selected using probability sampling so that every phone number (not including cell phones) in the Town had an equal chance of being dialed. This is done so that the households that were interviewed are representative of the entire population of Watertown. Using probability sampling in surveying can be compared to tasting soup—one doesn't need to eat the whole pot to know what it tastes like—one or two spoonfuls will do.

We completed 400 of these interviews. This is a typical number of completed interviews in survey research because it results in a margin of error of +/- 4.9% at the 95% confidence interval, given conservative assumptions. The margin of error measures the precision of the survey results. For example, the survey shows that 63% of respondents shop in Watertown “always” or “most of the time.” If the survey were conducted 100 times, with 100 different groups of 400 persons, we would expect that 95% of the time the percentage who report they “always” or “most of the time” shop in Watertown to range from 58.1% to 67.9%.

## 1. RETAIL SHOPPING PREFERENCES

It is important to gauge how town residents feel about the existing set of services when considering economic development strategies that could alter the mix of businesses and services in town. Watertown presents a set of retail businesses and services that already appear desirable to town residents. We find that more than eighty percent of survey respondents state that they are 'somewhat satisfied' or 'very satisfied' with this selection as it exists today.

When asked about the type of retail or eating establishments respondents would like to see in Watertown, 27% were satisfied with the current offerings in the Town, 48% would like more retail, and 40% would prefer more restaurants (percentages do not add to 100% because some respondents preferred more retail and more restaurants).

Of those respondents requesting more restaurants, 15% would like more upscale or fine dining; 9% family type restaurants; and about 4% more fast food establishments. When asked to specify their preferred brands, Outback (named 14 times); Applebee's (12 times); Olive Garden (12 times) and Chili's (11 times) were most frequently named restaurants. Note that it may be more difficult to name specific upscale or fine dining restaurants compared to chain restaurants.

Respondents that prefer additional retail were most likely to want large retail, department stores, and discount stores (39%). Bookstores were named by 21% of the respondents that want more retail; followed by clothing (13%) and hardware/home stores (7%). When asked to specify brands, respondents preferred Target (named 34 times); Wal-Mart (31 times); K-Mart or Super K-Mart (12 times); Barnes & Noble (12 times) and Lowe's (11 times).

These results should not be interpreted to suggest that residents would prefer chain stores to independent local stores. In fact, when asked the kind of retail development that residents would favor most, 51% of respondents favored 'smaller retail stores such as those in downtown Watertown' while 'larger chain type retail stores' were preferred by 42.5%.

## 2. SHOPPING BEHAVIOR

A good predictor of future consumer trends is their current habits. For this reason we asked residents about their current retail shopping activities. By retail shopping, we refer to the purchase of consumer goods like groceries, clothing and other consumables, as opposed to services. Fully 63% of Watertown residents report that they do this shopping in town 'always' or 'most of the time.' The 'main reason' that residents choose Watertown for shopping is that the stores are close to home (83.5%). The decision to leave town to shop appears to be dominated by a search for 'a wide variety of goods' (52.5%) more than for 'lower prices' (17%) or other explanations.

Watertown residents look in town for their services as well as their retail purchases. Services include things like automobile repairs, tax preparation, and the services of lawyers and physicians. When asked how often they shop for services in Watertown, 61% of residents say they do so in town 'always' or 'most of the time.'

The one exception to the local shopping trend appears to occur when residents make larger purchases. We asked residents where they made their last purchase of more than \$200 (other than for an automobile). While 35% of residents reported making such a purchase in Watertown, 62% reported making that purchase out of town.

### 3. DEVELOPMENT PERCEPTIONS & PREFERENCES

We began the survey by asking respondents “What is the best thing about the Town of Watertown?” The Town’s positive community characteristics were cited by a majority of respondents. These characteristics include the small town, safe, quiet, rural atmosphere and the friendliness of the people that reside in the Town (mentioned 176 times). The next most common responses are the Town’s location (mentioned 47 times) and good schools (also mentioned 47 times). There are a group of respondents that found the Town’s low taxes the best thing about it (mentioned 31 times).

Creating and pursuing an economic development strategy imposes changes on a town and provides benefits that come at a cost. We asked residents a series of questions designed to gauge the sense of urgency and importance that they associate with these strategies and what their expectations are about the results of economic development, should it occur.

In some jurisdictions most residents may feel very strongly that new business development is essential while in other places the dominant feeling may be that preserving the existing character of the town is more important. Most Watertown residents fall in the middle. We asked residents which statement comes the closest to their own opinion: “Watertown needs to increase business development in order to survive” or “business development is a threat to the character of the town.” While more residents agree with the first statement (28%) than with the second statement (14.5%) most residents (57 %) stated that they fell somewhere in the middle.

The financial impact of new development on a town like Watertown is difficult to estimate in advance. While development may add to the property tax base it may also be accompanied by corollary increases in service demand or by incentives that reduce tax payments for some period of time. We asked residents about what they expected from new development. We queried them about new development for retail stores, industrial development or the creation of a new residential housing subdivision. We specifically asked if they felt that such development would cause the town to gain or lose financially from such development. Most residents expect that Watertown would gain financially from retail (65%) or from industrial development (76%) but most residents also believe that Watertown would lose financially from a new large housing subdivision (66%).

The preferences of the public are sometimes different when moving from general and abstract notions about development and its potential effects to more specific strategies that might be implemented. In the next section of our report we turn our attention to these strategies and the preferences that Watertown residents have for them.

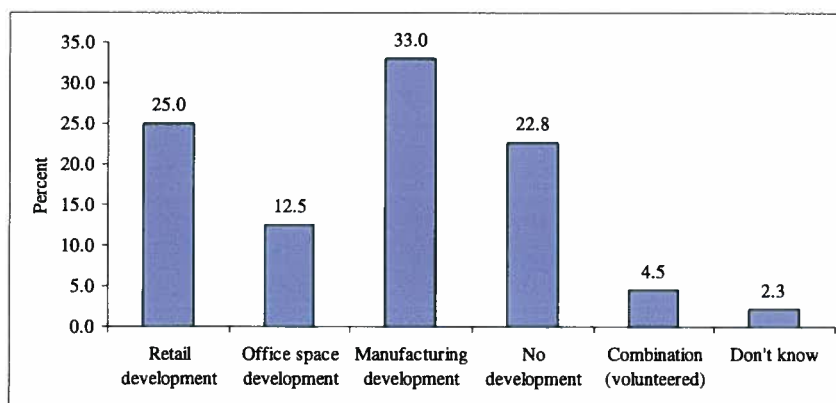
#### 4. PREFERRED ECONOMIC DEVELOPMENT STRATEGIES

The development decisions of municipalities can shape the character and financial condition of towns for long periods of time. The Town of Watertown and the EDC are thus interested in knowing more about the kinds of development, and development strategies that residents prefer. The sets of survey questions that we asked are designed to inform decision makers about public preferences for economic development and economic development strategies.

We asked residents to consider some economic development strategies one at a time to determine their relative importance to them. A majority of residents responded that encouraging more office, retail and industrial development were either 'somewhat' or 'very important.' This was very different for residential development. In this case, nearly 76% of respondents said that encouraging such development was either 'not too important' or 'not important at all.'

In an effort to focus on non-residential development, we asked residents to select among retail, office, and manufacturing development and no development to see if one strategy is strongly preferred to the others. Public opinion in Watertown is split across these strategies. While 33% respond that they favor 'manufacturing development' the most, 25% desire 'retail development', 12.5% prefer 'office space development' and 23% prefer 'no development' at all. When combining all development preferences, of course, the preference for development of some form far exceeds that for no development at all.

Figure 1. Type of development favored the most by Watertown residents  
(Reported in percentages of respondents)



The vast majority of Watertown residents (80%) agree that the town should encourage more 'business development' in order to lower the taxes that households pay. Still, there are various types of actions that Watertown could pursue in order to create economic development. We read respondents a list of four very common roles that towns play and asked them the degree to which they favored or opposed their use in Watertown.

One potential economic development strategy is to make zoning changes to encourage business development, presumably to allow more development in areas presently zoned to prohibit it. More Watertown residents strongly or somewhat favored this strategy (54%) than somewhat or strongly opposed it (41%). Other strategies, however, have more uniform support. Two forms of financial assistance to businesses received more support and less opposition than zoning changes. Setting aside funds to make infrastructure improvements for businesses was an approach 'strongly' or 'somewhat' favored by 66% of residents, while offering tax incentives in order to attract new businesses was favored by 67%. In both cases only 30% of the public responded that they were 'somewhat' or 'strongly' opposed to such efforts. Efforts to develop a marketing plan for business recruitment garnered the most support from residents. In this case 74% of respondents indicated 'somewhat' or 'strongly' favoring such a strategy, while slightly less than 23% noted that they were opposed to it at some level.

## 5. WILLINGNESS TO PAY FOR ECONOMIC DEVELOPMENT

Support for economic development strategies is rather a different thing than being willing to pay for such strategies through increased taxes. Because all government efforts come with a cost attached to them we asked residents to think about these costs in relationship to their own household's ability to pay.

### *Tax increases to support improvements to Echo Lake Road by Route 8*

Perhaps the best example of a query of this type refers to land available on Echo Lake Road by Route 8 that is suitable for business development. That land is currently without Town water and sewer services. Extending services to that parcel would come at considerable expense but could presumably result in a use of that land that might produce property tax revenue well beyond the current level. We asked respondents whether they thought Watertown should provide such improvements "if it would mean an increase in the taxes of every Watertown household (including yours) of \$100 per year?" For respondents that answered "no," we asked them if they were willing to pay \$50 per year.

About half of Watertown residents are willing to have their households pay something more in taxes to support this specific development project. When asked about their willingness to pay \$100 more in household taxes 37% of respondents agreed, while almost half (48%) selected at least a \$50 increase.

