

HOMELAND TOWERS, LLC (HOMELAND) NEW CINGULAR WIRELESS PCS, LLC (AT&T)

Application to the State of Connecticut Siting Council

For a Certificate of Environmental Compatibility and Public Need

-SHERMAN FACILITY-

Docket No. ____ BULK FILING

HOMELAND TOWERS, LLC (HOMELAND)

9 HARMONY STREET

DANBURY, CONNECTICUT 06810

NEW CINGULAR WIRELESS PCS, LLC (AT&T)
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT 06067

BULK FILING CONTENTS

- Section 1: <u>Sherman, Connecticut, Plan of Conservation and Development,</u> Adopted June 20, 2013
- Section 2: <u>Zoning Regulations</u>, Town of Sherman, Connecticut, Adopted May, 1937, last Amendment Effective March 1, 2019
- Section 3: Zoning Map, Town of Sherman, Connecticut, Effective December, 2006
- Section 4: <u>Inland Wetlands and Watercourses Regulations</u>, for the Town of Sherman, Connecticut, originally adopted January,1975, Amended Effective date July, 2009
- Section 5: <u>Technical Report</u>

ATTACHMENT 1



Sherman, Connecticut

Plan of Conservation and Development Adopted: June 20, 2013



This plan has been developed to be viewed in a digital format

The digital version of this plan is free and environmentally-friendly

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Introduction

This Plan of Conservation and Development (POCD hereafter) of the Town of Sherman, Connecticut has been prepared under the authority of, and in fulfillment of the requirements of, Section 8-23 of the Connecticut General Statutes. This POCD was prepared by the Planning & Zoning Commission of the Town of June 20, 2013. This POCD was adopted by the Commission at a meeting on June 20, 2013, and became effective, pursuant to public notice duly given, on June 26, 2013.

This POCD, by its enactment, supersedes all previous POCD enacted by the Town of Sherman. Most specifically, it supersedes the POCD of the Town of Sherman adopted by the people of the Town on May 1, 1978, and the updating of that POCD adopted by the people of the Town on August 4, 2001.

The POCD is not a law, ordinance or regulation. The Connecticut General Statutes provide that "The POCD shall be a statement of policies, goals and standards for the physical and economic development of the municipality" and shall be updated every ten years. These policies, goals and standards are intended, in simplest terms, as a set of guidelines for the boards, commissions, and agencies of the Town when these entities create new rules, or exercise their legitimate judgment in applying existing rules, in the matters relating to the use of land. The POCD contains the instructions of the people of the Town to those entities. The POCD contains the goals that new rules should serve, and the standards that should be applied when new or existing rules require the exercise of judgment.

The POCD is part of the broad planning structure of the State of Connecticut. The Connecticut General Statutes provide a planning framework for the State as a whole, and put forth numerous specific statewide planning goals. The Town of Sherman is a member of the Housatonic Valley Council of Elected Officials, the regional planning agency charged with planning for a ten-municipality area at whose northwestern corner Sherman lies. The Town of Sherman hereby incorporates into its POCD "The HVCEO Regional Growth Guide Map" and its accompanying text, dated July 1, 2009, which set forth the regional directions for development planning.

The Town of Sherman is additionally subject to policies limiting the uses of land located in public water supply watersheds. Much of the surface area of the Town lies within the New York City (Croton System) and the Candlewood Lake watersheds. This POCD expressly accepts the limitations placed on land use by "The Conservation and Development Policies Plan for Connecticut", dated 1998-2003 and "The HVCEO Regional Growth Guide Map" with its accompanying text, dated July 1, 2009 and the New York City Water Supply Watershed regulations, dated 1996. It is intended to be consistent with these documents and statewide growth management objectives.

The Connecticut General Statutes require that "a plan of conservation and development shall be designed to promote with the greatest efficiency and economy the coordinated development of the municipality and the general welfare and prosperity of its people." The Statutes additionally cite matters that a plan of development must address, and others that it may address.

This POCD addresses each cited matter, required or optional. The Statutes also provide that a plan of development may "make such other recommendations as will be beneficial to the community." This POCD makes several such recommendations.

This POCD consists of a written text, computer based maps and The Open Space Plan as revised by the Land Acquisition Board.

Overview of the 2013 POCD

More than seventy-five years ago, the Town of Sherman was the first Connecticut municipality to adopt zoning regulations. The purpose was to establish rules and procedures that would allow residents to use their property, and the Town to grow, without changing the attractive character of the Town.

That initiative and its successors have been demonstrably successful. Sherman today, though considerably more populous, retains its rural character.

It is, in addition, economically healthy, environmentally sound, and well provided with town services.

Protect the Rural Character

The premise that the Town of Sherman is, wishes to remain, and will remain a rural town is consistent with the previous POCD of 2001. As a rural town, Sherman is characterized as having a clearly defined town center wherein commercial and municipal services are located; low population density; no industrial activity; limited commercial activity; substantial areas devoted to forestation, agriculture, and open space; country roads; preservation of barns and other historic structures; protection of scenic vistas and other scenic resources, recreational areas, and natural features; and no use of sewers, offsite sewage treatment facilities and public water systems. This rural town concept is compatible with the planning of the State of Connecticut, HVCEO, and the demands placed on the Town as part of two major public water supply watersheds.

Continue to Implement the Plan

Land Use Commissions are in agreement that their goals are "to preserve the rural character of the Town". Much has been accomplished since the last POCD to achieve these goals. For example, the Town recognized the need for open space. The Sherman Land Acquisition Fund Advisory Board (SLAFAB) was created in 2004 to develop a definition of "open space," categories to aid in planning for open space, and criteria for the selection of sites appropriate for open space.

Happy Acres Farm, Munch Meadows and the Towner Hill property are significant purchases made to preserve the Town's rural nature. Munch Meadows (4.6 acres) was purchased in July 2006, Towner Hill (80 acres) in December, 2008, and Happy Acres Farm (79 acres) in May, 2010. To further its rural character, a Scenic Road Ordinance was passed in 2005 with the goal of maintaining and preserving the Town roads' natural features.

Manage Residential Development

One cornerstone principle of the Town of Sherman's planning for residential development is that every building lot must be able to meet the water supply and septic disposal needs of the uses to which it is put, on-site and in perpetuity. In 2006, fouracre zoning was passed assuring increased lot size in a significant portion of Town. Nonetheless, on-site water supply and septic disposal have limited the range of housing alternatives available within the Town. Accessory Apartments have historically met the need for affordable housing. A Housing Commission was formed to pursue housing alternatives. Their findings are to be reported to the Town.

Carefully Manage Business Development

This POCD, like its predecessors, contemplates three basic categories of employment within the Town of Sherman. First: employees of Town boards and agencies and of commercial establishments, located primarily within the Town Center. Second: resident contractors who perform work at customer locations throughout the town and region but who use their residential properties for office functions and vehicle storage. Third: individuals who work within homes located on residential properties. In 2010, the Planning and Zoning Commission passed a Resident Contractor Regulation. As of December 2012, more than 30 resident contractors registered their businesses which do not have an undue adverse impact on the quality of life or property values of those who own or use adjacent and nearby lands.

Enhance the Town Center

The Town Center is the heart of Sherman, location of virtually all functions of Town government, all of the Town's commercial establishments, and most of the public places where the people of the Town gather. Largely as a response to the population growth of the 1970's, 1980's and 1990's, commercial space usage in the Town Center has roughly doubled in the decade preceding the preparation of this POCD. This POCD proposes that the Town Center remain much as it is today, with particular emphasis on preservation of the Historic District that lies within the Center. Although a growing population may require the construction of a new school at some point in the future, possibly outside the Town Center, all other aspects of Town government should be able to address the needs of a fully realized planning horizon population within the confines of the Town Center.

Preserve Undeveloped Land as Open Space

Another cornerstone of the Town of Sherman's planning is preserving the rural character of the Town by the preservation of the Town's unique aesthetic and environmental appeal. These include:

- prior identification of potential open space areas that meet Town preservation objectives in land that may be subject to future development.
- exercising the Planning and Zoning Commission's option during the subdivision process to select areas as open space.
- enabling the acquisition of high-desirability open space areas utilizing cash payments in lieu of open space from developers whose lands contain no equally desirable open space areas.
- regulations to preserve the attractiveness of ridgelines, lakes, waterways and roadways.
- regulations to protect rare and endangered natural and archeological features (greenways, stonewalls, barns and other historic structures).
- regulations to encourage agriculture.

About Planning

The requirement for a community to prepare and adopt a Plan of Conservation and Development every ten years is contained in Section 8-23 of the Connecticut General Statutes.

While the statutes require that the Planning and Zoning Commission prepare a Plan, the main reason that Sherman prepared this Plan was to establish a proactive approach to guiding for the community's future.

This POCD is a tool for guiding the future of Sherman. This POCD establishes a vision and common goals for the community's future and identifies action steps that, when implemented, will help attain that vision. If steadily implemented by Sherman residents and officials, this POCD will help protect important resources, guide appropriate development, protect community character, and enhance the quality of life for current and future Sherman residents.

In addition to being an overall guide for the community, the POCD is a legal document adopted by the Planning and Zoning Commission pursuant to Section 8-23 of the Connecticut General Statues. POCD is advisory in nature and provides guidance for Town decisions related to land-use regulations and capital improvements.



Sherman Senior Center

Supporting Documents and Information

This POCD is a strategic document – that is, it focuses on where Sherman intends to go from here.

As a result, much of the inventory and assessment information which was used to formulate the strategies will be found in background documents that collectively make up the Town's "Planning Library". The Planning Library provides background and more detailed information about topics in this POCD. For example, documents in the Planning Library include items such as the:

- Natural Resource Inventory (2005)
- Report on the Study to Determine the Feasibility for Senior Housing Options
- Open Space Plan (1968) Planning & Zoning Minutes 1937-1984 p 315-321
- Plan of Conservation and Development (1979)
- Plan of Conservation and Development (2001)
- Inland Wetlands and Watercourses Regulations
- **Zoning Regulations & Subdivision Regulations**
- **HVECO** Regional Growth Plans
- Open Space Plan Land Map prepared by SLAFAB (2010)

Place

The Location

Sherman is the northernmost town in Fairfield County and is located along the New York border. The community is bordered by the towns of New Milford, Kent and New Fairfield, Connecticut and Dover, Pawling and Patterson, New York.

The Past

Settling in New Fairfield, the Puritans established The New Fairfield Meeting with a meeting house in its center. The north seven miles of the town became well populated, and in 1744, its residents established their own North Meeting with the Congregational Church and schools. The settlement then was called "New Dilloway".

The North Meeting petitioned the Connecticut General Assembly to be a separate town and in 1802, became Sherman, named for Roger Sherman, the only American to sign four important historical documents: The Continental Association of 1774, The Declaration of Independence, the Articles of Confederation, and The Federal Constitution.

Farming was the predominant occupation, along with mills for timber, shingles, cider and grain. Early Sherman had one church, one store, a doctor, and men who could build, and deal in cattle and property sales.

Only after the flooding of Candlewood Lake in 1928, did the population begin to grow.



Housatonic Valley Planning Region



Sherman is the location of Naromiyocknowhusunkatankshunk Brook (29 letters), in the north end of town near the New Milford border.

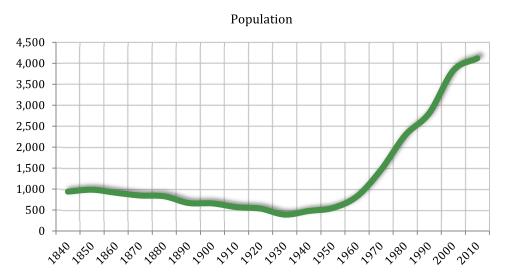
The Naromi Land Trust in Sherman derived its name from the brook.

A Farming Community

Milk cans sitting on a corner stand awaiting morning pickup were once a common sight in Sherman. However, as milk production became more regulated, dairy farms began to disappear. Tobacco was a large cash crop grown during the early 1900's. Considered to be of superior quality, it was dried in barns and shipped out as the wrapper leaf for cigars.

In recent years, a few farms have been sold to our local *Naromi Land Trust*, and carefully sub-divided to preserve the natural views of rolling hills and farm buildings. Others survive to raise pigs, breed sheep, cattle and horses. Newer farmers are growing organic vegetables, fruits and flowers for the open market. Equestrian facilities are also found throughout the Town.

Estimated Population Growth Trends*



* Source: 2010 U.S. Census Demographic Profile

Existing Land Use

As of January 1, 2012, the current land use status was:

- the town contained 15,805 acres of land, exclusive of public roads, Candlewood Lake and Squantz Pond.
- this land was divided into 2,576 parcels.
- of this total, 2,178 parcels contain a single-family residence; and the remaining land is vacant land.
- The estimated population of the Town of Sherman is 3,900 people.

The Future

The planning horizon of the Town of Sherman is reflected by a series of maps entitled "Land Available for Development", which were prepared by the Planning & Zoning Commission. These maps are based on the best available federal, state, and town data, including property maps on file with the Town Clerk and Board of Assessors of the Town. Based on these maps and other calculations, the Planning and Zoning Commission makes reasonable estimates of land use.

- After elimination of lands that cannot be developed by reason of slope, septic limitations, wetlands, and water bodies, the land in the Town suitable for residential development, but not yet developed, can with some accuracy be estimated. (It must be noted that some approved lots may turn out to be inappropriate for building, and that some parcels of land that appear suitable for building may fail to gain approval as building lots).
- The population distribution for the State of Connecticut is 2.59 persons per residence, essentially comparable to Sherman's 2.62 population per household.
- The rate of new construction that has prevailed since the last revision of the POCD has declined dramatically. There was an average of approximately 40 new homes per year built between 2001 and 2004, compared to an average of 10 homes per year between 2005 and 2011.

The responsibility of the Planning & Zoning commission is limited to the uses of land within the Town of Sherman. It is the responsibility of the legislative body of the Town, the Town Meeting and the other governmental agencies of the Town, most particularly the Board of Selectman, to plan for the provision of town services to the population determined by the planning horizon.

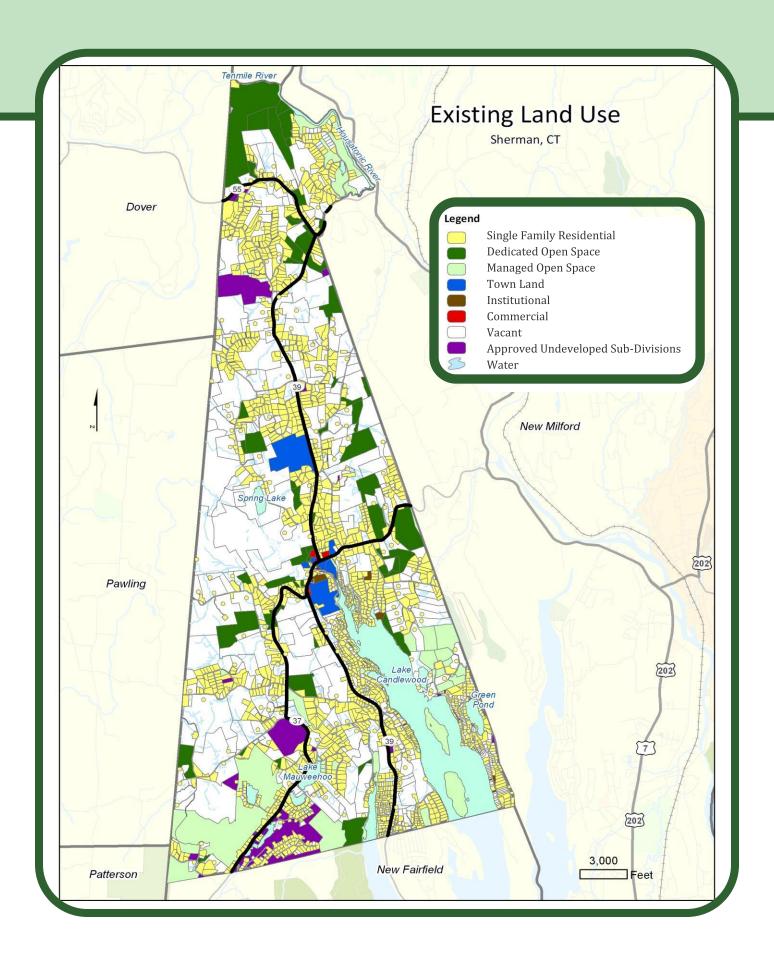
Accordingly, the Board of Selectmen, with the advice and counsel of other Town agencies, should determine that the Town presently has, or is certain of the ability to acquire, land sufficient to meet the needs of the population for road transportation, elementary and secondary education, firefighting and emergency service, public health and sanitation, parks and recreation, and other essential town services. Further, the Board of Selectmen shall report their determinations to the Town not later than two years following the date of this plan's adoption by the Town.

The planning horizon considers the population under current conditions. This horizon may in the future be increased or reduced by legislation of other governmental action at the federal, state or Town level that changes the amount or nature of permissible or required development. This horizon may be reduced as well by actions of private landowners that permanently limit or preclude development of their lands.

Accordingly, the Planning & Zoning Commission should from time to time determine a new planning horizon for the Town, taking into account all public and private actions that have affected the prior planning horizon. Such re-determination will be reported to the Board of Selectmen and the Town.

The amount of land suitable for development is dependent on limitations that change from time to time. These include:

- Federal statutes, including the National Flood Insurance Program "Firm Flood Insurance Rate Map," Map Index and Street Index, prepared by the Federal Emergency Management Agency.
- State statutes, including the Health Code of the State of Connecticut:
- Inland Wetlands and Watercourse Regulations of the Town of Sherman;
- State Building Code;
- Ordinances and regulations of the Town of Sherman, including the revised Health Code, dated, May 4, 2001; an Ordinance Establishing Procedures; Standards, Specifications and Regulations for the Construction of Roads in the Town of Sherman;
- Zoning Regulations of the Town of Sherman;
- Subdivision Regulations of the Town of Sherman: and
- Private limitations placed on the use of land. including ownership by a land trust or conservation organization; designation as open space; conservation of other easements; permanent deed restrictions or other irrevocable limitations.



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Natural Resources

Preserving Sherman's rural character means above all protecting the natural resources that sustain life and good health- the water, air and soil, the plant and wildlife. We are the stewards of the land, maintaining and enjoying it, then passing it on to the next generation. The quality of life and the value of real property in Sherman are affected by how individual property owners develop their land. Education, regulation and enforcement are tools that we use to preserve the integrity of our natural environment.





Protect Natural Resources

The Town of Sherman is defined by a major river at its north end, a major lake at its south end, and a vast network of rivers, streams and wetlands throughout the Town. The southwestern area of Town is part of a public water supply watershed for the City of New York. Whenever significant development activities are proposed within a defined watershed present in the Town of Sherman, the development guidelines of the authority responsible for the watershed shall be taken into account at public hearings of the appropriate land use agencies of the Town during their consideration of the proposed activities.

- Within two years of the adoption of this POCD, the Planning & Zoning Commission shall develop a regulation for passive solar orientation of new structures.
- Within two years of the date of adoption of this POCD, the land use agencies of the Town shall implement regulations or guidelines for tree cutting, planting, chemical use and other development activities which affect runoff of silt and pollution.
- Within two years of the date of adoption of this POCD, the land use agencies of the Town shall consider regulations for septic and oil tank maintenance with the goal of eliminating or reducing these items as sources of potential water contamination.
- Within two years of the date of the adoption of this POCD, the Planning & Zoning Commission shall develop a regulation to ensure zero increase in runoff on new construction.

Natural Resource Strategies

	DESCRIPTION	EXAMPLES
Resources for Protection	Resources with important functions that should be permanently protected under the open space plan objectives	See SLAFAB Open Space Plan
Resources for Preservation	Resources so important to environmental quality or community character that alterations to these areas should be avoided	 water quality watercourses/bodies Inland Wetlands Steep slopes (>25%) Flood plains
Resources for Conservation	Resources with important functions that can be maintained, with compatible activities developed in an environmentally sensitive way	 Sensitive watershed areas Streambelt protection buffers areas Unique or special habitat environmentally sensitive areas Ground water

Educate the Public About Water Quality

Public education and involvement are essential parts of any strategy to protect water quality. In 2010, for example, markers were put on storm drains to make residents aware of drainage into Candlewood Lake. Educational materials and programs about reducing or eliminating sediment runoff, septic maintenance, hazardous materials, lawn and garden fertilizers/chemicals, yard composting, clear-cutting of understory, wetlands protection and other issues may be sponsored by the town commissions and private organizations.

Such programs will help educate residents on threats to water quality and the cumulative impact of many individual decisions.

Monitor Septic Management

Regular septic tank management is the single most important step homeowners can take to protect the quality of water. The 2010 town survey showed considerable support for stronger attention to proper septic operation and maintenance. It could start with programs to educate property owners, and if problems arise in the future, Sherman should consider adopting regulations that require septic tanks to be pumped and inspected periodically, with the results to be reported to the Town.

Protect Forest Resources

Connecticut is about sixty percent (60%) forests with over seventy-three percent (73%) private owned. Sherman falls into that category. Forests everywhere are increasingly stressed by pollution and disease, and their integrity threatened as ownership passes to others, more inclined to sell forest parcels for development. Educating ourselves about best forest management practices is an important task to preserve the long term stewardship and management of our forestlands.

Protect Key Habitat Areas

Certain lands within the Town of Sherman contain features that are rare and significant not simply within the context of the Town, but also within the broader regional or national context. These features range from endangered plant species to archeological sites created by Native Americans or other early inhabitants. This POCD calls for preservation of such rare features from endangering natural habitat and invasive plant species.

The Conservation Commission shall maintain records of the locations of all endangered species, archeological sites, and historical sites as identified by appropriate federal, state, and local agencies so that anyone contemplating development activities can readily learn of such locations.

Development of such locations shall be permitted only after all appropriate steps have been taken to safeguard the rare and significant feature or to preserve its natural or social value.

Sherman's Lakes and Ponds:

Naturally occurring

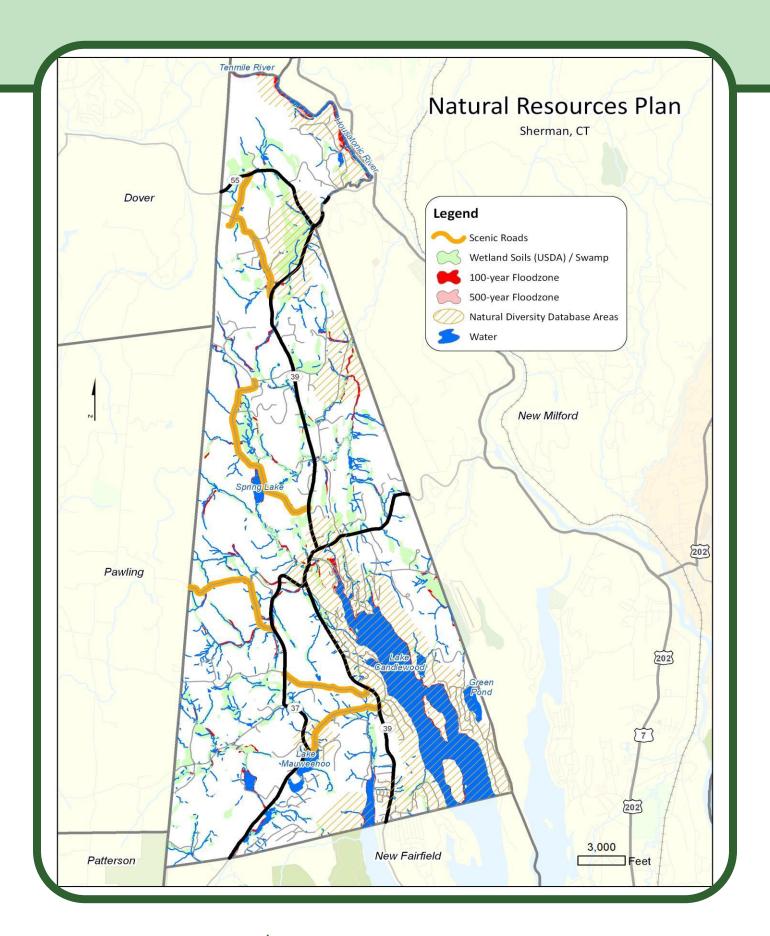
Green Pond Squantz Pond

Man-made

Mill Pond
Spring Lake
Candlewood Lake
Lake Mauweehoo
Pepper Pond
Timber Lake
Valley Lake
Deer Pond

Rivers, Brooks & Streams

Housatonic River
Ten Mile River
Wimisink Brook
Sawmill Brook
Quaker Brook
Naromiyocknowhusunkatanshunk Brook



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Community Character

Sherman's residents have repeatedly said they want to retain the rural character of their town.

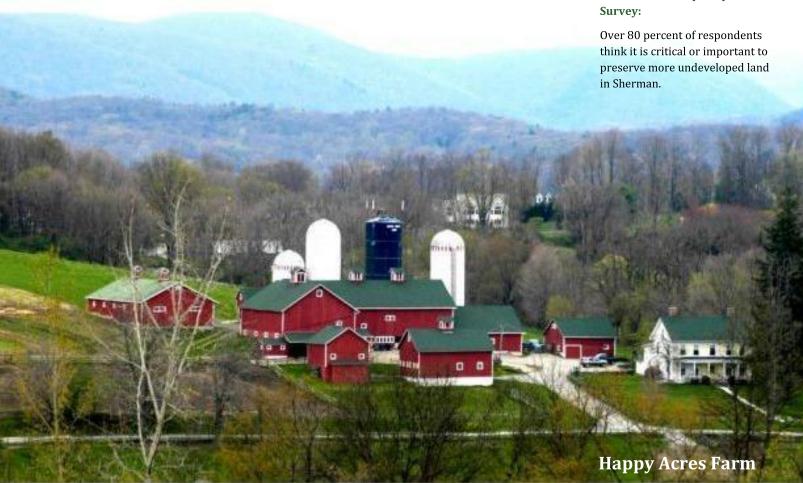
Being "rural" includes having wooded hills, meadows, lakes, ponds, streams, wetlands waterfalls, farms, stone walls, and scenic vistas.



From the 2001 POCD:

"As a rural town, Sherman is now and will be characterized as having low population density, no industrial activity, limited commercial activity, substantial areas devoted to forestation, agriculture and open space, country roads, protection of scenic vistas, recreational areas, and natural features ... "

From the 2007 Open Space



Priority interest areas identified by the SLAFAB

- Core forestland
- New York City Croton drinking water system watershed
- Farmland areas
- Candlewood Lake

There is a perception that Sherman consists mostly of undeveloped land and will always have these resources. But things happen, precipitating change. The town has experienced cycles of forest-cutting and re-growth. Population pressures will one day occur and new technologies of building may open up particularly beautiful once inaccessible areas of our landscape.

To maintain Sherman's rural character, its residents must work at this goal steadfastly and creatively. The 2001 POCD says, "the creation of open space cannot be left to happenstance, but rather requires initiative action by the town and its people", and it calls for the identification of undeveloped lands "that are particularly appropriate for designation as open space for environmental, ecological, historical or recreational reasons".

Sherman does not exist in isolation from the larger forces affecting the environment of our planet. Global climate change is happening all around us and our essential planning guidelines must reflect this reality. The use of non fossil fuels for homeowners' electric and heating need, the availability of tax credits, enticements to foster the installation of solar and geothermal alternatives and any new technologies shall be encouraged.

This updated POCD of 2013 sets forth strategies for community actions to help retain our resources and the rural characteristics that our townsfolk value, now and for the future.

Preserve Open Space

Preserving open space is widely considered the most effective tool for towns to manage growth, maintain community character, protect natural resources and scenic views, and generally enhance the quality of life. Sherman residents have identified preserving open space as a planning priority.

Over the past 43 years Sherman has worked to preserve open space, through the efforts of the Naromi Land Trust created in 1968 and of the Town and its Land Acquisition Fund Advisory Board, created in 2003 by a vote of town residents "for the purchase of real property within the Town of Sherman to be funded annually as a municipal budget item".

As of 2011 approximately 15 percent of Sherman's 13,090 acres (excluding Candlewood Lake) is designated as *permanently preserved* open space. The distinction between permanent and temporary protection is central. Sherman uses four open space categories:

- Permanently Protected Open Space (with public access)
- Permanently Protected Open Space (without public access)
- Temporarily Protected Open Space
- Unprotected Open Space

Much of the town is "perceived" to be open space, that is, undeveloped but not necessarily protected. The reality is that much of the town remains potentially developable, subject to regulatory restrictions.

Open Space Goals

In 2012, SLAFAB identified priority geographic areas and open space goals as part of their Land Acquisition Plan. Their overall ongoing objective is to preserve and protect Sherman's environmental resources, its rural character and unique aesthetic appeal.

Preserving and protecting open space is an explicit Town priority. All members of the Sherman community stand to benefit from the natural features of Sherman and the wildlife these features support. Open space preservation is also a fiscally responsible measure. Land use regulations, town policies and resource allocation should be consistent with preserving and protecting open space in Sherman.

The Six Goals of the Open Space Plan are:

- Protecting Natural Resources and Ensuring Public Health and Safety.
- Preserving and Expanding Farmland
- **Protecting Wildlife Habitats and Resources**
- Protecting the Rural Character and Unique Aesthetic Appeal of Sherman.
- Maintaining and Enhancing Outdoor Enjoyment
- **Preserving Open Space Permanently**

Inventory Historic Resources

Historic and significant buildings and sites provide a sense of identity and connection to the past, preserve community character, and enhance the Town's historical heritage. Archeological resources also provide insight into Sherman's and the state's history.

Often there is pressure to tear down historic structures rather than restore them. However, many historic structures are not protected. There are no regulations in place to prevent the alteration of the appearance of historic buildings, other than townowned properties. The Historic District Commission shall create an historic resource inventory to include barns, stone walls and farm houses. After the inventory process, the Planning & Zoning Commission should assess whether zoning regulations would permit a reasonable restoration of these resources.

The Town should continue to identify properties that contain cultural, historic, archaeologically sensitive and scenic sites and evaluate their preservation potential. The Planning & Zoning Commission shall require such archaeologically sensitive surveys for new development in those areas.

Support Agriculture

Farming and agriculture are both a conservation and development issue. Open farmland is an important part of Sherman's character. Farm operations are a part of Sherman's economy. Protecting farmland and prime farm soils from residential development should be a priority. Owners of farmland face a number of challenges, with economics being the strongest challenge.

These challenges can make it more financially attractive for farmers to sell their land for development when they are ready to retire or even sooner.

Like other parts of Connecticut, Sherman has lost working lands to development. Yet, 21st century trends in farming, smaller, specialty produce farms, growing demand for organic and locally-grown food and the emergence of a new generation of would-be farmers, offer opportunities to keep farmland in active use.

Development Issues

The Town of Sherman is a rural town, so designated both by the choice of its own citizens and the mandate of the State of Connecticut's plans of development and preservation. As a rural town, much of the Town's surface area comprises either land used for agricultural purposes or land left in its natural state. The primary developed use of land in the town is for residences.





Sherman IGA

Manage Residential Development

This POCD expressly contemplates the continued residential development of lands within the Town, subject to the following considerations:

- Every residential lot within the Town of Sherman shall meet its own water supply and septic disposal needs on site, in perpetuity. This planning requirement follows from the determination by appropriate state planning agencies that Sherman is and should remain a rural town due to the designation of most of the land area of the Town as public water supply watershed.
- The Planning & Zoning Commission may evaluate the minimum lot sizes and other
 conditions for the approval of building lots to reflect the amount and conditions of
 land necessary to meet residential water supply and septic disposal needs on site,
 in perpetuity.
- Where residences or other structures have been constructed on lots that do not
 meet current standards for water supply and septic disposal, by reason of size or
 other characteristics, the Health Department shall, to the degree permitted by law,
 inspect such lots from time to time to ensure that septic system failures are rapidly
 identified and contained.
- Where construction is proposed on previously approved building lots that do not
 meet current standards for water supply and septic disposal, a finding by the
 Sherman Health Department that the lot can meet its water supply and septic
 disposal needs on-site, in perpetuity shall be required.

Retain Building Lot Restrictions

The basic unit of planning for the Town of Sherman shall be the building lot. Except in the commercial zone, where public and commercial uses are permitted, each lot is now limited to one primary residence, one accessory apartment, and such other structures and uses as may be permitted by state and town regulations. However, in the furtherance of maintaining the rural character of Sherman, and the preservation of farmland and open space, the Town will continually consider alternatives to these lot limitations.

All building lots shall meet or exceed a minimum size sufficient to ensure that on-site water and septic needs are met in perpetuity. As of February, 2006, any new lot created in Zone A shall have 160,000 square feet, nominally 4 acres; in Zone B 80,000 square feet, nominally 2 acre; in Zone C 40,000 square feet, nominally 1 acre. Prior to February, 2006, the minimum lot size for Zone A was 80,000 square feet, nominally two acres. This requirement precludes the existence of the smaller lots and higher-density development found in towns that operate private sewer systems. Accordingly, all lands in the Town, shall be part of a zone whose minimum lot size and whose population density shall be based upon the standards described above.

Evaluate New Zoning Tools

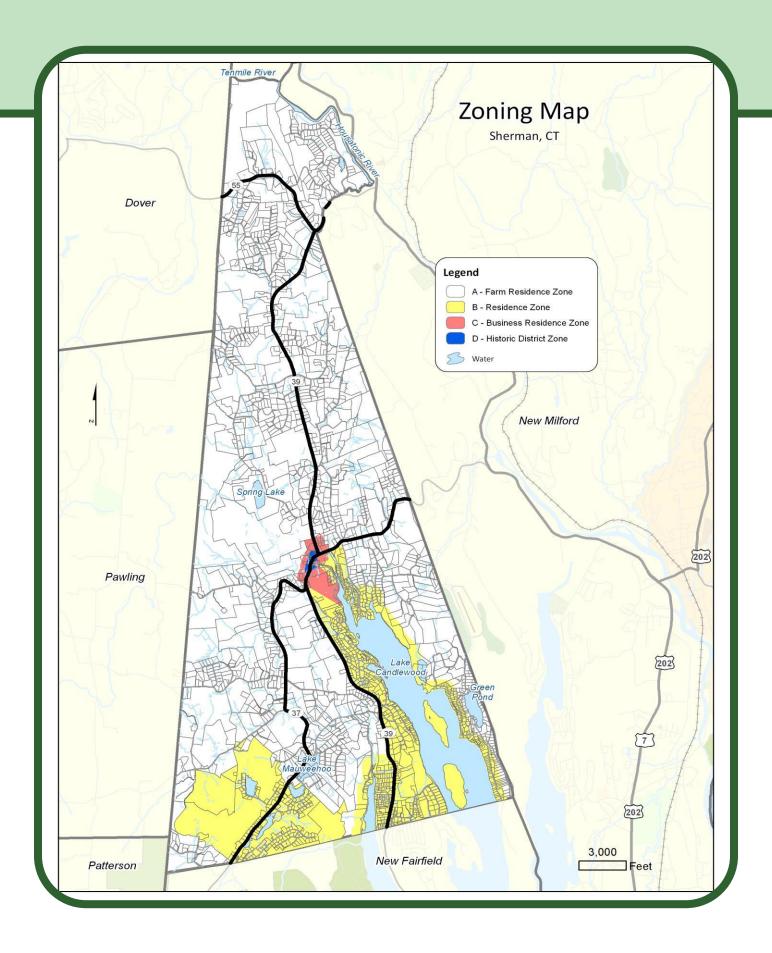
The Planning & Zoning Commission shall, when applicable, determine the feasibility of new zones, which shall comprise lands whose slopes, soils and ledge depths, or other characteristics which make it unsuitable for the level of development currently permitted, and which shall be characterized by larger minimum lot sizes than those pertaining elsewhere in the Town. If found to be feasible, the proposed zones shall be submitted to the consideration of the people of the Town.

The essential nature of a rural town provides limited opportunity for the development of diverse housing opportunities. These opportunities are as follows:

- Accessory apartments are permitted, subject to Special Permit, within virtually every residential structure in the Town of Sherman. Although not meeting the State of Connecticut affordable housing standards, the presence of these apartments addresses a need for low-income and moderate-income housing within the Town of Sherman.
- Residential housing alternatives, provided that such alternatives are economically viable and fully able to meet their water supply and septic disposal needs on site, shall be encouraged.
- Permitting of open space development allowing houses to be located closer together in order to preserve larger areas of open space around the housing areas assuming it leads to no more housing units than a normal development would contain. This open space development more closely matches early Connecticut rural development patterns than does our current suburban development pattern.
- Some form of Senior Housing was deemed to be acceptable or desirable by residents. Following up on this, the Housing Commission has determined that a special need, beyond that satisfied by the above mentioned accessory apartments, exists for Senior Affordable Housing. Within one year from the date of adoption of this current revision to the POCD, the Housing Commission will develop and submit to the Town a proposal for same, and will continue to explore any other options for Senior Housing.

Restrict Development in the Town Center Zone

The Town Center (Zones C&D) is already close to full development and in many cases with lot sizes smaller than the minimum described above. No change shall be made in the building lot requirements of the Town Center unless the Health Department determines that a substantial risk of septic system failure exists within the Center. In the event of such a determination, the Town shall take such steps as may be necessary to protect the health of the Town's citizens and the integrity of its health and planning codes.



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Business Development

The Town of Sherman is a rural town, characterized by low population density, low population growth, no town sewer systems, relatively little commercial activity and little to no industrial activity. This is the historic direction of the Town. This is the direction set forth for the Town by the appropriate state planning agencies. And this is the direction endorsed by the people of the Town in the surveys and workshops undertaken as part of the Town's planning process.

The Town of Sherman believes, however, that several income-producing uses of land are normal and appropriate to the rural town that Sherman is and wishes to remain. These uses are listed as follows. They are available equally to the owners of land in the Town, and to those who obtain use of such land by rent, lease, contract or easement.

Principles for New Business Activities

Uses of land in the Town of Sherman for income-producing activities, other than those reasonably necessary to the normal and orderly functioning of the Town, should be subject to the following general limitations:

- Use should not detract from Sherman's rural town character.
- Use should not adversely affect the value of adjacent or nearby property.
- Use should not adversely impact quality of life on adjacent or nearby property.
- Use should not place excessive demands on available services provided by the

Implementation of these general principles will reside largely with the Planning & Zoning Commission, which will reflect their intent in the drafting or revision of its regulations, and in the application of its regulations, principally through the special permitting process.

Farming and Agriculture

Farming in its various forms has been central to the history of Sherman since its founding, and remains an element of its rural town positioning today. It is the desire of the town to promote and support farming and farming related activities. Another important element of the economic viability of farming is the ability to attract seasonal workers at a cost that fits within the budget of a small farm operation. Within two years of the adoption of this POCD, the Planning & Zoning Commission shall address a regulation for temporary, seasonal housing for workers.

This plan recommends the support for reduced local tax assessment on agricultural lands (PA-490 farm assessment); the support of PA-490 farm assessments for property owners who rent their farmland to others for agricultural purposes; the support to conserve agricultural land by allowing smaller home sites in one or more areas and preserving the bulk of the land for agricultural use; and the support of agricultural easements.

Commercial Uses

Commercial use involves the establishment of a place of business to which customers or clients come to purchase or receive goods or services. The rural town positioning adopted by the Town of Sherman and by the State of Connecticut implies a minimum level of commercial activity within the Town. The people of Sherman have adopted this approach, and have specified further their preference for the concentration of such activities within the Town Center, and the limitation of the Town Center to its present size and boundaries.

The people of the Town of Sherman have indicated through survey responses that the commercial zone is the right size. The central businesses of the commercial zone are the grocery store, hardware store, bank, bakery, restaurant, liquor store, post office, dry cleaner, an auto repair shop, tea and gift stores.

All other new commercial establishments seeking to operate within the Town Center are similarly subject to the special permitting process of the Planning & Zoning Commission. Survey results have indicated townspeople would like a pharmacy, art gallery, antique shop and professional offices.

Industrial Uses

There is at present no industrial activity in the Town of Sherman. Due to the Town's current inability (and probable future inability) to meet the transportation, water supply and septic disposal needs of such use, this plan does not provide for the possibility of such use. Any change from this direction should be subject to the consideration and approval of the Planning and Zoning Commission.

Home Occupations

Home occupations are non-agricultural activities carried on by individuals on their property for the production of income and are a vital economic asset to the Town. The Town of Sherman permits home occupation businesses according to the nature of the work being performed and the effect on adjacent and nearby properties.

Resident Contractors

Resident contractors are individuals who perform work at their customer's properties and work sites, but who use their residential property for office functions, for vehicle parking and for storage of tools and work materials. Resident contractors are a mainstay of the Town population and their continuation is encouraged by Town policy and regulation.

Town Center

The town center of a rural town is, by definition, a small place. It is a central location at which can be found essential governmental services and a small number of basic, widely desired commercial activities. This is the town center that the people of the Town of Sherman have chosen.





Retain Town Center Boundaries and Development Pattern

The Town Center, designated as the C Zone, is the most fully developed zone of the Town. A portion of the structures and surface area of the zone have been designated as a Historic District by the State of Connecticut and identified as the D Zone, with all the benefits and restrictions that result from such designation.

It is a place of low population density; that is, not appreciably greater than that of the town as a whole (in part because of limitations imposed by on-site water supply and disposal). It is also a place of low employment density, relative to more urban town centers. These principles are reflected both in the elements of this POCD that pertain to the entire town, and to the following policies that pertain only to the Town Center.

Other than home occupations and resident contractors, the Town Center contains virtually all the government and commercial business locations that exist in the Town, including the United States Postal Service, which is a tenant in a commercial building within the Town Center. The results of the survey conducted by the Planning & Zoning Commission indicate that no expansion of the Town Center is needed.

The Town Center (Zones C&D) is close to full development and in many cases with lot sizes smaller than the minimum described above. No change shall be made in the building lot requirements of the Town Center unless the Health Department determines that a substantial risk of septic system failure exists within the Center.

A plan for pedestrian walkways, which allow safe passage on heavily traveled state highways and Town roads through the Town Center, shall be reinvestigated.



Sherman Playhouse

Locate Key Government Facilities in Town Center

Where possible, essential Town services should remain concentrated in the Town Center. Mallory Town Hall houses the Board of Selectmen and many agencies of town government. Should the town government or quasi-governmental functions need expansion, a building in the Town Center shall be considered.

Should the Town of Sherman determine that it wishes to provide in-town high school education, rather than sending students to neighboring towns, a site outside the Town Center would be required for construction of a high school.

No Town lands are at present set aside for future Park & Recreation Commission activities that are not part of its present mandate. The location of some possible future activities (e.g., boating, hiking, bicycling) would be dictated by the nature of activity itself. Other than these, future activities should be concentrated where possible in the Town Center.

Within two years of the date of adoption of this POCD, the Parks & Recreation Commission should develop and present to the Board of Selectmen a priorities list for future activities that would require the acquisition of land not now owned by the Town, or the dedication of land already owned by the Town. This list should be updated thereafter at two year intervals.



Mallory Town Hall

Continue to Provide for Appropriate Commercial Uses in Town Center

The commercial uses present in the Town Center are few in number. In keeping with the Town's chosen rural-town orientation, its small resident population, and the wide range of commercial activities available in immediately adjacent towns, this plan anticipates that commercial uses in the Town Center will remain few in number, and directly pertinent to the needs of the Town's resident population.

The following uses have been found by the people of the Town to be essential for location in the Town Center:

- Food Market
- Bakery
- Restaurant
- An automobile service station

Infrastructure Issues

Community Facilities

- Mallory Town Hall
- Emergency Services Facility
- Sherman School
- Senior Center
- Sherman Library
- Sherman Playhouse and Annex
- Jewish Community Center
- Sherman Congregational Church
- Holy Trinity Catholic Church
- Parks
- Recreation facilities
- Town-owned land (not designated as open space)

Transportation

- Roads
- Sidewalks

Utilities

- Private wells
- Private septic systems
- Wired utilities (e.g., electricity, cable and phone)
- Wireless utilities





Community Facilities

The Town of Sherman uses land within the Town for a town hall that provides offices and headquarters for town boards and agencies, an elementary/middle school, a department of public works, a fire marshal, a senior center, and the parks and recreation facilities. In addition, a town sponsored voluntary fire company and an office of emergency management are based within the Town. The Connecticut State Police Department maintains a Resident State Trooper program servicing the Town with additional police support available from outside the Town. All these activities are essential to the functioning of the Town.

At the current time the size of the school is adequate to meet the needs of the population, however, should the number of school children eventually exceed the capacity of the current school site, land owned by the Town is well suited for the location of a new school.

All other boards and agencies of the Town, with the exception of the Department of Public Works, are located within the Town Center. Land owned or controlled by the Town within the Center has been sufficient to accommodate growth in these entities due to population growth to date.

The Emergency Services Facility has been expanded and now houses the Fire Department, Fire Marshal and the Resident State Trooper, as well as a public meeting place. This significant expansion meets the needs of the Fire Department and the Town for the foreseeable future.

The garage and storage facility of the Department of Public Works is located outside the C Zone. The Board of Selectmen shall investigate the expansion of the garage and storage facility to include a facility to wash town vehicles.

The Sherman Playhouse and the Jewish Community Center provide the Town with cultural, artistic, and community events.

The Sherman Library is located in the Town Center as well.

Two churches are located in Town: the Sherman Congregational Church on Church Road, and Holy Trinity Catholic Church in the Town Center.

Transportation

The major federal and state highways that provide long-distance access to Sherman (primarily Connecticut Route 7 and New York State Route 22) lie entirely outside the boundaries and control of the Town. Three smaller state highways, Connecticut Routes 37, 39 and 55, provide immediate access into and through the Town.

The remaining network of Town and private roads is entirely under the control of the Town. These roadways are important to quality of life within the Town not only as transportation routes, but also as primary vantage points for enjoying the scenic attractions of the Town.

- Town roadways should retain as much as possible the character of scenic rural lanes. A Scenic Road Ordinance was adopted in 2005 and is consistent with the HVCEO Growth Guide and its specific reference to Sherman's roads.
- Land use regulations should encourage setbacks for housing and other development from well-traveled roads to enhance the rural appearance of such
- Sidewalks to allow walking in the Center of Town should be reconsidered.
- Connectivity for bicycles and pedestrians should be considered, especially in areas where "dead-end" roads are in close proximity. Potential connectivity of Town Roads (for example: Jericho Road North into Jericho Road South), to enable pedestrian walking access and passage for emergency vehicles should be considered.

Public Utilities

Public utilities operate and use land in the Town of Sherman to meet the power and communications needs of its residents, and as part of larger regional or national systems of power, fuel and communications transmission. Existing uses for these purposes are expected to continue throughout the life of this POCD. New uses for these purposes, if any, should be subject to these principles:

- New roadside utilities should be placed underground. Existing roadside utilities, when replaced or upgraded, should, to the fullest extent possible, be placed underground. Responsibility for implementation lies with the Planning & Zoning Commission.
- New utility activities that are limited to a single lot and involve no on-site employment (such as substations or transmission towers) should be subject to the special permitting process of the Planning & Zoning Commission.
- New utility activities that involve multiple lots or on-site employment should be subject to the review and approval of the Town Meeting. Responsibility lies with the Board of Selectmen.

Currently providing full wireless coverage in Sherman is difficult due to topography, as there are dead spots which impact communications. A committee to improve public safety communications is presently in place. Within two years of the adoption of this Plan, the committee shall make recommendations for telecommunication services within the Town.

Goals & Action Points

SHERMAN

The Board of Selectmen shall:

- Determine whether or not the Town has sufficient land to meet the needs of the population for road transportation, elementary and secondary education, firefighting and emergency services, public health and sanitation parks and recreation and well as other town services:
- Investigate the expansion of the town garage and storage facility to include a facility to wash town vehicles
- Reconsider sidewalks to allow walking through the center of Town;
- Consider connectivity for bicycle and pedestrians in areas where dead end roads are in close proximity to enable walking access and passage for emergency vehicles;
- Make recommendations for the improvement of telecommunication and public safely communications;

The Planning & Zoning Commission shall:

- Reconsider regulations to preserve the attractiveness of ridgelines, lakes and waterways;
- Develop regulations to protect rare and endangered natural and archeological features;
- Encourage farming and agricultural development and consider regulations for temporary or seasonal worker housing
- Develop regulations for passive solar orientation of structures;
- Develop guidelines for regulation of cutting, planting, chemical use which affect runoff of silt and pollution;
- Consider regulation for septic and oil tank maintenance;
- Develop regulation to ensure zero increase in runoff in new construction;
- Develop regulations for feasibility of new zones for land development characterized by larger minimum lot sizes or conservation subdivisions;
- Review and update the planning horizon.

The Conservation Commission shall:

 Maintain records and location of endangered species, archeological sites and historic sites as well as invasive plant species that endanger natural habitat;

The Historic District shall:

• Create an historic resources inventory.

The Parks and Recreation Commission shall:

• Develop a plan for future recreational activities and land required for such activities.

Open Space Plan

SHERMAN LAND ACQUISITION FUND ADVISORY BOARD

OBJECTIVE AND GOALS

Our overall ongoing objective is to preserve and protect Sherman's environmental resources, its rural character and unique aesthetic appeal. Preserving and protecting open space is an explicit Town priority. All members of the Sherman community stand to benefit from the natural features of Sherman and the wildlife these features support. Open space preservation is also a fiscally responsible measure. Land use regulations, town policies and resource allocation should be consistent with preserving and protecting open space in Sherman.

Goal 1: Protecting Natural Resources and Ensuring Public Health and Safety.

It is of utmost importance to our town to protect streams, lakes, ponds, lakes, ponds and associated wetlands, watersheds, and groundwater and aquifer purity.

Most of Sherman is in the Housatonic River watershed, with a smaller but significant area in the Hudson River watershed – two major drainage basins, the latter of which is part of the New York City Croton water system. "This creates a special responsibility to preserve and protect the quality and purity of water resources." [National Resources Inventory Report, p. 6]

Candlewood Lake, a significant recreational resource to Sherman, is man-made and heavily used. It develops problems requiring ongoing mitigation efforts by the Candlewood Lake Authority and the five surrounding towns. Sherman's land use and environmental policies should support the lake's biological health.

Drinking water in Sherman is provided solely by wells. Therefore it is critical to keep pollution from our underground aquifers. The Health Code of Sherman is written to guide the siting of wells and septic systems on individual lots. However protection of open undeveloped spaces is very helpful to the clean replenishing of our water.

Goal 2: Preserving and Expanding Farmland

Prime and important soil types are the best for farming, especially for crops. Such soils are at a premium in Sherman with its extensive wooded and steep hillsides. Every effort should be made to keep farmland available, especially as local small farms are increasing in number. We have lost most of the farms that were in Sherman when the land was clear in the 1800's; their open fields were deemed the easiest to develop. The Town has taken an important step by its purchase of Happy Acres Farm. With its acreage and barns it can be a center into the future for farming in Sherman. Currently farmed fields and meadows are easy to identify. There are also forested areas with prime and important soil types which could be reclaimed if needed, but they must be kept undeveloped.



Goal 3: Protecting Wildlife Habitats and Resources.

One purpose of open space acquisition is to protect wildlife and native plant habitats and their resources, with a particular eye to the habitats of threatened and endangered species. This can be done in part by expanding overall acreage and also by creating and expanding connected wildlife habitat corridors, both linear corridors such as those that follow ridges, rivers and wetlands, and radial corridors that branch outward.

Wetlands are a top conservation priority due to their importance in maintaining water and ecological quality and providing necessary wildlife plant habitat. By preserving wetlands and connecting isolated parcels, the Town should seek to protect while simultaneously unifying wildlife habitats. Adding more contiguous land to that already protected is an important strategy, much more advantageous than scattered small parcels.

Goal 4: Protect the Rural Character and Unique Aesthetic Appeal of Sherman.

This goal includes, but is not restricted to, maintaining limited development, the preservation of farmland and productive forestland, and protecting scenic views.

Our beautiful scenic views will be enhanced the more we succeed in preserving ridgelines, maintaining old stonewalls and green buffers along our roads, and protecting the natural and historic features of designated scenic roads that are the great pleasure of meandering through Sherman. Town regulations should be developed and enforced to protect these essential features. Permanent open space along roadways is one way of ensuring the character remains unchanged.

Goal 5: Maintain and Enhance Outdoor Enjoyment.

A wonderful feature of our town is its many opportunities for outdoor enjoyment. In addition to Candlewood Lake there are inland properties providing water-based recreation, including swimming, fishing and boating, as well as habitat for diverse species of plants and animals. These should be preserved and protected.

Use of open spaces should be encouraged by development of new trails and enhancement of those now existing. Greenways and trails, particularly in areas of significant or unique geologic or biologic interest, are as important to people as they are to wildlife. To promote outdoor enjoyment, gaps in individual trails or between pieces of the State's trail network should be filled. Recreational areas capable of providing wildlife observation, especially birding sites and unusual plant habitats, should be either developed or maintained if already in existence. Possible approaches to this goal for the town center area have been recommended in the *Sherman Center Pedestrian Plan*, developed in 2007 with the assistance of the Housatonic Valley Council of Elected Officials.

Goal 6: Permanent Preservation of Open Space.

The Green Plan: Guiding Land Acquisition and Protection in Connecticut 2007-2012 gives as a goal for the State of Connecticut the permanent protection of 21% of the State's land acreage by 2023. The professional opinion of Tim Abbott of the Litchfield Hills Greenprint Project, which covers all of Northwest Connecticut, is that with the concentration of high value conservation resources in our region, the town goals should be higher than that of the state. Sherman should match the other towns in our region with a goal of permanent preservation of 30% of the land area.

The Town of Sherman is 22 square miles in size or 14,080 acres, of which 990 comprise Candlewood Lake, currently under the ownership of First Light Power Generating. Of the remaining 13,090 acres, 1900 acres (15%) are currently permanently preserved, not counting an unknown small amount within subdivisions.

According to the 2007 Sherman Open Space Survey more than 80% of respondents think it is critical or important to preserve more undeveloped land in Sherman, while only 6% think this is not important. Also, 80% of respondents believe that preserving additional open space in Sherman should be a high priority because it will contribute to a positive quality of life and help maintain the town's rural character. Thus the Town should continue to pursue and encourage the permanent protection of open space.

To give some guidance for planning purposes the Land Acquisition Advisory Board developed a map outlining areas of priority interest. (See SLAFAB Priority Map dated 6-29-10). This map took into consideration the characteristics of land bordering Sherman since soil types and habitats do not stop at municipal borders.

- Core forestland exists especially at the northern tip of Sherman (centered around Appalachian Trail land and Naromi preserves) and along the border with New York State. The western forestland from Taber Road south to Wakeman Road merges with similar land to the west in NYS.
- The southwest corner of Sherman from Wakeman Road to Haviland Hollow Road is the origin of a major section of watershed of the New York City Croton drinking water system. Most of this land has mature forest and maintaining its quality should be a high priority.
- Due to its many steep hillsides, there is a limited amount of prime agricultural soil still undeveloped in Sherman. Some sections of each of the four farmland areas noted on the map are still in active agriculture, but re-growth areas are relatively young and more acreage could be reclaimed for cropland and pasture. It is a Connecticut state priority to preserve farmland and it must be also be a priority in Sherman.
- Candlewood Lake is a remarkable asset to Sherman, so it is important for everyone
 to do what they can to keep it in good ecological balance. Thus the remaining
 undeveloped steep hillsides draining into the lake and the totality of the islands in
 the lake should be kept that way permanently.

These designated "areas of interest" include much of the currently permanently protected land, along with another 3,000 acres temporarily protected under PA 490 (forest, farm, and perceived open space), as well as some unprotected land. As this plan emphasizes, the distinction is important between "permanent preservation" and "temporary protection" (including not only PA 490 lands but also land owned by schools, parks, golf courses, churches, etc.). The goal is to have strategies addressing each of the categories, and wherever it is both desirable and possible, to move more of the land from temporary to permanent preservation.

STRATEGIES

Preserving open space is always a challenge, even in the best of times. Now more than ever, it calls for multi-faceted approaches of cooperation and coordination in both zoning regulations and financing. Patchy networks of open space are difficult to monitor and to maintain and do not maximize ecological values. The principal long-term focus should be to expand Open Space in a way that emphasizes preservation of farming, meadows, cleared land, and forests. The areas should be oriented along corridors, greenbelts, larger tracts, and those that contain important Natural Resources, as described in the Sherman Conservation Report of 2005.

By its votes to create a Land Acquisition Fund and to fund an Open Space Bond, Sherman residents have recognized the need to have financial resources available to use when the Town wants to participate in permanently preserving an important piece of land.

Land Acquisition Fund: The annual amount for the fund that the voters approved in 2003 "as a municipal budget item," has not been allocated since 2006. It should be restored and continued yearly. A rate of one half a million would begin to replenish the now nearly depleted fund and give the town existing ongoing leverage to pursue matching funds from other sources.

Municipal Bonding: An argument can also be made for periodic additional bonding by the town for priority open space acquisitions. Sherman has used this mechanism in order to make a large purchase and spread the payment out over time. The preservation of Happy Acres Farm was achieved in this way.

Federal and State grants and funding: At one time or another there have been both federal and state programs to protect farms, forests, watersheds, parks, unique natural and scenic land features, etc. The Town of Sherman is in the Connecticut section of the Federal Highlands Area comprising four states (CT, MA, NY, and NJ). It was with an appropriation from that program, supplemented by the State and by the Town's Land Acquisition Fund, and by private funds that we achieved the permanent preservation of Towner Hill with its views, vernal pools and trail system.

Today, when an entity applies for a grant from any source to preserve a parcel for open space, it can expect to receive no more than half the assessed value of the land from that source. The remaining amount must come from a combination of other matching funds. Donors of all kinds appreciate evidence that town residents care enough about open space preservation to set aside at least some tax monies for this purpose on a regular ongoing basis.

Strategies for Permanent Preservation

farmers to do this.

Purchase of Development Rights: State Farm Preservation statutes allow for the purchase of the development rights of a farm in order to allow farmers to continue farming and to pass the farm on to heirs or others who will continue the agricultural uses of the land. Sherman should be alert to opportunities for

Conservation Easements: A deeded conservation easement provides permanent preservation as Open Space. This strategy provides landowners a one-time federal tax donation since such easements must be deeded to a non-profit entity whose mission includes preservation of land, e.g. land trust or governmental agency. In Sherman there is continuing property tax relief depending on the actual use of the land. (See PA 490 options) The fee owner of the land works with the easement holder to write into the text of the easement deed what rights each will have in perpetuity.

Fee Simple Ownership: Currently there is permanently preserved Open Space in Sherman owned by the Federal government (Appalachian Trail area); the State government (Pootatuck State Forest); land trusts (various preserves and farmland); and the Town. The larger areas provide a core around which future permanent preservation can be targeted. (See Map for details.) Some of these areas were purchases by the one, or a combination of these entities. However many of the land trust preserves were individual private donations. These areas are for the most part taxexempt. However it should be noted that studies have shown that such parcels of Open Space actually increase the value of surrounding private lands, thus perhaps adding to the tax base of the Town. And, such undeveloped pieces have no cost to the town.

Deed Restriction: A private owner can also place a Deed Restriction on his land. For this to be obvious to everyone, especially neighbors and subsequent buyers, such documents need to be filed in the Town Records. Such documents need to be written carefully in order to last into perpetuity (permanent preservation).

Planning and Zoning Commission Sub-Division

"set-aside" regulations: Sherman currently requires 15% of land being sub-divided to be set aside as permanently preserved Open Space, or a paymentin-lieu if the subdivision total acreage is small. These regulations allow a dialogue between a developer and the Planning and Zoning Commission to decide which areas should be so protected. This option can be used to buffer roadways, to preserve farming areas, to protect wetlands, to allow recreation, to add to other nearby Open Space.

While these regulations have been helpful in many instances, they have also led to a patchwork of small pieces of open space with limited value. They can be difficult to monitor and thus far have not been tied to broader Open Space "corridor" goals.

Strategies for Temporary Preservation

PA 490 Program: CT Statute PA 490 contributes importantly, though temporarily, to the objective of preserving "rural character" by encouraging farming and forestry in Sherman. This works in two ways: Farmers and forest owners pay lower property taxes on their land, and get the further advantage of use of arable land belonging to individuals not engaged in farming, who in turn receive property tax reductions thereby. In concept, landowners who do not farm have incentive to work out an arrangement with a farmer to maintain their land in farm use. In 2011 in Sherman, 737 acres were farmed under PA 490 and 3,569 acres were classified as PA 490 forestland.

The program has a "penalty" provision that requires payment of back taxes if the qualifying practice is halted in less than 10 years. After the 10 year "penalty period" landowners, without penalty, have several options: e.g. To continue to have the land farmed under PA490 (with that tax reduction); To retain ownership and put the land into another tax category; To donate or sell the land to another person or group for development or preservation.

The first option of keeping farmland in production is a win/win for the farmer and the landowner. The second option may become more prevalent if fewer farmers are available to farm under PA 490. In this situation, the open farmland is likely to be allowed to revert to shrub land and then mature forest. This has been happening in Connecticut for the last 150 years. Meadows, pastures and planted farmland will continue to be lost unless more young farmers come along or a new incentive is provided to maintain the land in "farm-like" condition.

The <u>last</u> option occurs more frequently when pressures for development increase and land values rise, providing landowners greater incentive to sell the land for development or to use a tax incentive and permanently preserve the land as Open Space.

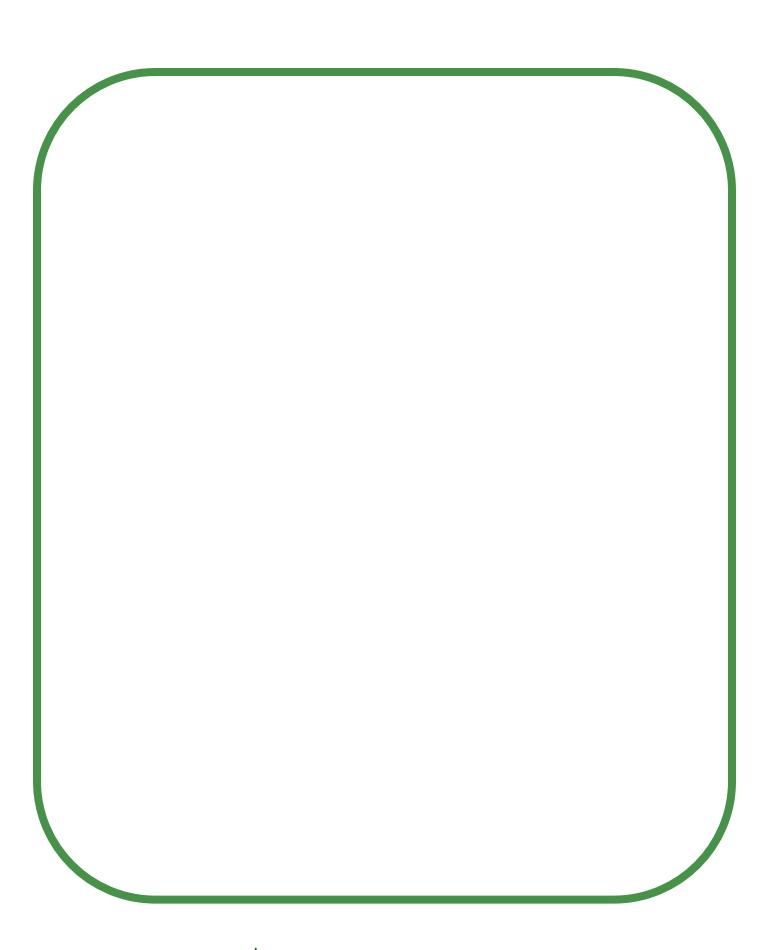
However, municipalities and land trusts can use their non-profit status to create incentives for the landowners to sell at "bargain" prices or donate either the development rights only, or the entire fee interest in the land.

An extensive analysis conducted by University of Connecticut's Center for Economic Analysis (CCEA) has found that permanent Open Space increases the property values for those whose land borders or overlooks the preserved areas. In addition to the personal benefit to the neighboring owners, the increased property values generate additional tax revenue to the town with no infrastructure cost to the town (Connecticut Wildlife, January/February 2012).

PA 490 for Open Space

CT State Statutes also enable towns to grant PA 490 tax reduction benefits for parcels retained as open which are in excess of the minimum building lot size in that zone. Towns vary in their use of this option. Sherman currently does allow this option, thereby reducing the pressure to sell or develop excess acreage. In 2011 there were 1,472 acres receiving tax reductions under the Open Space provision. For example, a couple owning a house on ten acres could in a 4-acre zone put 6 acres under Open Space tax reduction, and in a 2-acre zone put 8 acres under Open Space. This system allows the owner to maintain options for future use/value while also temporarily preserving the land as Open Space. This approach is of value to the Town of Sherman as it both helps maintain rural characteristics and also reduces financial pressure on the owner.

It should be noted that PA 490 status overlaps with the protection of a Conservation Easement because the PA 490 categories are based on use, and an easement's "permanent" is a legal category. If a parcel of land meets criteria for priority for permanent protection, then efforts should be made to help the owner achieve that goal.



Acknowledgements

Planning and Zoning Commission

Barbara J. Ackerman, Chairman

Theodore C. Hollander Jr., Vice-Chairman

Neil Volkmar, Secretary

J. Paul Voorhees, Commissioner

Monty Clark, Commissioner

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Mary Lee, Commissioner

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ATTACHMENT 2

ZONING REGULATIONS OF THE TOWN OF SHERMAN, CONNECTICUT

Original Regulations Adopted: May 1937
Last Amendment: March 1, 2019

SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT

Adopted: July 1985 Last Amendment: May 2, 1991

SUBDIVISION REGULATIONS OF THE TOWN OF SHERMAN, CONNECTICUT

Subdivision Regulations Incorporated in Zoning Regulations: September 5, 1947

Last Amendment: August 30, 2015

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ZONING REGULATIONS OF THE TOWN OF SHERMAN, CONNECTICUT

ARTICLE I - PURPOSES

- SECTION 100. STATEMENT OF PURPOSES: PLAN OF CONSERVATION AND DEVELOPMENT
- SECTION 110. The Planning and Zoning Commission of the Town of Sherman,
 Connecticut, hereby adopts these Regulations in furtherance of the Town's adopted Plan of Conservation and Development hereinafter referred to as P.O.C.D. and in accordance with the purposes, authority and requirements of Chapter 126 of the General Statutes of the State of Connecticut, as amended, more particularly described as follows:
 - To guide the future growth and development of the Town in accordance with this P.O.C.D. designed to promote the most beneficial and convenient relationship among the residential, commercial and public areas within the Town, considering the appropriateness of the various uses in each area, and the suitability of each area for such uses, as indicated by existing conditions and trends in development.
 - To provide adequate light, air and privacy; secure safety from fire and other dangers; and prevent overcrowding of the land and undue concentration of population.
 - To protect the character and the stability of all parts of the Town, and ensure that all development shall be orderly and beneficial.
 - To protect and conserve the value of land throughout the Town and the value of the buildings appropriate to the various zones established by these Regulations.
 - To regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the percentage of the area of the lot that may comprise impervious surfaces; the size of the areas adjacent to buildings and other structures and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence and other purposes as provided for under Chapter 124, Section 8-2 of the Connecticut General Statutes.
 - To bring about the gradual conformity of the uses of land and buildings throughout the Town to the adopted P.O.C.D., and to minimize conflicts among the uses of the land and buildings.
 - To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the roads and the

provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Town.

- To aid in providing 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 development is commensurate with the availability and capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, schools, parks and other public requirements.
- To prevent the pollution of lakes, ponds, and streams, protect existing and potential surface and ground water drinking supplies, safeguard the water table and encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

ARTICLE II - ESTABLISHMENT OF ZONES

SECTION 200. CLASSES OF ZONES AND USES:

Inasmuch as the character and type of development throughout the Town is predominately rural residential, supplemented by a limited amount of business and service establishments for the convenience of local residents, and based upon the rugged nature of the Town's topography and the policies expressed in the adopted Town P.O.C.D., the Town of Sherman is hereby divided into the following zones.

Zone A - Farm Residence Zone

Zone B - Residence Zone

Zone C - Business and Residence Zone

Zone D - Historic District

SECTION 210. ZONING MAP:

The map entitled "Zoning Map, Town of Sherman" is incorporated into and becomes a part of these Regulations.

211. Description of Zones:

(All directions given in the following descriptions are based on magnetic north.)

211.1 Zone D - Historic District

a. Historic District shall include those properties established as the Historic District by the Connecticut General Statutes and by a Town Ordinance vote in 1981 to preserve the old houses and public buildings which were a prominent part of the life of Sherman and are more particularly bounded and described in the Sherman Land Records at Volume 41 Page 1191.

b. Zone A Farm/Residential all other properties not previously described.

211.2 Zone C - Business and Residence Zone:

Zone C shall contain all that property as described below: Starting on the west shore of Lake Candlewood at the southeast corner of Camp Allen, running southwest to the southwest corner of Camp Allen thence on a straight line northwesterly through the southernmostintersection of Route 37 and 39 to a point 600 feet beyond said intersection; thence northerly parallel to and 600 feet west of Route 39 to a point 1,200 feet north of the northernmost intersection of Route 37 and 39; thence easterly 1,200 feet along a line at right angles to Route 39; thence southerly parallel to and 600 feet east of Route 39 and Route 37; 690 feet to a point 440 feet north of Route 37; thence easterly 187 feet to a point; thence in a southerly direction along a stonewall 440 feet to the center line of Route 37 to a point 700 feet easterly of the northern most intersection of Route 39 and Route 37; thence westerly along intersection of Routes 39 and Route 37; thence southerly to a point Route 39, 100 feet to a point 600 feet easterly of the northernmost 600 feet south of Route 37; thence westerly parallel to and 600 feet south of Route 37 to a point 300 feet west of Sawmill Road; thence southerly parallel to and 300 feet west of Saw Mill Road to the northern boundary line of the Sherman Town Beach land; thence easterly along said line to the west shoreline of Lake Candlewood; thence southerly along the west shoreline to the starting point.

211.3 Zone B - Residence Zone:

Zone B shall contain all that property as described below:

- a. Starting at a point on the Sherman-New Fairfield boundary 660 feet west of the west shoreline of the Squantz Bay area of Lake Candlewood, running northerly parallel to and 660 feet west of said shoreline to a point 660 feet north of the northernmost point of Squantz Bay; thence east to Route 39; thence northerly along Route 39 to the intersection of said Route and Route 37; thence easterly along the Zone C boundary to Lake Candlewood; thence southerly along the west shoreline to the Sherman-New Fairfield boundary; thence westerly along said boundary line to the starting point.
- b. Starting at a point on the Sherman-New Fairfield boundary 660 feet east of the eastern shoreline of Lake Candlewood, running northerly parallel to and 660 feet east of said shoreline to a point 660 feet north of the northernmost shoreline of Atchison's Cove; thence westerly to Holiday Point Road; thence northerly along said road to Route 37; thence westerly along Route 37 to Zone C boundary; thence southerly, westerly and southerly again along said Zone C boundary to the northern boundary of the Town Beach land; thence easterly to the shoreline of Lake Candlewood; thence northerly, easterly, and southerly along said shoreline

- to the Sherman-New Fairfield boundary; thence easterly along said boundary to the starting point.
- **c.** All the islands in Lake Candlewood within the Town of Sherman.
- **d.** All property of record owned by the Timber Trails Corporation, Colvin Farley or Jane Farley on September 5, 1947.

211.4 Zone A - Farm-Residence Zone:

Zone A shall contain all the property within the Town of Sherman not previously described above.

- 212. In the above descriptions, any reference to Lake Candlewood or to the shoreline of Lake Candlewood means the 440-foot contour line surrounding the Lake. Land below the 440-foot contour line shall not be used as part of a building lot except in accordance with Section 213 noted below. No building shall be constructed in this area.
- 213. In the event that land below the 440-foot contour line of the Connecticut Light and Power Company Rocky River Datum is under private ownership the area between said 440-foot contour line and the 430-foot contour line, which is approximately the high-water line of Lake Candlewood, may be applied toward the required minimum lot area to a maximum distance below said 440-foot contour line of 60 feet. In all other respects said lot and any improvements thereon shall be subject to the requirements of Zone B, including, but not limited to, the minimum side line and minimum setback line from said 440-foot contour line.

214. Parcels of Land in More than One Zone

Where a zone boundary line divides a parcel of land under single ownership of record, the regulations specified herein for each zone shall apply only to those portions of the parcel within such zones.

ARTICLE III - GENERAL REGULATIONS

SECTION 300. APPLICATION OF REGULATIONS

310. GENERAL STANDARDS AND REQUIREMENTS

311. Conformity:

Except as hereinafter provided, no land, building or structure or part thereof shall hereafter be used, no building or part thereof or other structure shall be erected, constructed, reconstructed, extended, enlarged, altered or moved, and no building or structure or part thereof shall be moved onto any plot or parcel of land except in conformity with the following Zoning Regulations of the Town of Sherman, CT., Soil Erosion and Sediment Control Regulations for Land Development, Subdivision Regulations of the Town of Sherman, CT., An ordinance establishing procedures, standards, specifications and regulations for the construction of roads in the Town of Sherman Inland Wetlands and Water Courses Regulations of the Town of Sherman, CT, Sanitary Code of Sherman, Regulations Concerning the

Removal of Earth Materials from the land in the Town of Sherman, CT and other applicable regulations.

312. Existing Subdivisions:

These Regulations shall apply to subdivision layouts now on file in the Land Records of the Town of Sherman.

313. Conflicting Standards:

Where these Regulations impose requirements for a greater width or size of lots or other open spaces, or a lower height of a building, or a fewer number of stories, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than are required in any other statute, bylaw, ordinance or regulation, the provisions of these Regulations shall govern. If the provisions of any other statute, bylaw, ordinance or regulation require a greater width or size of lots or other open spaces, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than are required by these Regulations, the provisions of such statute, bylaw, ordinance or regulation shall govern.

SECTION 320. GENERAL REGULATIONS:

The following regulations shall apply in all zones, except as otherwise specified.

321. Buildings, Uses and Lots

321.1 Lot for Every Building:

Every building hereafter erected shall be located on a lot as defined herein, the septic system serving the building shall be located on the same lot as the principal building, and, except for nonresidential building, there shall be no more than one principal building and its accessory structures located on any one lot.

321.2 Subdivision of a Lot:

Where a lot is formed hereafter from part of a lot already occupied by a building or structure, such separation shall be effected in such a manner as not to impair conformity with any of the requirements of these Regulations.

a. Lot Line Changes:

All lot line changes shall be submitted to the Commission for approval Lot line changes shall require approval by the Sherman Inland Wetlands and Water Courses Commission and the Town Sanitarian prior to approval by this Commission.

321.3 Lot Width:

No part of any dwelling or other structure housing a principal use shall be erected on any part of a lot which is less in width than the legal minimum width.

321.4 Requirement for Location of Principal Building on a Lot in Farm Residence Zone A and Residence Zone B:

The principal building on a lot in these zones shall not be located within land

areas defined under 331.3 and 332.3 subsection i, ii, iii, and iv.

321.5 New Building on Existing Lots:

A permit shall be issued for a permitted use on a lot which does not meet the minimum area or dimension requirements of these Regulations provided such lot existed in separate ownership as of the effective date of these Regulations or any applicable amendment thereof and was so recorded in the Land Records of the Town of Sherman, provided that the lot met the zoning requirements at the time the deed to the lot was recorded, provided that the owner of such lot did not and does not own other land contiguous thereto, but not including land directly across a road there from, at the time of the adoption of these Regulations (if this is the case, such other land or so much thereof as may be necessary shall be combined with the first-named lot in such manner as to produce one or more conforming lots), and further provided that all setback and other requirements are complied with at the time of obtaining the zoning permit.

321.6 Additions or Structural Alterations:

Any additions or structural alterations to an existing building or structure must meet any and all of the existing regulations. Buildings or structures which are classified as legal non-conforming may be altered but not in any way that would make the non-conformity worse or create any new non-conformities.

322. Building Projections

322.1 Obstructions in Lot Area:

No structure or projections from structures shall be permitted in any required lot area, except as follows:

a. Architectural features: such as window sills, belt courses, chimneys, cornices, eaves or bay windows, may project up to three (3) feet into any required lot area.

b. Fences and Walls-

- **Fences and walls less than 2 feet in height**: Shall be approved by the Commission upon review of the ZEO and deemed to have no impact if safety sight lines and pedestrian passage are not compromised.
- **Fences and walls less than 4 feet in height**: Shall be permitted behind the Fence Setback line in the Front Lot.
- iii Fences and Walls Less than 6 feet in height: Shall be permitted in any Front Lot behind the 50 foot Building Setback Line, Side Lot or Rear Lot or any area of an Interior Lot except the Access way.
- **Fences and walls greater than 6 feet in height**: Shall be permitted only if that portion of such fence or wall which exceeds 6 feet in height is not less than 3/4 open construction, with the

- following exception: any fence exceeding 6 feet in height can be installed in the side or rear lot within the Building Setback Lines.
- v Measurement of Height: Fence and wall construction or the combination of construction of both, one on top of the other, shall be measured as one. The height will be measured above the adjoining finished grade and no change to the existing grade of the property shall be made prior to the installation of the fence to gain a height advantage in excess of the permitted height.
- vi <u>Visibility at Intersections:</u> A residential fence or wall shall not obstruct pedestrian or motor vehicle visibility at an intersection.
 Refer to Section 322.6 Visibility at Intersections of these Regulations.
- vii <u>Materials and Construction</u>: A residential fence or wall shall not be electrified, nor can any fence or wall be fitted with barbed wire. Materials such as, but not limited to: scrap lumber, plywood, scrap plastic or scrap fiberglass sheets, or corrugated metal sheeting are not permitted.
- viii <u>Deer Fencing:</u> Open construction deer netting or wood post and wire deer fencing shall be permitted in the Front (behind the Fence Set Back Line), Side and Rear Lots.
- ix <u>Historic District Requirements:</u> All fences and walls proposed for installation within Sherman's Historic District shall require a Certificate of Appropriateness from the Historic District Commission before a Zoning Permit can be issued and Site Plan Approval by the Planning and Zoning Commission.
- x <u>Finished Side of Fence</u>: The side of any fence or wall considered to be its "face" (i.e. the finished side) must face the abutting property or Road Right of Way.
- **Ownership of Parcel:** Fences and walls, including footings, shall be located entirely upon the private property on which the fence is proposed to be constructed unless there is an agreement between the owners of both properties on file in the Sherman Land Records.
- xii <u>Lots with More Than One Frontage</u>: Lots that abut more than one road have multiple Front Lot Lines and the Regulations and restrictions regarding fences and walls in the Front Lot apply to all areas adjacent to all streets and roads.
- **xiii** <u>Interior Lots:</u> Fences and walls are not permitted within the Access way to an Interior Lot.
- **322.1 c.** Commercial or Temporary Construction Fencing Allowed by "Special Permit" only.

322.1 d. Fencing Used for Agricultural Purposes Exempt from these Regulations.

AMENDMENT EFFECTIVE JUNE 17, 2016

322.2 Terraces:

No terraces shall be permitted to project into any portion of the minimum required front lot, or into any other lot area to a point closer than the required setback regulation of its zone.

322.3 Porches:

No porch shall be permitted to project into any portion of the minimum required front lot, or into any other lot area to a point closer than the required setback regulation of its zone.

322.4 Projecting Features above the Roof Level:

The height limitations of these Regulations shall not apply to flagpoles, church spires, belfries, cupolas, chimneys, or similar features, provided that such are not used for human occupancy, that they do not extend more than 15 feet above roof level, and that the total area covered by such features does not exceed 10% of the area of the roof upon which they are located. The height limitations of these Regulations shall also not apply to emergency communications towers or antennas related to municipal emergency communications and Town security, provided that such towers or antennas are no taller than is necessary to provide for public safety.

322.5 Corner Lots:

On a corner lot there shall be provided a side lot on the side road equal in depth to the required front lot on said lot.

322.6 Visibility at Intersections:

On a corner lot no fence, wall, hedge, tree 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 two intersecting road right-of-way lines and a straight line connecting points along said right-of-way lines, which points are located 50 feet distant from the theoretical point of intersection of such lines measured along the lines. This provision shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.

322.7 Deleted

322.8 Exterior Lighting:

All exterior lighting, including spot or flood lighting, and the lighting of signs, shall be of such type and location and shall have such shading as will prevent the source of the light from directly illuminating or being visible from any adjacent property or road. Lighting shall be extinguished at the time of closing of a business use, but in no case later than 10 p.m., except such illumination as may be

permitted by the Commission for property protection and public security, subject to the special permit approval set forth in Section 340 of these Regulations. Lighting shall be extinguished at the time of closing of a municipal use, except such illumination as may be permitted by the Commission for property protection and security.

323. Nuisances and Prohibited Uses

323. 1 Prohibited Uses, General:

Any uses not listed as permitted by these Regulations are deemed to be prohibited.

323.2 Prohibited Uses, Specific:

Without limiting the general prohibition of Section 323.1 above, certain uses are identified in this Section for specific prohibition in any Zone, as principal or accessory uses, and no use category set forth in these Regulations shall be deemed to include any use set forth herein:

- a. No person shall use, or permit the use of, real property for the purpose of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such quantity and in such a manner as to cause unsightly, offensive and repugnant appearance and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare.
- b. Marijuana Dispensary Facility or Production Facility as defined in Section 21a-408-1 of the Regulations of State Agencies, as the same may be amended from time to time.

AMENDMENT EFFECTIVE SEPTEMBER 25, 2015

324. Accessory Uses, Buildings, and Structures

324.1 Accessory Uses

324.1A Accessory Apartments and Dwellings

Purpose: It is the intent of the Planning and Zoning Commission to permit property owners to create an accessory dwelling or an accessory apartment to provide small scale housing for a variety of occupants. Such occupants include but are not limited to family, caregivers, guests and domestic help. The intention is to provide for this accommodation without negative impact on existing or developing neighborhoods, property values or significant natural features.

- **324.1A. 1 Accessory Dwellings-** An accessory dwelling may be permitted by Special Permit in accordance with Section 340 of these Regulations, and, in addition to the standards of that Section, in compliance with the following provisions:
- (a.) The principal or Accessory Dwelling shall be occupied by the property owner who shall be a natural person or persons.

- (b.) Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.
 - (c.) The septic system is subject to Section 324.3 A, and the Town Sanitarian shall certify that the septic system service conforms to current standards of the Public Health Codes
 - (d.) That only one accessory dwelling shall be permitted on a lot.
 - (e.) An existing principal dwelling may be changed to an Accessory dwelling if a new primary residence is constructed and if the existing residence meets the criteria set forth in this Regulation as an Accessory Dwelling.
 - (f.) That an Accessory Dwelling is not permissible in addition to an accessory apartment on the same lot per Section 324.1A.2 of these Regulations.
 - (g.) That an Accessory Dwelling be used for residential purposes, for guests, relatives of the property owners, caretakers, or domestic/grounds keeping employees.
 - **(h.)** That an Accessory Dwelling shall only be permitted on parcels of 8 or more contiguous Zoning Acres, or 320,000 square feet.
 - (i.) That the floor area of the Accessory Dwelling shall be a maximum of 1,200 square feet of habitable finished space; shall be no greater in height than the principal dwelling; and shall be located on the same lot as the principal dwelling.
 - (j.) That an Accessory Dwelling may contain no more than two bedrooms, one kitchen and one full bathroom and one half bathroom.
 - (k.) That the minimum number of parking spaces shall be two.
 - (I.) That the nature and location of the Accessory Dwelling shall be such that there will be adequate access to it for fire protection and emergency services.
 - (m.) Reasonable efforts shall be made to utilize a shared driveway with the principal residence and to minimize curb cuts.
 - (n.) That the design elements of the Accessory Dwelling and the nature and extent of the landscaping should be in harmony with the primary dwelling and the neighborhood and will not hinder the appropriate use or enjoyment of the adjoining property or diminish value thereof nor alter the essential single family characteristics of the neighborhood where such dwelling may be located.

- (o.) The Commission may require suitable landscaping to protect the neighborhood and adjacent property with an appropriate landscaped buffer of evergreens, existing natural topography or other appropriate screening material as deemed necessary.
- (p.) That the application for an Accessory Dwelling includes architectural elevations, renderings or photographs to clarify issues regarding visual impact and building relationships.
- (q.) In reviewing an application for a Special Permit for an Accessory Dwelling the Planning and Zoning Commission may attach reasonable conditions to any approval to lessen or eliminate any adverse impacts found in the Commission's review of the application.

*AMENDMENT EFFECTIVE JANUARY 27, 2017

324.1.A.2 Accessory Apartments

- 1. No Structure other than the principal building, accessory dwelling, or detached Accessory Apartment, on a lot shall have a septic system, except that the Commission may grant Special Permits to allow septic systems for not more than one Accessory Structure on a lot, provided that the following conditions are met: A residential building may contain one Accessory Apartment, subject to the following:
- 2. Exception for Accessory Residential Dwelling or Building. A residential building or detached garage may contain one Accessory Apartment with its own septic system subject to the following:
 - (a.) The principal dwelling or Accessory Apartment shall be occupied by the property owner who shall be a natural person or persons.
- * **(b.)** Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant.