### *Tax increases to provide financial incentives, or to discourage development*

Two general approaches to economic development face residents with potential costs. These are providing financial incentives to attract businesses (with tax increases to finance the incentives) and discouraging development in order to maintain a small town character (which places increasing tax burdens on residential taxpayers). We faced residents with questions about these two strategies in the same format as the Echo Lake Road question (see above).



When asked if Watertown should provide financial incentives for businesses to locate in town if it would mean an increase “in the taxes of every Watertown household (including yours) of \$100 per year?” only 23% agreed, but 38% agreed to at least a \$50 increase.

When asked if Watertown should discourage development in order to maintain a small town character if it would mean an increase “in the taxes of every Watertown household (including yours) of \$100 per year?” 31% agreed, and 51% agreed to at least a \$50 increase.

## SUMMARY

The purpose of this project was to gain citizen input about the expectations and preferences of Watertown residents for certain economic development strategies. The method that we employed was a telephone survey using random sampling. This method compliments other methods of citizen input, such as the views provided at hearings, but has the advantage of representing the views of all citizens, not just those who are willing and able to participate in public events. It also has the advantage of capturing the opinions of those who may not have very strong preferences, a group much less likely to turn out to meetings or hearings, but whose views are still important to decision makers.

Watertown residents were surveyed by telephone to determine their preferences regarding future development in the town, and their support for the taxes necessary to facilitate it. We used random sampling to assure that adults from every household in town had an equal chance of being picked to participate. We completed interviews with 400 such residents. We are thus very confident that these findings fairly represent the opinions of the Watertown public at the time the survey was conducted.

The vast majority of respondents agree that the town should encourage some business development to lower residential tax burdens. While many residents like the mix of business establishments that presently exist in Watertown, there was also a preference for additional retail shopping and restaurants. The vast majority of residents favor some type of non-residential development, with manufacturing and retail dominating these preferences. They also believe that such development would provide financial benefits for the town.

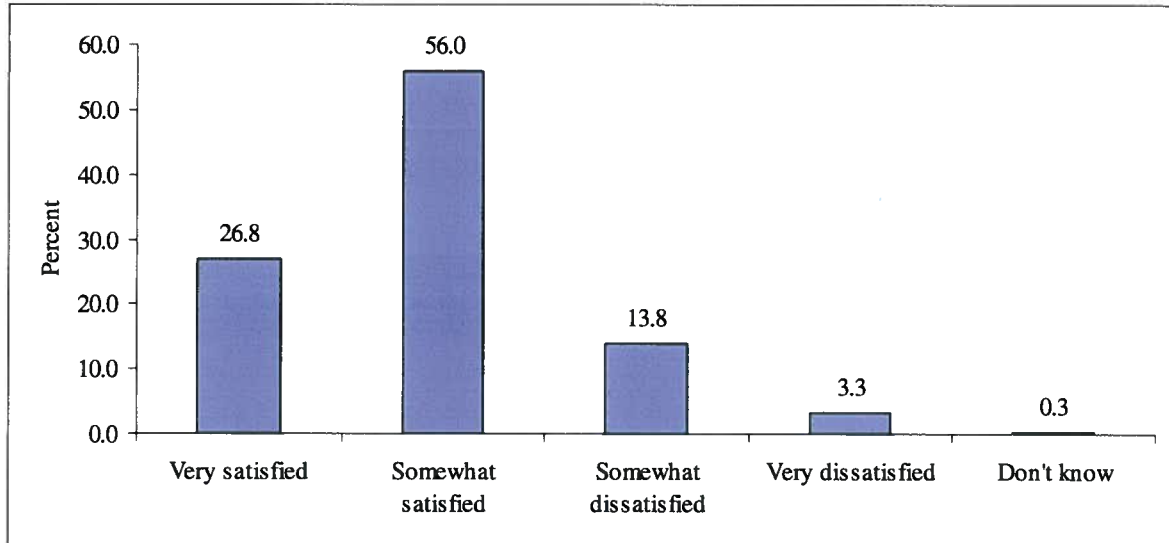
Marketing plans, tax incentives and infrastructure improvements received support of at least two thirds of town residents, but far fewer residents were willing to pay the taxes necessary to support certain economic development policies. About half of residents would support a \$50 or more tax increase to provide improvements to Echo Lake Road by Route 8. A little more than a third of the respondents would support additional taxes to provide financial incentives to attract business. Over half of the respondents support tax increases at some level to discourage development to maintain Watertown’s “small town character.”

APPENDIX A. SURVEY RESPONSES

**NOTE: All numbers are reported as percentages (%) of all survey respondents, unless otherwise noted.**

1. RETAIL SHOPPING PREFERENCES

How satisfied are you with the selection of current retail businesses and services in the Town of Watertown, would you say you are very satisfied, somewhat satisfied, somewhat dissatisfied or very dissatisfied?



Think about the retail shopping and eating opportunities now available in the Town of Watertown. What TYPE of additional shopping or eating opportunities would you most like to see in Watertown?

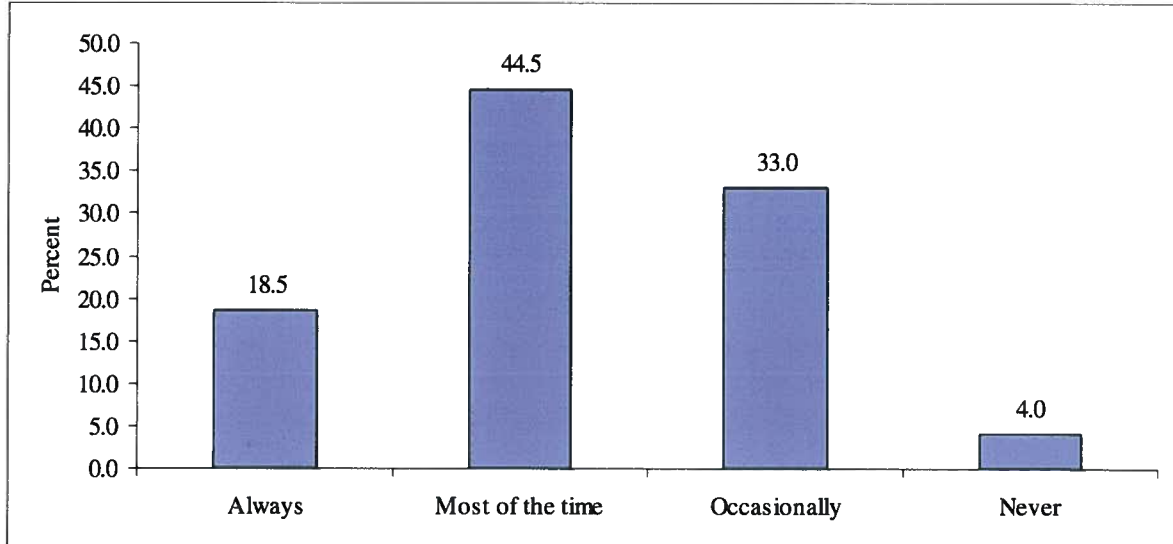
Restaurants (189 total mentions)	
Upscale	28
Family type	16
Fast food	7
Small	6
More variety	5
Diners	3
Retail (169 total mentions)	
Large retail/department store	49
Bookstore	33
Clothing	21
Discount	13
Hardware/home store	12
No suggestions	108

What specific BRAND of that business would you most like to see in the Town of Watertown?

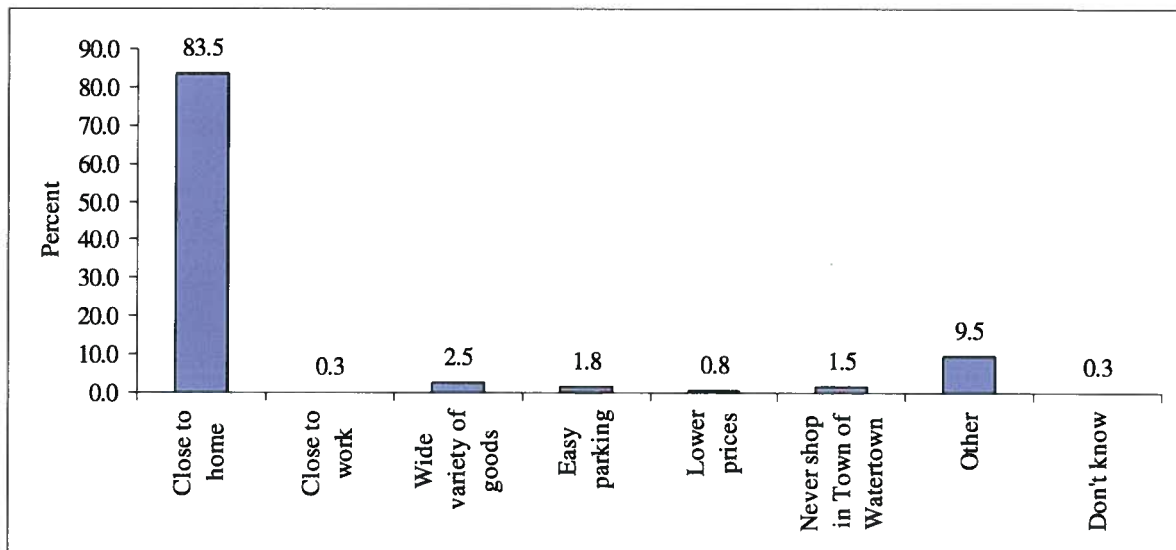
Retail	
Target	34
Wal-Mart	31
K-Mart or Super K-Mart	12
Barnes & Noble	12
Lowe's	11
Kohl's	9
Sears	7
Home Depot	6
Borders/Waldenbooks	5
Gap	4
Old Navy	3
TJ Max	2
Restaurant's	
Outback	14
Applebees	12
Olive Garden	12
Chili's	11
Ruby Tuesdays	7
Wendy's	7
Red Lobster	6
KFC	5
Friday's	5
Boston Market	4
Carmen Anthony's	3
taco Bell	3
99 Restaurant	3
Cracker Barrel	2
Dunkin' Doughnuts	2
McDonald's	1