*AMENDMENT EFFECTIVE MARCH 28, 2017

- (c.) The Town Sanitarian shall certify that the septic system service for the existing dwelling and proposed Accessory Apartment conform to current requirements of the Public Health Code.
- (d.) The Accessory Apartment shall have its own entrance from the exterior of the building and shall contain one bathroom and kitchen facilities. The Accessory Apartment shall not exceed 750 square feet in floor area.
- (e.) Parcels of 4 or more contiguous Zoning acres or 160,000 square feet with a detached garage, accessory to a residential building may contain one

Accessory Apartment. This apartment shall not exceed 750 square feet. The total footprint of the garage shall not exceed the square footage required to accommodate said 750 square foot apartment. The apartment shall contain one bathroom and kitchen facility, provide parking for one car and shall be subject to subsections b and c of Section 324.3(a) Septic Systems for Accessory Buildings.

(f.) Accessory Apartments shall be subject to the Special Permit approval set forth in Section 340 of these Regulations.

AMENDMENT EFFECTIVE JANUARY 27, 2017

324.1B Home Occupations

Home occupation businesses that are no impact businesses shall not require a permit.

All other proposed home occupation businesses shall be subject to the normal special permitting process of the Planning & Zoning Commission, with the following limitations:

The business shall be confined to the principal residence and/or to one accessory building on the property. The location and appearance of the accessory building shall be consistent with the residential character of the lot and the neighborhood.

No display or advertising shall be visible from the outside excepting a name plate or announcement not to exceed two square feet in area.

No more than two commercial vehicles shall be used in connection with any such use, and the vehicles shall be garaged or otherwise screened and hidden from view of adjoining properties when not in use.

Parking areas shall be subject to the review and approval of the Commission in accordance with the procedures set forth in Section 372, as being of adequate size for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed so as to minimize traffic hazards

Regular deliveries and/or shipments in connection with the business, equipment service calls and other similar business-related traffic shall be accomplished with automobiles or commercial vans.

There will be no storage, stockpiling or advertising for sale on the exterior of the dwelling or accessory building of any of the goods or materials produced by the business and no exterior storage or display of parts, raw or finished materials and/or waste byproducts.

Application for a special permit for a home occupation business shall include, in addition to the required plan for a special permit, at least the following information: nature of the business, hours of operation, number of employees, anticipated traffic impact, use and storage of hazardous materials, and a health department approval.

324.1C Residential Contractor

324.1C.1 No Impact Business Resident Contractor:

A no impact business resident contractor shall not require a special permit.

324.1C.2 Resident Contractor:

Except for no impact business resident contractors, all other resident contractors shall obtain a special permit pursuant to Section 340 of these regulations with the following additional requirements:

- a. The business shall be confined to the principal residence and/or to one accessory building on the property. The location and appearance of the accessory building shall be consistent with the residential character of the lot and the neighborhood.
- **b.** A Resident Contractor business may have no more than two vehicles associated with the business on the property overnight and on weekends, only one of which may be over 12,500 pounds Gross Vehicle Weight (GVW). All vehicles must be garaged or otherwise screened or hidden from the view of anyone at an abutting or nearby property, except that one vehicle under 12,500 pounds GVW, which may display advertising, may remain un-garaged and unscreened. During normal weekday working hours, a maximum of two additional employee automobiles may be parked on the premises.
- c. No display or advertising, including signs, shall be visible from off the property, except for the single vehicle described in paragraph b above.
- d. An application for a special permit for a resident contractor business shall include, in addition to the information required for a special permit pursuant to Section 340, at least the following:
 - a description of the nature of the business;
 - a listing of all business related vehicles to be parked overnight and on weekends at the residence including the GVW of each such vehicle;
 - a statement as to whether each vehicle will visibly display equipment or materials associated with the business;
 - a description of, or photographs showing, the nature and location of the screening that hides from the view of anyone at an abutting or nearby property all business related items outside any structure on the property;
 - the days and hours of operation of the business; and
 - a Health Department approval.

- e. The plan required to be filed with an application for a special permit for a resident contractor business shall show, in addition to the information required pursuant to Section 343 of these regulations, at least the following:
 - the location of any exterior storage or stockpiling of any trailers, tools, equipment, parts, raw or finished materials and/or waste byproducts of the business, which shall also be clearly marked in the field;
 - the location of everything that will screen the view of anyone at an abutting or nearby property of any business related vehicles, and of any exterior storage or stockpiling of any trailers, tools, equipment, parts, raw or finished materials and/or waste byproducts of the business; and
 - the location of all business related parking areas.
- f. A resident contractor who wishes in addition to perform non-office work for his customers on his/her own residential property, or whose employees will work at his/her residential property shall comply with the Home Occupation regulations at Section 324.1B of these regulations, as well as with Section 324.1C.

324.1C.3 Resident Contractors Operating Prior to December 1, 2009 -Legal Non-Conforming Uses:

A resident contractor with a resident contractor business at his/her residence which (1) was existence prior to December 1, 2009, and (2) had no additional vehicles; exterior storage or stockpiling of any of the trailers, tools, equipment, parts, raw or finished materials and/or waste byproducts of the business; display or advertising, including signs; that were in existence prior to December 1, 2009; which does not meet the requirements of Sections 324.1C.1 or 324.1C.2 of these regulations, shall be allowed to continue as a legal non-conforming use, provided that the following conditions are met:

- **a.** The resident contractor applied for a special permit in accordance with Sections 340 and 324.1C of these regulations;
- b. The application for a special permit was denied for failure to comply with Section 324.1C.2, but not because of a lack of information or an incomplete application.

324.1C.4 Applications for a Special Permit for Existing Resident Contractors:

Except for no impact business resident contractors, all other resident contractors who were operating as such prior to December 1, 2009, must obtain a special permit in accordance with Sections 340 and 324.1C of these regulations.

324.1D Keeping of Roomers or Boarders:

The keeping of roomers or boarders shall be permitted subject to the following conditions:

- No more than three (3) roomers or boarders may be accommodated on any lot.
- The leasing of rooms or taking of boarders may be conducted only by owner occupants.
- Roomers and boarders must be accommodated within the principal building and shall not be provided with separate cooking facilities.
- Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, tavern or roadhouses.
 - A Bed and Breakfast establishments are hereby declared to be a home occupation and shall be permitted only when the following conditions, in addition to the conditions set forth in Section 324.1B, are complied with:
 - a. The principal building shall be an existing home built prior to 1900 and have direct access on state highway or town road;
 - **b.** Each such establishment shall be owned and solely operated by the resident occupants;
 - c. The principal building shall be a home existing at the time of adoption of this regulation and shall contain at least eight (8) bedrooms at the time of adoption of these regulations. Nothing in this subsection shall be construed to permit the conversion of barns or other accessory buildings, or additions onto existing homes existing at the time of adoption of this regulation into Bed and Breakfast establishments;
 - **d.** A minimum of two (2) bathroom facilities shall be available and maintained for use by the guests.
 - e. No more than ten (10) individuals may be accommodated in addition to the family;
 - f. The length of stay of any lodger shall be no more than four (4) consecutive nights;
 - g. All State and Local Health, Sanitary and Safety Codes must be met;
 - h. A detailed interior floor plan, which includes any proposed alteration, prepared by a licensed Architect or Professional Engineer licensed in the State of Connecticut, shall be submitted for approval of the Commission at the time of submission of an application for special permit;

- i. No addition or alteration, will be allowed to a building to increase the number of existing bedrooms subsequent to the date of adoption of this section;
- j. A buffer area may also be required at the discretion of the commission which shall meet the requirements of 351.4;
- **k.** Accommodations are to include only bed and breakfast, to guests only and shall not include the serving of alcoholic beverages;
- **I.** Nothing in this section shall be construed to permit a hotel, motel, inn, tavern or roadhouse.

324.1E Accessory Uses to Conservation Organizations

Uses accessory to the principal use of premises preserved and protected as conservation land and owned by a duly incorporated and Internal Revenue Service approved 501(c)(3) conservation organization are allowed by Special Permit in any zone, provided that, in addition to the criteria of Section 340 of these Regulations, the Commission finds that such accessory uses are consistent with the principal use of the premises for passive recreational, educational, scientific and environmental purposes, and are not operated for profit. The Commission may waive the requirement of a Special Permit if the Commission determines that the proposed accessory use has no negative impact.

324.2 Accessory Buildings

324.2.A Building, Accessory - Permanent

324.2.B Building, Accessory - Temporary

A Zoning Permit shall be required for Accessory-Temporary buildings exceeding 200 square feet. The following conditions are to be met:

- a. No Accessory Temporary building shall be permitted on a lot without an existing principal building or structure or a principal structure or structure under construction.
- **b**. Only one Accessory-Temporary building shall be permitted on a lot at one time.
- c. An Accessory-Temporary building shall be permitted for a period of time up to one hundred twenty (120) days. A sixty (60) day extension shall be granted by the Zoning Enforcement Officer for good cause shown, but not to exceed one hundred and eighty (180) days, total. Use of an Accessory-Temporary building for more than one hundred and eighty (180) days shall require approval by the Commission.
- **d.** Existing Accessory-Temporary Buildings identified as "temporary" in the application for Zoning Permit which are in place as of the effective date of this section of these Regulations shall have 120 days from that date to

- obtain a Zoning Permit for such building under this section, or remove the Accessory-Temporary Building from the property.
- e. Accessory-Temporary Buildings shall meet all setbacks and other Zoning requirements for the applicable Zone and shall not be placed in the Front Lot as defined in these Regulations.
- A separate fee will not be required for an Accessory-Temporary construction office or storage facility associated and incidental to a permitted building under construction on the same property, for which a Zoning Permit has been issued. The Accessory-Temporary construction office must meet all the conditions for Accessory-Temporary buildings as outlined in this section.
- g. Accessory-Temporary Buildings require the following:
 - i. No adverse noise impact, no public or private disturbances, no nuisances.
 - ii. No unsafe impediments, distractions, or congestion for vehicular or pedestrian movement.
 - iii. No permanent alterations to the affected site. Submit a photo, documenting location and existing conditions, with permit application.
 - iv. Proper security, trash removal and other services an event or situation may require shall be provided by the owner/operator.
 - v. An Accessory- Temporary building will not be permitted if the Commission determines there will be an adverse impact to the abutting property owners, cause risk of injury to persons, if there is a likelihood it will cause damage to public or private property, or cause a detriment to surrounding property.

AMENDMENT EFFECTIVE JULY 31, 2016.

324.3 Accessory Structures

324.3A Septic Systems for Accessory Buildings:

No structure other than the principal building, Accessory Dwelling, or detached Accessory Apartment, on a lot shall have a septic system, except that the Commission may grant Special Permits to allow septic system *connection for not more than one accessory structure on a lot, provided that the following conditions are met:

a. The structure must be a farm barn that is used for agricultural purposes, or a garage, or an accessory building that has less than 400 square feet of floor space. The structure may not contain kitchen or sleeping facilities. The structure may not contain kitchen facilities except that a farm barn that is used for agricultural purposes may contain kitchen facilities that are necessary for, and limited to, the processing of an

- agricultural or horticultural commodity from stock produced on the farm for market or for direct sale.
- b. The structure must meet all requirements of the Town of Sherman Sanitary Code without affecting those portions of the lot used by the principal building to meet its sanitary code requirements.
- c. Special permits for such use shall be granted under the procedure set forth in Section 340. The premises involved may be inspected by the Commission throughout the life of the special permit.

*AMENDMENT EFFECTIVE AUGUST 28, 2018

324.3B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment:

All generators, air conditioners, and other noise generating equipment installed in a fixed location shall be located within 15 feet of the principal building, or in the case of pool filters, within 25 feet of the pool served or within 15 feet of the principal building. The forgoing shall also conform to the setbacks for the zone in which it is located. If the generator, air conditioner or other noise generating equipment can be installed more than 100 feet from the nearest property line, the equipment may be installed within 50 feet of the principal building.

AMENDMENT EFFECTIVE SEPTEMBER 25, 2015

325 Temporary and limited moratoria from Medical Marijuana Producers and Dispensary Facilities:

Purpose: The purpose of this moratorium is to provide relief from considering applications for Medical Marijuana Producers and Dispensary Facilities. The Planning and Zoning Commission will review the "State of Connecticut Regulation of the Department of Consumer Protection concerning Palliative Use of Marijuana" and the associated application process for producers and dispensary facilities in order to draft and adopt Zoning Regulations regarding the production and distribution of medical marijuana within the Town of Sherman that are the result of a proper review process and planning regarding these new uses. Applicability: During this temporary and limited moratorium, no new application for a Medical Producer or Dispensary Facility shall be received or acted upon by the Commission for a period of one (1) year.

Effective Date and Term: this temporary moratorium will be effective on May 16, 2014 and shall remain in effect until May 16, 2015.

Revisions to the term of the moratorium may be made for good cause through a similar public hearing process as created this Section.

AMENDMENT to 325: Moratorium from Medical Marijuana Producers and Dispensary

Facilities: At the Planning & Zoning Commission Public Hearing on May 7, 2015 the Commission Approved a Six month Extension of the term of the existing Temporary and limited moratorium from Medical Marijuana Producers and Dispensary Facilities set to expire May 16th, 2015, extended to remain in effect until November 16, 2015.

326. Private Burying Grounds

Purpose - The purpose of this regulation is to provide for Private Burying Grounds as principal or accessory uses subject to reasonable standards and criteria.

326.1 General Requirements

In addition to the requirements of Section 343 of these Regulations, applications for approval of Private Burying Grounds shall include the following:

- i. An A-2 Survey/site plan showing the proposed location of the burying grounds, and depicting parking, access, driveways, setbacks from property lines, distance from nearest dwellings, distance from wells, septic systems, wetlands, open water bodies and water courses.
- ii. The application shall specify the total acreage of the property, dimensions of the proposed burying ground, and the number of burying lots proposed.
- iii. The application shall be subject to the requirements of Section 340 Special Permit Approval.
- iv. The owner shall provide an easement or right-of-way to allow access from the road to the private burying ground, and record a plot plan with said easement or right-of-way in the Town land records.
- v. A burial permit must be obtained from the Town Clerk or any other person who is authorized to issue burial permits.

326.2 Standards

- i. The nearest burial plot in the burying ground shall be at a distance of at least 350 feet from the nearest house.
- ii. The nearest burial plot in the burying ground the burying ground shall be set back at least 25 feet from any neighboring property lines.
- iii. The burying ground shall have good surface drainage and test holes shall be dug to determine the depth of the groundwater level and ledge rock.
- iv. The Commission may request that the property be inspected by a representative of the State to determine the suitability of the site conditions and also to assure that the burying ground will be located sufficiently far from water supply wells, open watercourses, sewage disposal systems and storm drains.

- v. If deemed necessary by the Commission, approval of the application may be subject to approval by the Regional Health District, and the securing of driveway permits.
- vi. State approval shall be required.

AMENDMENT EFFECTIVE MARCH 1, 2019

SECTION 330. ZONE REGULATIONS:

No building, structure or premises may be built, erected, altered, used, arranged or designed to be used for any purposes other than those specified in this Section. Only those uses specifically listed as being permitted shall be permitted. All new construction shall require a zoning permit in accordance with Section 410, and new or changed uses shall require a certificate of zoning compliance in accordance with Section 420.

331. Zone A - Farm-Residence Zone

331.1 Permitted Principal Uses:

Permitted principal uses in Zone A shall be those listed below. All uses marked with an asterisk (*) are subject to the Special Permit approval procedure set forth in Section 340 of these Regulations, and any additional or special requirements made in connection with such approval. All uses shall conform to the requirements of Section 360 and 370 of these Regulations.

- **a.** Single-family dwelling, not to exceed one per lot.
- *b. Church or other place of worship, including parish house, Sunday school, convent or rectory, subject to Section 351.
- *c. Municipal use, municipal services facility, municipal recreational facility, emergency services facility, police station, public school, and structures and off-street parking areas appurtenant thereto; and a Town garage, and structures and off-street parking areas appurtenant thereto, including parking and/or storage at the Town garage of maintenance equipment and supplies owned by the Town.
- *d. Public library, museum or art gallery not operated for profit, subject to Section 351.
- *e. Private school, accredited, having a comprehensive curriculum of studies comparable to that of a public school subject to Section 351.
- *f. Nursery school or day camp, subject to Section 351.
- *g. Private recreation club, subject to Section 351.
- *h. Riding stables or academies, subject to Section 355.
- i. Farming, subject to Section 352.
- **j.** Public Utilities substation subject to Section 356.

- *k. Energy efficient designed dwellings which, due to their unique nature, may not be able to meet the Zoning Regulations as floor area, and still maintain their energy efficiency, will be considered for a Special Permit.

 AMENDMENT EFFECTIVE SEPTEMBER 29, 2018
- *I. Golf Course Facility, consisting of 160 or more contiguous acres under permanent conservation easement, and accessory facilities directly related to the principal use, either public or private subject to Sections 351, 359, and 371.12.
- *m. Golf Course Residential Community of at least 250 acres of contiguous land, including a golf course facility consisting of 140 or more acres, and accessory facilities directly related to the principal use subject to Sections 351, 359, 359A, and 371.12.
- *n. Conservation organizations with 501(c)(3) status per the Internal Revenue Service.
- *o. Private Burying Ground, subject to Section 326.

AMENDMENT EFFECTIVE MARCH 1, 2019

331.2 Permitted Accessory Uses:

Permitted accessory uses in Zone A. shall be those listed below. All uses marked with an asterisk (*) are subject to the Special Permit approval set forth in Section 340 of these Regulations and shall conform to any additional or special requirements made in connection with such approval.

- *a. Office or home occupation, subject to Section 324.1B.
- *b. Bed and Breakfast establishments, subject to Section 324.1D.A.
- **c.** The keeping of roomers or boarders, subject to Section 324.1D.
- d. Accessory Temporary Buildings less than 200 square feet for up to 180 days, as permitted by Section 324.2 of these regulations.
- e. Signs, as permitted by Section 360 of these Regulations.
- f. Garage, garden house, tool house, swimming pool, playhouse, tennis, paddle tennis and other such playing courts (subject to Section 324.3A of these Regulations), or other accessory use customarily incidental to the residential use of the premises and not operated for profit.
- g. Off-street parking facilities for the use of the occupants of the premises and their guests, as required by Section 370, but only one truck, except 10,000 lbs., GVW or under, or other commercial vehicle may be parked on the lot provided such vehicle is garaged or otherwise screened or hidden from view of adjoining properties, except for farm vehicles.

- **h.** Parking or storage of recreation vehicles, provided they are not parked or stored in the front lot and are within minimum side and/or rear lot setback requirements.
- *i. Deleted
- *j. Energy efficient designed structures, which due to their unique nature, may not be able to meet the Zoning Regulations as to floor area, and still maintain their energy efficiency, will be considered for a Special Permit.

 AMENDMENT EFFECTIVE SEPTEMBER 29, 2018
- **k.** "Home Occupation" is a permitted accessory use on a residential property in all zones, subject to Section 324.1B.
- *I. Resident contractor, subject to Sections 340 and 324.1C.
- *m. Accessory conservation uses in accordance with Section 324.1E of these Regulations.
- *n. Private Burying Ground, subject to Section 326.

 AMENDMENT EFFECTIVE MARCH 1, 2019

331.3 Minimum Lot Area:

The minimum lot area shall be 160,000 square feet. Of this area, at least 80,000 square feet shall exclude:

- i. Land reserved for or used as an existing road, right-of-way, access way, and conservation and utility easements.
- ii. Inland Wetlands and Watercourses as defined and delineated in accord with the Sherman Inland Wetland and Watercourses Regulations and Map.
- iii. Naturally occurring slope of 25% or more as measured using 2- foot contour intervals.
- iv. 100 year Flood Hazard areas as shown on maps prepared by FEMA which are on file in the office of the Town Clerk.

Each lot submitted for review under the Sherman Subdivision Regulations and any application for a Zoning permit for a lot created after the effective date of this amendment (February 6, 2004), shall bear the certification of a Connecticut Registered Professional Engineer and a Connecticut Licensed Land Surveyor. When necessary a certified soil scientist shall certify that such lot complies with ii. above. Based upon the circumstances of the land, the Commission may at its discretion require that the portions of a lot with slopes of 25% and over shall be determined by field calculations and that such areas be calculated and shown on a subdivision plan map or site plan.

331.4 Minimum Lot Dimensions:

The shape of each lot shall be such that a rectangle 250 feet by 275 feet can be contained within its horizontal boundaries. No part of any dwelling or principal building shall be erected at a point where the width is less than 200 contiguous feet. Each lot shall have frontage on a road or highway, as defined herein, of at least 200 contiguous feet, except as follows:

- a. Where a lot fronts on a permanent turnaround, a minimum frontage of 50 feet shall be permitted.
- b. Interior Lot. An interior lot is any lot that does not meet the above requirement for frontage on a road or highway. One interior lot with a minimum frontage of 35 feet, or two adjacent interior lots each with a minimum frontage of 25 feet, shall be permitted between any two other lots each with a minimum 200 feet of road frontage.

331.5 Minimum Setback Requirements:

All buildings and structures shall be required to be set back a minimum distance of 40 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. With regard to lots which are existing on, or have been approved by the Planning and Zoning Commission prior to February 21, 2006, any new buildings or structures or structural alterations of existing buildings or structures shall be required to be set back a minimum distance of 25 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Where a conservation or agricultural easement exists on a lot, the setbacks from the line of such easement shall be a minimum of 25 feet.

a. Buildings and structures shall not be placed in the stream belt zones of the main channels (but not the tributaries) of the Housatonic River and the Ten-mile River, as those zones are defined in Appendices I and II of "A Guide for Stream belts," U.S. Department of Agriculture Soil Conservation Service (1972).

331.6 Maximum Building Coverage:

The land area covered by all principal and accessory buildings shall not be permitted to exceed 15% of the total lot area.

331.7 Maximum Building Height:

No building or structure shall be permitted to exceed a maximum height of 35 feet, as measured from average original grade to a point halfway between the upper and lower edges of the structure's principal roof. The 35-foot maximum height shall apply as well to the distance from average finished grade to that point on the structure's principal roof. No building or structure shall be permitted to exceed 2 ½ stories.

332. Zone B - Residence Zone

332.1 Permitted Principal Uses:

Permitted principal uses in Zone B shall be those listed below. All uses marked with an asterisk (*) are subject to the Special Permit approval procedure set forth in Section 340 of these Regulations, and any additional or special requirements made in connection with such approval. All uses shall conform to the requirements of Sections 360 and 370 of these Regulations.

- Single-family dwelling, not to exceed one per lot, except for building on a. any of the islands on Lake Candlewood within the Town of Sherman, which shall require a Special Permit subject to Section 340.
- *b. Private recreation club, subject to Section 351.
- *с. Municipal use, municipal services facility, municipal recreational facility, emergency services facility, police station, public school, and structures and off-street parking areas appurtenant thereto; and a Town garage, and structures and off-street parking areas appurtenant thereto, including parking and/or storage at the Town garage of maintenance equipment and supplies owned by the Town.
- d. Public utility substation, subject to Section 355.
- *е. Energy efficient designed dwellings, which due to their unique nature, may not be able to meet the Zoning Regulations as to floor area, and still maintain their energy efficiency, will be considered for a Special Permit. AMENDMENT EFFECTIVE SEPTEMBER 29, 2018
- *f. Farming, subject to Section 352.
- *g. Conservation organizations with 501(c)(3) status per the Internal Revenue Service.
- *h. Private Burying Ground, subject to Section 326 **AMENDMENT EFFECTIVE MARCH 1, 2019**

332.2 Permitted Accessory Uses:

Permitted accessory uses in Zone B shall be those listed below. All uses marked with an asterisk (*) are subject to the special permit approval procedure set forth in Section 340 of these Regulations and shall conform to any additional or special requirements made in connection with such approval.

- *а. Office or home occupation, subject to Section 324.1B.
- *b. Bed and Breakfast establishment, subject to Section 324.1D.A.
- The keeping of roomers or boarders, subject to Section 324.1D. c.
- d. Accessory Temporary Buildings less than 200 square feet for up to 180 days, as permitted by Section 324.2.B of these regulations.

- e. Signs, as permitted by Section 360 of these Regulations.
- **f.** Garage, garden house, tool house, swimming pool, playhouse, tennis, paddle tennis and other such playing court, or other accessory use customarily incidental to the residential use of the premises and not operated for profit.
- g. Off-street parking facilities for the use of the occupants of the premises and their guests, as required by Section 370, but only one truck, except 10,000 lbs., GVW or under, or other commercial vehicle may be parked on the lot provided such vehicle is garaged or otherwise screened or hidden from view of adjoining properties.
- **h.** Parking or storage of recreation vehicles, provided they are not parked or stored in the front lot and are within minimum side and/or rear lot setback requirements.
- *i. Energy efficient designed structures, which due to their unique nature, may not be able to meet the Zoning Regulations as to floor area, and still maintain their energy efficiency, will be considered for a Special Permit.

 AMENDMENT EFFECTIVE SEPTEMBER 29, 2018
- j. "Home Occupation" is a permitted accessory use on a residential property in all zones, subject to Section 324.1B.
- *k. Resident contractor, subject to Sections 340 and 324.1C.
- *I. Accessory conservation uses in accordance with Section 324.1E of these Regulations.
- *m. Private Burying Ground, subject to Section 326.

 AMENDMENT EFFECTIVE MARCH 1, 2019

332.3 Minimum Lot Area:

The minimum lot area shall be 80,000 square feet. For the purpose of calculating this minimum lot area requirement, the following shall be excluded:

- i. Land reserved for or used as an existing road, right-of-way, access-way, and conservation and utility easements.
- ii. Inland Wetlands and Watercourses as defined and delineated in accord with the Sherman Inland Wetland and Watercourses Regulations and Map.
- iii. Naturally occurring slope of 25% or more a measured using 2-foot contour intervals.
- iv. 100 year Flood Hazard areas as shown on maps prepared by FEMA which are on file in the office of the Town Clerk.

Each lot submitted for review under the Sherman Subdivision Regulations and any application for a Zoning Permit for a lot created after the effective date of

this amendment (February 6, 2004), shall bear the certification of a Connecticut Registered Professional Engineer and a Connecticut Licensed Land Surveyor. When necessary a certified soil scientist shall certify that such lot complies with ii. above. Based upon the circumstances of the land, the Commission may at its discretion require that the portions of a lot with slopes of 25% and over shall be determined by field calculations and that such areas be calculated and shown on a subdivision plan map or site plan.

332.4 Minimum Lot Dimensions:

The shape of each lot shall be such that a rectangle 170 feet by 200 feet can be contained within its horizontal boundaries. No part of any dwelling or principal building shall be erected at a point where the width is less than 200 feet. Each lot shall have frontage on a road or highway, as defined herein, of at least 200 contiguous feet, except as follows:

- a. Where a lot fronts on a permanent turnaround, a minimum frontage of 50 feet shall be permitted.
- b. Interior Lot. An interior lot is any lot that does not meet the above requirement for frontage on a road or highway. One interior lot with a minimum frontage of 35 feet, or two adjacent interior lots each with a minimum frontage of 25 feet, shall be permitted between any two other lots each with a minimum 200 feet of road frontage.

332.5 Minimum Setback Requirements:

All buildings and structures shall be required to be set a minimum distance of 25 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Where a conservation or agricultural easement exists on a lot, the setbacks from the line of such easement shall be a minimum of 25 feet.

332.6 Maximum Building Coverage:

The land area covered by all principal and accessory buildings shall not be permitted to exceed 15% of the total lot area.

332.7 Maximum Building Height:

No building or structure shall be permitted to exceed a maximum height of 35 feet, as measured from average original grade to a point halfway between the upper and lower edges of the structure's principal roof. The 35-foot maximum height shall apply as well to the distance from average finished grade to that point on the structure's principal roof. No building or structure shall be permitted to exceed 2 ½ stories.

333. Zone C - Business and Residence Zone

333.1 Permitted Principal Uses:

Permitted principal uses in Zone C shall be those listed below. All uses marked with an asterisk (*) are subject to the Special Permit approval procedure set forth in Section 340 of these Regulations, and the site plan approval set forth in Section

333.8 of these Regulations, and any additional or special requirements made in connection with such approval. All uses shall conform to the requirements of Section 360 and 370 of these Regulations.

- a. Single-family dwelling, not to exceed one per lot.
- *b. Church or other place of worship, including parish house, Sunday school, convent or rectory, subject to Section 351.
- *c. Municipal use, municipal services facility, municipal recreational facility, emergency services facility, police station, public school, and structures and off-street parking areas appurtenant thereto; and a Town garage, and structures and off-street parking areas appurtenant thereto, including parking and/or storage at the Town garage of maintenance equipment and supplies owned by the Town.
- *d. Public library, museum or art gallery not operated for profit, subject to Section 351.
- *e. Private school, accredited, having a comprehensive curriculum of studies comparable to that of a public school subject to Section 351.
- *f. Nursery school or day camp Section 351.
- *g. Private recreation club, subject to Section 351.
- *h. Farming subject to Section 352, and nursery or greenhouse business subject to Section 355.
- *i. Stores and shops for the conduct of retail sales and personal service uses of a local convenience character.
- *j. Banks, business, professional and civic offices.
- *k. Restaurants and other food service establishments where customers are served while seated within an enclosed building. Such establishments may also serve customers who are seated at tables on an attached deck, porch, or patio provided that this area is clearly delineated by railings, or other barriers meeting with the approval of the Commission that will create a boundary from other public areas. These outdoor locations will be considered "seasonal" and will only be used between the months of April though the 2nd week in October. The number of seats at these outdoor locations when in combination with the seating in the main enclosed dining area shall not exceed the originally permitted number. The outdoor location must meet all applicable, municipal and state public health codes, and if alcoholic beverages are to be served, the establishment must file for and receive either a "Patio Permit", or extension of permit premises issued by Liquor Control Division. Such restaurants may also as incidental to the main permitted use include a food "take-out" service.

- *I. Automotive service stations, as defined in Section 610, provided that any such station is located in a place approved by the Commission as not interfering with the normal operation of the movement of pedestrian and vehicular traffic thereto and there from.
- *m. Energy efficient designed dwellings which, due to their unique nature, may not be able to meet the Zoning Regulations as to floor area, and still maintain their energy efficiency, will be considered for a Special Permit.

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- *n. Conservation organizations with 501(c)(3) status per the Internal Revenue Service.

333.2 Permitted Accessory Uses:

Permitted accessory uses in Zone C shall be those listed below. All uses marked with an asterisk (*) are subject to the Special Permit approval set forth in Section 340 of these Regulations and the site plan approval set forth in Section 333.8 of these Regulations, and shall conform to any additional or special requirements made in connection with such approval.

- *a. Office or home occupation, subject to Section 324.1B.
- *b. Bed and Breakfast establishments, subject to Section 324.1D.A.
- **c.** The keeping of roomers or boarders, subject to Section 324.1D.
- d. The incidental display and sale of farm and garden produce and nursery and greenhouse stock, raised on the premises by the owner of such premises, provided that the areas, facilities and intensity of use devoted to the sale of produce remain clearly incidental to the permitted principal use of the property. In no case shall the area devoted to the display and sale of such products exceed 400 square feet of ground and/or floor space. Such use shall also comply with the standards specified in Section 352 of these Regulations.
- e. Signs, as permitted by Section 360 of these Regulations.
- Garage, garden house, tool house, swimming pool, playhouse, tennis, paddle tennis and other such playing court, or other accessory use customarily incidental to the residential use of the premises and not operated for profit.
- g. Off-street parking facilities for the use of the occupants of the premises and their guests, as required by Section 370, but only one truck, except 10,000 lbs., GVW or under, or other commercial vehicle may be parked on the lot provided such vehicle is garaged or otherwise screened or hidden from view of adjoining properties, except for farm vehicles.
- **h.** Parking or storage of recreation vehicles, provided they are not parked or stored in the front lot and are within minimum side and/or rear lot setback requirements.

*i. Parking and loading space for motor vehicles in accordance with the requirements of Section 370.

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- j. Energy efficient designed structures, which due to their unique nature, may not be able to meet the Zoning Regulations as to floor area, and still maintain their energy efficiency, will be considered for a Special Permit.
- **k.** "Home Occupation" is a permitted accessory use on a residential property in all Zones, subject to Section 324.1B.
- *I. Resident contractor, subject to Sections 340 and 324.1C.
- *m. Accessory conservation uses in accordance with Section 324.1E of these Regulations.
- 333.3 Minimum Lot Area for Residential, Commercial or Municipal Use:

 The minimum lot area shall be 40,000 square feet. For the purpose of calculating this minimum lot area requirement, the following shall be excluded: The part of any lot reserved for or used as an existing road, right-of-way, or access-way

and wetlands and watercourses, as defined and as delineated in accord with the Sherman Inland Wetland and Watercourses Regulations and Map.

- 333.4 Minimum Lot Dimensions for Residential, Commercial or Municipal Use:

 The shape of each lot shall be such that a rectangle 115 feet by 150 feet can be contained within its horizontal boundaries. No part of any dwelling or principal building shall be erected at a point where the width is less than 150 feet. Each lot shall have frontage on a road or highway, as defined herein, of at least 150 contiguous feet, except as follows:
 - **a.** Where a lot fronts on a permanent turnaround, a minimum frontage of 50 feet shall be permitted.
 - b. One lot with a minimum frontage of 20 feet, or two adjacent lots each with a minimum frontage of 20 feet, shall be permitted between any two other lots each with a minimum 150 contiguous feet of road frontage.

333.5 Minimum Setback Requirements for Residential, Commercial or Municipal Use:

All buildings and structures shall be required to be set back a minimum distance of 15 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Where a conservation or agricultural easement exists on a lot, the setbacks from the line of such easement shall be a minimum of 15 feet

333.6 Maximum Building Coverage for Residential, Commercial or Municipal Use: The land area covered by all principal and accessory buildings shall not be permitted to exceed 15% of the total lot area.

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333.7 Maximum Building Height:

No building or structure shall be permitted to exceed a maximum height of 35 feet, as measured from average original grade to a point halfway between the upper and lower edges of the structure's principal roof. The 35-foot maximum height shall apply as well to the distance from average finished grade to that point on the structure's principal roof. No building or structure shall be permitted to exceed $2\frac{1}{2}$ stories.

333.8 Approval of Site Plans:

- a. Before the issuance of a Zoning Permit, a detailed site plan shall be submitted to the commission. Approval of said site plan shall be subject to a public hearing for all uses marked with an asterisk (*) under Section 333.1. No development shall be carried out, or certificate of zoning compliance issued, except in conformance with such approved plan or a similarly approved revision of such plan.
- b. The site plan shall be drawn to a scale of not less than one inch equaling fifty feet. The following information, both existing and proposed, as applicable to the particular application, may be required.
 - i. Title of development, date, revision dates, if any, north point, scales, name and address of owner and of engineer, architect, landscape architect or surveyor preparing the plan.
 - ii. Property lines and lines delimiting the land to be used under the application.
 - iii. Contours at no more than two-foot vertical intervals.
 - iv. Location and dimensions of buildings, structures, walls, fence, and trees eight inches or more in diameter.
 - v. Location, dimensions and surface treatment of off-street parking and loading spaces, traffic access and circulation system, and pedestrian walks.
 - vi. Location and size of watercourses and swamps, if any.
 - vii. Location, size and design of storm drainage, sewage disposal and water supply facilities.
 - viii. Erosion control plan.
 - ix. Location, size and type of landscaping and buffer planting, and designation of natural terrain not to be disturbed.
 - x. Location, size, type, color and illumination of all signs
 - **xi.** Location, direction, power and timing of exterior lighting.

- **xii.** Elevations showing external appearance of all buildings and structures.
- **xiii.** Any other information determined necessary by the Commission to provide for the proper enforcement of these Regulations.
- c. In acting upon such site plan, the Commission shall determine that the requirements of these Regulations are met, and that the plan is such that a harmonious relationship will exist between the business development and any adjacent residential and/or civic development. The Commission shall attach such conditions to its approval as may be necessary to assure initial and continued compliance with these and other above-specified requirements.

334. Zone D – Historic District Zone

334.1 Permitted Principal and Special Permit Uses:

Permitted principal and special permit uses in Zone D shall be listed below. All uses marked with an asterisk are subject to the Special Permit approval procedures as set forth in Section 340 of these Regulations and the site plan approval procedures as set forth in Section 333.8 of these Regulations and any additional or special requirements made in connection with such approvals.

- **a.** Single family dwelling, not to exceed one per lot.
- *b. Church or other place of worship.
- *c. Municipal use, municipal services facility, municipal recreational facility, and structures and off-street parking areas appurtenant thereto.
- *d. Library, museum, art gallery not operated for profit, subject to Section 351.
- *e. Private school subject to Section 351.
- *f. Nursery school or day camp subject to Section 351.
- *g. Private recreation club subject to Section 351.
- *h. Farming subject to Section 352, and nursery or greenhouse business subject to Section 355.
- *i. Store and shops.
- *j. Bank and businesses, professional and civic offices.
- *k. Restaurants and other food service establishments.
- *I. Conservation organizations with 501(c)(3) status per the Internal Revenue Service.

334.2 Permitted Accessory Uses:

Permitted accessory uses shall be the same permitted accessory uses as in Zone C Section 333.2 of these Regulations in conjunction with the Historic District Regulations as established by vote of the Town Ordinance in 1981.

- **a.** "Home Occupation" is a permitted accessory use on a residential property in all Zones, subject to Section 324.1B.
- *b. Resident contractor, subject to Sections 340 and 324.1C.
- *c. Accessory conservation uses in accordance with Section 324.1E of these Regulations.
- 334.3 Reserved for future use.
- 334.4 Reserved for future use.

334.5 Minimum Setback Requirements:

All buildings and structures shall be required to be set back a minimum distance of 15 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Where a conservation or agricultural easement exists on a lot, the setbacks from the line of such easement shall be a minimum of 15 feet.

- **334.6** Reserved for future use.
- **334.7** Reserved for future use.

334.8 Approval of Site Plans

In addition to compliance with Section 333.8 of these Regulations, no site plan shall be approved without a Historic District Certificate of Appropriateness.

334.9 Non-Conformity, Other than Use

Where a permit is sought for the expansion of Principal Structure that does not meet side-line setback requirements a Special Permit Application shall be required.

SECTION 340. SPECIAL PERMIT APPROVAL

341. General Provisions:

Those uses identified in these Regulations as requiring Special Permits shall be deemed to be permitted uses, subject to the satisfaction of the requirements and standards set forth in this section, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and distinct form that each specific permitted use shall be considered as an individual case.

342. Application for Special Permit:

Application for a required special permit shall be made to the Planning and Zoning Commission. Said application shall be accompanied by 4 black and white prints of the proposed plan as required by Section 343, and stamped envelopes addressed to each of the owners of property within 500 feet of any

portion of the lot on which the proposed special permit is located, such owners to be as shown in the latest real estate list of the Town of Sherman (or the actual owners of record if otherwise known to the applicant). The Planning and Zoning Commission shall hold a public hearing thereon with the same notice as required for zoning amendments, and within 65 days of the public hearing shall either approve, modify and approve, or disapprove such application. The Planning and Zoning Commission may approve the application and issue a Special Permit provided it finds that all of the following conditions and standards have been met.

- **342.1** The proposed use will serve a community need or convenience.
- 342.2 The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the Zone in which it is located.
- 342.3 The location, external appearance and height of buildings, structures, walls and fences and the nature and extent of landscaping, screen plantings and exterior illumination on the site are such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings or impair the value thereof.
- 342.4 The operations in connection with such Special Permit use will not be objectionable to nearby properties by reason of, but not limited to, noise, lights, fumes, odors, vibration, interference with radio or TV reception.
- 342.5 Parking areas will be located entirely on the lot and will be of adequate size for the particular use and shall be properly located and suitably screened with evergreen planting, walls, or fences, or combination thereof, as determined necessary by the Planning and Zoning Commission, and the entrance and exit drives shall be designed so as to minimize traffic hazards.
- 342.6 In those cases where it is proposed to convert a building or structure originally built and designed for other purposes, the Planning and Zoning Commission shall determine whether or not such building is adaptable to the proposed uses from the point of view of public health and safety and whether or not it meets the other requirements of these Regulations. A letter from the Fire Marshal of the Town of Sherman stating that the proposed use or uses are in compliance with fire safety requirements may also be requested.

343. Required Plan:

A plan for the proposed development of a lot for a special permit use shall be submitted with the Special Permit application. The plan shall show, as deemed necessary by the Planning and Zoning Commission to determine and provide for the proper enforcement of these Regulations, any or all of the following: the location and external appearance of all buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, topography (including re-graded contours with an erosion control plan, Section 359.1), signs, exterior lighting, special features, and any other pertinent information, including information about the neighboring properties.

344. Conditions:

The Planning and Zoning Commission shall attach such conditions to any approved use as are, in its opinion, necessary to assure initial and continued conformance to all applicable standards and requirements set forth in Section 340, in addition to all other requirements of these Regulations.

345. Action Following Approval:

Within 15 days after the approval of a special permit use, the Planning and Zoning Commission shall file with the Buildings Inspector and Zoning Enforcement Officer each one print of the approval plans, with the approval noted thereon, and a copy of the Commission's resolution, including a list of any conditions pertaining to the approval. One print of said plans and the resolution shall be made available to the applicant.

346. Revocation of Special Permit

A Special Permit shall be deemed to authorize only the particular use or uses specified in the permit. Any permit issued, granted or approved shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, or if said use or uses change in nature, degree, or intensity.

SECTION 350. ADDITIONAL STANDARDS AND REQUIREMENTS

351. Church or Other Place of Worship, Public Library, Museum, Art Gallery, Private School, Private Recreation Club, Nursery School, or Day Camp, Golf Course Facility, Golf Course Residential Community.

351.1 Location:

All such uses shall be permitted only in locations fronting on, or having direct or convenient access to, a major or collector road as determined by the Planning and Zoning Commission and shown on the "Zoning Map, Town of Sherman.

351.2 Coverage:

Building coverage shall not be permitted to exceed 10% of the site area. The sum total of the land covered with buildings and parking, including driveways, shall be submitted to the Commission for approval.

351.3 Setbacks and Parking:

All new principal structures and accessory structures shall be required to be set back from any adjoining street line a distance equal to at least one-and-one-half times the required front lot setback distance for residence buildings. Minimum setbacks from other property lines shall be twice the distance required for residence buildings. Off-street parking facilities shall not be permitted in the front lot except for necessary access drives, nor shall such facilities be located within 30 feet of any other property line. The Planning and Zoning Commission may, however, permit not more than 10% of the required off-street parking spaces be relocated in the front lot, provided such parking is designated for and limited to visitor use, and further provided that it is attractively landscaped and maintained.

351.4 Buffer Area:

A buffer area shall be required along all lot lines adjoining residential or undeveloped properties. Such a buffer area shall be at least 25 feet in width and contain evergreen planting of such type, height, spacing and arrangement as will screen the activity on the lot from neighboring residential areas. Such required landscaping shall be properly trimmed and maintained in good condition at all times throughout the duration of the use in connection with which it was required. A wall or fence, of location, height, design and materials approved by the Planning and Zoning Commission as providing equivalent screening, may be substituted for part or all of the required planting.

351.5 Maximum Intensity of Use:

Maximum intensity of use and/or membership limit shall be as specified by Special Permit. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same lot is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations.

351.6 Now 321.6

352. FARMING

It is the intention of the people of Sherman to encourage farming in the town, in accordance with the guidance of the Plan of Conservation and Development, in order to preserve open space, preserve the rural character of the town, maintain the historical integrity of the town, and manage the density of population consistent with the natural resources and the infrastructure in the town. The town recognizes, as well, that farming must be done responsibly, with consideration for the rights of one's neighbors.

352 A. Farm Winery

352A.1. General:

In order to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Sherman, this section is intended to allow for the use of farm land as a normal part of a farm winery use and, therefore, allowed by Special Permit. Such farm wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All farm winery activities associated with the manufacture, storage, bottling, production, distribution or sale of wine, wine based, and winery distilled products shall be in accordance with all State and Federal laws or regulations governing such activities. In accordance with provisions of the approved statement of use submitted with a Farm Winery Special Permit application, or as modified by the Commission, a farm winery permit issued pursuant hereto shall authorize the permittee

- 1. to sell wine in bulk from the premises where the wine is manufactured pursuant to such permit;
- 2. to sell wine manufactured on the premises to a retailer in original sealed containers;
- 3. to sell or deliver such wine to persons outside the state;

- 4. to offer free samples of such wine to visitors and prospective retail customers for tasting and consumption on the premises;
- 5. to sell at retail from the premises sealed bottles or other sealed containers of such wine for consumption off the premises;
- 6. to sell at retail from the premises wine by the glass, bottle or other sealed container to visitors for consumption on the premises; and
- 7. to allow the sale and service of food prepared and consumed on the premises, as well as the accommodation of special group events such as public and outdoor events to be held on the premises when such activities are accessory to farm winery use and specified in the statement of use described below. No farm winery permitted hereunder may sell any such wine not manufactured in such winery.

352A.2. Minimum Bulk Requirements:

A farm winery shall be located on a lot or lots having a minimum aggregate area of 10 acres under single ownership and management. The lot must maintain a minimum of 60,000 square feet of planted vineyard area prior to the issuance of a Special Permit. In reviewing a Special Permit application under this Section, the Commission shall consider that a Farm Winery is an accessory use to a vineyard and may reduce the size and scope of activities permitted based on the size of the vineyard.

352A.3. Uses Permitted:

The following uses are permitted as accessory to a farm vineyard, if authorized by Special Permit in accordance with this Section.

a. Farm Winery:

This use includes the commercial making of wine and wine based products on the premises.

b. Retail Sale of Wine and Tasting Room:

A building or a portion of a building or adjoining deck or patio located on the farm vineyard may be established for the sale of wine and wine based products by the bottle, bulk or other sealed container and related winery distilled products provided that the percentage of the products produced on the premises and the percentage of wine and winery products made from grapes or other fruit grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit for the Connecticut Liquor Control Commission. Any building, deck or patio not in use for the purpose of a tasting room after the adoption of these Regulations shall have minimum setbacks of 100 feet from the side and rear lot lines and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Said area may include the retail sale of wine, wine based, and winery distilled products featured as products produced at the farm winery and the tasting of wine products produced on the premises. The hours of operation of the Retail Sale of Wine and Tasting Room shall be no earlier than 10 am to no later than 9 pm Sunday through Thursday no earlier than 10 am to no later than 10 pm Friday and Saturday. The serving of hors d'oeuvres and/or pastries is permitted as an accessory use to a tasting room. Serving of lunch, dinner or banquet food shall be stated expressly in the approved

statement of use, except that a "boxed lunch" provided as part of a farm tour need not be stated in the approved statement of use.

c. Winery Retail Store:

The farm winery may include the accessory sale of vineyard and wine related goods to the general public including wine related food products and other locally produced products. At least 50% of the gross sales of the retail store shall be made from raw materials produced on the premises or processed products made from raw materials produced on the premises, 45% must be locally grown or regionally produced products, the remaining 5% may be non-regionally produced products. The area of retail sales, including wine sales, must be located within or contiguous to the wine tasting area, and shall be no greater than the total floor area dedicated to the wine retail and tasting room described in paragraph "a" above. The hours of the winery retail store shall be no greater than the hours of the Retail Sale of Wine and Tasting room as set forth in Section 352.A 3 b.

d. Public Events:

Activities allowed in a wine retail and tasting room could include artist receptions and artist exhibitions, music entertainment, wine related seminars, wine related meetings and wine tastings in such location, of such frequency and size, and in accordance with the conditions as set forth in the approved statement of use. Maximum attendance for such events shall be 50 guests at any one time, not including staff. The statement of use shall specify the maximum anticipated attendance for each category of event that may occur at the winery, location on property, and hours of such events. Such information need not list every single event by date, but may group them by category. The Commission may modify any such proposed number, schedule, maximum attendance, location, and hours of such events. No alcoholic beverages, other than wines and wine, wine based, and winery distilled products produced at the farm winery, shall be served or consumed on the premises, specifically including so-called "BYOB" ("Bring Your Own Bottle) unless expressly authorized the statement of use, such as authorization for properly licensed caterers to serve alcoholic beverages but shall not include wine not produced on the premises. Hours are limited to operating hours set forth in Section 352.A 3

e. Outdoor Functions:

All outdoor functions with more than 50 guests at any one time, not including staff, in the outdoor area shall be in accordance with the conditions set forth in the approved statement of use and shall require an Event Permit from the Zoning Enforcement Officer and must meet the following criteria:

- 1. Such functions (whether open to the general public or invitation only) shall be held no more than 15 times per calendar year. The Zoning Enforcement Officer must receive an Event Permit application at least 4 days prior to such a function.
- 2. The maximum occupancy for all such functions, whether held indoors or outdoors or any combination thereof, shall not exceed 150 guests unless approved in advance by the Commission and will count towards the total of 15 events exceeding 50 guests at any one time, not including staff.

- Farm Winery building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which parking is required by the approved Special Permit cannot be used for outdoor event activities. The designated outdoor event area must be clearly identified on the submitted plans with the Event Permit. Parking must be accessible and useable in all weather conditions for visiting vehicles. A section of field is acceptable, provided it is passable. See Section 352.4 a below.
- 4. Any event held in the outdoor event area shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.
- 5. The outdoor event area shall be largely open to the elements, however may be enclosed with a canopy or tent, in accordance with Section 324.2 b, Temporary Buildings.
- 6. The property owner is responsible for cleanup of all trash generated from the outdoor dining area. All refuse containers shall be screened from view from offsite and located no closer than 50 feet from any property line and no closer than 100 feet from any dwelling on an adjacent lot.
- 7. All entertainment and audio amplification shall terminate at least 30 minutes prior to the closing times set forth in paragraph (4) above.
- 8. Lighting of the outdoor dining area must meet the criteria set forth in Section 322.8 of these regulations.
- 9. All outside dining is required to maintain all licensing from the State of Connecticut, Department of Consumer Protection and Liquor Control Division, and must submit all applications to the Zoning Enforcement Officer for approval and signatures.
- 10. The outdoor event area may include a service bar operating under caterer's liquor permit when private functions are occurring on the premises. This service bar must be entirely separate from the tasting room.
- 11. For any event contained in the approved statement of use, at least 4 days as previously recommended prior to any such event, an Event Permit application shall be submitted to the Zoning Enforcement Officer. The applicant shall provide the date of the event(s) and the number of estimated guests and such other information required by this section and the statement of use.

f. Festivals and Farm Tours:

Festivals and Farm Tours directly related to the harvest of farm produce grown on the permitted location will not count towards the maximum number of events and do not require an Event Permit.

352A.4. Farm Winery Parking:

Onsite Parking shall be provided for in accordance with 340, Special Permits of these Regulations, and there shall be at least 1 parking space per 2 persons authorized by Special Permit to be on the site at any given time. Only passenger motor vehicles, limousines, and passenger buses are allowed to park at the permit property. In keeping with the agricultural purpose of this regulation, the Commission may allow portions of the parking area to not be paved and may be maintained as lawn parking so as to maintain the agricultural and aesthetic nature of this use; or may allow reinforced pavers in grass areas for portions of the parking. All handicap parking regulations shall be complied with. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.

352A.5. Farm Winery Signage:

Signage shall be in accordance with Section 360 of these Regulations.

352A.6. Application Requirements:

In addition to the requirements of Section 340, Special Permits of these Regulations, the Applicant shall submit a statement of use indicating the activities to be conducted at the farm winery, including the following:

- a. Written approval from the Sherman Health Department. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- **b.** Written approval from the Sherman Fire Marshal. A copy of such approval shall be submitted to the Commission as part of the Special Permit application.
- c. The specific types of activities to be conducted on the premises; the location of such activities on the premises with the dimensions of such area; the typical and maximum attendance for such activities, either individually or by categories; the hours of such activities; the food, if any, to be served at such activities or products sold or offered for sale, other than wine and winery-related products; the frequency of such activities if to be conducted on a periodic or other than daily schedule.
- d. The location on the premises, number or frequency, maximum attendance, hours, and schedule for events proposed under Section 352A.3.c above.
- e. The location on the premises, number or frequency, maximum attendance, hours, and schedule for outdoor functions proposed under Section 352A.3.e above.

f. Such other information as will enable the Commission to determine the type and character of activities to be conducted on the farm winery property and the potential impact of such activities on the neighborhood and the local road system, and to establish that such activities meet the definition of accessory uses in these Regulations.

352A.7 Criteria for Evaluation:

In addition to the criteria of Section 340 of these Regulations, the Commission shall consider the following in any application for farm winery special permit:

- a. The type, number, frequency, size, potential traffic generation, and other aspects of the proposed activities in consideration of the fact that such activities are to be accessory to the farm use, and not to become principal commercial facilities in residential zones.
- **b.** The potential impact on adjacent properties including, but not limited to, noise, light, traffic, litter, and environmental impact.
- c. The relationship of the proposed activities to the farming operation being conducted on the premises, and how such activities would enhance the viability of such farming operations.

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352 B. Farm

352 B.1 General:

This section is intended to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Sherman. Farm activities are permitted to have certain complimentary uses that will help create a viable agricultural endeavor in accordance with all State and Federal laws or regulations governing such activities.

352 B.2 Lot Size:

The lot upon which the principal buildings for farming are located shall be at least 200,000 square feet in area. Dwelling use on the same property is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations.

352. B.3 Setbacks:

Minimum setback requirements for barns housing animals shall be 100 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road, whichever is greater. Minimum setback requirements for other farm buildings shall be as in 331.5 and 332.5.

352. B.4 Seasonal Farm Stand:

The accessory display and sale of farm produce at a Seasonal Farm Stand is considered to be a permitted use provided it meets the conditions below, in addition to Site Plan Approval by the Planning and Zoning Commission before such activity begins. The activities must be conducted on the premises which contain the principal farming

activity. Any structures used for this purpose shall meet all the requirements of these regulations.

a. Size and Setbacks: A Seasonal Farm Stand shall not exceed 300 square feet in size and shall be placed at least 50 feet from the front lot line; at least 100 feet from any road intersection; and at least one 100 feet from any side or rear lot line. A Seasonal Farm Stand of less than 100 square feet shall be exempted from the front lot setback. An existing barn/building within the 50 foot setback to be used as a Seasonal Farm Stand may be considered by Special Permit subject to the Commission's approval and in accordance with Section 340 of these Regulations.

b. Sale of Products:

A majority of the produce offered for sale shall originate on the premises, and at least 70% of the gross value of the products available on site for sale per annum shall be from agricultural goods produced on site.

c. Parking:

To ensure public safety Seasonal Farm Stands are required to provide parking for at least 3 cars, not located in a public road right of way or requiring backing out into a public road right of way, with adequate ingress and egress. A detailed plan of the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Section 372. Parking must be accessible and usable in all weather conditions for visiting vehicles.

d. Vehicles:

Vehicles used in connection with such display or sale shall be garaged or otherwise screened and hidden from view of adjoining properties and the adjacent roads when not in use.

e. Signs:

Signs shall be permitted as set forth in Section 362.

352. B.5 Farm Store:

One Farm Store per active farm may be permitted by Special Permit provided the farm store meets all standards of this Section and is sited more than 50 feet from any property boundary. A pre-existing non conforming structure may be converted to farm store use, may be considered by Special Permit subject to the Commission's approval and in accordance with Section 340 of these Regulations.

a. Statement of Use:

Every application for a farm store Special Permit shall include a Statement of Use. The Statement of Use shall describe the following as they apply to the proposed farm store use:

i. Hours of operation, number of employees, types of items sold, size of the retail area.

- ii. The Statement of Use shall become a part of any Special Permit approval for a farm store use, and the farm store use shall be operated in accordance with the provisions of the Statement of Use. The Statement of Use may be amended by the Commission, at the request of the applicant, without a new public hearing if, in the Commission's opinion, the requested amendments are minor in nature. If the requested amendments are not minor in nature, the Commission shall require a modification to the Special Permit and hold a new Public Hearing.
- Hours of operation shall be no earlier than 10 am and no later than 8 pm except in the case of an event. In the case of an event, hours of operation shall be determined by the corresponding Event Section of these Regulations.

b. Sale of Products:

At least 50% of the gross sales per annum of the farm store shall be from agricultural goods produced on the site or processed products made from raw materials produced on site. Locally grown or regionally produced products shall comprise 45% of sales per annum, the remaining 5% may be non-regionally produced products.

c. Parking:

To ensure public safety, farm stores are required to have off street parking that is code compliant as it relates to grade and drainage. A parking plan must be included with a Special Permit Application.

352. B.6 Farm Related Events:

a. Event Types:

Farm Related Events include events such as corn mazes, pick your own, harvest festivals and farm tours, farmers markets, educational demonstrations, hay rides, petting zoos, and other accessory farm uses hereafter, "Farm Related Events". Any such Event shall be subject to any applicable CT. State regulations.

i. Any Event shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.

b. Parking:

Farm Related Events are allowed on farms provided adequate off-street parking is provided for guests/customers. One parking space is required for every two guests/ customers/ employees. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions

for visiting vehicles. (a section of field is acceptable, provided it is passable).

c. Permanent Uses:

Permanent farm related uses include events on a farm which are accessory to agricultural uses and which occur regularly, such as the processing of farm products and their related activities hereafter, "Farm Related Uses." This includes the sale and service of food produced and prepared on the premises at Farm Related Events.

d. Site Plan:

All proposed Farm Related Events must submit a Site Plan to the Commission. The Site Plan must show in detail planned use areas, parking and traffic movements. If lighting and signage is proposed they must be included on the Site Plan.

e. Statement of Intent:

Once the Site Plan is approved and all conditions, if any, satisfied, the applicant must annually submit a Statement of Intent of proposed events noting the date, number of persons expected and the nature of the Event. The applicant will not have to receive Site Plan approval on an annual basis so long as the approved activities do not significantly change.

352. B. 7 Non-Farm Related Events and Activities:

a. Event Types:

Non-farm Related Events and activities are uses on a farm that are not necessary to agriculture or tied to farm buildings, structures, equipment and fields. Such uses include, but are not limited to, fee based outdoor recreation such as cross country skiing, mountain biking and event hosting such as charity benefits and movie nights hereafter, "Non-Farm Related Events." This includes the sale and service of food produced and prepared on the premises at Non-Farm Related Events. Any such Event shall be subject to any applicable CT. State regulations. Non-Farm events and activities are allowed on farms only by Special Permit and shall meet Special Permit requirements for Special Events as identified as below:

b. Outdoor Events:

All outdoor functions with more than 50 guests, at any given time, not including staff, in the outdoor depicted on the approved Site Plan area shall require an Event Permit from the Zoning Enforcement Officer and must meet the following criteria:

1. Such functions (whether open to the general public or invitation only) shall be held no more than 15 times per calendar year. The

- Zoning Enforcement Officer must receive an Event Permit application at least 4 days prior to such a function.
- 2. The maximum occupancy for all such functions, whether held indoors or outdoors or any combination thereof, shall not exceed 150 guests unless approved in advance by the Commission and will count towards the total of 15 events exceeding 50 guests per calendar year.
- 3. The outdoor event area shall be readily accessible from a farm building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which parking is required by the approved Special Permit cannot be used for outdoor event activities. The designated outdoor event area must be clearly identified on the submitted plans with the Event Permit. Parking must be accessible and useable in all weather conditions for visiting vehicles. A section of field is acceptable, provided it is passable in all weather conditions.
- 4. Any event held in the outdoor event area shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.
- 5. The outdoor event area shall be largely open to the elements, however may be enclosed with a canopy or tent, in accordance with Section 324.2 b, Temporary Buildings.
- 6. The property owner is responsible for cleanup of all trash generated from the outdoor dining area. All refuse containers shall be screened from view from offsite and located no closer than 50 feet from any property line and no closer than 100 feet from any dwelling on an adjacent lot.
- 7. All entertainment and audio amplification shall terminate at least 30 minutes prior to the closing times set forth in paragraph 4 above.
- 8. Lighting of the outdoor dining area must meet the criteria set forth in Section 322.8 of these Regulations.
- 9. All outside dining is required to maintain all licensing from the State of Connecticut, Department of Consumer Protection and Liquor Control Division. All applications are to be submitted to the Zoning Enforcement Officer for approval and signatures.

- 10. The outdoor event area may include a service bar operating under caterer's liquor permit when private functions are occurring on the premises.
- 11. For any event contained in the approved statement of use, at least 4 days prior to any such event, an Event Permit application shall be submitted to the Zoning Enforcement Officer. The applicant shall provide the date of the event(s) and the number of estimated guests and such other information required by this Section and the Statement of Use.

352. B. 8 Open Public Events:

Activities allowed on a farm could include artist receptions and artist exhibitions, music entertainment, farming related seminars, farming related meetings, farm to table dinners including the sale and service of food prepared and produced on the premises at such events, in accordance with the conditions as set forth in the approved statement of use. Any such event shall be subject to any applicable Connecticut State Regulations. Maximum attendance for such events shall be 50 attendees at any given time not including employees. The Statement of Use shall specify the maximum anticipated attendance for each category of event that may occur at the farm, location on property, and hours of such events. Such information need not list every single event by date, but may group them by category. The Commission may modify any such proposed number, schedule, maximum attendance, location, and hours of such events. No alcoholic beverages shall be served or consumed on the premises, specifically including so-called "BYOB" (Bring Your Own Bottle) unless expressly authorized in the Statement of Use, such as authorization for properly licensed caterers to serve alcoholic beverages. Any event shall begin no earlier than 10 am and end no later than 10 pm on Friday and Saturday nights; and no earlier than 10 am and end no later than 9 pm Sunday through Thursday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 10 pm.

352. B.9. Design and Site Plan Development Standards for Farm Stands, Farm Stores, Farm Related Events, and Non-Farm Related Events:

a. Access and Circulation:

Where a Lot has frontage on 2 or more streets, the entry and exit from the street shall be located so as to minimize traffic congestion and eliminate hazards to traffic and pedestrians.

- i. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street, provide for two-way traffic and be a minimum width of 20 feet.
- ii. There shall be no more than 1 driveway connection from any lot to any street except that:

- Separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion.
- 2. Additional driveway connections may be provided, particularly for, but not limited to, large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.

352. B.10. Application Requirements for Farm Stands, Farm Stores, Farm Related Events, and Non-Farm Related Events:

In addition to the requirements of Section 340 (Special Permits) of these Regulations, the Applicant shall submit a Statement of Use indicating the activities to be conducted at the farm, including the following:

- **a.** Written approval from the Sherman Health Department.
- **b.** Written approval from the Sherman Fire Marshal.
- c. The specific types of activities to be conducted on the premises; the location of such activities on the premises with the dimensions of such area; the typical and maximum attendance for such activities, either individually or by categories; the hours of such activities; the food, if any, to be served at such activities or products sold or offered for sale, other than farm and farming related products; the frequency of such activities if to be conducted on a periodic or other than daily schedule.
- d. The location on the premises, number or frequency, maximum attendance, hours, and schedule for events proposed under Section 352B.8 above.
- e. The location on the premises, number or frequency, maximum attendance, hours, and schedule for outdoor events proposed under Section 352.B7.b above.
- f. Such other information as will enable the Commission to determine the type and character of activities to be conducted on the premises indoor or outdoor and the potential impact of such activities on the neighborhood and the local road system, and to establish that such activities meet the definition of accessory uses in these Regulations.

352B.11 Criteria for Evaluation:

In addition to the criteria of Section 340 of these Regulations, the Commission shall consider the following in any application for a Special Permit:

a. The type, number, frequency, size, potential traffic generation, and other aspects of the proposed activities in consideration of the fact that such

- activities are to be accessory to the farm use, and not to become principal commercial facilities in residential Zones.
- **b.** The potential impact on adjacent properties including, but not limited to noise, light, traffic, litter, and environmental impact.
- c. The relationship of the proposed activities to the farming operation being conducted on the premises, and how such activities would enhance the viability of such farming operations.

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- 353. Reserved for future use
- **354.** Reserved for future use
- 355. Riding Stables or Academies, Nurseries and Commercial Greenhouses:
 Riding stables or academies, nurseries and commercial greenhouses shall be
 permitted only when the following conditions are complied with, in addition
 to any and all other requirements and conditions of these and other regulations.
 - 355.1 The premises upon which such use in maintained shall be at least five contiguous acres in area.
 - 355.2 No stable, barn or greenhouse shall be erected within 100 feet of any property boundary.
 - 355.3 No horse or domestic farm animal shall be housed in any building used as residence.
 - 355.4 The Planning and Zoning Commission shall require fencing or other suitable enclosure and, in addition, may require buffer landscaping for screening purposes.
 - 355.5 Dwelling use on the same property is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations.

355.6 Additional Requirements for Riding Stables or Academies:

Maximum intensity of use for riding stables or academies shall be restricted to four horses per acre. The use of temporary buildings or trailers for the stabling of horses in excess of fifteen days is prohibited. There shall be no storage of supplies except hay outside of permanent buildings. Stable manure must not create a health hazard from air and water pollution standpoint to the community in general or the persons inhabiting or using the surrounding acreage, and, therefore, the stabling of horses shall conform to all regulations of local and state health authorities. Adequate fencing must be installed and maintained to reasonably contain the horses within the property. The use of public address systems, the conduct of the instruction of riders, training of horses and the spectator participation in competitions should be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors.

SECTION 356. PUBLIC UTILITIES

Purpose

The purpose of this regulations is to provide for the need, placement, operation of Public Utility facilities, as defined in the Connecticut State Statutes in Sect. 16-50 i, within the Town of Sherman, Connecticut in an orderly manner that will permit such facilities, where a need for them is found, while protecting the environment, quality of life, and property values within the Town.

356.1 General Requirements

a. Jurisdiction

These regulations shall apply to any Public Utility facility, except where sections may be deemed to be superseded by Federal or State regulation, in which case all parts apply that are not specifically so superseded, as per Connecticut General Statutes, Section 16-50x.

b. Need

Applicants for any Public Utility facility located in the Town of Sherman must:

- i. Demonstrate that a need for such a facility exists. If such a need is found, they must;
- ii. Demonstrate that at least 75 percent of the total number of users of the facility and its product are or will be direct end-users located within the Town of Sherman, or,
- iii. Provide the product or service to all residents of the Town of Sherman who may request it at the lowest available rate basis that may be provided by the utility on any basis to any user regardless of other conditions, with no additional surcharge or hookup costs.

356.2 Public Utility Substations

Public utility substations shall be so designed, enclosed and painted, and so screened with evergreens, as to harmoniously relate with adjoining residential properties. The entire premises upon which such use is situated shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the neighborhood in which it is located.

356.3 Personal Wireless Service Facilities

The purpose of this regulation is to provide for the operation of wireless telecommunication services within the Town of Sherman while protecting neighborhoods and minimizing the adverse visual and operational effects of Personal Wireless Services Facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- i. Maximize use of existing towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- ii. Encourage providers to co-locate their facilities on a single tower;
- iii. Site facilities below visually prominent ridge lines:
- iv. Minimize the location of facilities in visually sensitive area;
- v. Protect historic and residential areas from potential adverse impacts of communication towers;
- vi. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- vii. The provisions of this Section shall apply to all Personal Wireless Service Facilities that are within the federal definitions found in the Telecommunications Act of 1996, Pub. Law 104-104.

356.3 A. Definitions

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

Antenna- means a device used to receive or transmit electromagnetic waves. Examples include but are not limited to whip antennas, panel antennas and dish antennas.

Co-location- means locating wireless communication facilities from more than one FCC licensed provider on a single support structure such as a tower or existing structure.

Personal Wireless Services- means licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS) specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), wireless video services, paging services and similar services that are marketed to the general public.

Height of Tower- means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

Facilities- include any structure and/or equipment.

Tower- means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include but are not limited to (a) self-supporting lattice, (b) guyed and (c) monopole.

356.3 B. Location of Wireless Telecommunication Sites

The locations for siting the antennas and equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in paragraphs i through vi below, in order of preference.

- i. On existing or approved towers.
- ii. On existing structures including but not limited to buildings, water towers, steeples and utility poles.
- iii. On new towers less than 75 feet in height located in business zones.
- iv. On new towers 75 feet or greater in height located in business zones.
- v. On new towers less than 75 feet in height located in residential zones.
- vi. On new towers 75 feet or greater in height located in residential zones.
- 356.3 C. Notwithstanding the provisions in other Sections of these regulations, Personal Wireless Facilities are allowed in any zone, subject to 1) all conditions included in this section, 2) approval of a Special Permit pursuant to Section 340 et. Seq. with the additional requirement that landowners within 1,000 feet of the proposed site receive notification, and 3) site plan review pursuant to Section 333.8. However, Personal Wireless Services Facilities shall not be allowed on land previously under conservation easement, or land designated for recreation or open space in any proposed plan.
- **356. 3 D.** Application for approval of any Personal Wireless Service Facility, including towers supporting such facilities shall include the following:
 - i. The full legal name of the provider, street address, and evidence that the provider is authorized to do business in the State of Connecticut. If the provider is an entity required to register as a trade name pursuant to CGS δ35-1, a copy of such registration is required.
 - ii. A detailed statement of the use including a statement showing that such use is necessary, listing all required regulatory approvals and authorizations from any other jurisdictions, a statement of technical feasibility certified by a licensed engineer, and designation of applicable regulations of the FCC.
 - iii. Documentary evidence of the provider's interest in the land sought to be utilized.

- iv. Consent of the owner of the land if other than the applicant.
- v. A site plan in compliance with Section 333.8 and showing all physical features required by this section.
- vi. Copies of submittals to the FCC, FCC Form 854, FAA Form 7460-1; Aeronautical and Environmental studies.
- vii. In addition, applicant shall provide: 1.) a location map, specifically a copy of the most recent USGS Quadrangle map, 7.5 minute series, at a scale of 1:24,000, showing the area within at least two miles of any tower site and including the exact latitude and longitude of the proposed tower site; 2.) A Contour Map on a scale of 1":200' with contour intervals no greater than 10 feet showing all property within a 1000 feet radius of the parcel or lot within which the tower ins proposed including all existing public or private roads, buildings, other structures, wetlands watercourses, historic sites, names of all abutters, easements and property owners abutting any easements; and 3) an existing conditions plan, a recent survey of the parcel at a scale no smaller than 1":40' with topography drawn with a minimum of 5' contour levels, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, the boundary of any floodplains, wetlands or watercourses, and wooded areas within a 200' radius from the site of the proposed facility, its access-way, outbuildings, or other appurtenances. Such survey must have been completed, on the ground, by a Connecticut-licensed land surveyor within two years prior to the application date.
- viii. Plans and elevations of any tower including guy wire and anchoring structures.
- ix. Sight line plans.
- **x.** Scaled overlays on photographs.
- xi. The Commission may require, at its discretion, testing, or a peer review by independent consultants, at the applicant's expense, of any aspect of the application, including but not limited to sight lines, environmental issues, design criteria, and need or adequacy of service. Payment to the Town shall be made prior to the review commencing, and such testing or consulting firms shall be chosen by and work under the direction of the Commission.

356.3 E. Standards

i. Minimum lot, size shall be 160,000 square feet and shaped so that a square of 259' may be fit with the lot.

- ii. No tower shall exceed one hundred (150) feet in height above ground level, or the minimum level needed by the applicant-provider for its facilities, whichever is lower.
- iii. There shall be minimum front, side and rear setbacks of twice the height of the tower.
- iv. There shall be a buffer from any residential use of a minimum of 400 feet.
- v. The lot coverage of all buildings for Personal Wireless Services shall not exceed 500 square feet.
- vi. No tower shall be located within 400 feet of the boundary of an existing approved historic district or a site on the national registry of historic places.
- vii. No lights shall be mounted on proposed towers unless otherwise required by the FAA or applicable law. Strobe lighting is not permitted as required by the Federal government. Any required lights on a tower shall be directed upwards as much as possible. There shall be no outdoor lights in use except while a person is on the site, there shall be no direct light beyond the property line, and in any case such lighting shall be subject to Section 322.8 of these regulations.
- viii. Towers may not be used to exhibit any commercial signage or other advertising.
- ix. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights. The Commission may also require the accommodation of public safety or emergency communications capabilities on any tower at cost.
- x. Antennas or equipment buildings or boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building; they may not extend more than fifteen above the highest part of any structure, nor more than two feet laterally, and may not cover more than ten square feet of area.
- xi. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with public safety communications.

- xii. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. A report shall be provided, prepared by a Connecticut licensed engineer in the field on telecommunications broadcasting indicating that the proposed wireless telecommunication site will comply with the emissions standards found in Subsection G of this regulation.
- **xiii.** All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- **xiv.** All generators installed in conjunction with any wireless telecommunication site shall comply with all State and local noise regulations.
- xv. Any building in a residential or residential/commercial zone or on a lot adjacent to a residential or residential/commercial zone shall be made to look like a residential building, with a pitched roof, wood or wood-type construction, and any other design requirements consistent with other structures in the zone.
- **xvi.** Appropriate trees and other vegetation as approved by the Commission shall be planted and maintained to screen a tower and any equipment buildings from view from nearby residences and roads. Existing trees and vegetation should be used as much as possible to provide this screening.
- xvii. The Commission may require that an appropriate bond be submitted as surety to remove any abandoned towers, buildings or equipment and to guarantee that landscaping and erosion controls are maintained throughout the life of the facility.

356.3 F. Factors Upon Which Special Permit Decisions of the Commission Shall Be Based

In order to approve applications for wireless telecommunication sites, the Commission, must find:

In the case where an application for the proposed location of a wireless telecommunication site is not a preference 1 through 3 location as per Section 356.3 B., the applicant has adequately described the efforts and measures taken to pursue those preferences and has provided an adequate explanation as to why a higher preference location was not technologically, legally or economically feasible. The documentation supplied by the applicant shall include an evaluation of the following factors:

- i. Whether the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower and whether the interference can be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- ii. Whether the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies and whether such deficiencies cannot be eliminated at a reasonable cost, as documented by a Connecticut licensed engineer, in the field of telecommunications broadcasting.
- iii. Whether the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant and whether the interference cannot be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- iv. Any restriction or limitation imposed by the FCC.

356.3 G. Abandonment

A wireless telecommunication site that is determined by the Commission or its agent to be not in use for 12 consecutive months shall be removed by the service facility owner. The Commission shall send the service facility owner a notice of abandonment by certified mail.

This removal shall occur within 90 days of the date that the notice of abandonment is sent. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.

356.3 H. Expiration of Approval

The Approval of an application for Special Permit or site plan review shall be void and of no effect unless the applicant has obtained a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support and construction of the Wireless Telecommunication Service is completed within six months from the date of the approval granted by the Commission. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall not grant an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and the applicant provides adequate evidence that construction is able to be completed within the extended time period sought. This evidence shall include, but not be limited to, the

acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approvals shall extends the aforementioned one-year period the length of such appeal. The Commission may, as a condition of approval of a special permit establish a time period that such special permit shall remain in effect.

356.3 I. Additional Requirements

- i. Each facility shall have adequate security provided. No razor wire shall be allowed.
- ii. Each facility shall be screened from adjacent uses. The use of natural vegetative screening is preferred. The Commission may prescribe appropriate screening as a condition of approval.
- iii. No more than one tower is permitted on a lot.
- iv. The Commission may limit the size of panel antennae to ensure harmony with existing and neighboring uses.
- v. Towers may be required to be painted in a neutral color, or have such other finish or camouflage as to allow them to blend into the existing surroundings.
- vi. Any eligible facility that requests a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station shall be approved in accordance with 47 CFR 1.40001. "Base station," "collocation," "eligible facilities request," "existing," "site," "substantial change," "transmission equipment," and "tower" are as defined in 47 CFR 1.40001. Applications will be deemed granted if the Commission does not approve or deny them within 60 days so long as the applicant notifies the Commission in writing after the review period has expired. This 60 day period may be tolled by mutual agreement of the parties if the Commission determines that the application is incomplete.

356.3 J. Compliance with Federal Law

In regulating telecommunications facilities under these Sections 356.3 through 356.3 I. Inclusive (this regulations) the Commission shall follow provisions of federal law preserving and limiting local Zoning Authority, and specifically Title 47 USC 8332 c 7. This Regulation shall not be construed to unreasonably discriminate among providers of functionally equivalent services, or to prohibit or have the effect of prohibiting the provision of Personal Wireless Services. No decision to grant or deny a request to place, construct or modify a Personal Wireless Service Facility shall be made without substantial supporting evidence in the record, and all such decisions shall be in writing. No application shall be denied on the basis of environmental effects if the applicant proves compliance

with all applicable regulations of the FCC pertaining to environmental effects of radio frequency emissions.

SECTION 357. MUNICIPAL USE

357.1 Regulation of Town Owned Property:

Any new construction on; expansion, modification, or addition to an existing structure on; and new use of; a Town owned property shall be subject to 1. the Special Permit approval procedure set forth in Section 340 of these Regulations, and 2. the following subsections (357.3 – 357.5) which shall supersede any regulations to the contrary.

357.2 Septic Systems on Municipal Lots:

Subject to the approval of the Health Department, a septic system may serve more than one building on a Town owned lot, more than one septic system may be placed on any Town owned lot, and a septic system on one Town owned lot may service buildings on another abutting Town owned lot.

357.3 Minimum Setback Requirements:

All buildings and structures shall be required to be set back a minimum distance of 15' from any side or rear property line and 15' from the front property line.

357.4 Minimum Surface Coverage:

This subsection shall apply solely in the following area:

The Town Hall Knoll area located at the junctions of State Route 37 Center and State Route 39 North, containing 4.329 acres, more or less, and comprising the following buildings and adjacent land: Mallory Town Hall, Sherman Playhouse, Scout House, and Firehouse, as depicted on a Map dated November 18, 2005, prepared for the Town of Sherman and filed on the Sherman Land Records as Map 1903 on October 11, 2006.

In order to maximize the use of the Town Hall Knoll area for the benefit of the public while retaining the rural character of the town, the land area covered by all vegetated, mulched, dirt and other non-manmade surfaces in the Town Hall Knoll area shall constitute at least 50% of the total area of said property.

357.5 Fire Suppression Tank:

The need for a fire suppression tank on any Town owned property shall be evaluated by the Fire Marshal, who shall make a recommendation to the Board of Selectmen concerning the installation of such a tank. If such a tank is to be installed, the provisions of the Ordinance Concerning the Installation of Dry Hydrants in Residential and Commercial Building Developments shall apply.

SECTION 358. Earth Material Operations:

The provisions of this section shall apply to all land not in public use in the Town of Sherman and shall be interpreted and applied in conjunction with the Soil Erosion and Sediment Control Regulations of the Town of Sherman and the

Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Earth material shall include sand, gravel, soil, loam, clay, rock and other materials naturally found in the earth. Earth material operations shall include the filling of land, grading, and re-grading of earth materials, excavation or removal of earth materials, or any other operation that may cause a condition of accelerated erosion, as defined in the Soil Erosion and Sediment Control Regulations for Land Development. Earth material operations shall be permitted only when such activity is incidental to a permitted use and when the following conditions are met:

358.1 Impact on Adjacent Property:

Earth material operations on any premises shall not adversely affect any adjacent property and, except with the written consent of the affected adjacent property owner, shall not affect natural drainage onto or from adjacent property, nor change surface elevations at property lines, nor change surface elevations more than 2 feet at a distance of 10 feet from property lines.

358.2 Wetlands Impact:

The approval of the Sherman Inland Wetlands and Water Courses Commission shall be required for earth material operations which create, remove or enlarge a pond; alter the channel of a watercourse; or introduce earth materials into (or remove them from) an area designated as wetlands by the Sherman Inland Wetlands Water Courses Commission.

358.3 Acceptable Fill:

Earth materials may not be used as fill if they have been removed from septic leaching fields, sewage treatment areas, garbage dumps, toxic waste disposal areas, or other areas designated by any federal or state agency as containing hazardous or health-threatening material, construction debris not be used as fill. Buried tree stumps may not be used as fill without an earth materials operation permit. If the Commission has probable cause to believe that hazardous or health-threatening materials are being used as fill, it may request that the town's Director of Health, his agent, or another qualified expert test these materials, and may require their removal if hazardous or health-threatening substances are found in concentrations that exceed applicable federal, state, or local standards.

358.4 Erosion Control:

Soil erosion and sediment control plans shall be submitted for earth materials operations when required by the Soil Erosion and Sediment Control Regulations for Land Development of the Town of Sherman. Activities subject to this provision shall include, but are not limited to, earth removal, land clearing, land grading and excavation.

358.5 Topsoil:

Topsoil shall be defined as the arable earth materials, including loam, that constitute the normal surface layer of the earth in the Town of Sherman. No topsoil shall be removed from any premises in the Town of Sherman, except

surplus topsoil created by permitted construction. The Zoning Enforcement Officer shall certify that a quantity of topsoil is surplus if it remains unused after the permitted construction is complete and all disturbed earth surfaces on the permittee's premises are covered with topsoil to a depth of six inches and seeded.

358.6 Permits:

Permits for earth material operations shall be required as follows (subject, in any case, to the restrictions and provisions of subsections 358.1 through 358.4, and 358.6g):

- a. No permit shall be required for earth material operations necessary to the landscaping of premises or the construction of a wall, driveway, sewer, fence, sidewalk or gas, water, or other utility line, provided that such activity is part of a use of premises permitted by the Zoning Regulations, and provided that such activity does not result in the addition to or removal from the premises of more than 500 cubic yards of earth material.
- **b.** No permit shall be required for earth material operations that are part of normal agricultural activity.
- c. No permit shall be required for the removal of topsoil or other earth material from one part of premises to another part of the same premises, provided that such activity is reasonably necessary for the purpose of farming or landscaping such premises.
- d. The issuance of a zoning permit by the Zoning Enforcement Officer or the Planning and Zoning Commission and a building permit by the town Building Inspector shall together constitute a permit for the earth material operations, including backfilling, necessary to establish the permitted use, provided that no topsoil is removed from the premises, and provided that the total volume of earth material removed from the premises does not exceed 100 cubic yards plus the below-grade volume of the building or structure to be constructed.
- e. The issuance by the Board of Selectmen of a permit to construct a road shall constitute a permit for the earth material operations necessary to establish the permitted use.
- f. The approval by the Commission of a subdivision plan and accompanying construction plans, site plans or parking plans shall constitute a permit for the earth material operations necessary to establish the permitted use.
- g. An Earth Material Operations permit from the Commission shall be required for any earth material operation that exceeds the maximum-volume limitations in subparagraphs a. or d. of this paragraph; that affects boundary elevations in contravention of paragraph 358.1; or that is neither specifically permitted nor prohibited elsewhere in Section 358.

- h. Applications for Earth Materials Operations permits, and applications for road construction permits and subdivision plan approvals, shall contain the following: A computation of the volume of earth materials to be added, to be removed, and to the re-graded; a map meeting the standards of the Soil Erosion and Sediment Control Regulations of the Town of Sherman, showing contours of the affected areas before and after earth material operations; and, a statement of the purpose of the earth material operation and the methods to be used in its accomplishment.
- i. Upon approval of an Earth Materials Operations application, the applicant may at the discretion of the Commission be required to file a performance bond in an amount and with sureties and in a form approved by the Commission. The bond and sureties shall be conditioned on compliance with all provisions of these regulations and all conditions imposed on approval of the application.
- j. The duration of any permit shall be for 3 years unless otherwise specified in the permit or extended by the Commission. Unless it is renewed by the Commission, the permit shall expire if the activity authorized therein is not initiated within 1 year from the date the permit was issued. Permit renewal and extension shall be at the discretion of the Commission. All permits shall expire upon the completion of the acts specified therein.

SECTION 359. GOLF COURSE FACILITY:

359.1 Development Plan Required:

Before the issuance of a zoning permit, a detailed Development Plan of the entire project shall be submitted to the commission. No development shall be carried out, or certificate of zoning compliance issued, except in conformance with such approved plan or a similarly approved revision of such plan. The plan shall be drawn to a scale of not less than one inch equaling 100 feet, with detail maps as required at not less than one inch equaling 50 feet. The following information, both existing and proposed, as applicable to the particular application, may be required:

- i. Title of development, date, revision dates, if any, north point, scales, name and address of owner and of engineer, architect, landscape architect, golf course designer, or surveyor preparing the plan.
- ii. Property lines and lines delimiting the land to be used under the application.

- iii. Contours at no more than ten-foot vertical intervals on the plan map, and no more than two-foot vertical intervals on the detail maps.
- iv. Location and dimensions of buildings, structures, walls, fences, and trees eight inches or more in diameter, including tees and greens.
- v. Location, dimensions and surface treatment of off-street parking and loading spaces, traffic access and circulation system, and pedestrian walks.
- vi. Location and size of wetlands and watercourses, if any.
- vii. Location, size and design of storm drainage, sewage disposal and water supply facilities.
- viii. Erosion control plan.
- ix. Location, size and type of landscaping and buffer planting, and designation of natural terrain not to be disturbed.
- **x.** Location, size, type, color and illumination of all signs.
- **xi.** Location, direction, power and timing of exterior lighting.
- **xii.** Elevations showing external appearance of all buildings and structures.
- **xiii.** The location of a hundred-year flood plain, and streambelts zones as defined in Section 331.5a.
- **xiv.** All the provisions hereof shall be applied to all of the acreage contained within the permit issued pursuant to 331.1.m

359.2 Additional Requirements of Development Plan:

The Development Plan shall provide to the Commission copies of all reports required for the development of a golf course by all State or Federal Agencies. The overall design shall respond to the natural topography and drainage of the site. Rough and fairway areas shall make maximum use of existing landforms, indigenous grasses and vegetation. The golf course shall be designed and constructed so as to minimize detrimental impact on wetlands and watercourses, retain historic stone walls, vegetative cover and significant trees in areas not required for the development of the golf course, dwellings and related facilities. The Commission may require, at its discretion, additional information or testing, by independent consultants, including but not limited to a Golf Course Environmental Management Plan, Integrated Pest Management Plan, Integrated

Plant Management Plan, Turf Management Plan, Storm Water Management Plan, Groundwater Resources Evaluation, Wild Life Management Plan, and a Post Development Water Quality and Pollution Monitoring Plan, at the owner's expense. Payment to the Town shall be made prior to the review commencing, and such testing or consulting firms shall be chosen by and work under the direction of the Commission.