## 2. SHOPPING BEHAVIOR

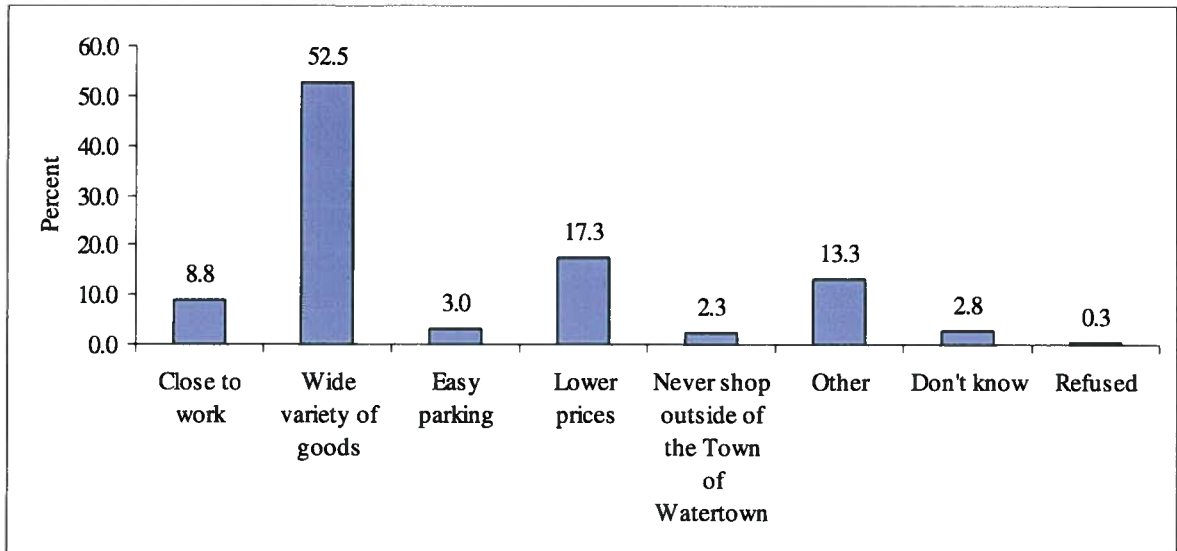
How often do you do retail shopping in the Town of Watertown? Would you say always, most of the time, occasionally or never?



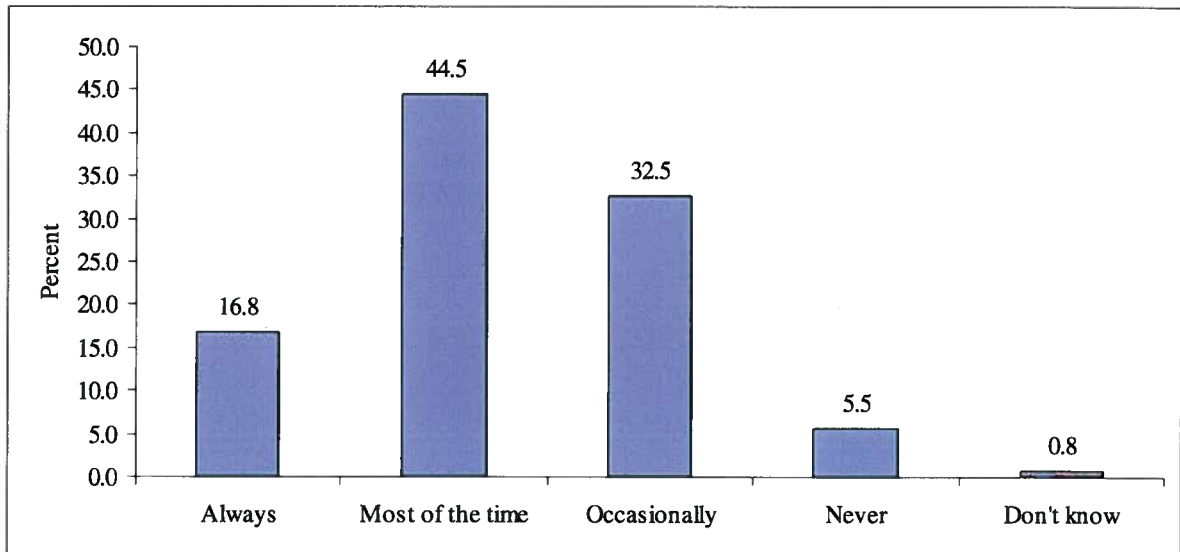
When you do shop in the Town of Watertown, is the main reason that the stores are close to home, close to your work, there is a wide variety of goods, easy parking, lower prices, or some other reason?



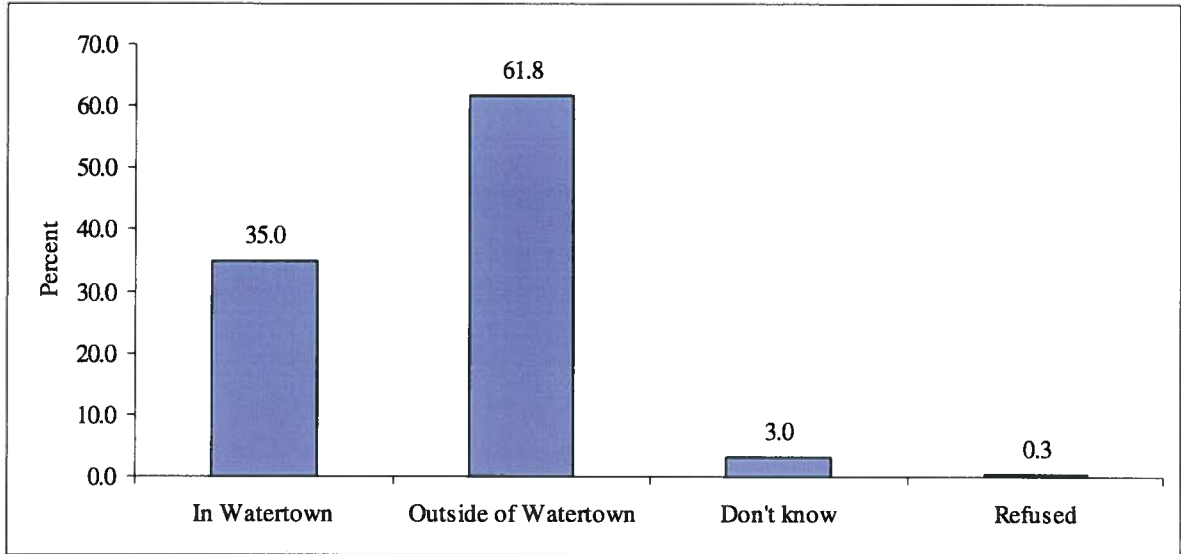
When you shop **outside** of the Town of Watertown, is the main reason that the stores are close to your work, that there are a wide variety of goods, easy parking, lower prices, or some other reason?



How often do you shop for **services** in The Town of Watertown, would you say always, most of the time, occasionally or never?



Where did you make your last purchase of more than \$200 other than for an automobile?

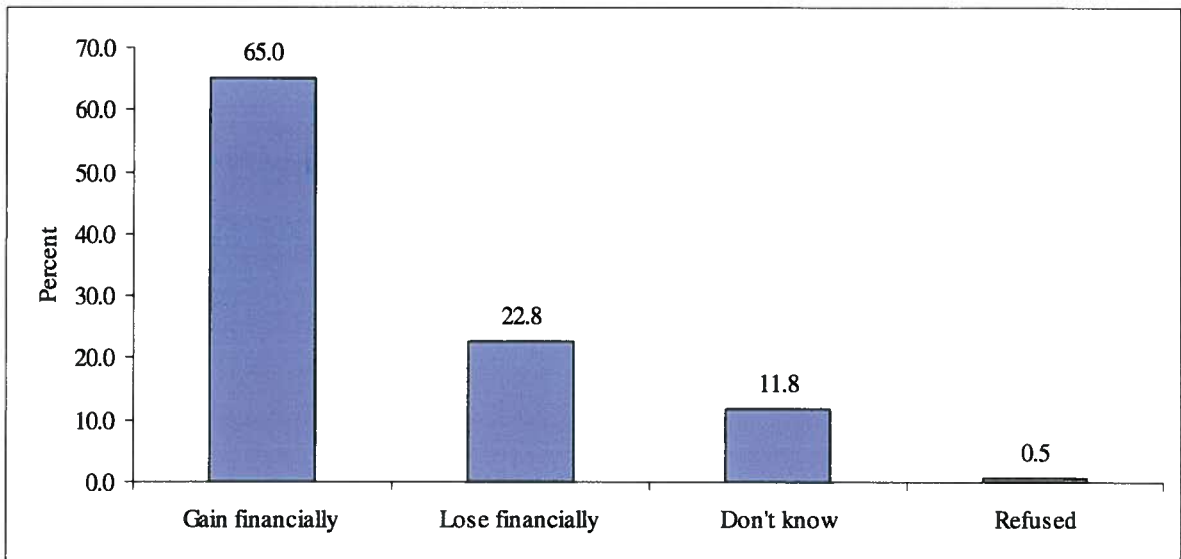


### 3. DEVELOPMENT PERCEPTIONS & PREFERENCES

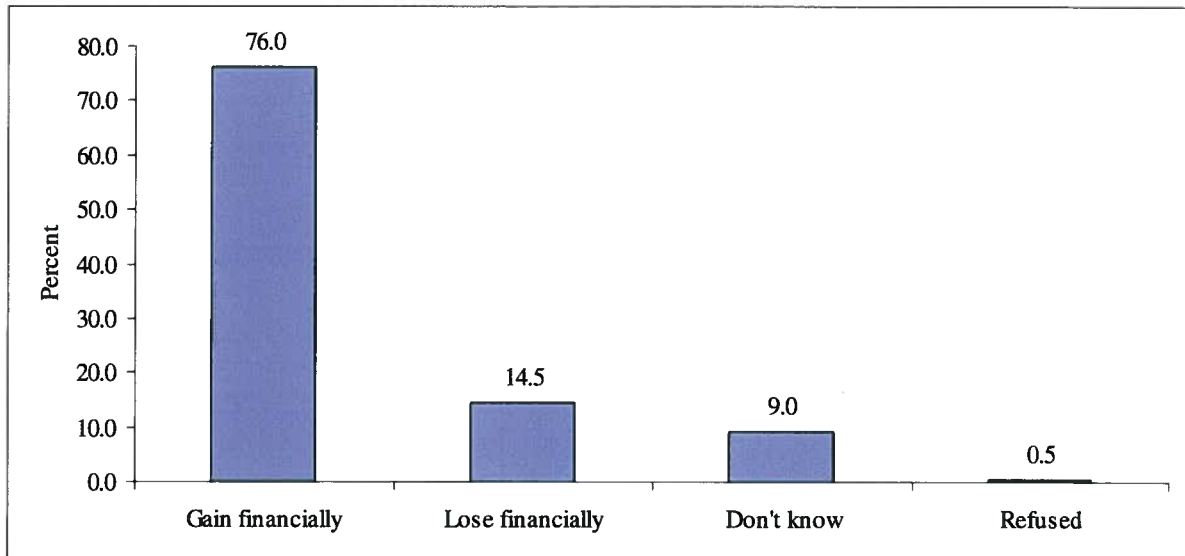
What is the best thing about the Town of Watertown?

Community Characteristics	
small town/quaint/quiet/clean	117
friendly nice people	59
community/neighborhood atmosphere	34
Safe/good police protection	27
Family/children friendly	10
Location and convenience	47
Good schools	47
Low taxes	31
Grew up in Watertown, long history in the town/ family in the town	24

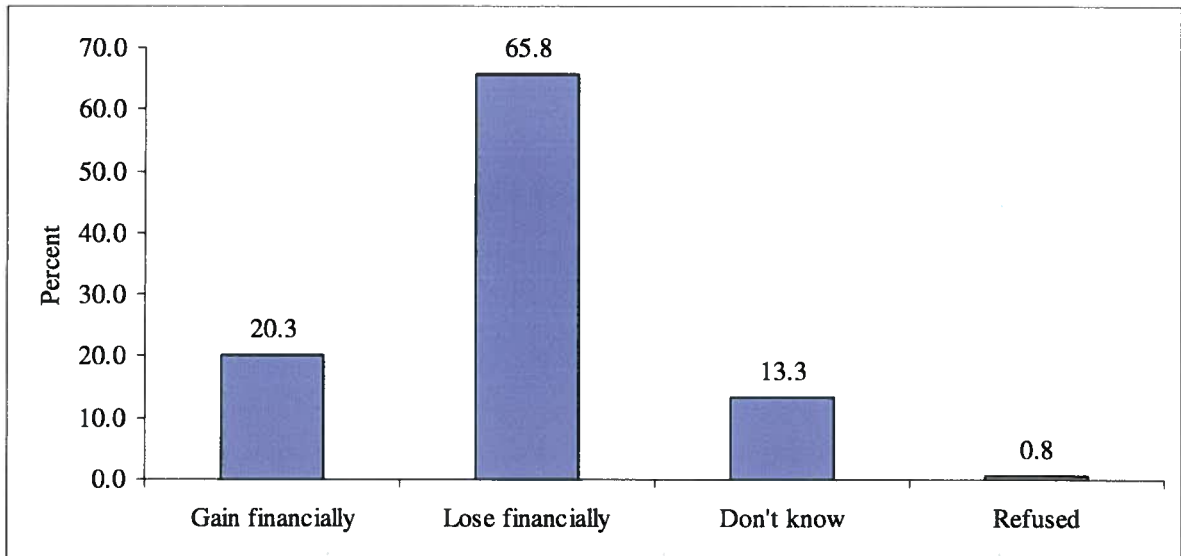
If a large retail store were to come to Watertown do you think the town would financially gain or lose from the development?



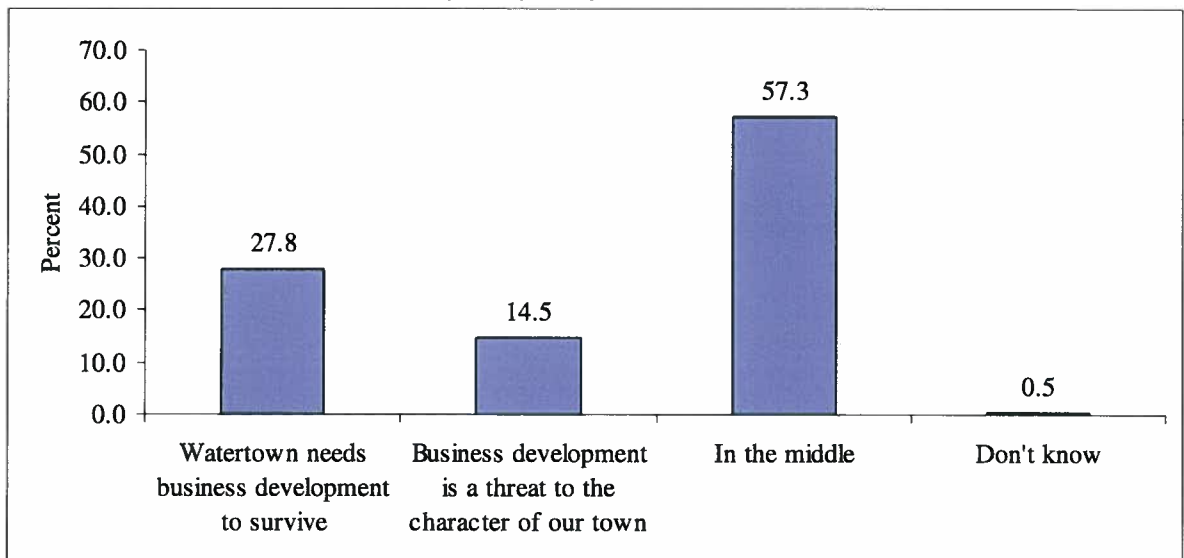
How about a large industrial facility?



How about a large housing subdivision?



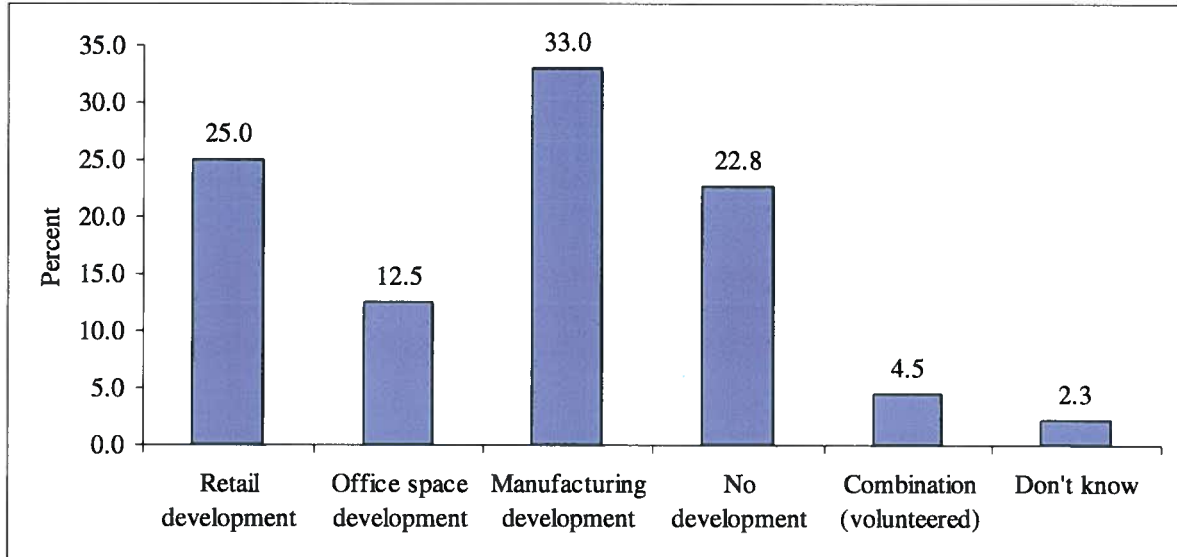
Which of the following statements comes closest to your own opinion: A) The Town of Watertown needs to increase business development in order to survive; OR B) Business development is a threat to the character of the town OR, would you say that you fall somewhere in the middle?