359.3 Certified Superintendent Required:

The Golf Course shall be required to have a Golf Course Superintendent, certified by the Golf Course Superintendents Association of America on Staff. The Golf Course Superintendent shall supervise the collection of the data as developed by the approved environmental monitoring plan and will submit the data to the Zoning Enforcement Officer and the Town of Sherman Health Department as required by the plan.

359.4 Use of Public Roads:

Golfers shall not be required to cross public roads to reach any part of the golf course.

a. Golf Course Residential Community:

1. Use of Golf Course:

The Golf Course use may be private or semi-private as determined by the property owners.

2. Compliance with Subdivision Regulations:

The Golf Course Residential Community is subject to the Subdivision Regulations of the Town of Sherman.

3. Maximum Density:

The maximum density shall not be more than 1 dwelling unit per 4 acres of land based on the gross area of the entire residential and golf course development.

4. Open Space:

A minimum of 35 % of the gross area of the development parcel shall be considered open space. The Golf Course itself may be designated as open space, provided it is restricted in activity, access and use, may be developed as a golf course, and may include uses, walkways, cart paths, paved areas, road, tennis courts, swimming pools, cabanas, related structures and improvements and structures accessory thereto; but which shall not include club house, food service structures, retail use structures or parking therefore. Open space may be restricted to the benefit of the property owners, and members and guests of the Golf Club. Ecologically sensitive areas of the open space may be subject to limited activity and use. Ponds and water retention areas may be

included in the open space. Open space areas may be subject to storm sewer, septic and drainage use provided such use is in compliance with local, state and federal laws, rules and regulations.

5: Public Open Space:

A minimum of 5 % of the gross area of the development parcel shall be dedicated public open space where and as designated by the commission and shall be left in a wild state, but may include recreational uses, limited to biking and walking trails, fishing and water uses, boat access to rivers and water bodies. The owner must dedicate or transfer these uses or areas of public open space to land conservation or preservation entities, to the town, or to the general public.

359A.6 Minimum Perimeter Setbacks:

No accessory building or structure shall be less than 150 feet from the perimeter boundaries of the developed parcel. With the exception of a security gatehouse which shall be no larger than 100 square feet, and shall be required to be set back a minimum distance of 30 feet from any side or rear lot line and 50 feet from the front lot line or from a public road. There shall be evergreen planting of such type, height, spacing and arrangement as to screen the activity at the security gatehouse from the adjoining lots.

359A.7 Easements:

In order to permit design flexibility and to enhance open space set asides, portions of the golf course layout may be comprised within easements placed within lots in the Golf Course Residential Community. Each lot in such community shall be conveyed together with a deeded right to join and use the Golf Club and Course, its land, and its facilities consistent with the rules and regulations of the Golf Course.

SECTION 360. SIGNS:

Signs shall be permitted only as specified below. Any sign which is in a state of disrepair shall be in violation of these Regulations, and the Commission is empowered to order it removed. All signs shall be removed at the conclusion of the activity to which they are related.

361. Sale, For Lease or Contractor's Sign:

One sign advertising the sale or lease of a property is permitted provided that it is located on such property and further provided that no such sign shall exceed 4 square feet in area. One temporary contractor's sign per lot, not over 4 square feet in area, when displayed on the premises shall be permitted.

362. Identification Sign:

One identification sign for each access bearing the name of the resident, and/or address, the residential property, and/or a permitted accessory use conducted on the premises shall be permitted on each residential parcel provided that such sign does not exceed 2 square feet in area. Signs announcing the name of a development or subdivision shall be allowed at no more than 2 entrances to said development or subdivision and shall be no larger than 9 square feet in area. Said signs may contain information regarding sale of lots and homes for a period of 5 years after approval of said development or subdivision by the Planning and Zoning Commission. At the expiration of the five-year period, all signs must be removed or replaced with signs not to exceed 9 square feet in area, said signs containing the name of the development or subdivision and no more.

a. A non-residential use that is approved by the Commission as the primary use of a lot in a residential zone, and that involves public traffic and visitation, shall be permitted one identification sign as defined above, not to exceed 4 square feet in area.

363. Directional Signs:

Directional signs each not to exceed 3 square feet in area may be required or permitted by the Planning and Zoning Commission where said Commission determines that such signs are necessary or appropriate to facilitate the flow of traffic on the premises or in relation to the adjoining street system. Directional signs not to exceed 6 square feet in area may be permitted for any public building, including churches, subject to Commission approval as herein above provided.

364. Business Signs:

Within Zone C, business signs shall be permitted which advertise the name of the business, the sale of goods or services on the premises, and the name of a shopping center group, but shall not include billboards or other types of advertising signs. The location and size of such signs shall be governed by the following standards:

- **364.1** No sign may project into any public right-of-way.
- 364.2 Except as provided in Section 364.3, a building lot that contains one business establishment shall be limited to one sign located on said lot. The sign may be either freestanding or attached to a building, and shall not exceed 12 square feet in area. Signs attached to buildings shall not be attached to, nor project above, the roof of any structure, nor shall they be wider than the face of the structure to which they are attached.

- 364.3 Where more than one commercial establishment is located on a lot, each establishment shall be permitted one sign, placed on the building within which the establishment is located, and not exceeding 12 square feet in area. In addition, the lot shall be entitled to one additional sign, which may be either freestanding or attached to the building, as follows:
 - a. A single or double sided sign indicating the name and/or logo of the property, not exceeding 16 square feet in size per side; or
 - b. A single or double sided sign indicating the name and/or logo of the property and the names of the commercial establishments located thereon. Such sign shall have an area for the name or logo of the property not exceeding 12 square feet, plus an area not exceeding 4 square feet for each commercial establishment, but in no case shall such sign exceed 32 square feet in total per side.

As a condition of approval, the Commission must find that the placement of any sign not attached to a building does not create or increase a hazardous traffic condition.

364.4 The Commission may restrict the size, placement, and lighting of any sign place on the side of a building facing a residential lot, in order to minimize the effect of such sign on such lot.

365. Municipal Signs:

All municipal uses shall be identified with clear and adequate signage, including where necessary, directional signage. The size requirements for directional signs in Section 363 and for business signs in Section 364 of these regulations shall apply to governmental signs. The limits on the number of signs in Section 360 shall not apply to municipal properties. All such signs require approval by the Commission.

366. Lighted or Moving Signs:

Signs permitted in accordance with Sections 361 through 364 above are subject to the following restrictions:

366.1 Signs may be illuminated provided such lights are not of the flashing or intermittent type, do not have changing degrees of intensity, are not colored, and do not consist of tubing or strings of light outlining such signs. Any illumination of signs shall be such that the source of illumination is shielded and not visible from any

point beyond the boundaries of the lot on which the sign is located. All illuminated signs shall be externally lighted and said illumination allowed only during normal business hours for the establishment referenced by said sign.

366.2 No sign shall be permitted that has the whole or any part in motion or apparent motion.

367. Posted and No Trespassing Signs:

Posted and no trespassing signs not to exceed 1 square foot in area are permitted on the owner's property.

368. Miscellaneous Signs:

Tag sale and similar signs not to exceed 2 square feet in area are permitted, subject to state laws, 1 day prior to such sale. Said signs must bear the owner's name and dates of the event and be removed within 24 hours after the last day of the event. The maximum period these signs may be displayed is for any two three-day periods per year. Failure to remove signs accordingly shall result in penalty as provided by these Regulations.

369. Temporary Signs:

The commission may permit temporary signs of any size or nature, including the use of pennants, streamers or flags, announcing art shows, church fairs, etc., on the day(s) of said event and up to 4 weeks prior to said event provided that these signs are removed 24 hours after said event.

SECTION 370. OFF-STREET PARKING AND LOADING

- 371. Schedule of Off-Street Parking Space Requirements:

 Off-Street parking spaces shall be provided in at least the amount stated in this section. When the Commission issues a special permit, it may require additional off-street parking in the amount it determines is necessary to fulfill the purpose of these Regulations. Parking spaces other than for residential uses shall be placed behind or to the side of the principal structure on the lot, unless the applicant demonstrates to the satisfaction of the Commission that such location is not feasible due to topography or the nature of the permitted use or that an alternative location is acceptable because it is substantially obscured to view from the street and nearby residences.
 - 1. Single family dwelling two per dwelling unit.

- 2. Accessory apartment in a single-family dwelling two per dwelling unit.
- 3. Roomers, boarders one per guest sleeping room.
- 4. Accessory office or home occupation two in addition to spaces required for residential uses. Medical or dental offices shall have four in addition to spaces required for residential uses. Bed and Breakfast establishments; 8 in addition to spaces required for residential use. Vehicles shall not include recreational vehicles, trailers or campers.
- **5.** Church or other place of worship one per each five seats or pew spaces.
- 6. Private recreational club one per member, or, in the case of family memberships, one per family, except that where the maximum capacity of the use, served is not adequate to accommodate all members at the same time, the Planning and Zoning Commission may permit an appropriate reduction of the parking requirements.
- 7. Private school, nursery school, day camp one per teacher and other staff member, plus one per each six pupils or campers.
- 8. Public library, museum, art gallery one per employee, plus one per each 400 square feet of floor area.
- 9. Retail personal service establishments, businesses, professional offices one per each 200 square feet of ground floor area and one per each 250 square feet of other floor area, not including basement area devoted to utilities and storage and not open to the public.
- 10. Restaurants one per each 75 square feet of floor area.
- 11. Automotive service stations ten per station.
- 12. Golf Courses one per employee, four per each golf tee, one per each 75 square feet of floor space allocated to food and dining service within the club house, except that where the maximum capacity of the use served is not adequate to accommodate all guests and employees at the same time, the Planning and Zoning Commission may permit an appropriate reduction of the parking requirements.

13. Other uses - Off-street parking requirements for uses that do not fall within the categories listed above shall be determined by the Planning and Zoning Commission.

SECTION 372. Parking Plan:

Where a parking plan is required by these Regulations, it shall be submitted to the Planning and Zoning Commission for its approval and shall consist of a plot plan drawn to scale and showing all of the following information:

- 1. The location and dimensions of the proposed parking area, location of any buildings or other facilities served by this area, the location of any property lines within 50 feet of the area, and the location of the road or roads from which access is to be obtained.
- 2. Contour data and/or spot elevations in sufficient detail to enable the Commission to readily determine the existing and proposed grading and erosion control plan of the parking area.
- 3. An indication on the plan of the type of surfacing proposed, the method of providing for storm drainage, and any other improvements, including landscaping, which may be required or appropriate.

SECTION 373. Driveways and Private Roads:

Driveways constructed in Sherman that intersect state or town roads shall comply with An Ordinance Governing the Construction of Driveways Intersecting Town Highways (1974). Private roads constructed in Sherman shall comply with An Ordinance Governing the Construction of Roads (1973). Driveways and private roads shall also comply with the following:

- 1. Driveways and private roads exceeding at any point a vertical slope of 20 percent shall not be permitted. No driveway shall exceed a maximum slope of 10 percent within the first 30 feet of the driveway from the state, town or subdivision road to which it provided access. No driveway shall contain a curve with a radius of less than 25 feet, as measured from the center line of such driveway.
- 2. Driveways and private roads exceeding at any point a vertical slope of 10 percent shall be considered likely to cause accelerated erosion and to pose a potential vehicle safety hazard. The Commission shall require, prior to the construction of any such driveway or road, an erosion control plan, as described in the Soil Erosion and Sediment Control Regulations of the Town. Such plan must be prepared by a professional engineer licensed in the State of Connecticut. The Commission may require as a condition of

- approval that such driveway or road be paved, in whole or in part, with a bituminous concrete surface.
- 3. Notwithstanding the above provisions, driveways shall comply with the ordinance of the Town of Sherman entitled An Ordinance Governing the Construction of Driveways Intersecting Town Highways (1974), as amended.
- 4. No lot shall be approved after the effective date of this section unless a driveway that conforms to these regulations can be built entirely within the boundaries of said lot, connecting the building area of the lot with a road, using the access that provides the lot's required frontage.

SECTION 380. NON-CONFORMING USES AND STRUCTURES

381. Continuing Existing Non-Conforming Uses:

Any lawful use of a building or of land existing on the effective date of these Regulations may be continued, even though such use does not conform to the use provisions of these Regulations. Such uses shall be deemed non-conforming uses.

382. Non-Conforming Use of Land:

Where no building is involved, the non-conforming use of land may be continued, provided, however, that:

- 1. Such non-conforming use shall not be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of adoption of these Regulations.
- 2. Such non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption of these Regulations.
- 3. If such non-conforming use of land, or any portion thereof, cease for any reason whatsoever for a continuous period of more than one year or is changed to a conforming use, any future use of such land shall be in conformity with all requirements of these Regulations.

SECTION 383. Non-Conforming Use of Buildings:

The non-conforming use of buildings or structures may be continued, provided, however, that:

1. A building or structure, the use of which does not conform to the use regulations for the zone in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use.

- 2. Such non-conforming building or structure shall not be structurally altered or reconstructed unless such alterations are required by law, provided, however, that such maintenance and repair work as is required to keep a non-conforming building or structure in safe condition shall be permitted.
- 3. A non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such uses at the time of the adoption of these Regulations, notwithstanding the restriction of 383.1 above, provided such extension is made within one (1) year of the effective date of these Regulations.
- 4. A non-conforming use of a building or structure may be changed only to a conforming use.
- 5. If any non-conforming use of a building or structure ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, or if a structure in which such use is conducted or maintained is moved for any distance whatsoever for any reason, then any future use of such building or structure and the land on which it was located shall be required to be in conformity with all standards specified by these Regulations for the zone in which it is located.

SECTION 384. Non-Conformity, Other than Use:

A building or structure which is conforming in use but which does not conform to height, setback, land coverage, parking or similar dimensional requirements of the Regulations shall not be considered to be non-conforming within the meaning of Section 383 and 385 of these Regulations. However, no permit shall be issued nor shall any changes be made on such building or structure that will result in an increase in the non-conformity.

SECTION 385. Restoration of Damaged Buildings:

- 1. Any building or structure which is non-conforming in use and which is damaged or destroyed by any means to an extent greater than 75% of its fair market value shall be permitted to be reconstructed only if the future use of the building or structure is in conformity with these Regulations.
- 2. Any non-conforming building or structure damaged to an extent less than 75% of its fair market value may be rebuilt, provided that:

- a. The cost of such reconstruction or structural alteration is less than 75% of the fair market value of the reconstructed property.
- b. The reconstruction or structural alteration is commenced within 6 months of the date of such damage or destruction and complete within 18 months of the date of such damage.
- c. Where such rebuilding can be feasibly accomplished so as to result in greater conformity with these Regulations, then such rebuilding shall be so done.

ARTICLE IV - ADMINISTRATION AND ENFORCEMENT

SECTION 400. ENFORCEMENT:

No commission, board, agency, officer or employee of the Town shall issue, grant or approve any permit, license, certificate or other authorization for construction, reconstruction, alteration, enlargement of moving of any building or structure or for any use of land or building that would not be in full compliance with the provisions of these Regulations, except as permitted by the Zoning Board of Appeals in accordance with Section 441.2. Amy permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of these Regulations shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof.

SECTION 410. ZONING PERMITS

- 411. No buildings, structure, or temporary structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefore, or work begun thereon, or use made of any land until a zoning permit therefore has been issued by the Planning and Zoning Commission. Except upon a written authorization of the Zoning Board of Appeals, under circumstances set forth in Section 441.2, no such permit shall be issued for any building or structure where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of these Regulations. Before any permit shall be issued, written application therefore shall be made in quadruplicate on a form to be furnished by the Planning and Zoning Commission. Such application shall contain or be accompanied by the following, as appropriate:
 - 1. Two copies of a plot plan, drawn to a scale and certified substantially correct by a registered land surveyor, showing the actual shape, dimensions and area of the lot. One copy of the plan shall be returned to the applicant subsequent to its approval.

- 2. The actual size and location on the lot of all buildings proposed to be built on the lot and of any existing buildings or structures that shall remain.
- 3. The existing and intended future use to be made of the proposed improvement and the premises.
- 4. The number of families, if any, that each building is designed or intended to accommodate.
- 5. Proposed drainage facilities and an erosion control plan if latter is required by the Commission.
- **6.** Existing and proposed contours of the land, if any change in grading is proposed, with a plan for erosion control.
- 412. In the case of an application involving an alteration, renovation, extension or enlargement of an accessory building or the like, in conjunction with a pre-existing structure with an acceptable plot plan, the regulation as set forth in Section 411.1 will not apply.
- 413. In the case of an application involving a building or structure, the applicant or his authorized agent shall, upon completion of the foundation walls of the building or structure, be required to submit to the Zoning Enforcement Officer a survey prepared and certified substantially correct by a registered land surveyor, showing the actual location of such foundation walls on the lot. No building or structure shall thereafter be constructed above the foundation walls until said plot plan survey has been approved by the Zoning Enforcement Office as complying with the applicable provisions of the building permit and these Regulations.
- 414. Any permit issued on the basis of false or inaccurate information, supplied by the applicant or contained in the application shall be null and void.
- 415. No zoning permit shall be issued unless the lot has the required road frontage in accordance with Section 331.4 or 332.4 or 333.4, whichever is applicable, and unless such road has been completed or has had its subbase completed and specified gravel applied, in compliance with the Road Construction Ordinance of the Town of Sherman.
- 416. The duration of any permit shall be for 3 years unless otherwise specified in the permit or extended by the Commission. Unless it is renewed by the Commission, the permit shall expire if the activity authorized therein is not initiated within 1 year from the date the permit was issued. Permit renewal and extension shall be at the discretion of the Commission. All permits shall expire upon the completion of the acts specified therein.

SECTION 420. CERTIFICATE OF ZONING COMPLIANCE

- 421. No building, structure or premises or any part thereof shall hereafter be devoted to any new or changed use until a Certificate of Zoning Compliance shall have been issued by the Planning and Zoning Commission. Such certificate shall state that such building or premises or part thereof and the proposed use thereof are in complete conformity with all requirements of these Regulations.
- 422. Application for a Certificate of Zoning Compliance shall be made on forms provided by the Planning and Zoning Commission. Each application shall be accompanied by a fee in an amount to be determined by the Planning and Zoning Commission. Within 65 days of the receipt of such application, the Planning and Zoning Commission shall either issue the requested certificate or deny the application, stating the reasons therefore in its records.
- 423. A Certificate of Zoning Compliance involving a building, structure or use for which a special permit was issued or for which a variance was given by the Zoning Board of Appeals shall include any conditions or other requirements established by said Commission or Board in connection with the granting of any such special permit or variance.
- 424. No Certificate of Zoning Compliance shall be issued for a building or use until the road upon which the lot has frontage has been constructed and approved in accordance with the inspection requirements of the Road Construction Ordinance of the Town of Sherman.
- 425. The duration of any permit shall be for 3 years unless otherwise specified in the permit or extended by the Commission. Unless it is renewed by the Commission, the permit shall expire if the activity authorized therein is not initiated within 1 year from the date the permit was issued. Permit renewal and extension shall be at the discretion of the Commission. All permits shall expire upon the completion of the acts specified therein.

SECTION 430. VIOLATIONS AND PENALTIES: CITATION AND HEARING PROCEDURES AND FINES

431. The Commission shall appoint a Zoning Enforcement Officer (hereinafter referred to as "ZEO"), who shall be responsible to the Commission and act as its representative in the performance of such inspection duties in connection with the enforcement of these Regulations, including the issuance of Cease and Desist Orders and Citations, and any other duties which may be assigned to him by the Commission.

432. Notice of Violation:

The Planning and Zoning Commission or its agent, the ZEO, is hereby designated as the official authority which shall be authorized to issue

permits, 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 therein or thereon in violation of any provision of these Regulations, and to take such other action as shall be necessary and proper to enforce said Regulations, as provided below:

The ZEO shall send the person found to be in violation, by certified mail return receipt requested, and regular United States mail, a written notice of such violation. Such notice shall identify the unlawful activity or condition and cite the specific regulation(s) that such activity or condition violates. The written notice shall contain a request that the person found to be in violation correct the unlawful condition or cease the unlawful activity. Such notice shall allow the person found to be in violation 10 days from the date the notice is received to correct the violation. A notice sent by regular U.S. mail shall be deemed and considered received on the third business day following mailing

433. Issuance of Citation:

If the zoning violation is not corrected as provided above, the ZEO of the Town of Sherman is authorized to issue citations for violations of the Zoning Regulations of the Town of Sherman to the extent and in the manner provided by this Ordinance as authorized by Section 8-12a of the Connecticut General Statutes. Any such citation shall be served as follows: by certified mail return receipt requested, and by regular United States mail addressed to the person(s) in violation, or any such citation may be served by a Fairfield County State Marshal who shall serve the person found to be in violation in hand, or by leaving a true copy of the citation at the person found to be in violation's usual place of abode. A citation sent by regular United Sates mail shall be deemed and considered received on the third business day following mailing. Marshal's service shall be affected at the time personal or abode service is made by the serving marshal. The ZEO shall file and retain a copy of the citation so served, and shall certify thereon that said copy is a true copy of the original served on the person found to be in violation, and the date same was deposited in the United States mail. If service was affected by a State Marshal, the Marshal's return of service shall be filed with the certified copy of the citation.

434. Fine:

The fine for each such citation shall be \$150.00 for each day the violation remains uncorrected after the citation is served. All fines, shall be payable to the Treasurer, Town of Sherman c/o P&Z Commission, P.O. Box 39, Sherman, CT 06784.

435. Time Period for Uncontested Payment of Fine:

Persons found to be in violations have 15 days from receipt of the citation to make uncontested payment of the fine assessed and specified in the citation.

436. Notice In The Event of Nonpayment of Fine:

If the person issued the citation fails to make uncontested payment of the fine as provided in Sections 434 and 435 above, the ZEO shall, in the same manner as specified in Section 433, send a notice to the person cited informing said person,

- 1. of the allegations against him or her and the amount of the fines, penalties, costs or fees due;
- 2. that said person may contest his or her liability before a hearing officer by delivering in person, or by mail, within 10 days of the date of the notice, a written demand for a hearing;
- 3. that if the cited person does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
- 4. that such judgment may issue without further notice.

437. Payment:

If the person who is sent a notice pursuant to Section 436 above, wishes not to contest liability for any violation and the fine assessed, he or she may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees, in person or by mail to the Treasurer, Town of Sherman, c/o P&Z Commission, P.O. Box 39, Sherman, CT 06784. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of receipt of the notice provided for in Section 436 above, shall be deemed to stipulate to liability, and the ZEO shall furnish written notification to the hearing officer of such person's failure to respond. The hearing officer shall thereupon enter and assess the fines, penalties, costs and/or fees provided for by this Ordinance and shall follow the procedures set forth below.

438. Hearing Officer(s):

The First Selectman, with the approval of the Board of Selectmen, shall appoint one or more hearing officers who shall serve for a period of 3 years, unless removed for cause, to conduct the hearings authorized by this ordinance. Said hearing officers shall not be employees of the Town of Sherman who exercise authority concerning zoning matters, nor a member of the Town of Sherman Planning and Zoning Commission.

439. Hearing:

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of the

hearing notice, provided the hearing officer may grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the ZEO shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his or her behalf. The ZEO may present evidence on behalf of the Town. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of investigatory and citation reports, and other official documents by mail and may, in the hearing officer's sole discretion, determine that the appearance of such person is unnecessary.

The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

440. Assessment:

If such assessment, as determined by the hearing officer, is not paid on the date of such determination, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the Notice of Assessment with the clerk of the appropriate superior court facility together with the designated entry fee. The certified copy of the Notice of Assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.

SECTION 450. ZONING BOARD OF APPEALS

451. Powers and Duties:

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

- 1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by any official charged with the enforcement of these Regulations.
- 2. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a

parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the zone in which it is situated, a literal enforcement of these Regulations would result in exceptional hardship, so that substantial justice will be done and the public safety and welfare secured.

452. Procedure for the Zoning Board of Appeals:

The procedure for the Zoning Board of Appeals shall be that as provided by the Connecticut General Statutes, Chapter 124.

453. Appeals:

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved or by any officer, department, board or bureau of the Town of Sherman. The appeal shall be taken within 30 days of the publication by the commission of its action in a newspaper of substantial local circulation, or, in a case where publication is not required, within 35 days of the date when the Commission mails notification of its action to the applicant by registered or certified mail. In the latter case, persons other than the applicant who may have an interest in appealing must inform themselves by appropriate inquiries as to the expiration of time to appeal. The appeal is timely taken only if, within the time limited as aforesaid, written notices of the appeal, specifying the grounds thereof, are addressed separately to the Commission and to the Board, at Mallory Town Hall, Sherman, CT 06784, are mailed by registered or certified mail or delivered against a written receipt to agents of the Commission and the Board at Mallory Town Hall.

454. Fee:

There shall be a fee on any appeal to the Zoning Board of Appeals, which fee shall not be remitted for any reason including withdrawal of the appeal.

ARTICLE V

AMENDMENTS AND MISCELLANEOUS

SECTION 500. AMENDMENTS:

SECTION 510. The Planning and Zoning Commission may, on its own motion on the recommendation of the Board of Selectmen or on petition of one or more owners of property within the Town, amend these Regulations in accordance with Chapter 124 of the General Statutes of the State of Connecticut, as amended. Referrals of such amendments to the regional planning agency shall be made by the

Commission in accordance with Chapter 124 of the General Statutes of the State of Connecticut, as amended.

- 511. Any petition for amendment submitted by a property owner or owners shall include all of the following information and shall be accompanied by three copies of the items called for in Section 511.1, 511.2 and 511.3:
 - 1. The names and addresses of such petitioners and the specific location of the properties under their ownership.
 - 2. A map drawn to a convenient scale showing lot lines, building locations, and the specific location of all properties which are the subject of the petition.
 - 3. A complete description of the nature of the amendment requested and of the reasons for making such request, including section numbers where amendment of the zoning text is requested.
 - 4. Stamped envelopes addressed to each of the owners as of the date of application of all properties which are the subject of the petition, and of all properties within 500 feet of any portion of such properties. Such names may be as indicated in the latest real estate list of the Town of Sherman, but should include the actual owners of record where known to be otherwise by the petitioners.
 - 5. An application fee in an amount sufficient to defray costs of publication.

SECTION 520. SEPARABILITY CLAUSE:

Should any section or provision of these Regulations as contained herein or as hereafter amended be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of these Regulations as a whole or any part thereof, other than the part declared to be invalid or unconstitutional.

SECTION 530. SHORT TITLE:

These regulations may also be known as and referred to as "Zoning Regulations".

SECTION 540. EFFECTIVE DATE:

After public hearing and upon approval by the Planning and Zoning Commission, these Regulations shall take effect on July 1, 1977, after public notice to that effect, and shall supersede all previous Zoning Regulations of the Town of Sherman, as amended.

ARTICLE VI - DEFINITIONS

SECTION 600. GENERAL CONSTRUCTION OF LANGUAGE:

Except where specifically defined herein, all words shall carry their customary meaning. All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number and vice versa.

The word "person" shall include corporations and all other legal entities.

The word "premises" shall include land and buildings thereon.

The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied," unless the natural construction of the wording indicates otherwise.

The word "shall" is always mandatory. Unless otherwise specified, all distances shall be measured horizontally.

The word "Town" means the Town of Sherman,

The term "Commission" means the Planning and Zoning Commission of the Town of Sherman.

The term "Town Clerk" means the Town Clerk of the Town of Sherman.

The term "Zoning Enforcement Officer" means the Zoning Inspector of the Town of Sherman.

The term "Board of Appeals" means the Zoning Board of Appeals of the Town of Sherman.

The term "Comprehensive Development Plan" means the Plan adopted by the Town Planning and Zoning Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut, as amended.

The term "Subdivisions Regulations" means the land subdivision regulations adopted by the Town Planning and Zoning Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut, as amended.

SECTION 610. DEFINITIONS:

Access way - Any area of a lot between 35 feet and 50 feet in width which serves to connect the building area of the lot with the road upon which it has frontage and access.

Acre - As used in these Regulations, 40,000 square feet.

Apartment, Accessory: An accessory dwelling created completely within the area of a single family dwelling or contained above or below a detached garage accessory to the principal dwelling on a lot that has a single family dwelling.

Automotive Service Station - A retail place of business engaged primarily in the sale of petroleum products and or the supplying of goods and services required in the operation and routine maintenance of automotive vehicles and the filling of motorists' immediate needs. These may include recharging stations for electric vehicles, the sale of petroleum products, the sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication servicing, the performance of minor repairs, and the supplying of other incidental customer services and products, but excluding any body and fender work or painting by mechanical means.

AMENDMENT EFFECTIVE AUGUST 28, 2018

Barn- Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of animals, equipment, fodder, or other chattels of an agricultural nature for use in support of agricultural operations, including activities and events subject to Section 352.

AMENDMENT EFFECTIVE FEBRUARY 10, 2018

Bed and Breakfast Establishments - Establishments operated pursuant to Section 324.1D.A as a home occupation and carried on by resident occupants in their home to solely provide accommodations and breakfast only to guests for a limited time period, but shall not be construed to be a hotel, motel, inn, tavern, or roadhouse.

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

Building, Accessory – A building subordinate to the principal building on a lot used for purposes customarily incidental to that of said principal building and does not have septic or sewer facilities, except as provided in Section 324.1A and 324.1A(b)

Building, Accessory Temporary: An Accessory building which has no permanent foundation or footing and which is removed after the assigned time period, activity or use for which the temporary accessory building was erected. Types of Temporary Accessory Buildings include:

- 1. Membrane/Canopy Buildings, supported in any manner including the contents it protects.
- 2. Non-membrane Buildings built of rigid or non-rigid material of any kind, and exhibiting the intent, by their method of construction, to be of a temporary nature.
- 3. Manufactured containers/trailers standing on wheels, blocks, jacks, or other supports, that are towed or hauled by another vehicle and used for carrying materials, goods or objects. Recreational vehicles, such as boat, snowmobile, or similar trailers or campers are not considered Accessory Temporary Buildings provided that they are registered with the Connecticut Department of Motor Vehicles and are capable of movement on public highways.

- 4. A temporary construction office for a building or other development for which a Zoning Permit has been issued.
- 5. An accessory temporary building shall not include buildings accessory to principal farming uses, such as hoop houses, high tunnels, storage of hay or fodder under cover, or similar customary agricultural storage structures.

Building, Coverage - The total area of a lot covered by all buildings thereon, both principal and accessory; measured by the exterior dimensions of such buildings, but not including uncovered porches, steps and terraces.

Building, Height - The average vertical distance measured from the finished grade adjacent to the exterior walls of a building to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type.

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

Burying Ground, Private - A burying ground for the families of the property owners and their descendants related to each other by blood or marriage. Such burying grounds are typically small family plots on relatively large tracts of land and no lots are to be sold or otherwise conveyed for consideration.

AMENDMENT EFFECTIVE MARCH 1, 2019

Club - A voluntary organization, not conducted primarily for gain, with facilities catering exclusively to members and their guests for recreational, athletic, cultural or social purposes.

Commercial Business - A commercial business involves the establishment of a place of business to which more than two customers or clients come per day. Commercial businesses shall be conducted only in Zones C and D.

Commercial Vehicle - Any vehicle over 10,000 lbs. GVW, or any vehicle bearing lettering or advertising.

Contractor - A person who is;

- 1. engaged in building, landscaping, maintaining, or repairing any portion of a residential, commercial or industrial premises, or of a public or private utility, including but not limited to excavating; installing, cleaning or repairing septic systems; well drilling; plumbing; insulating; HVAC installation, maintenance and repair; electrical system installation and repair; carpentry; roofing; cabinetry installation and repair; appliance installation and repair; utility installation and repair; flooring and carpet installation, cleaning and repair; wall board installation; foundation installation; stone masonry; arborists; siding installation; asphalt installation; painting; and tile and counter installation; and
- **2.** performs such work for customers at locations other than where the contractor resides.

Day Camp - A place, building or structure which is designed or used on a regular or seasonal basis to provide supervised recreational activities for two or more children, but not including the overnight lodging of any such children.

Dwelling - A building designed or used exclusively as non-transient living quarters, with not less than 600 square feet of enclosed ground floor space. The term shall not be deemed to include automobile court, motel, hotel, rooming house, boarding house, house trailer, tourist home or tent.

Dwelling, Accessory: An independent dwelling located within a detached building on the same lot with the principal building, which principal building shall be a single family dwelling as defined in Section 324.1.A.1 of these Regulations.

Dwelling, Single Family - A dwelling containing one dwelling unit only.

Dwelling, Unit - A building or portion thereof providing complete housekeeping facilities for one family.

Energy Efficient Designed Dwellings- Dwellings which have been designed to harness wind, sun, and/or geothermal heat sources to provide primary or supplemental energy to such dwelling.

AMENDMENT EFFECTIVE SEPTEMBER 29, 2018

Energy Efficient Structures- Wind powered generators, solar panel arrays, geothermal wells and pumps, and other structures which are designed and used to provide primary or supplemental energy as an accessory to a permitted principal use: does not include energy production facilities as a principal use.

AMENDMENT EFFECTIVE SEPTEMBER 29, 2018

Erosion - Detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

Family - One or more persons occupying one dwelling unit and living together as a single housekeeping unit. Any number of such persons over 3 shall be related my blood, marriage or adoption.

Farm: A tract of land containing 200,000 square feet or more on which the principal use is farming. For the purpose of these Regulations such tract may be dissected by a road

AMENDMENT EFFECTIVE FEBRUARY 10, 2018

Farming- The raising of crops or livestock and other domestic animals as permitted by these Regulations, excluding commercial dog kennels; commercial livery and boarding stables; commercial nurseries; commercial/industrial operations which do not directly relate to the production of raw unprocessed agricultural goods.

AMENDMENT EFFECTIVE FEBRUARY 10, 2018

Farm Store- A permanent accessory building or structure or area of land used by the Farm for the year round sale of raw and/or processed agricultural or horticultural products which is in compliance with Section 352.B 5 of these Regulations

AMENDMENT EFFECTIVE FEBRUARY 10, 2018

Farm Vineyard - Land located on a farm per Section 352 of these Regulations which grows grapes or fruit for the manufacture and sale of wine.

AMENDMENT EFFECTIVE AUGUST 1, 2017

Farm Winery An accessory use to a vineyard, which use includes the manufacture storage, bottling and production of wine and winery by-products or spirits, which manufacture, storage, bottling and distillery must be in compliance with the State and Federal laws and regulations. The winery may provide for storage facilities on the farm premises in buildings approved by the State and Federal authorities for the storage or production of wine and/or spirits, and such other accessory uses as are authorized in accordance with Section 331 and Section 352.A of these Regulations.

AMENDMENT EFFECTIVE AUGUST 1, 2017

Fences and Walls: An Accessory Structure consisting of a barrier of any man made or natural material or combination of materials other than trees or other plant materials erected to surround, separate, enclose, screen or buffer areas of land.

Fences and Walls, Residential: Fences and walls that are Accessory Structures to a Single Family Dwelling.

Fence, Setback Line: A line that is set back 15 feet into the lot and is parallel to the travel way of the road.

Floor Area - The sum of the gross horizontal area of the several floors of the building or buildings, measured to the exterior of the outside walls of such buildings, but not including attached or built-in garages, porches or terraces, or cellars or basements, or unfinished floor area having a clear headroom of less than 7 feet.

Garage- An Accessory Building used primarily for the housing of no more than three motor vehicles, either attached to the principal structure or unattached. Unattached garages do not have septic or sewer facilities except as permitted by Section 324.3(a) and 324.1A (b).

440' Line - The elevation contour line around Candlewood Lake showing a height of 440 feet above sea level; for the purpose of these regulations, this line shall be considered a lot line except where otherwise specified in a property deed.

Frontage - The extent of a lot along a road as defined herein.

Garage - A structure primarily for the housing of no more than three motor vehicles, either attached to the principal structure or unattached. Unattached garages do not have septic or sewer facilities, except as permitted by Section 324.3A.

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

Home Occupation - A non-agricultural activity carried on for the production of income by resident occupant(s) with no more than two hired assistants in the principal or an accessory building on their property, and with no more than two customers or clients per day. (Agricultural and domestic employees on a property, and construction, maintenance and service contractors temporarily working on a property in the employ of the owner shall not be covered by this definition.)

Lot - A parcel or land, not divided by streets, which is occupied by or capable of being occupied by a principal building, structure or use and the accessory buildings and uses customarily incidental to it, together with such open spaces as required by these regulations.

Lot Area - The total horizontal area included within lot boundaries.

Lot, Contiguous - Lots which touch, meet or join for a distance of at least 50 consecutive feet.

Lot, Corner - a lot located at the junction of and fronting on two or more intersecting roads.

Lot, Depth - The horizontal distance between the front and rear lot lines measured perpendicular to the mean direction of the front lot line.

Lot, Front - That lot area extending across the full width of a lot and lying between the front lot line and the nearest line of the building.

Lot, Front - That Lot area extending across the full width of a Lot and lying between the Front Lot Line and the nearest line of the principal building. In measuring aforesaid setback area, the line of a building shall mean a line parallel to the Front Lot Line, drawn from a point of the building nearest to such Lot Line.

Lot, Interior: A lot which does not meet the minimum requirements of these Regulations for frontage on a road or highway. (See Section 331.4)

Lot Line - A property line bounding a lot as defined herein.

Lot Line, Front - The lot line separating the lot from the road. In the case where a lot abuts two or more roads, the lot will considered to have two or more front lot lines; in the case of a lot having no road frontage and accessible only by driveway or access way, the owner may elect any lot line as the front lot line.

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

Lot Line, Side - Any property line extending from the front lot line to the rear lot line.

Lot, Rear - That lot area extending across the full width of a Lot and lying between the Rear lot line and the nearest line of the principal building. In measuring aforesaid lot area, the line of a building shall mean a line parallel to the rear Lot Line, drawn from a point of a building 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 Lot Line.

Lot, Side - That Lot area between the Side Lot Line(s) and the nearest line of the principal building and extending from the Front Lot to the Rear Lot as defined in these definitions. In measuring aforesaid Lot area, the line of a building shall mean a line parallel to the Lot Line, drawn from a point of a building 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 Lot Line.

Lot, Width - The horizontal distance between the side lot lines, measured parallel to the mean direction of the front lot line.

No Impact Business: - A business that presents no external sign of its existence as a business from the street or abutting properties; has no on-site employees; causes no change in vehicle traffic or parking patterns; has no more than one business related vehicle that must be under 12,500 pounds Gross Vehicle Weight and that may display advertising parked on his/her property overnight and on weekends; will not use or store hazardous materials in excess of normal residential use; and has no perceptible effect on the quality of life of adjacent or nearby properties, including but not limited to no increases in noise, lights, fumes, odors, vibration, and interference with radio or TV reception, compared to a lot used solely for residential purposes.

Non-conforming Use - A use of a building or of land which does not conform with the use regulations of the zone in which it is situated, which use existed at the time of the adoption of these Regulations and complied with the Zoning Regulations in effect at the time it was established.

Parcel - Any tract of land that has not been approved for residential, commercial or other development.

Parking Area - An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto.

Parking Space - An off-street space nine feet by twenty feet available for the parking of one motor vehicle on a transient basis.

Porch - See 'Terrace"

Regionally produced- Items produced within a 50 mile radius of Sherman Connecticut.

AMENDMENT EFFECTIVE FEBRUARY 10, 2018

Resident Contractor - A natural person, either self-employed or an employee of a business, who is a contractor and uses his/her own residential property for residential purposes and for

- 1. office functions, and
- 2. for storage of his/her own or his/her employer's tools, vehicles and work materials, but performs no work for customers at his/her residential property.

Riding Stable or Academy - An establishment where horses are kept for riding, driving or stabling for compensation, or are kept incidental to the operation of a club, association, ranch or similar establishment.

Road - Any road, street, highway, avenue, land or way dedicated to movement of vehicles and pedestrians and which is shown on a subdivision plan approved by the Commission, or is on a map filed in the Office of the Town Clerk prior to 1937, or is a State or Town road, but not including private driveways or rights-of-way.

Seasonal Farm Stand-An accessory building, structure, or area of land used by a Farm for the temporary seasonal sale of raw and/or processed agricultural and horticultural products which is in compliance with Section 352.B4 or these Regulations and is closed annually for no less than six consecutive weeks.

AMENDMENT EFFECTIVE FEBRUARY 10, 2018

Set Back Line, Building: A line which is parallel to the property line that delineates the minimum distance requirement from the property line to a structure as defined for each zone elsewhere in these regulations.

School, Private - A kindergarten, preschool, primary, or secondary school accredited or duly licensed by the State of Connecticut, furnishing a comprehensive curriculum of academic instruction similar to that of a public school.

Sediment - Mineral and organic material that is in suspension, is being transported, or has been moved from its site of origin by water.

Sign - Any structure or part thereof, or any device attached thereto or painted thereon, or any material or things, illuminated or otherwise, which display or include 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, profession or enterprise when said display is placed out-of-doors or within 3 feet 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 Christmas or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.

Sign Area - Where a sign consists of a single board or face, with information on one or both sides, the area which results by multiplying the outside dimensions of such sign, not including the vertical, horizontal, or diagonal supports which may affix the sign to the ground or to a structure or building, unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of more than 2 individual faces, the total of the area of all such faces as computed above. Where the sign consists of individual letters or symbols attached to or painted on a building, the smallest geometric shape which encompasses all of the letters or symbols.

Stone Walls & Historic Features- A vertical structure of aligned natural stone originally constructed in the 17th, 18th, 19th, or 20th century to designate a property boundary between

farmsteads; to segregate agricultural activities within a single farmstead; to designate property lines; or as a foundation for a building.

AMENDMENT EFFECTIVE SEPTEMBER 3, 2015

Story - That portion of a building included between the surface of any floor and the surface of a floor next above it, or if there be no floor above it, then the space between the floor and the top of the ceiling beams next above it. In measuring the height of a building a basement should be counted as a story if the ceiling is more than 4 feet above the average level of the adjoining finished grade. Each basement in excess of one shall be counted as a story.

Story, Half - A story with at least two opposite exterior sides meeting a sloping roof not more than 2 feet above the floor of such story.

Street - See definition of "road".

Structure - Anything constructed or erected, the use of which requires location on the ground. This term shall also include all swimming pools and tennis, paddle tennis and other such playing courts.

Structure, Accessory: A structure which is customarily incidental and subordinate to the principal structure on a lot, and located on the same lot therewith.