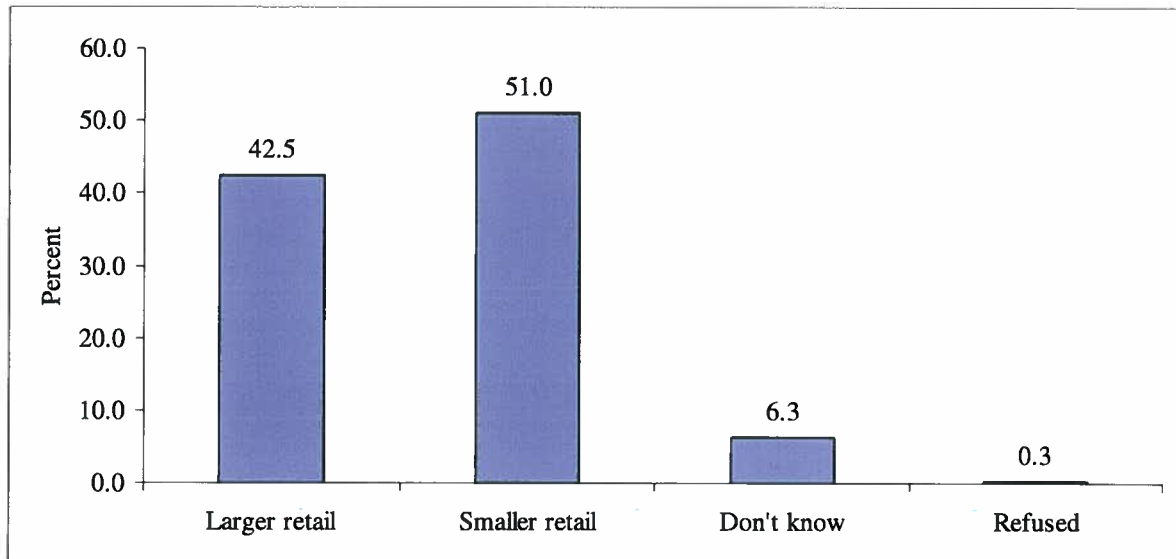


#### 4. PREFERRED ECONOMIC DEVELOPMENT STRATEGIES

Now I would like to ask you some questions about business development in the Town of Watertown. What kind of development would you favor the MOST? Would you favor retail development, office space development, manufacturing development, or no development at all?

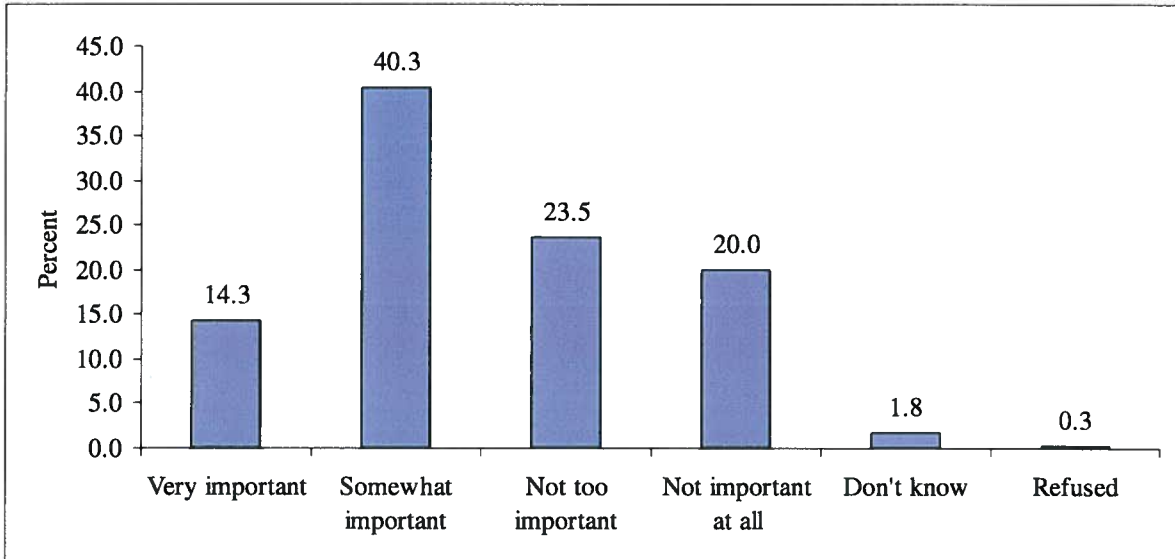


What kind of retail development would you favor MOST, would you favor collections of smaller retail stores such as those in downtown Watertown, or larger chain-type retail stores in other parts of Watertown?

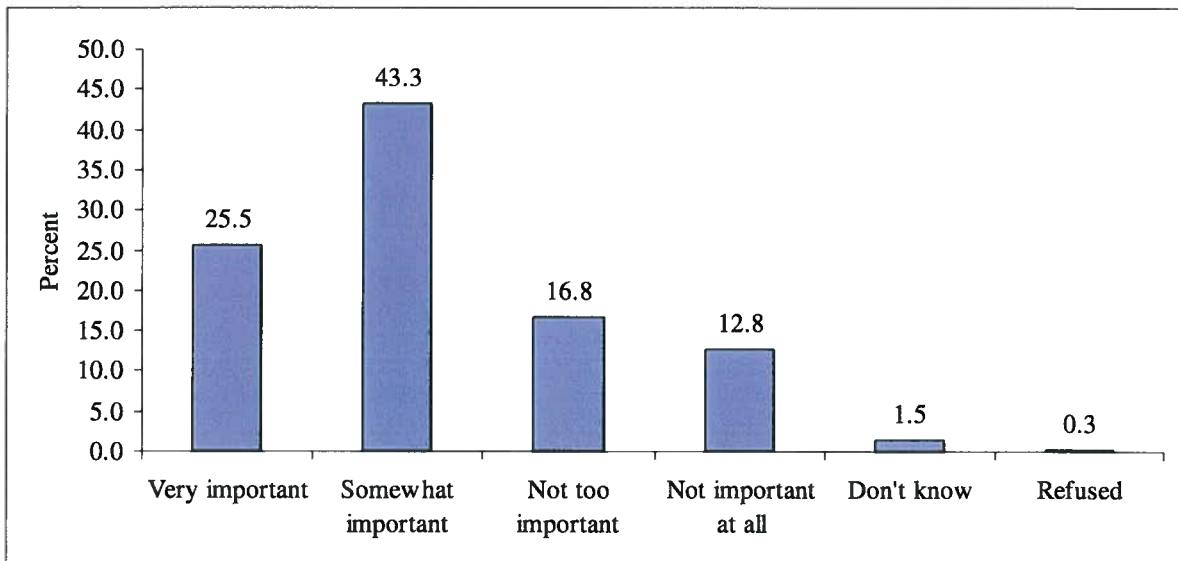


Now I'm going to read you a list of some things that people have suggested that the Watertown town government might do about economic development. For each one, I'd like you to tell me if it is very important, somewhat important, not too important, or not important at all. First...