Swimming Pool - An artificial body of water or receptacle for water, having a depth at any point greater than 2 feet, and used or intended to be used for swimming or bathing, and permanently constructed, installed or maintained in or above the ground out-of-doors.

Terrace - An open (usually paved) area connected with a dwelling and serving as an outdoor living area, with or without retaining walls. A terrace with a roof or an awning shall be considered a porch.

Travel Way: That portion of the road way for the movement of vehicles exclusive of shoulders.

Use - The specific purpose for which land, or a building or 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.

Use, Principal - The main or primary use of a premise.

Watercourse - Any flow or body of water that meets the definition adopted by the Sherman Inland Wetlands and Water Courses Commission.

SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT

Adopted: July, 1985

Last Amendment: May 2, 1991

SECTION 1. DEFINITIONS

- 1. "Certification" means a written approval signed on the Soil Erosion and Sediment Control Plan by the Planning and Zoning Commission, or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- **2.** "Commission" means the Planning and Zoning Commission of the Town of Sherman, Connecticut.
- **3.** "**Development**" means any construction or grading activities to improved or unimproved real estate.
- 4. "Disturbed Area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- **5. "Erosion"** means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- **6. "Accelerated Erosion"** means erosion caused by human activity that has one or more of the following effects: a) danger or inconvenience to passage on roads or driveways; b) interference with the proper functioning of septic systems; c) obstruction of drains, culverts or catch basins; d) deposition of any earth materials in wetlands or watercourses; c) alteration of natural drainage across property lines; or f) carriage of any earth materials across property lines.
- 7. "Grading" means any excavating, grubbing, stripping, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- **8. "Inspection"** means the periodic review of sediment and erosion control measures shown on the certified plan.
- 9. "Proposed Structure" means a structure that is intended to be build using a current zoning permit application.
- **10. "Sediment"** means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 11. "Soil" means any unconsolidated mineral or organic material of any origin.
- **12. "Soil Erosion and Control Plan"** means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SECTION 2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted with any application for subdivision or for development of a lot when the disturbed

area of such subdivision or of such lot is cumulatively more than one-half acre.

- 1. A soil erosion and sediment control plan shall be submitted with any application for subdivision, or for any other permitted use, where the area to be disturbed by such use is cumulatively more than one-half acre.
- 2. A soil erosion and sediment control plan shall be submitted by or on behalf of the owner of any parcel of land when required by the Commission, the Sherman Inland Wetlands & Water Courses Commission, or the Sherman Department of Health, or any of their agents. Such requirement shall be made only following a finding by one of these agencies of either a) the existence of a condition of accelerated erosion on such parcel of land, or b) the likelihood that a proposed activity on such parcel of land will lead to a condition of accelerated erosion.

SECTION 3. EXEMPTIONS

The following may be exempt:

- **A.** A single family dwelling that is not a part of a subdivision of land.
- **B.** Agricultural use of land.

Even though permits may not be required under this section, those operations which are exempted from obtaining a grading permit shall not interfere with any existing drainage course or result in the deposition of debris or sediment offsite or in wetland area.

SECTION 4. EROSION AND SEDIMENT CONTROL PLAN

- 1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission or its designated agent.
- 2. Said plan shall contain, but not be limited to:
 - **A.** A narrative on the site plan describing:
 - 1. the development;
 - 2. the schedule for grading and construction activities including:

- a. start and completion dates;
- **b.** sequence of grading and construction activities;
- sequence for installation and/or application of soil erosion and sediment control measures;
- **d.** sequence for final stabilization of the project site.
- 3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- 4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- 5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- 6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- **B.** A site plan map 40' to 1" or 20' to 1" to show:
 - 1. the location of the proposed development and adjacent properties;
 - 2. the existing and proposed topography of the disturbed or affected area at a maximum of 2 foot contour intervals, including soil types, wetlands, watercourses and water bodies;
 - 3. the existing structures on the project site, if any;
 - 4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines;
 - 5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - 6. name of applicant's agent assigned the responsibility for implementing this erosion and sediment control plan.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

SECTION 5. MINIMUM ACCEPTABLE STANDARDS

- 1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment 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 offsite erosion and/or sedimentation.
- 2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 3. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

SECTION 6. ISSUANCE OR DENIAL OF CERTIFICATION

The Planning and Zoning Commission or its designated agent shall either:

- 1. Certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these Regulations.
- 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 General Statutes.
- 3. Prior to certification, any plan submitted to the Commission or its designated agent may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall not delay the decision on an application for zoning permits by more than thirty days of the Commissions receipt of such plan.

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.

SECTION 7. CONDITIONS RELATING TO SOIL EROSION & SEDIMENT CONTROL

- *1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered in a letter of credit, or savings passbook with 2 signed withdrawal forms to be filed with the Board of Selectmen in the amount equal to 100% of the estimated costs of compliance with Section 4 of these Regulations. This does not apply to development of any single house site.
- 2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan or to meet field conditions.
- 4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

SECTION 8. INSPECTION

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 9. COMPLIANCE WITH PLAN REQUIREMENTS

1. In the event of violation of these regulations the Commission or its duly authorized agent shall serve notice of such violation on the landowner of such property upon which such violation has occurred. Upon receipt of such notification, the landowner shall have 24 hours in which to cease and correct such violation and comply with the provisions of this regulation.

2. Where such violation is not stopped and corrected subsequent to 24 hours after receipt of such notification the commission or its duly authorized agent shall issue a cease and desist order causing all work to terminate until such time as all violations of these Regulations have ceased and been corrected.

SUBDIVISION REGULATIONS OF THE TOWN OF SHERMAN, CONNECTICUT

Subdivision Regulations Incorporated in Zoning Regulations: September 5, 1947. Last Amendment: September 3, 2015

SECTION 1. AUTHORITY AND PURPOSES

Pursuant to Chapter 126 of the General Statutes of the State of Connecticut, Revision of 1958 as amended, the Town of Sherman hereby adopts the following regulations for the subdivision of land. The purpose of these regulations shall be:

- (a) To provide for the orderly growth of the Town in keeping with the Comprehensive Plan of said Town.
- (b) To provide for the integration of subdivided land into the land surrounding it.
- (c) To insure and regulate the layout of roads in accordance with sound engineering principles.
- (d) To insure that land so subdivided may be used without danger to health and public safety.
- (e) To control the layout of lots.
- (f) Control the placement of utilities.
- (g) To insure that all such growth shall be sensitive to and shall preserve features of natural beauty, interest, and ecological value.
- (h) To insure that land is developed in an energy efficient pattern with consideration given to Section 8-25(b) of the Connecticut General Statutes.

SECTION 2. DEFINITIONS

The definitions and standards for the general construction of language contained in Article VI of the Zoning Regulations of the Town of Sherman are hereby incorporated into these regulations. Wherever these regulations make reference to the Soil Erosion and Sediment Control Regulations for Land Development or the Inland Wetlands & Watercourses Regulations of the

town, the definitions contained in those regulations shall apply. In addition, the following definitions shall apply:

Subdivision:

The division, into three or more lots, of a parcel or tract of land that is not part of any previously approved subdivision plan filed in the land records of the Town of Sherman, provided that the purpose of the division is the immediate or future sale or building development of the lots thus created. The division of a parcel of land for municipal, conservation or agricultural purposes shall not be considered a subdivision.

Re-subdivision:

The division, into two or more lots, of a lot or parcel of land that is part of a previously approved subdivision plan filed in the land records of the Town of Sherman. Also, the revision of a previously approved and filed subdivision plan, if such revision creates a new lot or affects any road or area reserved for public use.

Sub-divider:

Any person or persons or business entity or entities or other organization or organizations applying to the Commission for approval of a subdivision or re-subdivision plan who has either a fee interest in the land or an option to purchase the land.

Open Space:

Land within a subdivision or re-subdivision that is not part of any lot, road or access way, and that is declared by deed or easement to remain perpetually free of residential or commercial development. Open Space includes, but shall not be limited to: land left in its natural, undisturbed state; protected agricultural land; areas for wildlife habitat protection, active or passive recreation, groundwater recharge, scenic or historic preservation, and similar areas.

Commission:

The Sherman Planning and Zoning Commission.

SECTION 3. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

(a) Effectiveness of subdivision:

No subdivision of land shall be made, and no land in any subdivision shall be sold, leased, or offered for sale or lease, until a plan prepared in accordance with the requirements of these regulations has been approved by the Commission and filed in the Office of the Town Clerk. The Town Clerk shall not accept a subdivision plan for filing or recording unless the signed approval of the Commission is shown on the plan. Any plan filed or recorded after the effective date of these regulations without such approval shall be void.

(b) Applicability to re-subdivisions:

Unless otherwise provided, all requirements of these Regulations applicable to subdivisions shall apply equally to re-subdivisions.

(c) Requirements for subdivision lots:

Each lot within a subdivision shall meet the requirements of the Zoning Regulations of the Town of Sherman that pertain to the zone within which the subdivision is located. These requirements include, but are not limited to, minimum lot size, lot dimensions, and road frontage. No lot shall be approved that does not have the access to a road required by the Zoning Regulations. The Commission may require a road plan to provide connection to adjoining roads, in being or projected, if it finds such connection will improve traffic flow or safety in the area.

(d) Certification of professional engineer:

Any subdivision plan must contain a written statement from a professional engineer licensed in the State of Connecticut either upon the final subdivision map or in a report appended thereto, certifying that, after physical inspection of the site and appropriate testing, he has determined:

- (1) That each lot shown on the subdivision plan has acceptable site for a private water supply system and a private sewage disposal system, as required by the Sanitary Code of the Town of Sherman; and that each lot has been given a percolation test and a deep pit test in the approximate area of the proposed sewage disposal system, said tests having been conducted in accordance with the procedures and standards of the Sanitary Code of the Town of Sherman; and
- (2) That in lots contiguous to brooks, rivers, bodies of water and other areas subject to flooding, adequate provisions have been made for drainage and flood control; that neither sewage disposal systems nor other development activities upon such lots will introduce pollutants into such brooks, rivers, or bodies of water to a degree that violates applicable state law or Connecticut Department of Environmental Protection regulations; and that if any portion of the proposed subdivision lies within a flood plain designated by federal or state regulation, the applicable portions of such regulation have been met.

(e) Storm water drainage:

A subdivision plan shall contain a system for storm water drainage in any location where development activity might otherwise create a condition of accelerated erosion, as defined by the Soil Erosion and Sediment Control Regulations of the Town of Sherman. No wetland or watercourse shall be altered or obstructed for this purpose without the approval of the Sherman Inland Wetlands & Watercourses Commission. In a subdivision plan, the Commission may require culverts and other storm drainage installations, and also easements necessary for the effective functioning of storm drainage systems.

(f) Lots greater than minimum size:

In circumstances where lots of the minimum size permitted in a zone by the Zoning Regulations of the Town of Sherman do not satisfy the sewage disposal or storm drainage requirements of these and other regulations of the Town, the Commission may require lots of a larger size sufficient to ensure satisfaction of those regulations.

(g) Utilities:

All electric, telephone, cable television and other utility lines and cables shall be placed underground and buried. Utility structures serving a subdivision that require above-ground placement, such as water tanks, pumping stations, community television antennae, and satellite dishes, may be constructed only if approved by the Commission, which may require as a condition of approval that they be inconspicuously placed and screened from view.

(1) The Commission may waive the requirement of this subsection, following the procedures and standards set forth in state statutes, if it finds that compliance is not possible as a result of specific topographic conditions contained within the subject property, or if such placement would violate other state or town regulations.

(h) Roadside parking:

In areas where steep terrain or other difficult conditions may render roads temporarily impassible, the Commission may require that a subdivision provide up to two parking spaces per dwelling unit off the traveled portion of any road.

(i) Entrances to subdivisions:

Each entrance to a subdivision may be marked by a single sign that meets the standards of the Zoning Regulations of the Town of Sherman. Any further entrance treatment, including gates, walls, fences, flagpoles, or lodges, requires the approval of the Commission, which shall approve only those installations that are compatible with the rural character of the Town.

(i) Stone Walls, Historic & Scenic features:

(1) Scenic features:

The Commission may require that a subdivision plan provide protection for specific scenic features other than through their placement within designated open space. Individual scenic features to be protected in this fashion shall each occupy less than 10,000 square feet of land area, and shall have been determined by the Commission to have natural or historical importance to the Town.

(2) Stone Walls & Historic Features:

To the extent possible (subject to safety issues) all existing historic stone walls, remains of old stone foundations and any other historic features on the subject site shall, regardless of condition, be preserved and maintained. Furthermore, wherever possible existing stone walls shall be used to delineate property lines. The Commission may require stone walls and other historic features to be included within conservation easements to help ensure long term protection. All existing stone walls that need to be removed due to street, driveway, house, septic system or other site construction shall be used to enhance adjacent segments of walls or other existing walls on the property, particularly along new property lines. Specific plans regarding any stone wall removal and proposed stone wall rebuilding or improvements shall be included on the subdivision plans. The

Commission shall have the right to require stone wall work to be the responsibility of the sub-divider.

AMENDMENT EFFECTIVE SEPTEMBER 3, 2015

(k) Soil erosion and sediment control plan:

A soil erosion and sediment control plan shall be submitted with any subdivision application when the surface area to be disturbed within the subdivision cumulatively exceeds one-half acre, or when such a plan is otherwise required by the Soil Erosion and Sediment Control Regulations for Land Development of the Town of Sherman.

(1) Incorporation of other regulations:

All subdivision applications must conform to the requirements of the following regulations, which are incorporated by reference into these regulations: Zoning Regulations of the Town of Sherman; Building Code of the Town of Sherman; Soil Erosion and Sediment Control Regulations for Land Development of the Town of Sherman; An Ordinance Governing the Construction of Driveways Intersecting Town Highways in the Town of Sherman; and An Ordinance Establishing Procedures, Standards, Specifications and Regulations for the Construction of Road in the Town of Sherman.

(m) In order to reduce any negative impacts of farming on residential areas, new subdivisions that abut existing farms shall establish a setback of at least 100' between the boundary shared with the farm(s) and any structures within the sub-division. A screen of trees or other vegetation, or appropriate fencing, shall be put in place in the buffer area to further reduce the impact.

SECTION 4. ROADS

- (a) Except as provided below, all procedures, standards, specifications and regulations contained in the Road Construction Ordinance as accepted and amended by the Town of Sherman are hereby incorporated and made part of these
 - (1) The conditions stated in Section 7(f)(1) of these Regulations as to the performance guaranty constitute the satisfactory conditions required under Section VII of the Road Construction Ordinance.
 - (2) In case of conflict as to a performance guaranty for the construction of roads between these regulations and the Road Construction Ordinance, the latter will prevail.
 - (3) Existing Street Improvements: Whenever any subdivision is proposed for land abutting or accessible only by an existing unimproved or unpaved street and the Commission shall determine that approval of the subdivision plan would endanger the public safety unless such street was altered or improved beyond the limits of the proposed subdivision, the Commission may disapprove such plan or may condition its approval upon completion of the improvements or alteration on such

street by and at the expense of the subdivider, or may disapprove such plan until the Board of Selectmen has recommended and the Town has authorized expenditures for such improvements.

- (**b**) Any road that serves three or more lots within a subdivision shall be constructed according to the requirements of the Road Construction Ordinance of the Town of Sherman, except as provided elsewhere in this section.
- (c) The Commission may permit the traveled portion of a subdivision road to be 20 feet in width, provided; either that all lots within the subdivision are five acres or larger or that the subdivision contains 20 or fewer lots: and provided further that the road meets all other requirements, except width of traveled portion, of the Road Construction Ordinance of the Town of Sherman, as certified by the Board of Selectmen.
- (d) A private accessway that serves no more than two lots may not be required to be constructed in accordance with Subsection (b) above, provided that such accessway shall have a minimum right-of-way width of 50 feet, of which each lot served shall own a width of at least 25 feet. No part of the area of such an accessway shall be considered as part of the required minimum acreage of a lot. A private accessway serving two lots, as described herein, may not abut any other accessway serving any other lot.
- (e) A private accessway not constructed in accordance with Subsection (b) above may serve six or fewer lots within a subdivision, provided; that no lot is less than 5 acres; that the average size of the lots is at least 10 acres, and that any such accessway meets the following criteria:
 - 1. The right-of-way shall not be less than 50 feet in width.
 - 2. An additional 7 ½ foot wide utility easement shall be reserved along all lot front lines.
 - 3. The traveled portion of such accessway shall be at least 16 feet in width, from the shoulder to the outer edge of the opposite should.
 - 4. An approved subgrade shall be provided, its depth being dependent on bringing roadway area to grade.
 - 5. Upon the prepared subgrade, a two-course gravel base, a minimum of 12 inches thick, shall be built with materials and construction methods as required by Section 4.13 of the Standard Specifications for roads, bridges, and incidental construction, Connecticut State Highway Department, entitled "Traffic Bound Gravel Surface". Twenty-four inches of gravel base shall be required where roadway is being constructed through rock cut.
 - 6. A surface course of sized or processed gravel of not less than 2 inches after compaction shall be provided.

- 7. All accessways shall be bounded on either side by suitable gutters or curbs, constructed of the same material as the roadway, or of other material as the Board of Selectmen may require. Shoulders on either side of the traveled portion of all accessways shall be free of rocks, boulders and stumps, and all disturbed areas graded and seeded except where, in the opinion of the Board of Selectmen, or its duly appointed representative, this requirement is not feasible.
- 8. All accessways shall be so graded that the crown or center thereof shall not be less than 3 inches, nor more than 4 inches higher than the outer edge of the roadway.
- 9. No roadway shall have a grade less than 1 percent or have a grade in excess of 10 %.
- 10. Horizontal and vertical sight line distances and minimum curve radii shall be subject to the approval of the Board of Selectmen.
- 11. No roadway shall have adjoining slopes greater than 3 to 1, (i.e. three feet horizontal for each foot vertical), except in rock cut, where the slopes shall be determined by consultation with the Board of Selectmen.
- 12. All accessway culverts, underdrains, curtain drains, and storm severs shall be of a size and type determined by a qualified Professional Engineer, but in not case shall culvert pipes be less than 15 inches in diameter, and underdrains and curtain drains shall be no less than 6 inches in diameter. Pipe material shall be approved by the Board of Selectmen or their agent, and shall be installed in accordance with sound engineering practice. Sufficient pipe shall be installed within any subdivision to carry existing watercourses and to drain the proposed accessways.
- 13. All drainage structures such as manholes, catch basins, and head walls shall be built in accordance with Standard Details. Where structures of special design, such as retaining walls, bridges, or box culverts, are required, they shall be designed by a qualified Professional Engineer and shall be submitted to the Board of Selectmen for approval. Where, in the opinion of the Board of Selectmen, it is necessary to connect into the drainage system of an existing Town road, such connection shall be done in a manner prescribed by the Board of Selectmen or its duly authorized agent.
- 14. When, in the opinion of the Board of Selectmen or its agent, guard railing is necessary to protect the traveling public, the subdivider shall install same as directed.
- 15. An accessway shall be equipped at all intersections with street signs.
- 16. No dead-end accessway shall be considered unless a turnaround approved by the Board of Selectmen is provided within a right of way of not less

- than 100 feet in diameter. The construction of all dead-end accessways shall conform in every detail to all provisions of this section that apply to through streets and roadways.
- 17. In the event of any question as to the interpretations of specifications or of the Standard Details required by these regulations, the minimum standard specifications of the Connecticut State Highway Department prevailing at the time of offering of said land for roadway purposes shall govern.
- 18. Upon approval of the proposed subdivision by the Planning and Zoning Commission, applicant shall file with the Board of Selectmen cash or a bond in the amount equal to 100% of the estimated costs of accessways and improvements, and with surety and conditions satisfactory to it, securing to the Town of actual construction and installation of the accessway and improvements thereto. All or any part of said bond shall be paid over to the Town of Sherman in the event that said accessway is not completed with a period of time to be specified by the Board of Selectmen, or, in the event of noncompliance with the provisions of this Regulation, provided however, that no greater amount shall be paid over to said Town than is necessary to complete or correct the construction of such road and that such completion or correction is performed by the said Town of Sherman or its agent. Said security may be in cash or by a bond, issued by a recognized indemnity company satisfactory to the Board of Selectmen.
- 19. The "Standard Details" of the Connecticut State Highway Department referred to throughout this section are incorporated into and herby made a part of this section.
- 20. The subdivider shall incorporate commission approved covenants in the deeds to all lots served by the accessway, obliging the grantee, his heirs, successors and assigns to share proportionately, with all other lot owners serviced by the accessway, in the ownership, maintenance, repair, subsequent improvements and related costs of such accessway, and further requiring that they participate in a property owners' association that shall be solely responsible for these obligations unless and until the accessway is constructed to the requirements of Section 4 at the expense of the property owners association. These same covenants shall be printed on the final map filed with the Town Clerk.
- 21. The subdivision map shall contain the following notations: "A 20 foot drainage easement is hereby reserved along each side of all lines for the maintenance and repair of accessways shown on this map."
- (f) A private accessway not constructed in accordance with Subsection (b) above may serve seven or more lots within a subdivision, provided that no lot is less than 5 acres; that the average size of the lots is at least 10 acres; and that the accessway meets the criteria established in Section 4 (e) 1 through 21,

inclusive. The Commission shall require, prior to its consideration, a report from the Board of Selectmen on the suitability of the proposed accessway for emergency vehicles for anticipated levels of normal vehicular traffic. As a result of the report, the Commission may require that such accessway be built to a greater width than provided in Section 4 (e), and may require that the road surface be composed in whole or in part of bituminous concrete placed in accordance with the standards of Subsection (b) above.

(g) Any private access-way constructed under Section (e) or (f) above shall be maintained and repaired either by a homeowners' association to which all lot owners within the subdivision shall belong, or according to a legally binding arrangement under which all lot owners shall contribute to such maintenance and repair. A subdivision plan including such an access-way shall include documents granting each lot owner the right to pass and re-pass over such access-way, and establishing the nature of the obligation of lot owners to maintain and repair such access-way.

SECTION 5 OPEN SPACE REQUIREMENTS

A. General Open Space Requirement:

In every proposed subdivision or re-subdivision, unless the subdivider has proven that at least one of the exceptions in subsection (b) of this section applies, the Commission shall:

- 1. require dedication of land as open space, pursuant to subsection (c) of this section, or,
- 2. require payment of a fee in lieu of dedicating land as open space payable to the Land Acquisition Fund of the Town of Sherman, pursuant to subsection (d) of this section, or
- 3. require a combination of a payment of a fee in lieu of dedicating land as open space payable to the Land Acquisition Fund of the Town of Sherman and dedication of land as open space, pursuant to subsection (e) of this section.

B. Exceptions to the open space requirements:

The requirements of subsection (a) shall not apply where:

- 1. the total acreage of the land in the proposed subdivision or re-subdivision is less than or equal to 400,000 square feet, or,
- 2. the land has been previously subdivided or re-subdivided and the open space requirement has been legally met for that land, or
- 3. the transfer of all of the land in a subdivision of less than five parcels for no consideration is to an eligible individual as defined in Connecticut General Statutes 8-25

- 4. the subdivision is to contain affordable housing, as defined in Section 8-39a, equal to 20% or more of the total housing to be constructed in such subdivision, as specified in Connecticut General Statutes 8-25.
- 5. other exceptions exist in the Connecticut General Statutes.

Any subdivider claiming that one or more of the exceptions in paragraphs (1) - (5) in this subsection apply shall have the burden of proving that the exception(s) do apply.

C. Dedication of Open Space

In the case where the Commission requires the dedication of open space pursuant to subsection (a)(1) of this section:

- the subdivider shall initially file with the Commission a subdivision or resubdivision plan that shows the exact location of the land proposed to be dedicated as open space;
- the land dedicated to such open space on the plan must be a minimum of 15% of the total area of the land being subdivided or re-subdivided. In addition, the Commission may require that at least 50% of the area of land dedicated to open space must be (i) land which is not regulated by regulations of the Town of Sherman Inland Wetlands and Watercourses Commission, and (ii) land that does not consist of naturally occurring slope of 25% or more as measured using 2-foot intervals;
- 3. the Commission may recommend that portions of land in the subdivision or resubdivision other than those portions proposed by the subdivider to be dedicated as open space on a subdivision or re-subdivision plan be dedicated to open space, provided that the Commission finds at least one of the following:
 - there are areas in the subdivision or resubdivision that are specifically recommended for use as open space in the Town of Sherman Plan of Conservation and Development,
 - (ii) there are areas in the subdivision or resubdivision that are contiguous with open space on adjacent properties, or are proximal to nonadjacent open space which might reasonably interconnect with the proposed open space in the future,
 - (iii) there are areas that enhance or extend open space on an adjacent property which is dedicated for use as land left in its natural, undisturbed state, agricultural land, areas for wildlife habitat protection, active or passive recreation, or scenic or historic preservation, giving consideration to the extent of necessary maintenance supervision or management,

- (iv) there are areas in the subdivision or resubdivision that meet one or more of the following objectives: the conservation and protection of wildlife and natural or scenic resources including lakes, ponds, rivers, streams, stream belts, inland wetlands, aquifers, significant woodlands, stands of unique or scenic trees, particular trees of special size or unusual type, ridges, ridgelines, ravines, stone fences and walls, stone or ledge outcroppings and other unusual physical features, and the protection of historic or archaeological sites,
- (v) there are areas in the subdivision or resubdivision that will act as buffer zones to shield the view of the developed portions of the property from any person on any roads or developed lots that existed prior to the development of the subdivision.
- 4. The entity designated to own the dedicated open space shall be reviewed by the Commission on a case-by-case basis at the time of subdivision approval after all relevant factors, including but not limited to the following factors are considered:
 - (i) the function and location of the open space,
 - (ii) the intended users/ beneficiaries of the open space,
 - (iii) the amount and cost of any future maintenance of the open space,
 - (iv) the expressed interest in ownership by an appropriate entity, and
 - (v) the desirability and suitability of public access and use of the open space.
- 5. The Commission may consider any one of the following disposition options:
 - (i) conveyance in fee simple to the Town of Sherman,
 - (ii) conveyance in fee simple to the State of Connecticut,
 - (iii) conveyance in fee simple to a land trust (with the concurrence of the subdivider and the land trust),
 - (iv) conveyance in fee simple to some or all of the owners of the lots in the subdivision,
 - (v) conveyance of conservation easement(s), with or without public access, to the Town of Sherman,
 - (vi) conveyance of conservation easement(s), to a land trust, with the concurrence of the subdivider and the land trust,

- (vii) conveyance of a recreation easement to the Town of Sherman, the State of Connecticut, or a private, nonprofit recreational entity,
- (viii) conveyance of an agricultural easement to the Town of Sherman, the State of Connecticut, or a private, nonprofit, farm preservation entity, or
- (ix) any combination of the above or any suitable alternative approved by the Commission.

The Commission may not require ownership by an entity described in this subsection, nor by any other entity unless the subdivider and acceptor consents to such designation.

- 6. the subdivider shall designate in its application the disposition option from subsection (c)(5) of this section that it proposes to use regarding the proposed open space.
- as part of its initial subdivision or re-subdivision application, the subdivider must provide the Commission with proposed legal documents conveying an interest in the land constituting the open space. After consultation with its attorney, the Commission may either require changes in those documents or approve such documents to ensure that the open space is dedicated to its intended purpose in perpetuity;
- 8. where the subdivider proposes to the Commission to transfer an interest in the land dedicated to open space, the subdivider must provide written proof from the entity proposing to protect the open space, stating that it will accept either a beneficial interest in a conservation easement or an interest in fee simple of the land dedicated as open space, and will further accept responsibility for compliance with the terms of the easement or deed of such land in perpetuity;
- at the time the approved subdivision or re-subdivision plan is filed in the Town Clerk's Office in the Town of Sherman the subdivider shall record in the Sherman Land Records the legal documents approved by the Commission pursuant to subsection (c)(8) of this section;
- 10. the boundary lines of all land dedicated to open space in a subdivision or resubdivision shall be set in the field and marked by permanent surveyor's monuments. Such monuments shall be set where open-space boundary lines change direction or intersect with a lot line, road or perimeter line within the proposed subdivision or re-subdivision. Surveyor's pins shall be used at such other points as is necessary to establish a continuous sight line between two pins for the entire length of the boundary;
- any (i) excavation, filling, re-grading or other alteration of land designated as open space pursuant to this section; (ii) any construction or expansion of any building, structure or other improvements on any such open space; or (iii) any paving or surfacing of such open space subsequent to the date of approval of the

subdivision or re-subdivision, other than work required by the subdivision or re-subdivision plans as approved, is prohibited. Land to be dedicated as open space for the purpose of the protection of wildlife and natural or scenic resources shall be left in its natural state, except for improvement or maintenance as may be expressly permitted by the Commission at the time of approval. Land dedicated to open-space shall not be used as a repository or dump site for brush, stumps, trees, branches, dirt, sand, rocks, or other earth materials, building materials, trash or other debris.

D. Payment of a Fee In Lieu Of Dedicating Land as Open Space

- 1. The Commission may, in its discretion, require a subdivider to pay a fee in lieu of dedicating land as open space, payable to the Land Acquisition Fund of the Town of Sherman, where it determines that a dedication of land would be inappropriate, unattainable, or not viable. In making such determination, the Commission shall consider the following:
 - (i) the particular features of the land that are suitable as open space due to size, shape, topography and the character of the open space,
 - (ii) areas recommended for open space in the Sherman Plan of Conservation and Development,
 - (iii) if any land in the proposed subdivision is contiguous with openspace on adjacent land, or is proximal to non-adjacent open-space which might reasonably interconnect with proposed open space in the future, and such open-space enhances or extends the openspace on adjacent properties,
 - (iv) whether the land is unprotected agricultural land, an area for wildlife habitat protection, active or passive recreation, groundwater recharge, or scenic or historic preservation, or whether it is protected pursuant to the regulations of the Sherman Watercourses and Waterways Commission,
 - (v) if the land is not recommended as open space by the Sherman Board of Selectmen, Inland Wetlands and Watercourses Commission, Conservation Commission, Recreation Commission, the Housatonic Valley Council of the Elected Officials, or the Northwest Soil and Water Conservation District.
- 2. When the Commission requires a subdivider to pay a fee in lieu of dedicating land as open space, such fee shall be equal to no more than 10% of the fair market value of the land to be subdivided or re-subdivided prior to the approval of the subdivision or re-subdivision. The fair market value of the land shall be determined by an appraiser jointly selected by the Commission and the subdivider. The Commission shall notify the

subdivider of the names of three appraisers to determine the fair market value of the land. The subdivider may choose one of those appraisers, or recommend another. If the Commission rejects the appraiser proposed by the subdivider, the Commission shall propose two additional appraisers, and the subdivider shall choose one of those.

- 3. The fee shall be distributed over the approved lots in the subdivision, and payment shall be made at the time of the sale of each approved lot, or a single payment covering all lots may be made at the time of the approval of the subdivision. The fee assessed to a particular lot shall be determined by a fraction, the numerator of which is one and the denominator of which is the number of approved lots in the subdivision. The fee shall be paid to the Land Acquisition Fund of the Town of Sherman.
- 4. When the Commission requires a subdivider to pay a fee in lieu of dedicating land as open space, and the subdivider chooses to have a portion of the fee paid at the time of sale of each lot, the subdivider shall prepare and submit to the Commission a lien document suitable for recording in the Sherman Land Records for each approved lot in the subdivision plan. Each lien document shall state the method to determine the dollar amount to be paid to the Land Acquisition Fund of the Town of Sherman at the time of sale of the lot as required by subsection (d)(3) of this section. After the Commission approves such lien documents, the subdivider shall present such lien documents and record them with the Sherman Town Clerk's Office in the Sherman Land Records. The Town of Sherman shall prepare and record in the Land Records of the Town of Sherman a release of lien for a lot upon receipt of the properly calculated fee for that lot.
- 5. No approved subdivision or re-subdivision plan in which a subdivider is required to pay a fee in lieu of dedicating land as open space may be recorded with the Town Clerk without the simultaneous recording of approved lien documents as described in subsection (d)(4) of this section.
- 6. The fee in lieu of open-space payment obligation shall be clearly noted on the approved subdivision or re-subdivision plan to be recorded with the Sherman Clerk's Office upon approval of the plan by the Commission. The form and content of said notice shall be as provided by the Commission.
- E. Combination of a payment of a fee in lieu of dedicating land as open space payable to the Land Acquisition Fund of the Town of Sherman and dedication of land as open space.

In a case where the Commission requires a combination of a payment of a fee in lieu of dedicating land as open space and dedication of land as open space, the Commission shall require the following:

- 1. The subdivider shall determine the size of the portion of land dedicated as open space and compare that size to the size of land that would be required to be dedicated as open space pursuant to subsection (c)(2) of this section. Such a comparison shall be expressed as a decimal where the numerator is the size of the land actually dedicated as open space and the denominator is the minimum amount of land required as open space pursuant to subsection (c)(2) of this section.
- 2. The subdivider shall subtract the decimal obtained in subsection (e)(1) of this section from 1.00.
- 3. The fee in lieu of dedicating land as open space shall be determined by multiplying the decimal obtained in subsection (e)(2) of this Section times the fee determined pursuant to subsection (d)(2).
- 4. As to the land dedicated as open space, the requirements of subsection (c) of this section shall apply, except that subsection (c)(2) of this section shall not apply when there is a combination of land dedicated as open space and a fee in lieu of open space.
- 5. As to the fee in lieu of open space, the requirements of subsection (d) of this section shall apply, except that the determination of the amount of the fee shall be made pursuant to subsection (e)(3) of this section when there is a combination of land dedicated as open space and a fee in lieu of open space.

SECTION 6. REQUIREMENTS FOR SUBDIVISION PLAN

A subdivision plan submitted for the approval of the Commission shall comprise the following materials:

- A. An original and two additional copies of a map or plan drawn in ink by a registered professional engineer or registered land surveyor, having a scale not greater than 100 feet to the inch. This map or plan shall be prepared in accordance with the statutory requirements for filing with the Town Clerk, and shall show the following information:
 - 1. Proposed subdivision name or identifying title, its location, the name and address of the subdivider, and the certificate of a registered professional engineer or a registered land surveyor.
 - 2. Layout of existing roads and proposed new roads, easements, rights-of-way, including those of utilities, sewers and drainage, either on or off the site, and open space reserved for common public uses, with exact length and bearings.

- 3. Names of abutting property owners and accurate road frontage distance up to 220 feet.
- 4. North point, scale of map and date.
- 5. Boundary lines of subdivision with accurate distance and bearings in accordance with Section 8. (a).
- **6.** Layouts of lots showing exact lengths and bearings, areas of lots, and open space.
- 7. All lots, numbered in consecutive numbers, within the subdivision.
- **8.** Contour lines showing land elevations at 2 foot intervals.
- 9. Location of all inland wetland and watercourse boundaries in accord with the requirements of the Sherman Inland Wetland Regulations and Map.
- 10. A key map which shall show, at a scale of approximately one inch to 1,200 feet, the relations of the proposed subdivision to existing town roads.
- 11. A rectangle 170 by 200 within horizontal boundaries of each lot in A and B zones, and a rectangle 115 feet by 150 within horizontal boundaries of each lot in C Zone.
- 12. Sufficient data acceptable to the Commission to determine readily the location, bearing and length of principal road lines and location of boundary lines, including radii and length of curves and other information sufficient to establish such lines. Such lines should be tied to existing reference points. See Section 10 (b).
- **13.** Permanent reference points as indicated in Section 8.
- 14. Names of all proposed roads, which names shall not duplicate or resemble the names of any existing roads in the Town.
- 15. Location of sanitary and storm-sewer lines, water mains, catch basins, culverts and other underground structures, and location of all drainage easements with written approval of the Board of Selectmen.
- 16. Lines showing 100-year Flood Hazard Areas as shown on maps prepared by FEMA which are on file in the office of the Town Clerk.
- **B.** Where road construction is part of the proposed subdivision, road profiles drawn to the standards of the Board of Selectmen, and a drainage analysis map showing

- the tributary watershed area and downstream area affected by run-off. Drainage computations shall consider the entire watershed area.
- C. A report prepared by a professional engineer of percolation tests and deep pit tests performed on each proposed subdivision lot by or under the supervision of the Health Officer or his agent. This report shall include all test data, as certified by the engineer.
- **D.** A report from the Health Officer of the Town or his agent, stating his approval of the subdivision plan, and any conditions established by the Health Officer for such approval.
- E. A report from the Board of Selectmen, stating their approval of the proposed subdivision's access to the road system of the Town, and of any roads to be constructed within the proposed subdivision, together with any conditions established by the Selectmen for such approval.
- **F.** A soil erosion and sediment control plan, in accordance with the Soil Erosion and Sediment Control Regulations for Land Development of the Town of Sherman.
- **G.** A report from the Sherman Conservation Commission stating:
 - 1. that the proposed subdivision would have no significant environmental impact, or an environmental impact statement has been prepared by the applicant under the direction of the Sherman Conservation Commission, which may require an evaluation of impact on soils, surface and subsurface water, topography, flora and fauna, air quality, noise levels, or other environmental variables; and
 - 2. that the proposed subdivision contains no endangered species, as defined by the Connecticut Department of Environmental Protection, and no sites of archeological significance, as defined by the Connecticut State Archeologist, or that appropriate measures have been taken to protect such species or sites.
- **H.** A report from the Sherman Inland Wetlands & Watercourses Commission together with any conditions established by said Commission.
- I. Where the subdivider owns or controls land adjacent to the proposed subdivision, and where such adjacent land has not previously been subdivided, a statement of tentative plans for the development of such land, including the prospective road system for such land.
- J. Statements from any Town, state or federal agency determined by the Commission to have information necessary for a decision that serves the objectives of these regulations.

- **K.** A key map, for the use of the Tax Assessor of the Town of Sherman that shows the proposed subdivision at a scale of approximately 200 feet to one inch.
- L. A written application on the form provided by the Commission, accompanied by a check for such application fee as shall have been set by the Town.
- M. A performance bond, as provided for in Section 7(f)(1) of these regulations.
- N. Demonstration to the commission that the applicant has considered the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after considering tax credits, subsidies, and exemptions.
 - 1. Passive solar techniques and site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural cooling during the cooling season shall be considered. These techniques include: house orientation; street and lot layout; vegetation; natural and man-made topographical features; and protection of solar access within the development.

SECTION 7. PROCEDURE

A. Submission of an informal plan:

Prior to the submission of a format application for subdivision, subdividers are encouraged to submit an informal plan and to meet in advisory consultation with the Commission. It is the position of the Commission that an informal plan and consultation enables the Commission to assist an applicant by responding to inquiries and proposals, and by indicating topics of possible future concern.

- 1. The submission of an informal plan does not constitute an application for subdivision. No fee shall be paid by the applicant with such submission. No decision shall be rendered by the Commission on such submission. The advisory consultation shall in no way prejudice that right of a subdivider to subsequently apply for a subdivision, nor the right of the commission to approve or deny such application.
- 2. An informal plan shall include a map or plan prepared according to Section 6(a) of these regulations. Other documents required for a formal subdivision plan may also be submitted for the Commission's comments at this time.

B. Formal application:

1. An application to the Sherman Inland Wetlands & Watercourses Commission shall be accepted in lieu of the report cited in Section 6(h), provided that the application to said Wetlands Commission is dated not

later than the date of the subdivision application to the Commission, and provided that the Commission shall not approve the application unless the report cited in Section 6(h) has been received.

2. A subdivision application may be accepted, and a public hearing scheduled, even though the Commission finds that minor clerical revisions are required in certain of the application documents, provided that such revisions shall be completed and made part of the file available for public scrutiny at least one week prior to the date of the public hearing.

C. Site Inspection:

The site of any proposed subdivision shall be inspected prior to approval by one or more members of the Commission, or its agent.

D. Public Hearing:

The Commission shall hold a public hearing on any accepted application for subdivision, and shall not approve an accepted application without such public hearing. The subdivider or his agent shall appear at the public hearing.

1. Notice of any public hearing shall be provided by mail and by publication, in the form and within the time limits provided by state statutes.

E. Decision:

The Commission shall approve, modify and approve, or disapprove any subdivision application within the time limits provided by state statute. Notification of Commission action shall be made by mail and by publication, in accordance with state statute.

F. Effectiveness:

Within 90 days after Commission approval, the subdivider shall present that final subdivision plan to the Town Clerk for filing in the town records. The Commission may grant a reasonable extension of this time limit, not to exceed 90 days. Any approval given by the Commission shall be void if such final plan is not presented for filing within the time provided. The Commission shall signify its final approval by the signature on the plan of the Chairman or the Secretary of the Commission, and shall permit the plan to be recorded, provided that:

1. No approval of a plan of subdivision by the Commission shall be deemed final until the subdivider has completed all road and other improvements as required by Section 4 of these Regulations, or alternatively, has filed with the Town a bond in an amount equal to 100% of the costs of roads and improvements and with surety and conditions satisfactory to it, securing to the Town the actual construction and installation of such improvements to the road and that portion of driveways within the road lines, drainage, sewer and water supply and any other improvements required by the Commission, within the period specified in the bond. Such bond shall not be released until the developer's professional engineer has certified completion of the public utilities and improvements in substantial accordance with the requirements, and the road or roads have been legally approved by the

Town, and deeds covering land to be used for public purposes, easements and right-of-way over property to remain in private ownership, and rights to drain onto or across private property are submitted in a form satisfactory to the Town Counsel, and a maintenance guarantee in the form of a performance bond to the Town of Sherman in an amount equal to 10% of the cost of roads and improvements is filed with the Selectmen. The maintenance guaranty shall be held by the Town of Sherman for a period of one year or until the developer corrects any defects in construction occurring during the year following acceptance of the improvements by the Town.

- 2. Any conditions imposed by the Commission at the time of its approval have been properly reflected in the final plan, and no other, unapproved changes have been made in the plan.
- 3. All recording fees shall have been paid by the subdivision.
- 4. All required subdivision corner monuments, lot corner markers, easement boundary markers, and other required reference points shall have been placed on the site by the subdivider.

SECTION 8. STANDARDS FOR REFERENCE AND MEASUREMENT

- A. Permanent reference points shall be indicated. They shall be set at all corners of the boundaries of the tract to be subdivided, and on one side of the highway at all angle points in road line, intersecting highways, at the beginning and end of all curves, and at such intermediate points as may be required by the Commission.
- B. Monuments shall be of stone or reinforced concrete, not less than 4 inches square and 30 inches long, with a brass or copper plug or drill hole or cross marking point of measurements. If ledge is found within 4 inches of grade surface and such ledge is of sturdy consistency, a disk should be set in a drill hole and held in with concrete. If the ledge is more than 4 inches but less than 30 inches from grade surface, the monument should be broken off and the reinforcing rods driven into solid ledge and held by concrete. The monuments should be set after the construction of the road.
- **C.** All lot corners shall be marked by iron pipes, 30 inches in length.
- **D.** All points of intersection between lot lines and the boundary lines of easements granted land trusts and conservation organizations shall be marked by monuments as described above.
- **E.** All tapes shall be calibrated to government standards and proper correction made for sag and temperature.