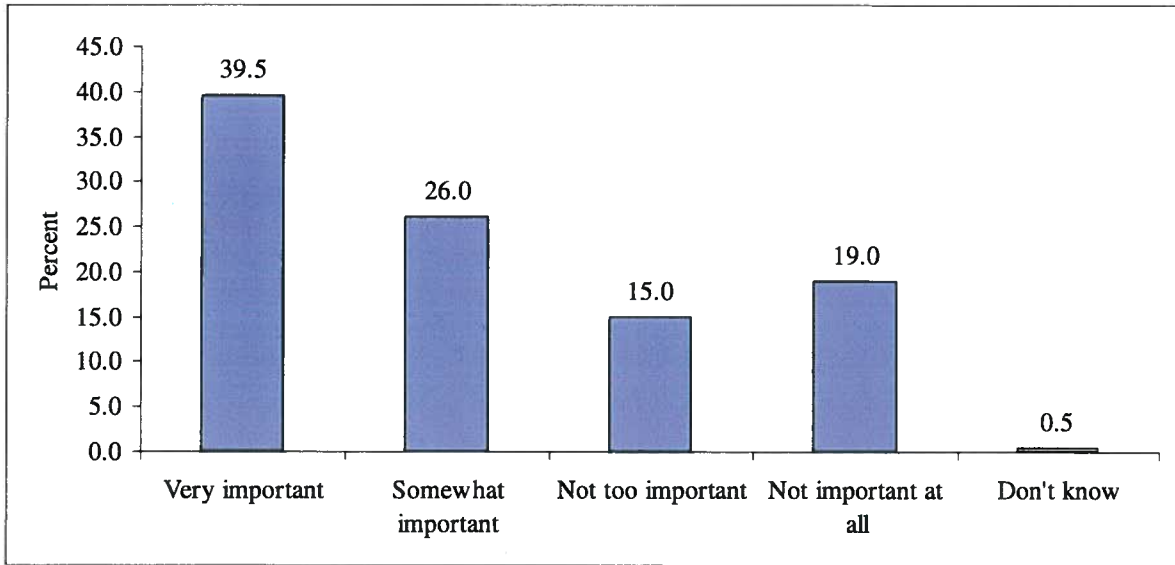
Encourage more office development



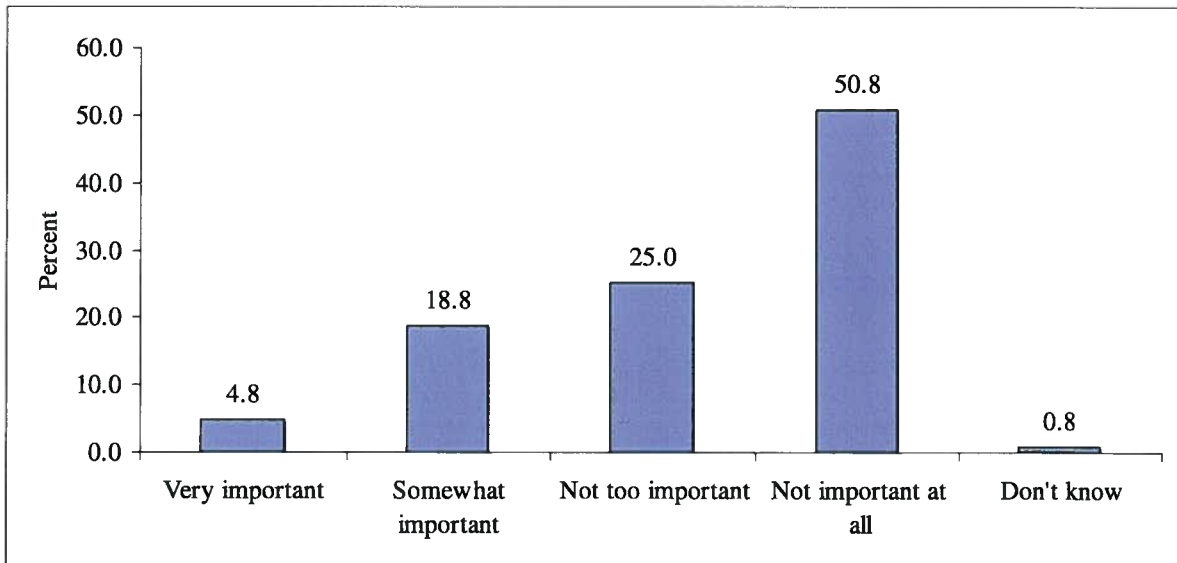
Encourage more retail development



Encourage more industrial development like industrial parks

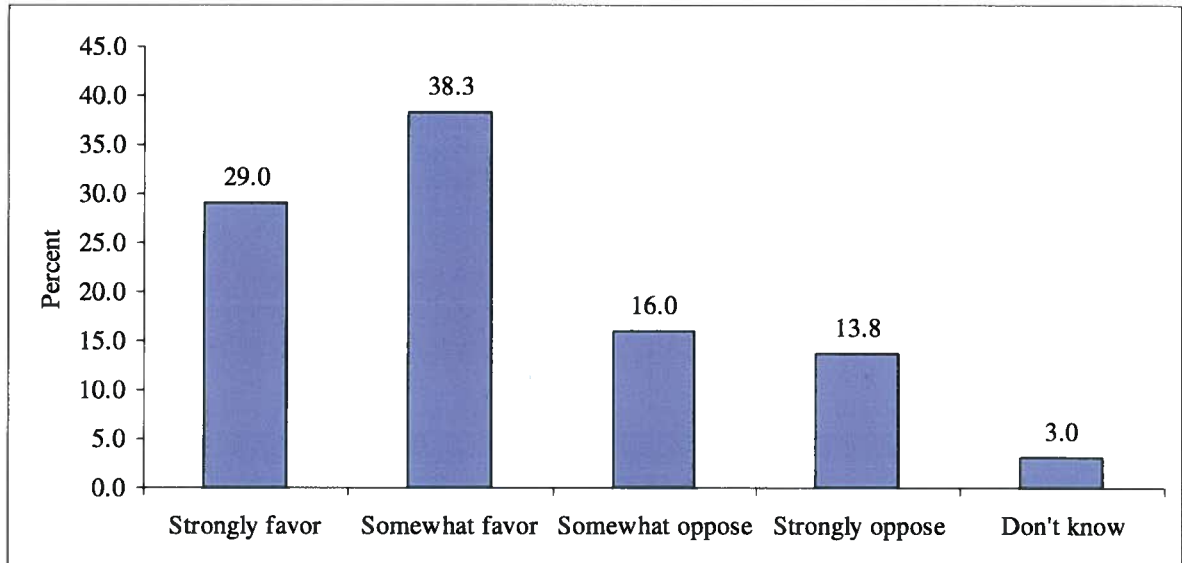


Encourage more residential development

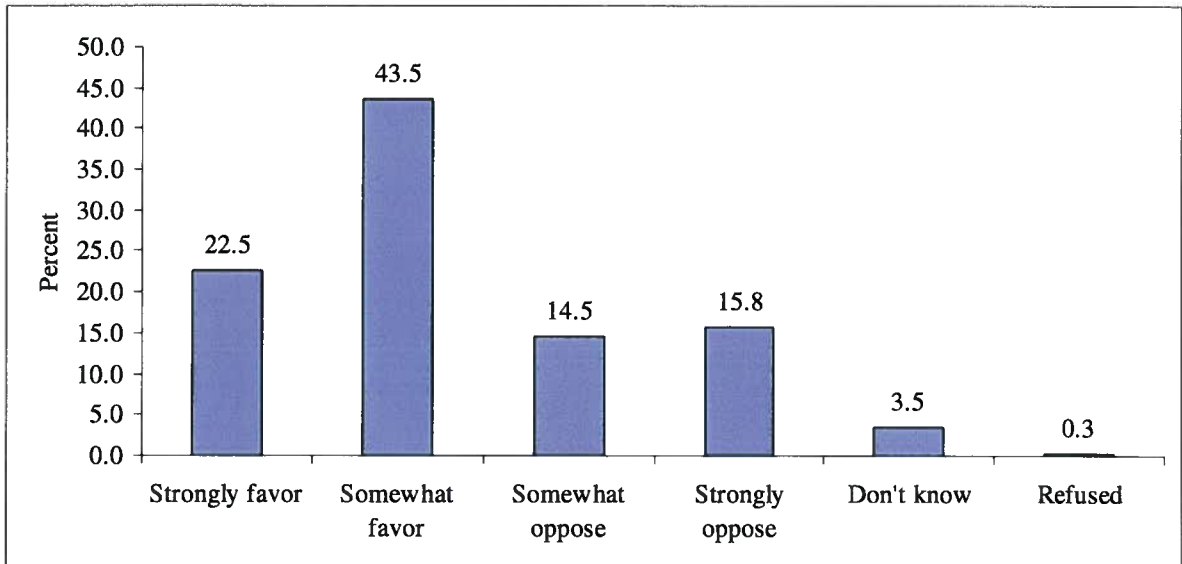


There are various types of initiatives that the town could pursue in order to create economic development. I am going to read you a list of roles the town might play in the area of economic development and for each I would like you to state whether you strongly favor, somewhat favor, somewhat oppose, or strongly oppose that type of role for the town.

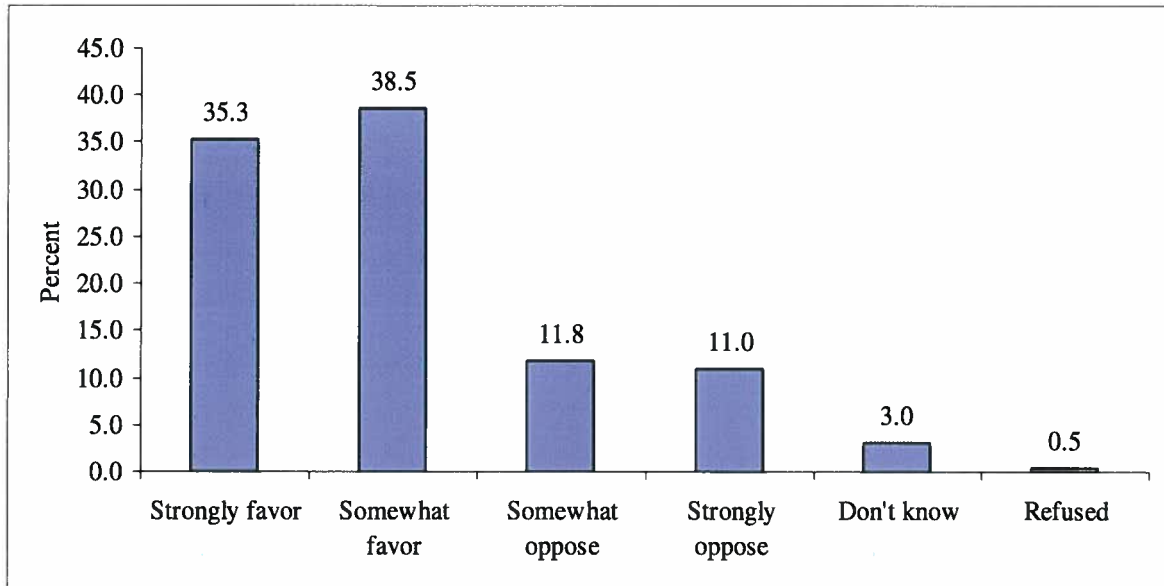
**Offer tax incentives to attract businesses**



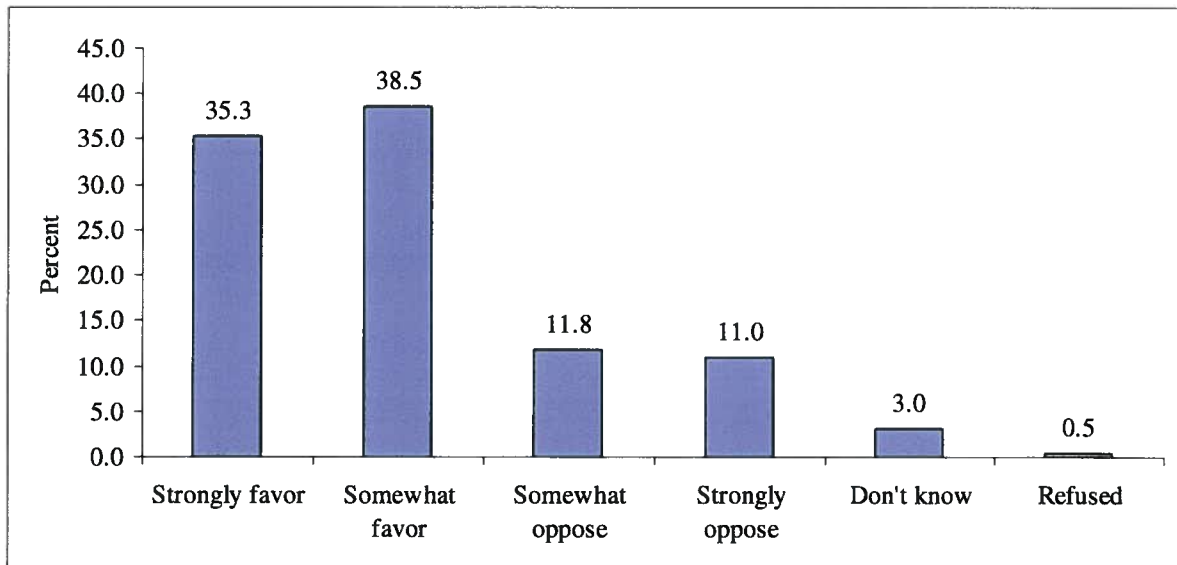
**Set aside funds to provide infrastructure improvements for business**



Develop a marketing plan for business recruitment

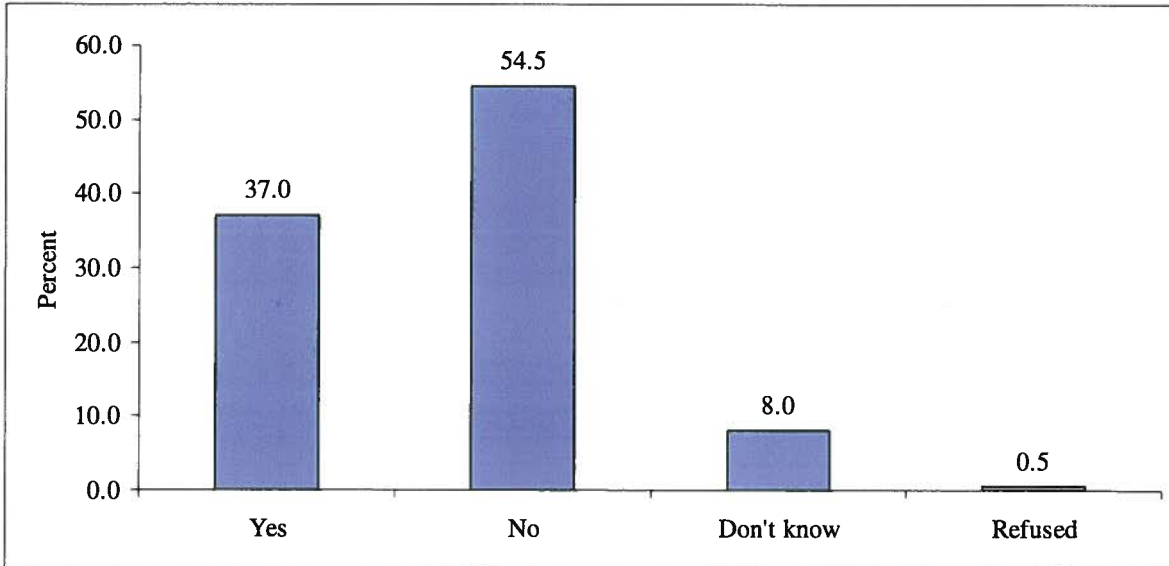


Make zoning changes to encourage business development

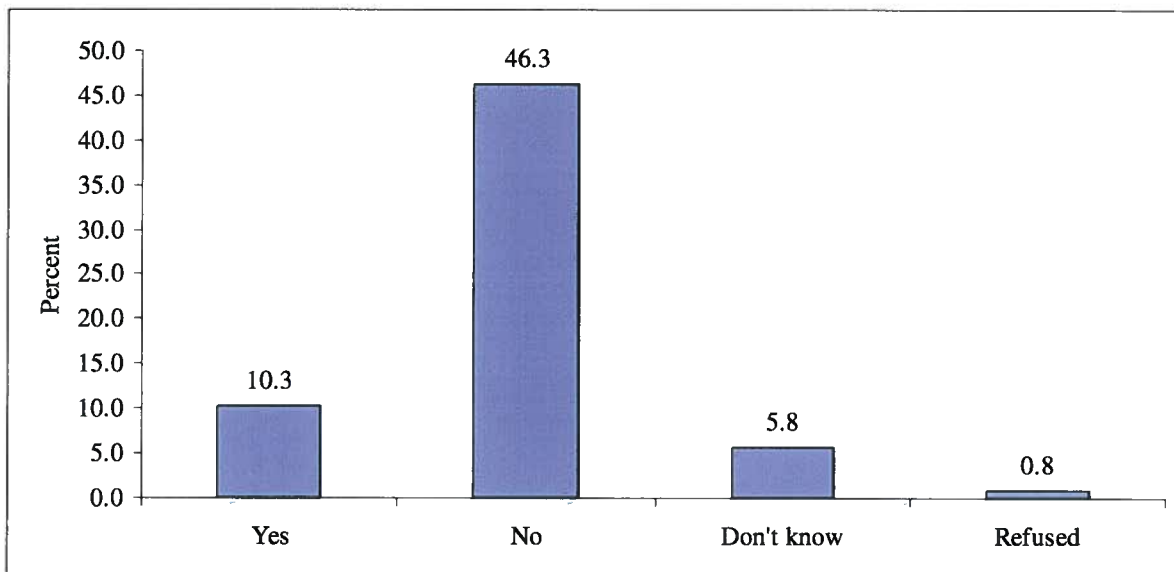


## 5. WILLINGNESS TO PAY FOR ECONOMIC DEVELOPMENT

As you may know, there is land available on Echo Lake Road by Route 8 that is suitable for business development. This area is **not** now served by Town water and sewer. Do you think the Town of Watertown should provide water and sewer to the area to help attract business development if it would mean an increase in the taxes of every Watertown household (including yours) of \$100 per year?

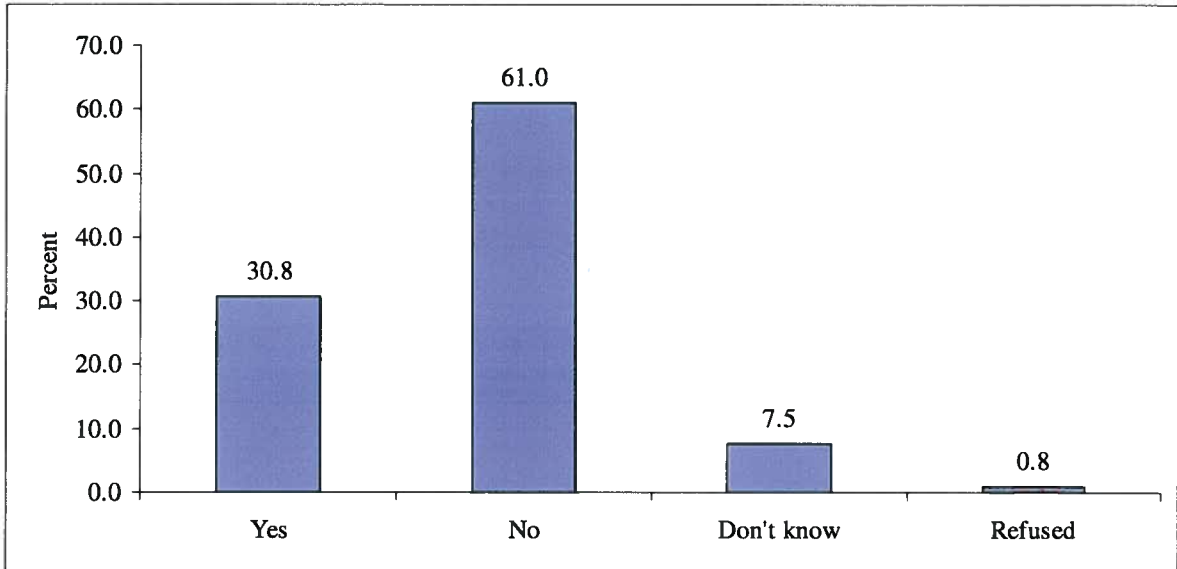


How about an increase of \$50?

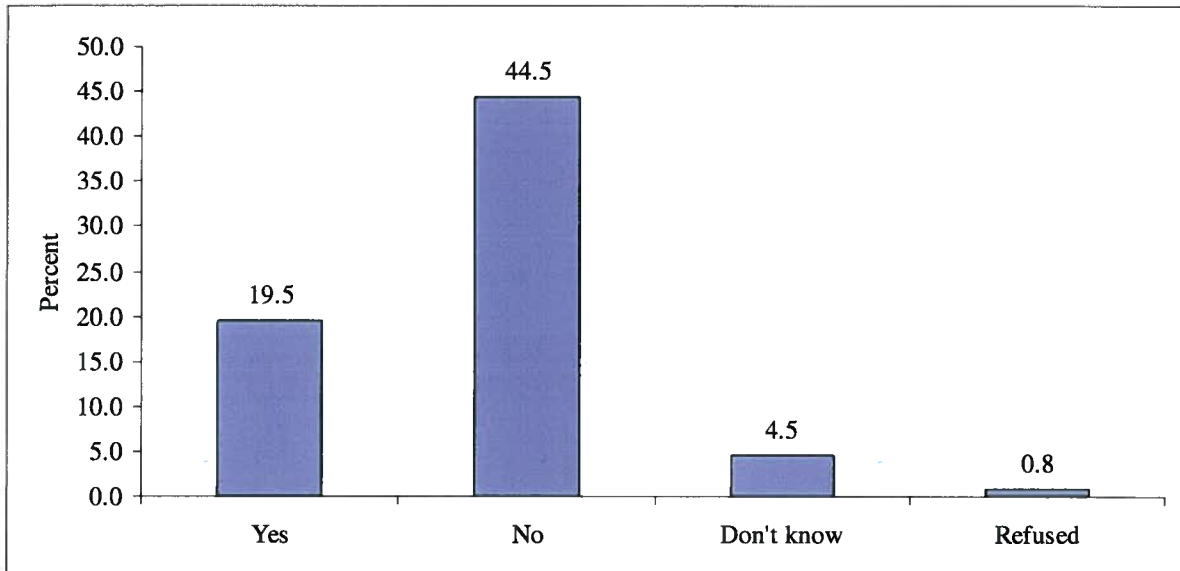


*Note: The percentages reported for the question on the previous page “How about an increase of \$50?” are based on the total overall number of responses. Therefore, the \$50 and \$100 percentages can be added together; indicating that 47.3% of respondents would favor an increase of \$50 or more.*

Do you think the Town of Watertown should **discourage** business development in order to maintain its small town character if it would mean an increase in every Watertown household’s taxes (including yours) of \$100 per year?