F. Surveying and mapping should agree with Class A-2 survey in accordance with the Code of Connecticut Technical Council, Inc. In addition to the requirements of the Connecticut Technical Code, all points other than controls should have an accuracy of one part in 5,000. It is suggested that subdivisions be surveyed on N.O.S. (C.G.S.) datum and some of the coordinates listed on the final map

SECTION VALIDITY

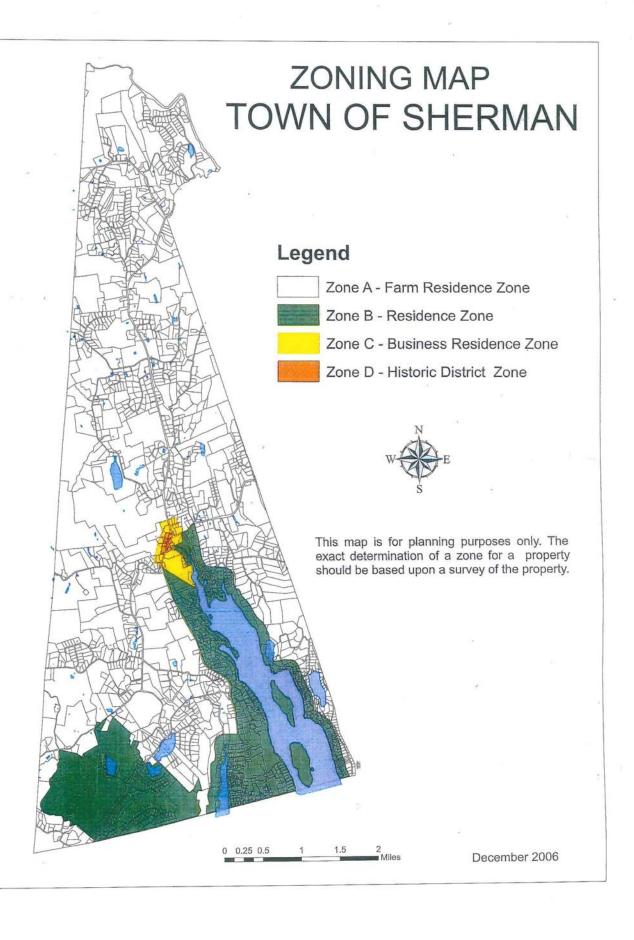
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9.

These Regulations shall take effect on May 16, 1977.

- **B.** If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
- C. Any and all subdivision regulations for the Town of Sherman in effect on or at any time prior to the effective date of these regulations are hereby repealed, except as follows:
 - 1. Any lot on a subdivision map filed with the Town Clerk prior to the enactment of zoning regulations in May, 1937, and any other lot on a subdivision map that conformed to the Zoning and Subdivision Regulations at the time of its filing, shall constitute a legal building lot, provided that any development activity on said lot shall meet the requirements of the Sanitary Code of Sherman and the Sherman Inland Wetlands and Watercourses Commission that are in force at the time such development activity commences.
- **D.** The Commission may amend these regulations in the manner provided by statue.

ATTACHMENT 3



ATTACHMENT 4

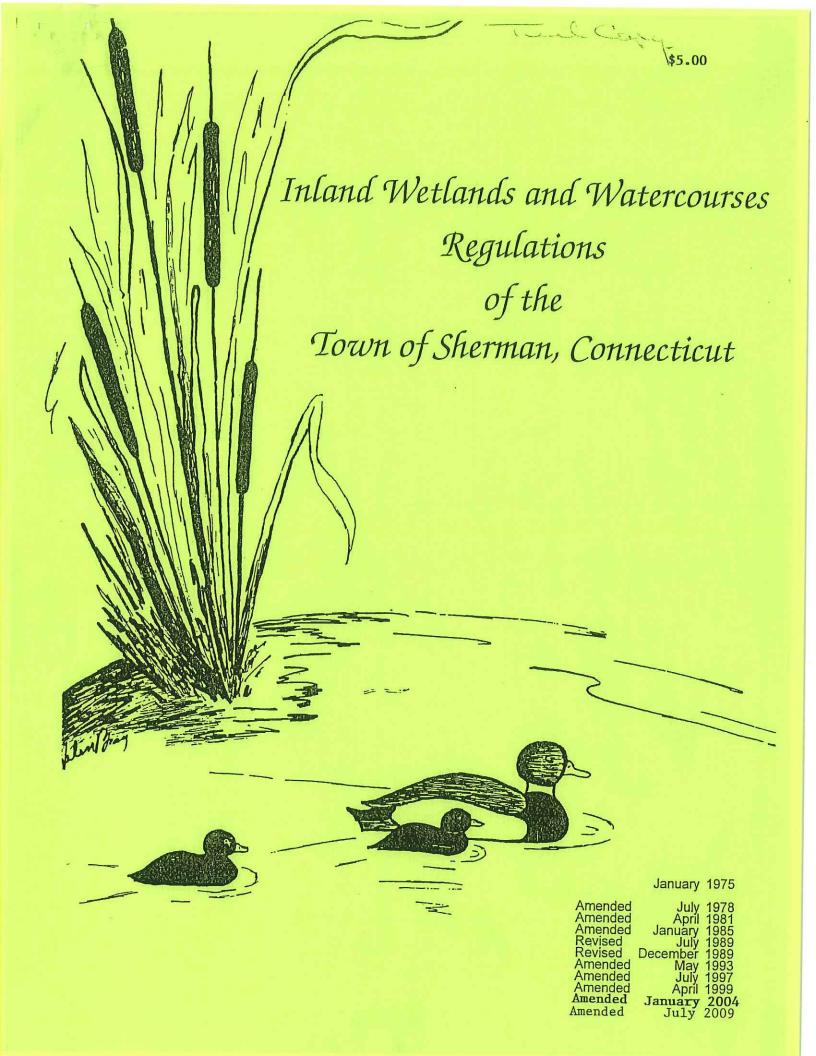


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SECTION 1

TITLE AND AUTHORITY

- "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 1.1 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 ground water; 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 water courses. 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 health, welfare, and safety of the citizens of the state. It is, therefore, the purpose of this act 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 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 values and securing fresh water supplies from the danger 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 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 Sherman."
 - 1.3 The Inland Wetlands and Watercourses Commission of the Town of Sherman was established in accordance with an ordinance adopted September 14, 1973, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Sherman.
 - 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 all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of Sherman pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

2.1 As used in these regulations:

- "Act" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- "Adjacent property" means property which is contiguous and property which would be contiguous if it were not separated by a road.
- "Agency" means the Sherman Inland Wetlands and Watercourses Commission.
- "Applicant" means any person who has submitted an application to the Agency for a permit to conduct regulated activities according to these regulations or who has submitted information for a determination by the Agency pursuant to Section 7 of these regulations.
- "Bog" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
- "Buffer" means a vegetated area inclusive of trees, shrubs and herbaceous vegetation that exists or is established to protect a wetland or watercourse.
- "Clear-cutting" means the cutting of timber products in a fashion which removes most trees 2 inches or greater in diameter measured at chest 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 <u>waters of the state</u> whether or not such substance causes pollution.
- "Essential to the farming operation" means that the proposed activity is necessary and indispensable to sustain <u>farming</u> 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 D)
- "Feasible" means able to be constructed or implemented consistent with sound engineering principles.
- "Gardening" means the tilling of soil, planting, cultivating and harvesting of vegetable matter.

"Grazing" means using any tract of land to feed or supply farm animals with grass or pasture.

"Harvesting of crops" means gathering plants or plant or animal products which have been grown to be harvested.

"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 Sherman, Fairfield County, Connecticut.

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

"Outside consultant" means a qualified professional who is not an employee of the Town, including but not limited to soil scientist, biologist, civil engineer and legal professionals.

"Permit" 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, or the Agency.

"Permittee" means the person to whom such permit 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 or activity defined under this section as "Significant Impact Activity" or which involves removal or deposition of material, discharge, clear cutting, 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 watercourse is a regulated activity. The Agency may rule that any other activity located within an 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. The following are also deemed regulated activities:

- a. those activities within 200 horizontal feet of the mean high water line of Candlewood Lake, including Squantz Pond.
- b. those activities within 150 horizontal feet of the following water bodies; Lake Mauweehoo, Timber Lake, Valley Lake, Deer Pond, Spring Lake, Pepper Pond, Green Pond, Haviland Mill Pond, and Quaker Pond North and South.
- c. those activities within 150 horizontal feet of Ten Mile River and the Housatonic River.
- d. those activities within 150 horizontal feet of Saw Mill Brook, Tollgate Brook, Greenwoods Brook, Naromiyocknowhusunkatankshunk Brook, Quaker Brook, Wimisink Brook, and Glen Brook, and their tributaries, as documented in Schedule H "Map showing limits of 150 feet regulated activity of certain watercourses".

"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 activity" means any activity including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

- a. any activity involving a 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.
- b. any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- c. any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.

d. any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

e. any activity which causes a substantial diminution of flow of a natural watercourse, or

groundwater levels of the wetland or watercourse.

any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse, or

g. any activity which creates conditions which may adversely affect the health, welfare and

safety of any individual or the community, or

h. any activity which involves a sewage disposal (septic) system within separating distances as specified by the current regulations of the Connecticut State Department of Health, and/or the Sanitary Code of Sherman as amended whichever is more restrictive.

i. any activity which damages or destroys unique wetland or watercourse areas or such areas

having demonstrable scientific, educational, recreational or aesthetic value.

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

"Subdivision" means subdivision, resubdivision, lot line change that creates new building lot(s), redesignation of land from parcel to building lot(s) or any other change that creates new building lot(s).

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

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

"Town" means the Town of Sherman, Fairfield County in the State of Connecticut.

"Upland Review Area" means land within 100 feet measured horizontally from the boundary of any wetland or watercourse area, additional areas defined under "Regulated Activity", or in any other non-wetland or non-watercourse area which is likely to impact or affect wetlands or watercourses.

"Waste" means sewage or any natural or man-made substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters 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 Section 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.

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 United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3INVENTORY OF INLAND WETLANDS AND WATERCOURSES

- The "Inland Wetlands and Watercourses Map, Sherman, Connecticut," delineates the general 3.1 location and boundaries of larger inland wetland areas and the general location of most watercourses. It is based on the Soil Survey of Fairfield County published by the Natural Resources Conservation Service of the United States Department of Agriculture. Those soils described as poorly drained, very poorly drained, alluvial or floodplain in this survey are designated wetlands. This map is available for inspection at the office of the Agency. Because of the scale of this map and the fact that it is basically a soils map, it may be difficult or impossible to determine exact soil boundaries in relation to property lines by reference to the map. In addition, watercourse areas, such as intermittent streams, often may not be shown because the map is based on soil types. Because of these limitations the map is advisory only. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of regulated soil types, and locations of watercourses. In determining the location of the boundaries of wetlands and watercourses, the Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations, testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals deemed acceptable to the Agency.
- 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 wetlands and watercourses in accordance with Section 15 of these regulations.
- When the Agency requires an accurate delineation of wetlands and watercourses, the Agency may require a permit applicant to first submit a petition for a change in the Sherman Inland Wetlands and Watercourses Map with documentation in accordance with Section 15 of these regulations.
- 3.4 The Agency shall maintain a current inventory of wetlands and watercourses within the town. The Agency may amend its map as more accurate information becomes available.
- 3.5 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

SECTION 4 PERMITTED USES AND NONREGULATED USES

- 4.1 **Permitted uses as of right**: 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 section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
 - b. a residential home (i) for which a building permit has been issued or (ii) on a subdivision lot approved by the Planning and Zoning Commission of the Town of Sherman as of September 14, 1973, provided the building permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as of right under this section shall document the validity of said right by providing a certified copy of the building permit and approved site plan showing proposed and existing topographic contours, house and well locations, septic systems, driveways, approval dates or other information to document his or her right hereunder.
 - c. boat anchorage or mooring, not to include dredging or dock construction.
 - d. uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
 - e. construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 through 22a-410 of the General Statutes.
 - f. maintenance relating to any drainage pipe which existed before September 14, 1973, 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.
- Nonregulated uses: The following operations and uses shall be permitted as a nonregulated use 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.

- b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing and cross-country skiing where otherwise legally permitted and regulated.
- c. routine maintenance of existing beach fronts where no more than twenty-four (24) cubic yards of coarse washed sand are proposed to be used and where the sand is proposed to be deposited to the water's edge.
- 4.3 All activities in the wetlands or watercourses involving filling, excavation, dredging, clear-cutting, grading and excavation 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 Schedule A (the Sherman Inland Wetlands and Watercourses Administrative Approval for Permitted and Nonregulated Activities form), 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 the 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

<u>ACTIVITIES REGULATED BY THE STATE</u>

- 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 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.
- 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 Section 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.

REGULATED ACTIVITIES REQUIRING A PERMIT SECTION 6

- No person shall conduct or maintain a regulated activity without first obtaining a permit for such 6.1 activity from the Sherman Inland Wetlands and Watercourses Commission.
- The Commission shall regulate any activity within wetlands and watercourses and the adjacent 6.2 upland review area and any use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses and the adjacent upland review area and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these regulations.
- Any person found to be conducting or maintaining a regulated activity without the prior 6.2 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

- The Statement of Intent Form (Appendix A) is required by the Town of Sherman for any type of 7.1 new construction including, but not limited to, a building, road, causeway, driveway, septic system, septic system repairs, culvert, bridge, dike, dam, channeling, ponds, etc., or any activity concerning removal or placement of material. This form is reviewed by all Commissions and Agencies of the town to determine if the proposed construction comes under their jurisdiction. The Commission or its designated agent will review the statement and shall inform the applicant whether an Application for Permit for the licensing of a regulated activity is required.
- 7.2 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 offices of the Sherman Inland Wetlands and Watercourses Commission.
- If an application to the Town of Sherman Planning and Zoning Commission for subdivision or 7.3 resubdivison of land or a lot line change which creates a new building lot involves land containing a wetland or watercourse, the applicant shall, in accordance with Sections 8-3(g), 8-3(c), 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 the Planning and Zoning Commission.
- The application shall contain such information as is necessary for a fair and informed 7.4 determination thereon by the Agency.
- The Agency and the applicant may hold a pre-application meeting to determine whether or not the 7.5 proposed application involves a significant impact activity.
- All applications shall include the following information in writing or on maps or drawings: 7.6

- a. the applicant's name, home and business 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, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
- c. the contractor(s)'s name, address and telephone number;
- d. the applicant's interest in the land;
- e. 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;
- f. 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;
- g. 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;
- h. 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;
- i. copy of the Health Department's approved plan for a subsurface sewage disposal system;
- j. if any part of a project is within the shaded area, or overlapping a lake, pond or wetland that has any shading, or upstream or downstream (by less than ½ mile) from a shaded area, as referenced on the Connecticut Natural Diversity Data Base Map dated 7/2000 or as amended, then the project may have a conflict with a species or natural community. In such an instance submission of the Connecticut Natural Diversity Data Base Review Form to DEP together with the response is a requirement of the applicant;
- k. names and addresses of adjacent property owners;
- 1. 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;
- m 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;
- n. 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;
- o. any other information the Agency deems necessary to the understanding of what the applicant is proposing; and
- 7.7 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:

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a. site plans for the proposed use or operation and the property that will be affected, which show existing and proposed conditions, wetland boundaries and watercourses, upland review area boundaries, land contours, existing stone walls, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses and other downstream areas, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed by the state, or by such other qualified person. The scale shall be of such size as to clearly show the proposed use or operation;

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 that field delineation along with the upland review area shall be depicted on the site plans. The Agency may require the applicant to furnish the Agency with a Mylar showing the wetlands delineation for the purpose of including the Mylar into the Town's wetland map by amendment;

d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these

communities and wetland functions;

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;

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

7.8 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.

- 7.9 An original and three copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Sherman Inland Wetlands and Watercourses Commission.
- 7.10 Should any person, persons or voluntary associations file a timely notice of intervention pursuant to Section 22a-19 of the Connecticut General Statutes, the applicant, at the applicant's expense, shall provide one copy of the application and any submitted data to the intervening party.

- 7.11 The completed application with the requested information shall be submitted at the office of the Agency with the appropriate fee as specified in the latest fee schedule. (Schedule F) No submittal will be considered complete without the fee. In addition, the Agency shall charge such amounts as it may from time to time determine to be required to defray the expenses incurred in the performance of its duties under the Act and these regulations. Also, as to any particular application, the Agency may charge an additional amount calculated by it to defray, among other things, the cost of any technical review deemed necessary by the Agency.
- 7.12 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 in 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.
- 7.13 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 from the date of original issuance.

SECTION 8

APPLICATION PROCEDURES

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Sherman.
- 8.2 The Agency shall, in accordance with Connecticut General Statues 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 located within 500 feet of the boundary of New Fairfield, New Milford, or Kent, Connecticut; Patterson, Pawling, or Dover, New York;
 - b. a significant portion of the traffic to the completed project on the site will use streets or roads within the adjoining municipality to enter or exit the site;
 - c. a significant portion of the sewer or water drainage from the project 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 (7) 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 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the land records of The Town of Sherman and with the Sherman Inland Wetland and Watercourses Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven (7) days after the date of the The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.
- The date of receipt of any application, petition, request or appeal shall be the day of the next 8.4 regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency, or thirty-five (35) days after such submission, whichever is sooner.

At any time during the review period: 8.5

- a. the Agency may require the applicant to submit additional information about the proposed activities. Depending on the information requested, the Agency will set a deadline for submission of the requested information.
- b. requests for additional information shall not stay the time limitations as set forth in Subsection 11.3 of these regulations.
- All applications shall be open for public inspection. 8.6
- Incomplete applications may be denied. 8.7

SECTION 9

PUBLIC HEARINGS

The Agency shall not hold a public hearing on an application unless the Agency determines that 9.1 the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five (25) persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Agency not later than fourteen (14) 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 not later than fourteen days after the date of receipt3 of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) calendar days, the first not more than fifteen (15) calendar days and not fewer than ten (10) calendar days, and the last not less than two (2) calendar 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. (In computing the time for the notice period, both terminal days are excluded; that is, the day of the hearing and day of the published notice cannot be counted as part of the official notice period.)
- 9.3 Notice of the public hearing shall be mailed to the owner(s) of record of adjacent properties no less than fifteen (15) calendar days prior to the day of the hearing, as well as posting a sign on the land that is the subject of the hearing. The applicant shall supply envelopes addressed to each owner of adjacent property with either sufficient postage for certified mail, return receipt requested, or a check or money order to cover the postage made payable to "Postmaster, Sherman, Connecticut."
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.4 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(s) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.
- 9.5 All documentary evidence provided by the applicant in support of the application shall be filed with the Agency and available for public inspection no less than ten (10) calendar days prior to the day of the hearing or any reconvening thereof.

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 Sherman:
 - 1. Conservation Commission
 - 2. Planning and Zoning Commission
 - 3. Building Inspector
 - 4. Health Officer
 - 5. Town Sanitarian
 - c. the Agency may also consider comments on any application from the Northwest Conservation District, Housatonic Valley Association, Candlewood Lake Authority, or other regional organizations, 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 agencies and commissions listed above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
 - e. for any application for which a public hearing is held, public comments, evidence and testimony.

- 10.2 It shall be the burden of the applicant to establish that the proposed regulated activities are consistent with the following general criteria and detailed parameters, whenever applicable;
- General Standards and Criteria for Decision. In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statues, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall consider all relevant facts and circumstances, including, but not limited to, the following:
 - a. the environmental impact of the proposed regulated activity, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
 - b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses:
 - c. the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed regulated activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;
 - d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose 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, including abutting or downstream property, which would be caused or threatened by the proposed regulated activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;
 - impacts of the proposed regulated activity on wetlands and 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;

10.4 Detailed Parameters.

In addition, the Agency may consider the following detailed parameters in making a decision:

The ability of the area in which the regulated activity occurs to continue to absorb, store, or purify water or to prevent flooding, and the projected effect on the water table and drainage patterns.

- b. The effect of any material to be removed or deposited on flood control, water supply and quality, and aquatic organisms.
- c. Increased erosion problems resulting from changes in grade, ground cover, or drainage features.
- d. The extent of additional siltation or leaching and its effect on water quality and aquatic life.
- e. The influence of toxic materials on water supplies, aquatic organisms or wildlife.
- f. Changes in the volume, velocity, temperature or course of a waterway and the resulting effects on plants, animals and aquatic life.
- g. Existing flood or stream channel encroachment lines, flood plain and stream belt zoning.
- h. Changes to the physical, chemical and biological properties of the water or soil and their impact.
- i. Importance of the area to the region with respect to water supply, water purification, flood control, natural habitat and recreation.
- j. Natural, historic or economic features that might be damaged, destroyed, rendered inaccessible or otherwise affected by the proposed activity.
- k. The existing or potential use of the area as a surface or ground water supply.
- 1. The extent to which the area serves as a recharge area or purifier of surface or ground waters.
- m. The function of the area as part of the natural drainage system for the watershed.
- n. The importance of the area as a natural wildlife feeding or breeding area.
- o. The existing and potential use of the area for recreational purposes.
- p. The existence of rare or unusual communities of flora and fauna.
- 10.5 In the case of an application that 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 10.3 and 10.4 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.6 In the case of an application that 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.
- 10.7 For the 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.
- 10.8 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.9 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. A conclusion that a feasible and

Sherman Inland Wetlands and Watercourses Regulations prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

SECTION 11

DECISION PROCESS AND PERMIT

- 11.1 The Agency shall take no action on an application or an amendment to an existing permit until fifteen (15) days after its receipt in order to comply with the requirements of Section 9.1 of these regulations.
- 11.2 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 buffering resources.
- 11.3 No later than sixty-five (65) calendar 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) calendar days of its commencement. Action shall be taken on applications within thirty-five (35) calendar days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) calendar 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 such 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 must either be withdrawn by the applicant or denied by the Agency.
- 11.4 The Agency shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.5 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) calendar days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its issuance or denial of the permit, to be published in a newspaper having general circulation in the Town of Sherman. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- 11.6 If an activity authorized by the inland wetland permit also involves an activity which requires zoning or subdivision approval, a special zoning permit, variance or special exception, under

18

Sherman Inland Wetlands and Watercourses Regulations
Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statues, a copy of the decision and report on the application shall be filed with the Town of Sherman Planning and Zoning

Commission within fifteen (15) calendar days of the date of the decision.

11.7 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 Statues shall be valid for five years provided that the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two years and not more than five years as specified on the permit. All permits shall expire upon the completion of the acts specified therein.

- 11.8 No permit shall be assigned, transferred, sublet or sold without the written permission of the Agency.
- 11.9 If a surety, bond, or insurance is required in accordance with Section 13 of these regulations, no permit shall be issued until such surety or insurance is provided.
- 11.10 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 Sherman, 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 property or activity.
 - c. if the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, septic permit, road permit, variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statues, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. the permittee shall employ construction management practices, consistent with the terms and conditions of the permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

e. a copy of the permit shall be posted and available onsite at all times.

f. work shall not begin until notification is made to the Town of Sherman Land Use Enforcement Officer 72 hours prior to anticipated commencement of work.

SECTION 12

ACTION BY DULY AUTHORIZED AGENT

12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend a permit for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statues. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.6 of these regulations and any other

- Sherman Inland Wetlands and Watercourses Regulations 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 agent may approve or extend such an activity at any time.
- 12.2 Any person receiving such approval from such agent shall, within ten (10) days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the Town of Sherman. Any person may appeal such decision of such agent to the Agency within fifteen (15) 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 (3) business days² after receipt by the 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

SURETY, BOND, AND INSURANCE

- 13.1 The Agency may require as a permit condition the filing of a bond or surety in an amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.

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 Subsection 10.3 and 10.4 of the 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.

²See Subsection 8.5

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:

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, watercourses, or the upland review area. The Agency may request that the individual be present 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 a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection b. of this section or other

enforcement proceedings as provided by law.

b. 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 (no published notice required) 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) calendar 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. The Agency shall publish notice of its decision in a newspaper having general circulation in Sherman. 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 Section 22a-44(b) of the General Statutes, as amended. The Agency may file a certificate of such order in the office of the Town Clerk and the Town Clerk shall record such certificate on the land records of the Town. Such certificate shall be released upon compliance with such order.

- 14.5 The Agency may suspend or revoke a permit if it finds that the applicant 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 suspending or revoking 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.
- 14.6 Any person who commits, takes part in, or assists in any violation of any provision of these Regulations shall be subject to the penalties and remedies provided in such Regulations and the Inland Wetlands and Watercourses Act and to such other penalties and remedies as the law may provide, including but not limited to, the penalties imposed by the Land Use Violation Ordinance of the Town of Sherman, Connecticut, as amended.

SECTION 15

AMENDMENTS

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Sherman 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.
- An application filed with the Agency which is in conformance with the applicable inland wetland 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 Sherman 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 (35) days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the regulations.
- 15.4 Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Sherman, Connecticut, shall contain at least the following information:
 - a. the petitioner's name, address and telephone number;
 - b. the address 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, Sherman, 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, address and telephone number of the: 1) owner(s) of such land and/or 2) agent or other representative of the owner(s);

b. the names and addresses of the owners of adjacent property;

- 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 substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen (15) days nor less than ten (10)days, and the last not less than two (2) days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the town clerk for public inspection at least ten (10) days before such hearing.
- The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of any 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.
- The Agency shall make its decision and state, in writing, the reasons why the change in the Inland 15.9 Wetlands and Watercourses Map was made.

APPEALS **SECTION 16**

- 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 provision which imposes the most stringent standards for the use of wetlands and watercourses 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 First Light (or their successor) or by law or regulation by the Town of Sherman, 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

EFFECTIVE DATE OF REGULATIONS

19.1 These regulations including the Sherman Inland Wetlands and Watercourses Map application forms, fee schedule, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Sherman.

Sherman Inland Wetlands and Watercourses Regulations STATEMENT OF INTENT FORM

<u>APPENDIX A</u>

erman, CT 06784 Statement of Intent Zoning Permit Application	
Statement of Intent	
Tourist I come tribbuserous	
Planning and Zonin	g Commission
Town of Sherman,	Connecticut
ntice to applicants; ils form must be completed for any activity on property, which I and disturbance. This form must be accompanied by a fee (eit syable to the Town of Sherman and a certified site plot plan (A- whing permits become void unless the permitted activity in initi- this permit does not constitute a building permit and should be formation may be required upon review of the application. Ple twe any questions, please call the Planning and Zoning Commi	ther in tash, on the joins of requires a plot plan. ated within one year after the date of issuance. Approval e issued by the building inspector. Also, further lass review the applicable regulations of the Town. If you
Please print clearly o	
ame of Property Owner(s) of record:	phone number:
lailing Address: xact Location (911 #): one: A B C D frontage: yes interground utilities on property: yes instance of proposed structure from nearest property line: instance of proposed structure from carter of traveled portion (Assessor's Map/Lot #:
one: A B Frontage:	feet Minimum Depth;feet
Inderground utilities on property: yes	no
istance of proposed structure from nearest property line: istance of proposed structure from center of traveled portion of the proposed Activity:	
istance of proposed structure from center of travelea pornon c	addition deck driveway
ype of Proposed Activity: uccessory buttering dwelling garage	e road septic system
other	
Vill this activity be located in a flood plain? yes	no
viti this activity be tolculed in a flood plant. Itate description, purpose, and size of the proposed activity and	i location on the property.
•	
CERTIFY THAT THE ABOVE IS CORRECT TO THE B	EST OF MY KNOWLEDGE.
signature of applicant(s) or agent date	signature of applicant(s) or agent date
remaining of opposition of	(()
name (print)	name (print)
street address (mailing address)	street address (mailing address)
phone number with area code	phone number with area code
For Commissio	n Use Only
Ent	Health Department Report
Fee	SIWWCC Report
	Soil Erosion and Sedimentation Control Plan
Commission hearing	
Driveway Permit	Other
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Driveway Permit Earth Materials Operation Application Received: Extension date: Permit granted/denied: Remarks: "A permit to construct foundation only, pending our receipt of Authorized Signature	Action deadline:
Driveway Permit Earth Materials Operation Application Received: Extension date: Permit granted/denied: Remarks: "A permit to construct foundation only, pending our receipt of Authorized Signature	Action deadline: Commission action: f a certified "as built" of foundation" date date



Connecticut Programmatic General Permit

Summary

The New England Diphsion of the U.s. Army Corps. of Engineers (Copps) developed the Connecticut Programmatic General Permit (CT PGP) to expedite the permitting process while maintaining adequate environmental protection.

The following activities are covered:

- work or structures in navigable waters (Section 10 of the Rivers and Harbors Act ed 1899).
 - * and discharge of dredged or fill materials in waters of the United States (Section 40% of the Clean Water Act).

Activities requiring a Corps Permit now fall into three categories as summarized below.

Category 1-Non-Reporting

Category I:projects, do not require notification to the Comps, so long as the project is also regulated by either the Churr (OLTS) or the Inland Water Resource Division. These typically have minimal impacts as follows:

- * wetland alterations up to 5,000 square feet;
- * bank stabilization projects up to 500 linear feet with less than 1 cubic yard of fill per linear foot of bank;
- * repair/maintenance of currently serviceable and previously authorized or grandfathered fills or structures; and * repair maintenance dredging up to 1,000
- * repair maintgnance dredging up to 1,000 cubic yards of material with upland disposal of dredged sediments.

For a full list of activities that qualify for Category 1, see the full text of the CT PGP. Also, please be aware that the Corps can require an Individual Permit for any project, if there are concerns for the aquatic environment or any other factor of the public interest. Also note that applicants are required to obtain all local and state approvals prior to work in wetlands or waterways.

Category 2 - Screening

Projects that exceed the threshold or terms of Category 1-Non-Reporting must submit an application for a case-by-case determination of chigibility under this PGP.

Category 2 applicants will follow the application filing procedures below:

Other Category 2 projects - Corps of Engineers FORM 4345 submitted to the Corps only.

The Corps will review this information for completeness to determine if the project is eligible under this PGP and if it is appropriate for screening with other resource agencies (Environmental Protection Agency, U.S. Fish and Wildlife, National Marine Fisheries, and CT DEP OLISP and Inland Water Resources Div). Based on this screening, the project will be:

- * approved as is, or with conditions to minimize impacts,
- * required to submit additional information under this PGP, or
- will be processed under the requirements for an Individual Permit.

Work cannot begin on a project submitted under Category 2 until a written determination is received from the Corps.

Category 3-Individual Permits

Individual Permits are categorically required for certain activities (see the CT PGP for listed activities) or it is determined through the screening process that the activity does not meet the terms and conditions of the CT PGP. These projects require submittal of an Individual Permit Application (U.S. Army Corps of Engineers Form 4345). Individual Water Quality Certifications and/or Coastal Zone Management Consistency Concurrence is required for these projects. It is suggested that applicants contact the Corps early in the design/planning or approval process to discuss a proposed project with the Corps staff to determine the the applicable PGP category for their proposed activity. For more information call the Corps toll free at I-800-343-4789.

¹ This General Permit is for complete projects. It cannot be used for piecemeal work that is part of a larger project

Sherman Inland Wetlands and Watercourses Regulations <u>DEP ACTIVITY REPORTING FORM</u>

APPENDIX C



CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION 79 Elm Street Hartford, CT 06106-5127 GIS CODE #: ______

Gina McCarthy, Commissioner

Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete and mail this form in accordance with the instructions. Please print or type.

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Connecticut General Statute section 1-1(q)

APPENDIX D

Connecticut General Statute section 1-1(q)

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, hoophouses 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 mollusks and shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

ADMINISTRATIVE APPROVAL FOR PERMITTED AND NONREGULATED ACTIVITIES
Date of Application:
Property Location
a. Reference code from Assessor's map:
b. Attach an 8 ½ X 11 location map with sufficient detail to allow precise location. Include road names, intersections, number from a telephone pole, direction of North and location of any watercourses.
Project Description and Purpose:
a. Attach a diagram, drawing or plot plan of sufficient scale and detail to portray proposed activity
Applicant Name: Address:
Daytime Phone:
Owner (if different from applicant) Name:
Address:
Daytime Phone:
Agent or Consultant (if any) Name: Address:
Daytime Phone:

1	1.	The proposed use or activity conforms to the following permitted uses outlined in Section 4.1 of Inland Wetlands and Watercourses Regulations for the Town of Sherman.
	П A.	Check the appropriate Section(s). Grazing, farming, nurseries, gardening, and harvesting of crops. Farm ponds of three acres or less essential to the farming operation.
	□в.	Construction of a residential home on a subdivision lot approved by the Planning and Zoning Commission as of September 14, 1973, provided that the building permit was obtained on or before July 1, 1987.
	\square C.	Boat anchorage or mooring, not to include dredging or dock construction.
	□ D.	Uses as defined in Section 4.1.d. as incidental to the enjoyment or maintenance of residential property. Such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the Town of Sherman.
•	□ E.	Construction or operation by water companies of dams etc, as defined in Section 4.1.e.
	□ F.	Maintenance relating to a drainage pipe existing before September 14, 1973.
2.	waterc	oposed use or activity will not disturb the natural or indigenous character of the wetland or ourse and conforms to one of the following nonregulated uses outlined in Section 4.2 of Wetlands and Watercourses Regulations for the Town of Sherman. Check the appropriate n(s).
	\square A.	Conservation of soil, vegetation, water, fish or wildlife as defined in Section 4.2a.
	\square B.	Outdoor recreation as defined in Section 4.2b.
	□ c.	Deposition of no more than twenty-four (24) cubic yards of coarse washed sand on the water's edge of existing beaches for the purpose of routine maintenance.
3.	The provided Waterc	oposed use or activity is not regulated pursuant to Section 6 of Inland Wetlands and ourses Regulations for the Town of Sherman. Check the appropriate Section(s).
	□ A.	The proposed activity or use of the property is not within wetlands and watercourses or the upland review area.
	□в.	The proposed activity of use is one which is the exclusive jurisdiction of a State or Federal Agency. (Provide documentation)
Ap	plicant's	Signature: Date:
Ap	proved b	y: authorized agent for the Sherman Inland
Wε	tlands ar	nd Watercourses Commission, on

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

APPLICATION FOR PERMIT

For Agence	cy Use Only		
Application Number: Date of Filing: Date of 1 st Regular Meeting after Filing:	Permit Number: Filing Fee: Date:		
Approved: Approved with Conditions: For Conditions see page two	Date:		
Denied: (see page 2)	age two) Date:		
Applicant Name: Home Address:	Agent (if applicable) Name: Home Address:		
Phone: Business Address:	Phone: Business Address:		
Phone:	Phone:		
Brief Description of the Proposed Activity:			
·			

P	ERMIT	APPI	ICA	TION	FORM	Л

ΕВ

PERMIT APPLICATION FORM			SCHEDUL
	For Agency Use		
Conditions or modifications:		•	
			•
	•		
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		,	
Reasons for approval or denial:			
	•		
•	·		-
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		,	
	•		
			;
			:
	-		

2009 Regulations.doc

PERMIT APPLICATION FORM

- 1. Property Ownership:
 - a. Applicant's interest in property (circle one):

Owner Developer Option Holder Other (describe)

- b. If applicant is not the owner give the name(s), address(es), and daytime phone number(s) of the owner(s).
- c. If the owner(s) is a partnership, corporation, limited liability company, or association, list the officers, partners, or principals.

- d. If the applicant is not the owner, attach a sheet giving the signed consent of the owner(s) to the proposed activity set forth in this application.
- 2. Location at which the activity is proposed:
 - a. Reference code from Tax Assessor's Map
 - b. Describe the location of the site or lot of the proposed activity. Sketch a location map in sufficient detail to allow precise location. Include road names, intersections, number from a telephone pole, direction of North and location of any water courses.

3. Names and mailing addresses of all adjoining property owners:

4. Describe the proposed activity, its purposes and intended use:

- a. Area of wetlands affected:
- b. Amount and type of materials to be removed:
- c. Amount and type of materials to be deposited:
- d. Structures and/or construction activities involved:
- e. Manner in which the work will be carried out (equipment to be used, anticipated sequence and timing of work):
- f. Anticipated time of construction:
- g. Attach additional sheets if needed:

5. Provide a site plan that shows the existing and proposed conditions in relation to wetlands and watercourses, including soil types, vegetation, and existing and proposed improvements. The scale shall be of such size as to permit clear understanding of what is proposed.

6. List the titles and latest revision dates of site plans, drawings, cross sections and any reports that are part of the application and are accompanying this form (An original and three copies of all written data are required).

7. Describe alternatives to this plan that were considered and why the proposal set forth in the application was chosen.

- 8. State whether the proposed activity requires subdivision or re-subdivision approval, a zoning permit or septic permit, a special permit or exemption from First Light or their successor (work below the 440 line of Candlewood Lake), the State of Connecticut, or the U.S. Army Corps of Engineers, or a variance from the Planning and Zoning Commission or Zoning Board of Appeals, as the case may be.
- 9. If this application is for a new building, include a copy of the Health Department's approved plan for a subsurface sewage disposal system. If it is for a Subdivision, include a copy of the Health Department's statement of feasibility for a subsurface sewage disposal system.

PERMIT APPLICATION FORM 10. Check whether any of the following circumstances applies:	SCHEDULE B
A portion of the property affected by the decision of the Agency is lo (500) feet of the boundary of an adjoining municipality.	cated within five hundred
A significant portion of the traffic to the completed project on the sit within the adjoining municipality to enter or exit the site.	e will use streets or roads
A significant portion of the sewer or water drainage from the project significantly impact the sewage or drainage system within the adjoin	site will flow through and ning municipality.
Water run-off from the improved site will impact streets, roads or or property within the adjoining municipality.	ther municipal or private
11. Submit a completed Connecticut Department of Environmental Prote Wetlands & Watercourses Activity Reporting Form." See Section 7.6.o.	ection "Statewide Inland and Appendix C.
12. Submit the completed DEP Connecticut Natural Diversity Data Base Reresponse. See Section 7.6.k for applicability.	view Form together with
13. Additional information, in support of the application:	
(Attach additional sheet if needed)	
14. As soon as known provide the name, address, and business phone of each will not be valid until this information is furnished. Notification by letter, p 6943) will satisfy this requirement.	contractor. The permit postal card, or FAX (355-
	. •
15. In the event the Agency determines that the application involves a signif defined in Section 2.1 of the regulations, the applicant will be required also as a part of the application.	icant impact activity as to complete Schedule C

- 16. > The undersigned applicant certifies that he/she is the owner or authorized agent of the owner of the property to which this application relates. I fully understand that this statement shall be relied upon by the Sherman Inland Wetland and Watercourses Commission and agree to furnish adequate evidence of my authority as part and parcel of the application process.
 - > Furthermore; the undersigned, as owner or authorized agent of the owner of the property, hereby consents to necessary and proper inspections of the above mentioned property by the Agency and agent of the Agency or consultants to the Agency, to inspect the property, at reasonable times, during the application process and during the life of a permit once a final decision has been issued.
 - > Furthermore; I certify that I have read and understand the United States Army Corps of Engineers Wetland Rules (see Appendix B).
 - > Making a false statement is a Class A misdemeanor. The undersigned hereby certifies that the information provided in this application including its supporting documentation is true and he/she is aware of the penalties provided in Section 53a-36 of the General Statutes for knowingly providing false or misleading information.

Signature of the Applicant

Date

MANDATORY PRE APPLICATION

FOR ALL LAND USE, HEALTH AND BUILDING APPLICATIONS

except for interior work in existing buildings and exterior work that does not expand or alter the footprint of an existing building.

Effective October 1, 2005 no Land Use, Health, or Building application for a permit may be filed until the holder(s) of any conservation restriction or preservation restriction on the subject property has been notified. Please see the attached legislation, Public Act No. # 05-124

Please provide the name of the property owner(s) and street address of the property for which one of the above applications will be submitted and complete either A or B below.

Prop	verty Owner(s):	<u>.</u>
Addı	ress of Permit Application:	·
A	 I hereby certify there are <u>NO</u> conservation easement preservation restrictions on the above referenced pre- 	ts or restrictions nor any operty.
	Signature of Property Owner:	Date:
	Signature of Property Owner:	Date:
B_{i}	. There <u>ARE</u> conservation easements or restrictions of on the above referenced property.	r preservation restrictions
	Name/Phone Number of Restriction Holder:	

Please attach one of the following:

- 1. Proof that the holder of the conservation or preservation restriction was notified by certified mail/return receipt requested of the property owner's intent to apply for a Land Use, Health, or Building permit in the Town of Sherman. OR
- 2. A letter from the conservation or preservation restriction holder verifying that the application is in compliance with the terms of the restriction.

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

APPLICATION FOR PERMIT SIGNIFICANT IMPACT ACTIVITY ADDENDA

- Provide site plans for the proposed use of the property. Plans must be stamped by a CT state licensed engineer, surveyor,
- Indicate boundary lines of wetland soil types and adjacent soil types. Show individual wetland flags on the map. Verify that wetland flags are still intact in the field. If they are not intact, re-flag the wetland boundary. Soils information should be shown on the map and signed by a Certified Soil Scientist.

Show on drawings: boundaries of intermittent and/or perennial watercourses, vernal pools, or other water bodies, regulated areas, upland review areas, and land ownership. Show watershed drainage areas.

- Indicate existing and proposed contours/elevations. The scale shall be of such size as to clearly show the proposed use or 4. operation.
- Show well locations. Show septic design details and specifications. Provide Sherman Health Department approval. 6.

Show 100-year flood elevation, existing stone walls, and 440 line (where applicable).

- Provide storm drainage design details and specifications. Show existing and proposed drainage calculations, including salt 7. 8. runoff.
- Calculate downstream watercourses impact. 9.
- 10. Provide a sedimentation and erosion control plan. Include location of all erosion controls and construction schedule. Include erosion control narrative, stabilization methods, seeding recommendations, and timing.

11. Provide a description of material to be removed or brought in, including type and quantity.

12. Describe the ecological communities, functions of the wetlands or watercourses involved, and the impact of the proposed activity (changes, diminishment, or enhancement).

Describe alternatives considered and why each was deemed neither feasible nor prudent.

14. Describe measures that would minimize the impact of the proposed activity. Such measures include, but are not limited to, plans or actions, (a) which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats; (b) which prevent flooding, degradation of water quality, erosion, sedimentation, and obstruction of drainage; or (c) which otherwise safeguard water resources.

Making a false statement is a Class A misdemeanor. The undersigned hereby certifies that the information provided in this application including its supporting documentation is true and the undersigned is aware of the penalties provided in Section 53a-36 of the General Statutes for knowingly providing false or misleading information.