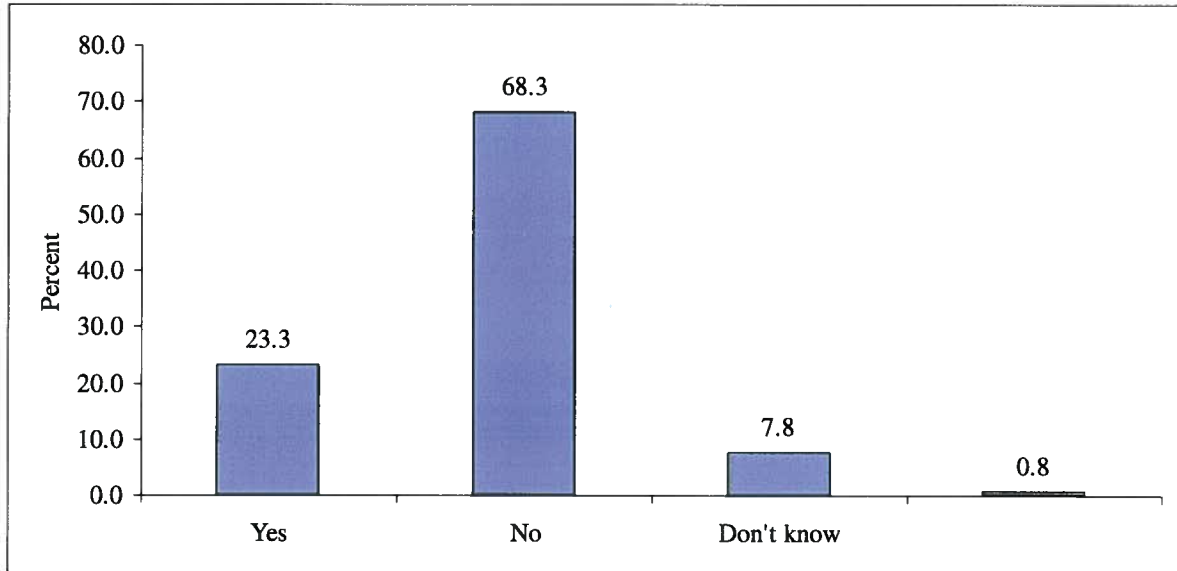


How about an increase of \$50?

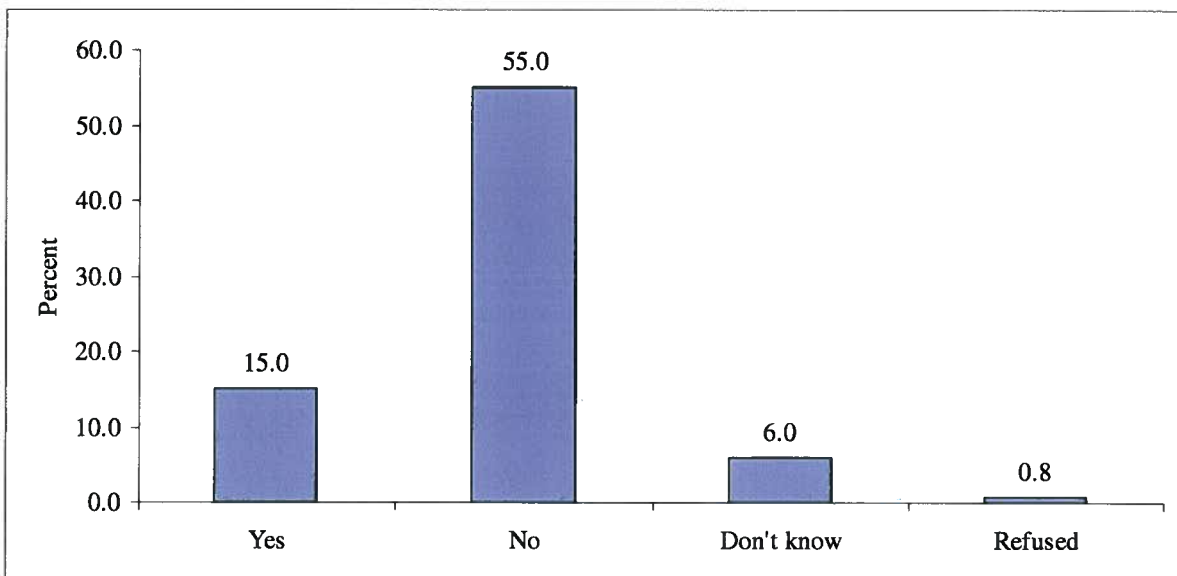


*Note: The percentages reported for the question on the previous page “How about an increase of \$50?” are based on the total overall number of responses. Therefore, the \$50 and \$100 percentages can be added together; indicating that 50.3% of respondents would favor an increase of \$50 or more.*

Do you think the Town of Watertown should provide financial incentives to businesses to locate in the Town if it would mean an increase in every Watertown household s taxes - including yours - of \$100 per year?



How about an increase of \$50?





*Note: The percentages reported for the question on the previous page “How about an increase of \$50?” are based on the total overall number of responses. Therefore, the \$50 and \$100 percentages can be added together; indicating that 38.3% of respondents would favor an increase of \$50 or more.*

## DEMOGRAPHICS

1. Female: 52%; Male 48%
2. Median number of years living in Watertown: 23
3. Home ownership:

	Percent
Own	85.5
Rent	8.8
Live with relatives	4.5
Don't know	0.3
Refused	1.0

4. Average age: 54

5. Education:

	Percent
Grade school or less	1.5
Some high school	2.8
High school grad	33.5
Some college	24.5
College grad	21.3
Post graduate	15.0
Don't know	0.3
Refused	1.3

6. Annual household income:

	Percent
Less than \$40,000	18.8
\$40,000 or more	69.8
Don't know	1.8
Refused	9.8

If less than \$40,000:

	Percent
Under \$10,000	0.5
\$10,000 to less than \$20,000	6.3
\$20,000 to less than \$30,000	4.3
\$30,000 to less than \$40,000	6.3
Don't know	0.8
Refused	0.8

If more than \$40,000:

	Percent
\$40,000 to less than \$50,000	9.3
\$50,000 to less than \$75,000	17.3
\$75,000 to less than \$100,000	15.8
\$100,000 to less than \$125,000	7.8
\$125,000 or more	11.5
Don't know	3.8
Refused	16.0

## APPENDIX B. CONSULTANT QUALIFICATIONS

### **Bill Simonsen, Ph.D.**

Simonsen holds a Ph.D. in Public Administration from New York University's Wagner School of Public Service and a Masters in City and Regional Planning from the Kennedy School of Government at Harvard University. Simonsen's expertise focuses on public sector management and policy, particularly in the area of financial management. This has two broad themes: 1) processes to aid or improve public management and policy decisions, in particular in the area of financial management, and 2) methods that improve the ways that citizens can be involved in public decisions. Simonsen's work has been published widely in public administration and related journals. All together he has authored or co-authored over 50 journal articles or conference papers. His book chapters include a study of the State of Oregon budgeting practices forthcoming in *Governors, Legislatures and Budgets: Diversity Across the States*. His book with Mark Robbins, *Citizen Participation in Resource Allocation* examines current and historical methods of involving citizens in public budgeting processes.

Simonsen has made invited presentations on his work to organizations such as the Connecticut Chapter of the International City/County Managers Association and the Connecticut Chapter of the American Society for Public Administration, the national Government Finance Officers Association, and the National Association of Independent Financial Advisors. Simonsen has led or been a part of public policy or management projects at the local, state and federal level.

In addition to his work with the N.E. Willow Group, LLC, Simonsen is appointed as a Full Professor in the Department of Public Policy at the University of Connecticut where he is also Director of its Master of Public Administration (MPA) program. Prior to joining the faculty at the University of Connecticut he spent eleven years at the University of Oregon where he directed both their MPA program and their undergraduate program in Planning, Public Policy and Management. Before his academic career, Simonsen held positions at Moody's Investors Service, New York City Human Resources Administration, New York City Office of Management and Budget, and the New York Metropolitan Transportation Authority.

Simonsen resides in Mansfield, Connecticut

**Mark D. Robbins, Ph.D.**

Robbins earned his Ph.D. in public administration from Syracuse University's Maxwell School of Citizenship and Public Affairs where he specialized in public finance and budgeting. He has published many articles in public administration and public finance journals. In addition to presentations given at universities and academic conferences, Robbins has made invited presentations to the Georgia Municipal Association, National Association of Independent Financial Advisors, Virginia Resources Authority, American Society for Public Administration and the Government Finance Officers Association.

His primary areas of expertise are in government finance, budgeting and financial management and in the design and implementation of citizen preference revelation and citizen participation mechanisms. He has lead or participated in projects serving state and local governments and agencies in Connecticut, Georgia, Massachusetts and Oregon as well as performed work for the United States Department of Homeland Security.

In addition to his consulting work with N.E. Willow Group, LLC. Robbins is appointed as an Associate Professor and Head of the University of Connecticut's Department of Public Policy where he teaches and conducts research in public financial management, debt management and public policy. Before accepting his current post, Robbins was on the faculty of the University of Georgia where he taught graduate courses in public finance, budgeting and quantitative methods. Prior to his academic career he worked in non-profit management.

Robbins resides in Hebron, Connecticut.