Signature of the Applicant	Date
Signature of the Applicant	

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

APPLICATION TO EXTEND PERMIT EXPIRATION DATE

Permit number:	Expiration date of permit:	•
Date of extension application:	•	
(must be 65 days prior to	expiration date)	
Applicant		
Name:	•	•
Address:		
Daytime Phone:		
Owner (if different from applicar	nt)	
Name:		
Address:		
Daytime Phone:		,
Agent or Consultant (if any)		•
Name:		•
Address:		
Daytime Phone:		
State the reason why the authorize the permit:	d activities were not initiated or completed with	in the time specified in
Describe any changes in facts or ci the property for which the permit	rcumstances involved with or affecting wetland was issued:	ds or watercourses on
	Signature of the Applicar	nt Date

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

CONTRACTOR COMPLIANCE STATEMENT

	PERMIT No		
As the contractor engaged by Sherman Inland Wetlands and Wate comply with all the conditions ther	ercourses permit numberein.	form the activities de _ , I have read the pe	escribed in the ermit and will
Work will commence on or about	and will be co	ompleted within	months.
•	27	•	
	Name		
	Address		, F
	Telephone	-	
·.	Signature	-	
•	Date	-	
		•	

Mail To:

SIWWC P.O. Box 39 Sherman, CT 06784

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

FEE SCHEDULE

1.1 Fees

- a. Fees are set to cover the cost, including but not limited to the reasonable cost of reviewing and acting on applications or petitions, and monitoring compliance with any permit or Agency order.
- b. The Town of Sherman and the State of Connecticut shall be exempt from the payment of fees.
- c. If an activity has occurred prior to the submission of an application, the Agency may require a filing fee to cover costs including, but not limited to, field inspections, public hearings, and public notices.
- d. The Agency may require additional technical assistance in evaluating an application submitted or a modification to an application if it finds that the nature and intensity of the activity may constitute a significant impact activity or that the expertise required to review such application is outside that of the Agency. The expense of the additional technical assistance shall be estimated by the Agency, based on a preliminary estimate prepared by an outside consultant, and the estimated cost of reviewing the application times one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the Agency or its agent. Such deposit shall be made prior to review of the application, or at any time during the review process.

Upon completion of the technical review and final action by the Agency on the application, the Agency shall determine the costs incurred for the review and refund any excess monies to the applicant. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty percent (150%) of the Agency's estimate.

- e All fees required by this schedule shall be submitted to the Agency by check or money order payable to the Town of Sherman at the time the application is filed with the Agency.
- f. 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 Section 1.4 of this fee schedule.
- g. The application fee is not refundable.

·	
FEE SCHEDULE	CHEDULE F
1.2 Fee Schedule.	
Application fees shall be based on the following schedule:	
A. PERMITTED AND NONREGULATED USES - Section 4 of the regulations.	\$25.00
PERMITTED USES AS OF RIGHT (Section 4.1)	\$25.00 \$25.00
NONREGULATED USES (Section 4.2)	,
B. REGULATED USES - Section 6 of the regulations.	man 00 4 0
1. STATE OF CONNECTICUT APPLICATION FEE	
2.SUBDIVISIONS, RESUBDIVISIONS, LOT LINE CHANGES THAT CREATE BUILDING LOTS AND REDESIGNATION OF PARCELS TO BUILDING LOT Base Plus Plus for each regulated activity including, but not limited to, watercourse crossin diversion,	\$250.00 \$100.00/lot .gs, and water
a. Without an existing occupied building	
Construction or alteration within wetlands and watercourses and adjacent regulated activity zone including, but not limited to, watercourse crossings and water diversion	_
b. With an existing occupied building	
Construction or alteration within wetlands and watercourses and adjacent regulated activity zone including, but not limited to, watercourse crossings and water diversion	
4. NEW POND CONSTRUCTION \$400.00	
C. MAP AMENDMENT - Section 15	\$200.00
D. MODIFICATION OF PREVIOUS APPROVAL Section 7.12 and 7.13 of the regulations	\$100.00
E. EXTENSION OF PREVIOUS APPROVAL, without modifications Section 7.12 and 7.13 of the regulations	\$25.00
1.3 Additional Fees	
When applicable the following fees will be in addition to the fees specified in S fee schedule.	
A. SIGNIFICANT IMPACT ACTIVITY FEE - Section 7.6	\$500.00
B. ADDITIONAL COMPLIANCE INSPECTIONS	
Fee Schedule 1.1.c Violation	\$200.00
Plus for each 1.1.c inspection	\$200.00

1.4 Waiver.

The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee required by

FEE SCHEDULE F

Sections 1.2 and 1.3 of this fee schedule. 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:

- a. The activity for which application is made 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.

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

TOWN OF SHERMAN INLAND WETLANDS AND WATERCOURSES COMMISSION

APPLICATION FOR CHANGE TO THE WETLANDS AND WATERCOURSES MAP
Date of Application: Applicant Name: Address:
Daytime Phone:
Owner (if different from applicant) Name: Address:
Daytime Phone:
Agent or Consultant (if any) Name: Address:
Daytime Phone:
Property Location a. Reference code from Assessor's map:
b. Attach an 8½ X 11 location map with sufficient detail to allow precise location. Include road names, intersections, number from a telephone pole, direction of North and location of any watercourses.
State reason for application:
Proposed Change:
Provide a map, drawn by a licensed surveyor, professional engineer or architect registered in the State of Connecticut, showing the area to be amended. Show on the map the watercourses and the delineation of wetland soil types, consistent with the categories established by the National Cooperative Soil Survey of the Natural Resources Conservation Service of the United States Department of Agriculture, by a soil scientist. Include land contours and boundaries of land ownership. The scale shall be of such size as to clearly show the proposed amendment.
Signature of the Applicant Date

ATTACHMENT 5





HOMELAND TOWERS, LLC & NEW CINGULAR WIRELESS PCS, LLC (AT&T)

TECHNICAL REPORT TO THE TOWN OF SHERMAN PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY

16 COOTE HILL ROAD, SHERMAN, CONNECTICUT

NEW CINGULAR WIRELESS PCS, LLC 500 ENTERPRISE DRIVE ROCKY HILL, CT 06067 HOMELAND TOWERS, LLC 9 HARMONY STREET DANBURY, CT 06810

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Introduction

Homeland Towers, LLC ("Homeland Towers") and New Cingular Wireless PCS, LLC ("AT&T") respectfully submit this Technical Report to the Town of Sherman pursuant to Section 16-50/ of the Connecticut General Statutes. AT&T has coordinated with Homeland Towers in the search and development of various facilities in Connecticut for infrastructure to provide reliable wireless services, including one search ring in the southern portion of Sherman.

Over the last decade, AT&T has searched for and proposed numerous sites in Sherman, including potential tower locations within this search ring in the southern area of the Town. On June 12, 2013, AT&T submitted a Technical Report ("AT&T's 2013 Technical Report") to the Town proposing a wireless telecommunications tower facility on an approximately 19.87-acre parcel of land owned by Michael J. & Suzanne J. Berger (the "Owners") and located at 16 Coote Hill Road in the Town of Sherman (the "Parcel"). AT&T completed the municipal consultation process and had an intention to file a state application for a tower site on the Parcel. In 2014, AT&T made a business decision to simply defer the site and an application was not filed with the Siting Council at that time.

In the intervening time, Homeland Towers began its own independent investigation for sites and the potential for a new tower facility in this area of Sherman. Like AT&T before it, Homeland Towers identified the Parcel as a viable candidate and entered into a long-term ground lease with the Owners. Homeland plans to construct, own and operate a wireless telecommunications tower facility on the Parcel.

AT&T more recently took its site search ring in the southern area of Sherman off its deferred status to address the significant gap in service in the community and also as part of its FirstNet Initiative, a broadband network dedicated to America's police,

firefighters and emergency medical services ("EMS") as described in further detail in Section 1 of this report. Thereafter, AT&T entered into an agreement with Homeland Towers which includes a long-term lease for AT&T's use of the proposed tower facility to provide its services to the community.

The tower component as proposed is a 170' tall self-supporting monopole that will accommodate 2 municipal whip antennas extending an additional 20' above the top of the pole, bringing the total facility height to approximately 190' (the "Proposed Facility"). The monopole would be constructed for shared use by AT&T as well as other FCC licensed wireless carriers to provide reliable wireless services in this area of the Town of Sherman.

The purpose of this Technical Report is to provide the Town with information concerning the need for a new tower in this area of the State (Section 1), the site search history and selection process (Section 2), the facility design (Section 3), and current status of environmental assessments for the project including various information (Section 4) and a Visibility Analysis (Section 5). This information is provided for purposes of technical consultation with the Town and as provided for in Section 16-50/ of the Connecticut General Statutes.

SECTION 1

Statement of Public Need

The facility is needed by AT&T in conjunction with other existing and proposed facilities to provide reliable services to the public that are not currently provided in the southern portion of Sherman. The Proposed Facility is needed to address a significant coverage deficiency in AT&T's network along State Route 37 and State Route 39 and the neighboring residential and community use areas in Sherman. This substantial coverage deficiency was indicated in AT&T's 2013 Technical Report and still exists today. The Proposed Facility will provide reliable wireless communications services to these areas in the southern portion of the Town of Sherman. Due to terrain characteristics and the distance between the targeted coverage area and AT&T's existing sites, AT&T's options to provide service in this area are extremely limited.

In addition to providing reliable wireless services to the southern area of Sherman, AT&T will also provide FirstNet services. AT&T was selected by the First Responder Network Authority ("FirstNet") to build and manage the only broadband network dedicated to unifying emergency communications to give first responders the technology they need to communicate and collaborate across agencies and jurisdictions. Thus, rather than relying on commercial networks that can become congested in an emergency, the FirstNet system will allow immediate and dedicated access to a communications network by first responders.¹

The Town of Sherman has also recognized a substantial gap in emergency communications coverage and previously retained RCC Consultants, Inc ("RCC") to evaluate options to improve the Town's emergency communications system. In January 15, 2013, a Radio Communications System Analysis & Recommendation Report was prepared by RCC that confirmed a significant lack of reliable town-wide communications

¹ See http://about.att.com/sites/first net powered by att for more information about FirstNet.

coverage, particularly within the southern area of Sherman. The RCC report recommended the Town engage with cellular carriers to lease antenna space on proposed tower facilities in the south end of Sherman. In a presentation to the Town on January 24, 2013, RCC discussed the promising potential for the Town utilizing a future nationwide "4G" network for First Responders as a future solution. The Proposed Facility will support Town goals to improve emergency communications coverage by providing FirstNet services and accommodating 2 whip antennas for municipal emergency communications use.

Attached is a Radio Frequency Engineering Report with coverage plots depicting the "Current Coverage" provided by AT&T's existing facilities in this area of the state and "Proposed Coverage" as predicted from the proposed facility together with existing coverage from adjacent sites. Additional statistics regarding the overall area, population and roadway miles of expanded coverage in the community are included in the attached Radio Frequency Engineering Report. These materials demonstrate that the Proposed Facility is needed by AT&T to provide reliable services to the public as well as prioritized, preemptive wireless services for first responders that are not currently provided in this part of Sherman.

Radio Frequency Analysis Report

CT1341 16 Coote Hill Road, Sherman, CT



September 17, 2020



C Squared Systems, LLC 65 Dartmouth Drive, A3 Auburn, NH 03032 Phone: (603) 644-2800 Fax: (603) 644-2801 Support@csquaredsystems.com

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1. Overview

C Squared Systems was retained by New Cingular Wireless PCS, LLC ("AT&T") to evaluate the proposed wireless communications facility at 16 Coote Hill Road, Sherman, CT at 166 feet AGL, hereinafter referred to as "CT1341".

AT&T is licensed by the FCC to provide wireless communications services throughout the State of Connecticut including the Town of Sherman where the proposed facility would be located. The proposed facility has been selected as suitable for implementation of the National Public Safety Broadband Network ("NPSBN"), while also addressing a substantial gap in 4G LTE coverage for AT&T's network.

This report addresses AT&T's need for the proposed wireless facility and confirms that there are no other suitable existing structures that could address the coverage gaps in their wireless communications network.

The coverage analysis completed by C Squared Systems confirms: AT&T has a gap in reliable service in Sherman, and that Candidate "CT1341" provides AT&T with coverage in that service gap. Included as attachments in this report are coverage maps detailing the existing network and expected coverage from the proposed facility, pertinent site information, terrain and network layout maps.

2. Technology Advances & Design Evolution

AT&T provides digital voice and data services using 3rd Generation (3G) UMTS technology in the 800 MHz and 1900 MHz frequency band, and advanced 4th Generation (4G) services over LTE technology in the 700 MHz and 1900 MHz frequency bands as allocated by the FCC. These data networks are used by mobile devices for fast web browsing, media streaming, and other applications that require broadband connections. The mobile devices that benefit from these advanced data networks are not limited to basic handheld phones, but also include devices such as smartphones, PDA's, tablets, and laptop air-cards. 4G LTE services and devices have enabled AT&T customers to have even faster connections to people, information, and entertainment.

AT&T will also deploy FirstNet services from this facility. FirstNet is a federal agency with a mandate to create a nationwide, interoperable public safety broadband network for first responders. First responders across the country currently rely on more than 10,000 separate radio networks which oftentimes do not interoperate with one another. By deploying a nationwide broadband public safety network built specifically to meet the communications needs of first responders, the FirstNet network will provide a solution to the decades-long interoperability and communications challenges first responders have experienced, and which was highlighted by the 9/11 Commission's 2004 Final Report.

FirstNet selected AT&T to build, manage and operate the National Public Safety Broadband Network ("NPSBN") using FirstNet's Band 14 spectrum (Call Sign WQQE234, 20 MHz of the 700 MHz spectrum), together with AT&T's own wireless network. Using a combination of new and existing wireless facilities, AT&T provides prioritized, preemptive wireless services for first responders across Connecticut, New England and nationwide, while also improving 4G LTE coverage for AT&T customers.

It is important to note that with AT&T's migration from 3G to 4G services come changes in the base station infrastructure and resultant changes in the operating thresholds required by the LTE network. In the past, AT&T has presented receive signal thresholds of -74 dBm for their in-building coverage threshold and -82 dBm for their invehicle coverage threshold. Those thresholds were based on network requirements to support 2G/3G data speeds and past usage demand. Today, customers expect low latency and faster data speeds as evidenced by increasing data usage trends and customer demand.

AT&T's 4G LTE technology is designed to thresholds of -83 dBm and -93 dBm for their 700 MHz LTE and -86 dBm and -96 dBm for their 1900 MHz LTE.¹ The stronger thresholds (-83 dBm and -86 dBm) yield greater throughputs and improved customer experience. The -93 dBm and -96 dBm thresholds are the minimum acceptable levels required to meet customer expectations for 4G service.

3. Coverage Objective

There is a significant coverage deficiency in the existing AT&T wireless communications network along State Route 37 and State Route 39 and the neighboring residential and business/retail areas in Sherman, referred to herein as the "targeted area". A deficiency in coverage is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. Seamless reliable coverage provides users with the ability to successfully originate, receive, and maintain quality calls and data applications throughout a service area. Appropriate overlapping coverage is required for users to be able to move throughout the service area and reliably "hand-off" between cells to maintain uninterrupted connections.

AT&T is expanding and enhancing their 4G LTE high-speed wireless broadband services throughout New England by filling in existing coverage gaps and addressing capacity, interference, and high-speed broadband issues. In addition to improving 4G LTE coverage for AT&T customers, AT&T is also building, managing and operating the National Public Safety Broadband Network using FirstNet's 700 MHz Band 14 spectrum, in order to provide prioritized, preemptive wireless services for first responders across Connecticut, New England and nationwide.

Due to terrain characteristics and the distance between the targeted coverage area and the existing sites, AT&T's options to provide services in this area are quite limited (maps of the terrain in this area and the distance to neighboring AT&T sites from the proposed site are included as Attachments 1 & 2, respectively.). AT&T's network requires deployment of antennas throughout the area to be covered. These antennas are connected to receivers and transmitters that operate in a limited geographic area known as a "cell." AT&T's wireless network, including their wireless handsets and devices, operate by transmitting and receiving low power radio frequency signals to and from these cell sites. The signals are transferred to and from the landline telephone network and routed to their destinations by sophisticated electronic equipment. The size of the area served by each cell site is dependent on several factors, including the number of antennas used, the height at which the antennas are deployed, the topography of the land, vegetative cover and natural or man-made obstructions in the area. As customers move throughout the service area, the transmission from the portable devices is automatically transferred to the AT&T facility with the best connection to the device, without interruption in service provided that there is overlapping coverage from the cells.

In order to define the extent of the coverage gap to be filled, both propagation modeling and real-world drive testing has been conducted in the area of Sherman. Propagation modeling uses PC software to determine the network coverage based on the specific technical parameters of each site including, but not limited to, location, ground elevation, antenna models, antenna heights, and also databases of terrain and ground cover in the area. Drive testing consists of traveling along area roadways in a vehicle equipped with a sophisticated setup of test devices and receivers that collect a variety of network performance metrics. The data are then processed and mapped in conjunction with the propagation modeling to determine the coverage gaps.

C Squared Systems, LLC 2 September 17, 2020

¹ The threshold range differences between the 700 MHz and 1900 MHz frequency bands directly correlates to the type branch diversity receivers deployed in AT&T's receiver design.

Analysis of the propagation modeling and drive testing in Sherman reveal that AT&T's network is unreliable throughout much of the area due to gaps in coverage, and that there is a service deficiency as a result. In order to fill in these coverage gaps and improve the network reliability to Sherman, a new facility is needed in the area.

Included in this report are Attachments 1 through 5, which are explained below to help describe AT&T's 4G network deployment in and around Sherman, and the need for the proposed facility.

- Attachment 1: "CT1341 Area Terrain Map" details the terrain features around the area of deficient service being targeted by the proposed site in Sherman. These terrain features play a key role in determining site designs and dictating the unique coverage achieved from a given location. This map is included to provide a visual representation of the ridges and valleys that must be considered when siting a wireless facility. The darker green, blue and purple shades correspond to lower elevations, whereas the orange, red and white shades indicate higher elevations.
- Attachment 1: "CT1341 *Neighbor Site Data*" provides site specific information of existing neighboring sites used to perform the coverage analysis provided in Attachments 1 and 4.
- Attachment 3: "CT1341 Existing 700 MHz LTE Coverage" for the Current AT&T Network depicts 700 MHz LTE coverage from existing sites and demonstrates that there are currently gaps in 700 MHz LTE coverage effecting service within the targeted area. The coverage shown is where the signal strengths are: > -83 dBm (minimum level required reliable, high quality service and performance at 700 MHz) and, > -93 dBm (minimum required for adequate level of service at 700 MHz). In an effort to provide the required levels of coverage to these areas, AT&T is proposing to install a wireless facility at the Coote Road location.
- Attachment 4: "CT1341 Existing 700 MHz LTE Coverage with Proposed Site" shows how this proposed site would fill in the existing coverage gaps and improve AT&T's 700 MHz LTE network.
- Attachment 5: Connecticut DOT Average Annual Daily Traffic Data Sherman shows the available vehicular traffic volume data for the subject area from the Connecticut Department of Transportation. This data shows as many as 3,500 vehicles per day passing through State Route 39 and 2,800 vehicles per day passing through State Route 37 south of the proposed site.

C Squared Systems, LLC 3 September 17, 2020

Table 1 below lists the coverage statistics compiled for the AT&T's 700 MHz 4G LTE network with the deployment of the Proposed Site.

	Incremental Coverage from Proposed Site (700 MHz)						
Donalation 2	(≥ -83 dBm)	775					
Population: ²	(≥ -93 dBm)	1372					
D : D 3	(≥ -83 dBm)	55					
Business Pops: ³	(≥ -93 dBm)	93					
A (m. '2\.	(≥ -83 dBm)	2.55					
Area (mi²):	(≥ -93 dBm)	4.58					
	Main (-93 dBm):	5.2					
Roadway (mi):	Secondary (-93 dBm):	17.3					
	Total (-93 dBm):	22.5					

Table 1: Coverage Statistics

C Squared Systems, LLC 4 September 17, 2020

² Population figures are based upon 2010 US Census Block Data

³ Employee population counts are based upon the 2011 U.S. Census Bureau LEHD database.

4. Conclusion

AT&T has identified an area of deficient coverage affecting a significant portion of Sherman CT, including key traffic corridors through the residential and business/retail areas of the Town. Candidate "CT1341" will bring the needed fill-in coverage to significant portions of State Route 37 and State Route 39, and the residential neighborhoods and business/retail areas in the vicinity of the proposed location

No existing structures were identified and available that would be able to satisfy the coverage requirements needed for this area.

As discussed in this report and depicted in the attached plots, the proposed interim AT&T site will provide a substantial portion of the coverage being lost to the "Target Area" while maintaining effective connectivity to the rest of AT&T's existing network. In addition to providing improved LTE service to AT&T's customers to throughout the targeted areas of Sherman, AT&T is providing enhanced services for first responders through the implementation of FirstNet's National Public Safety Broadband Network ("NPSBN").

5. Statement of Certification

I certify to the best of my knowledge that the statements in this report are true and accurate.

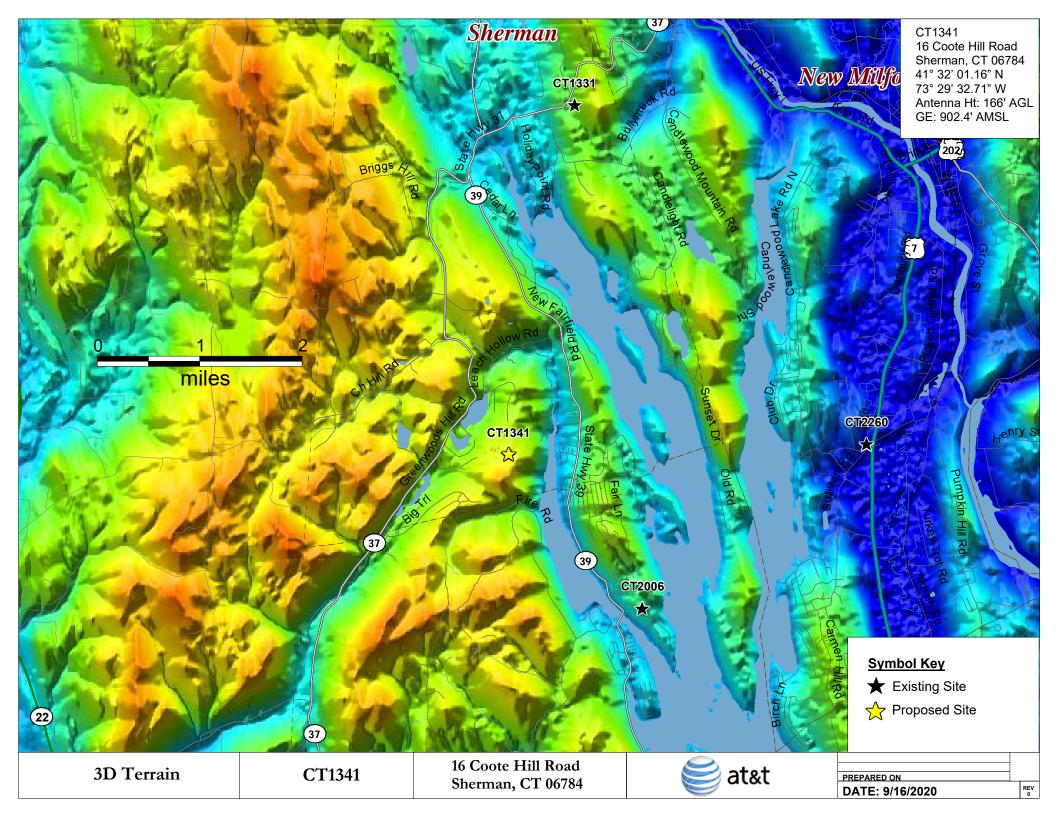
September 17, 2020

Martin J. Lavin

C Squared Systems, LLC

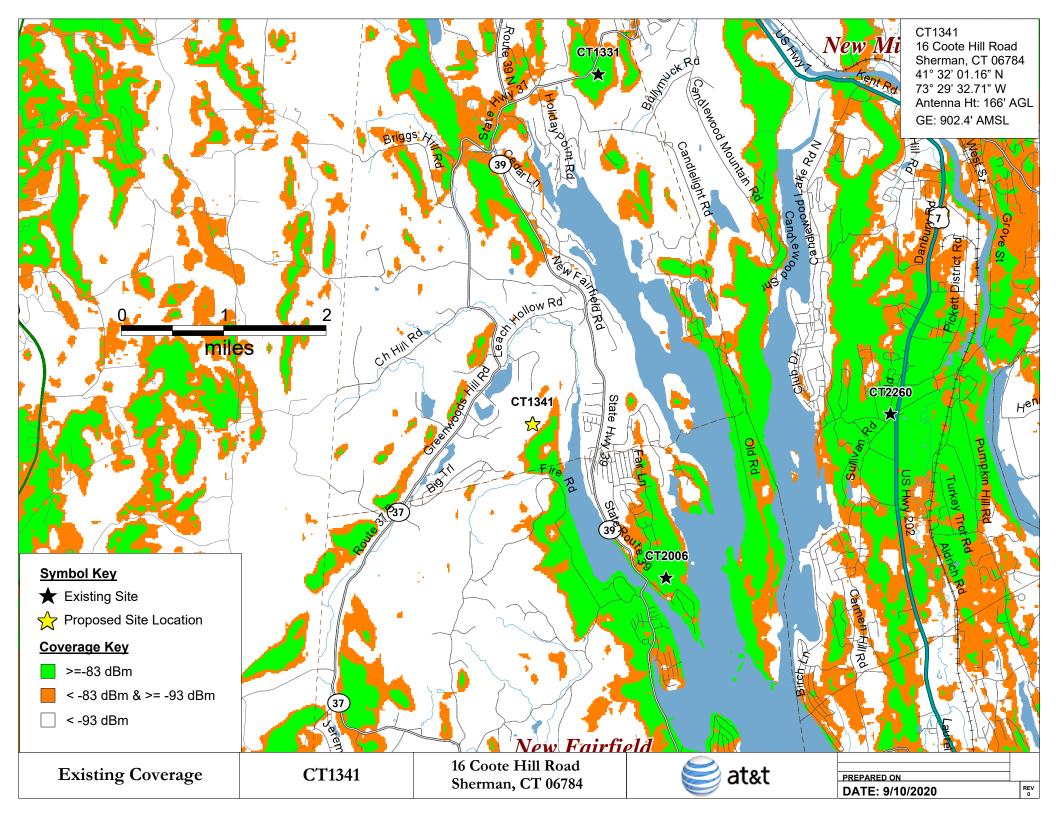
Mark & Land

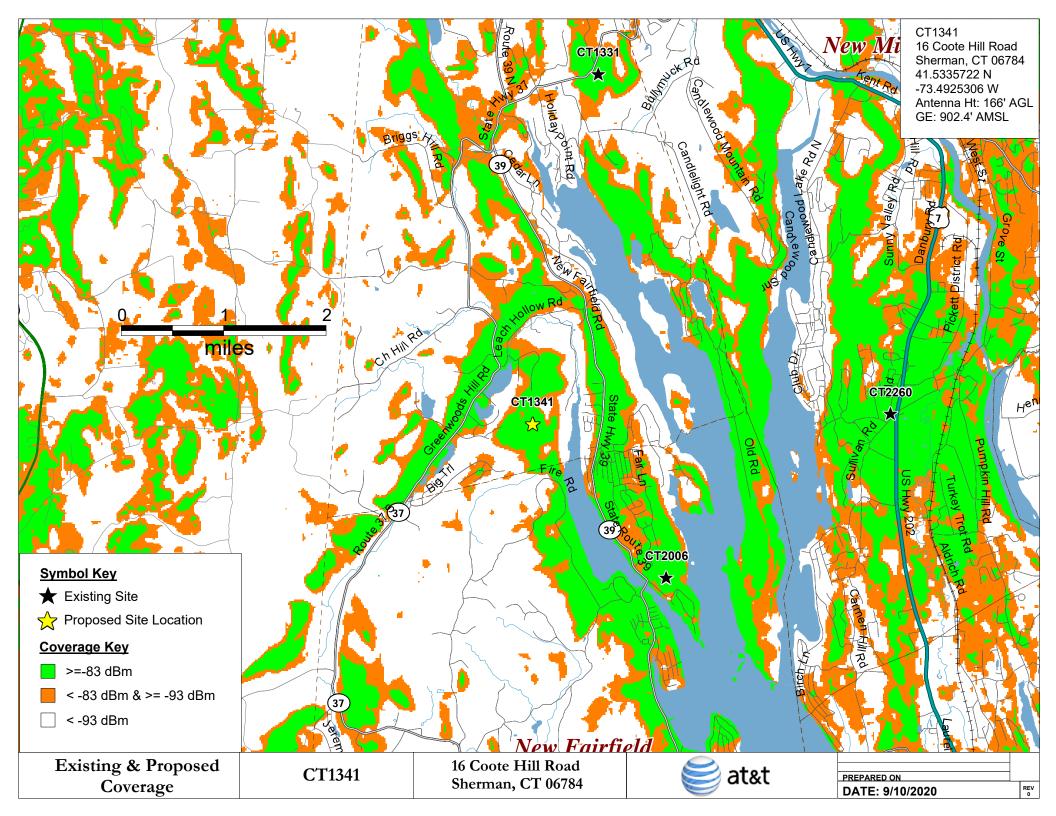
Date

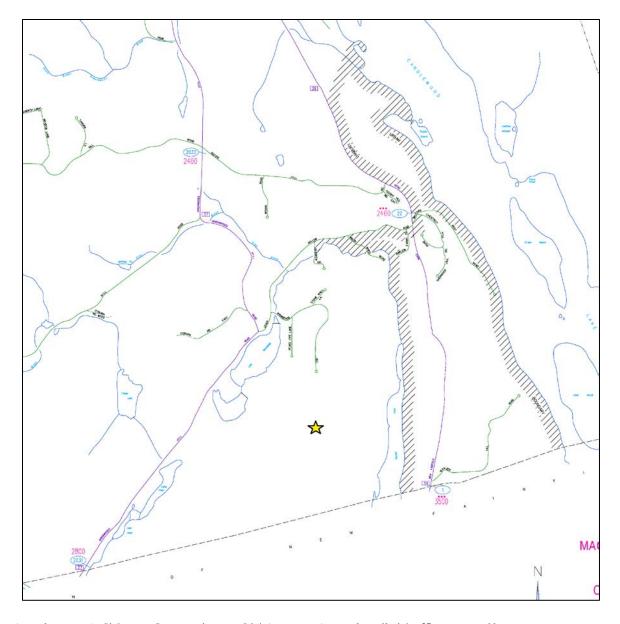


Site Name	Address	City/State	Location		Antenna Height (ft AGL)	Ground Elevation (feet)
			Latitude	Longitude	` ,	` ′
CT1252	111 Second Hill Road	Bridgewater	41.5550	-73.3709	156	908
CT1331	32 Ct Route 37 East	Sherman	41.5833	-73.4800	72	738
CT1684	25 Garland Road	Patterson	41.4833	-73.5349	122	634
CT2001	33 Boardman Road	New Milford	41.5994	-73.4375	120	564
CT2006	29 Bogus Hill Road	New Fairfield	41.5118	-73.4672	140	619
CT2155	4 Elkington Farm Road	New Milford	41.5909	-73.4086	154	478
CT2260	100 Old Town Park Road	New Milford	41.5351	-73.4249	175	254
CT2400	89 Wewaka Brook Road	Bridgewater	41.5087	-73.3544	166	583
NW2813	2680 Route 22	Patterson	41.4899	-73.5746	129	795
UN4388	124 Penny Rd	Pawling	41.5845	-73.6345	126	921

Attachment 2: CT1341 Neighbor Site Data







Attachment 5: CT1341 Connecticut DOT Average Annual Daily Traffic Data – Sherman

SECTION 2

Homeland Towers

Site Search Summary

In general, a "site search area" is developed to initiate a site selection process in an area where a need for service has been identified. The site search area is a general location where the installation of a wireless facility would address an identified need while still allowing for orderly integration of the site into a network such as AT&T's, based on the engineering criteria hand-off, frequency reuse and interference. In any site search area, AT&T seeks to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time ensuring the quality of service provided by the site to users of its network.

The candidate identification process for both AT&T and Homeland includes reviewing the applicable zoning ordinance to identify areas within which the proposed use might be preferred. Viable candidates may consist of existing structures of sufficient height from which an antenna installation can provide sufficient coverage, or lacking such a structure, parcels located within the narrowly defined search area upon which a tower may be constructed to a sufficient height. In order to be viable, particularly in more rural areas, a candidate must provide adequate coverage to the significant gap in AT&T's network.

In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that are consistent with local zoning ordinances, or in the event no viable candidates are determined to be located within such areas, to identify other potentially suitable locations based on state criteria. In the case of this particular site search area in the southern portion of Sherman, no tall, non-tower structures were located within the identified area of need that were available for leasing. The area consists of

undulating terrain, densely wooded areas and has coverage objectives on both sides of peak elevations in the search ring

Properties Investigated by AT&T and Homeland Towers

As previously discussed in the Introduction of this Technical Report, AT&T sought to address the significant coverage gap in its network in the southern area of Sherman and developed a site search area that investigated at least thirty-one (31) potential sites, including the Candidate Site. This prior AT&T site search concluded that the Candidate Site was the only viable location for the Proposed Facility, even after completion of the municipal consultation process. We refer the Town to Section 3 the 2013 AT&T Technical Report for a complete list of the 31 sites investigated in 2013 and with references back to approximately 2009 when AT&T had secured property at 32 Leach Hollow Road as a site candidate which received objections prior to a technical report ever being filed with the Town.

In early 2015, Homeland Towers began its Site Search within the southern area of Sherman, independent of AT&T's prior site investigation. Homeland Towers investigated forty-two (42) different sites, including the Candidate Site, within and near this area for construction of a new facility. In addition to the sites previously evaluated by AT&T, Homeland Towers investigated upwards of twenty or more additional locations.

Only 9 of the 42 sites that Homeland Towers investigated had land owners that expressed potential interest in leasing to Homeland Towers, including the Candidate Site. Upon review of these 9 sites by AT&T's radio frequency engineer, 7 were determined to be insufficient and did not provide the necessary coverage and therefore were disqualified technically for the siting of a tower facility. One site was rejected due to the presence of very extensive wetlands throughout the property.

Homeland Towers has had comprehensive communications with Naromi Land Trust ("NLT") regarding the possibility of leasing any of the 7 parcels owned by NLT identified in the Site Search. Those discussions with NLT are iterative of AT&T's discussions dating back years now. After several meetings and numerous discussions, Naromi Board Members voted not to enter into a lease with Homeland Towers for any Naromi property.

AT&T and Homeland Towers' extensive independent site search investigations, spanning over a decade, identify the Candidate Site as the only viable location for construction of a new wireless telecommunications facility. The 42 sites Homeland Towers investigated are set forth below with a map depicting the approximate location of the sites investigated.

1. 16 Coote Hill Road, Sherman, CT

Map/Lot: 51/28

Owner: Michael J. and Suzanne J. Berger Zoning District: Farm Residence Zone

Parcel Size: 19.79 acres

Lat/Long: 41°32'01.16"N/73°29'32.71"W

Ground Elevation: 902.4' +/-

This property is the Candidate Site.

2. 130 Route 37 South, Sherman, CT

Map/Lot: 7/14 Owner: Ann Price

Zoning District: Farm Residence Zone

Parcel Size: 12 acres

Lat/Long: 41°32'37.07"N/ 73°30'2.00"W

Ground Elevation: 822' +/-

Owner responded to proposal and stated verbally that they were not interested in leasing to Homeland Towers.

3. <u>126 RT 37 South, Sherman, CT</u>

Map/Lot: 7/15

Owner: Gail Hubbard

Zoning District: Farm Residence Zone

Parcel Size: 6.47 acres

Lat/Long: 41°32'40.08"N/ 73°30'2.91"W

Ground Elevation: 880' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

4. 18 Colburn Road East, Sherman, CT

Map/Lot: 7/9

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 4.5 acres

Lat/Long: 41°32'28.07"N/73°30'20.39"W

Ground Elevation: 997' +/-

Homeland Towers had walked this parcel with members from NLT. After further meetings and discussions, the Naromi Board Members voted to not enter into a lease with Homeland Towers on any of Naromi's properties.

5. 3 Chapel Road, Sherman, CT

Map/Lot: 7/42

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 6.54 acres

Lat/Long: 41°32'52.05"N/ 73°30'25.81"W

Ground Elevation: 972'+/-

After meetings and many discussions with NLT, the Board Members ultimately voted to not enter into a lease with Homeland Towers on any of Naromi's properties.

6. 1 Chapel Road, Sherman, CT

Map/Lot: 7/43

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 6.96 acres

Lat/Long: 41°32'56.81"N/73°30'10.75"W

Ground Elevation: 941'+/-

After meetings and many discussions with NLT, the Board Members ultimately voted to not enter into a lease with Homeland Towers on any of Naromi's properties.

7. 118 Route 37 South, Sherman, CT

Map/Lot: 7/44

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 10.54 acres

Lat/Long: 41°32'50.98"N/ 73°29'59.23"W

Ground Elevation: 912' +/-

After meetings and many discussions with NLT, the Board Members ultimately voted to not enter into a lease with Homeland Towers on any of Naromi's properties.

8. 26 Wagon Wheel Road, Sherman, CT

Map/Lot: 57/10

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 10.47 acres

Lat/Long: 41°32'35.73"N/ 73°29'18.88"W

Ground Elevation: 835' +/-

Homeland Towers had walked this parcel with members from NLT. With no access available from Mauweehoo Road, access into the parcel is extremely difficult due to steep slopes that are approximately 20%. After further meetings and discussions, the Naromi Board Members voted to not enter into a lease with Homeland Towers on any of Naromi's properties. In addition, this parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

9. 28 Wagon Wheel Road, Sherman, CT

Map/Lot: 57/11

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 13.87 acres

Lat/Long: 41°32'33.28"N/73°29'17.61"W

Ground Elevation: 806° +/-

Homeland Towers had walked this parcel with members from NLT. With no access available from Mauweehoo Road, access into the parcel is extremely difficult due to steep slopes that are approximately 20%. After further meetings and discussions, the Naromi Board Members voted to not enter into a lease with Homeland Towers on any of Naromi's properties. In addition, this parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

10. 0 Cozier Hill Road, Sherman, CT

Map/Lot: 9/32

Owner: Naromi Land Trust

Zoning District: Farm Residence Zone

Parcel Size: 45.57 acres

Lat/Long: 41°33'23.29"N/ 73°29'56.86"W

Ground Elevation: 1044' +/-

Homeland Towers had walked this parcel with members from NLT and completed visuals for a proposed stealth silo at this site. After further meetings and discussions, the Naromi Board Members voted to not enter into a lease with Homeland Towers on any of Naromi's properties.

11. 7 Old Stone Lane, Sherman, CT

Map/Lot: 7/38

Owner: Chapel Hill Properties LLC Zoning District: Farm Residence Zone

Parcel Size: 10.6 acres

Lat/Long: 41°32'44.95"N/73°30'9.06"W

Ground Elevation: 989' +/-

The owner responded to Homeland and expressed potential interest. After visiting the site with the owner, Homeland Towers decided to not move forward with a lease since the owner had requested that a bridge be engineered and constructed into the property in order to provide access to a proposed housing subdivision. In addition, the owner did not wish to proceed with a lease over concerns of selling housing lots.

12. <u>0 Cozier Hill Road, Sherman, CT</u>

Map/Lot: 9/53

Owner: Cozier Woods Property Owners Zoning District: Farm Residence Zone

Parcel Size: 35.52 acres

Lat/Long: 41°33'13.11"N/73°30'4.88"W

Ground Elevation: 928' +/-

Owner responded to proposal and stated verbally that they were not interested in leasing to Homeland Towers.

13. 0 Route 37 South, Sherman, CT

Map/Lot: 9/54

Owner: Charles Emery Taylor and Virginia Neel

Zoning District: Farm Residence Zone

Parcel Size: 5 acres

Lat/Long: 41°33'10.60"N/ 73°30'12.81"W

Ground Elevation: 884' +/-

The owner responded to Homeland and expressed potential interest. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

14. 0 Route 37 South, Sherman, CT

Map/Lot: 9/75

Owner: Charles Emery Taylor and Virginia Neel

Zoning District: Farm Residence Zone

Parcel Size: 15.21 acres

Lat/Long: 41°33'1.96"N/ 73°30'12.68"W

Ground Elevation: 885' +/-

The owner responded to Homeland and expressed potential interest. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

15. 0 Cozier Hill Road, Sherman, CT

Map/Lot: 9/34

Owner: Suzanne Hatfield

Zoning District: Farm Residence Zone

Parcel Size: 33.16 acres

Lat/Long: 41°33'23.33"N/73°29'50.39"W

Ground Elevation: 991' +/-

The owner did not respond to proposals sent to them by certified and regular mail from Homeland Towers.

16. 23 Cozier Hill Road, Sherman, CT

Map/Lot: 9/35

Owner: Suzanne Hatfield

Zoning District: Farm Residence Zone

Parcel Size: 62.79 acres

Lat/Long: 41°33'18.93"N/ 73°29'36.72"W

Ground Elevation: 1048' +/-

The owner did not respond to proposals sent to them by certified and regular mail from Homeland Towers.

17. 15 Cozier Hill Road, Sherman, CT

Map/Lot: 9/33

Owner: Janienne and Patrick Hackett Zoning District: Farm Residence Zone

Parcel Size: 8.08 acres

Lat/Long: 41°33'21.07"N/ 73°29'48.98"W

Ground Elevation: 996' +/-

The owner did not respond to proposals sent to them by certified mail from Homeland Towers.

18. 0 Mauweehoo Road, Sherman, CT

Map/Lot: 46/18

Owner: Ivan Kavrukov

Zoning District: Farm Residence Zone

Parcel Size: 5 acres

Lat/Long: 41°31'59.51"N/ 73°29'27.75"W

Ground Elevation: 960' +/-

The owner did not respond to proposals sent to them by certified and regular mail from Homeland Towers.

19. 37 Mauweehoo Road, Sherman, CT

Map/Lot: 51/16

Owner: Ivan Kavrukov

Zoning District: Farm Residence Zone

Parcel Size: 20.43 acres

Lat/Long: 41°32'10.72"N/ 73°29'32.18"W

Ground Elevation: 845' +/-

The owner did not respond to proposals sent to them by certified and regular mail from Homeland Towers.

20. 0 Mauweehoo Road, Sherman, CT

Map/Lot: 47/52

Owner: Ivan Kavrukov

Zoning District: Farm Residence Zone

Parcel Size: 21.64 acres

Lat/Long: 41°32'4.29"N/73°29'24.90"W

Ground Elevation: 875' +/-

The owner did not respond to proposals sent to them by certified and regular mail from Homeland Towers.

21. 8 Coote Hill Road, Sherman, CT

Map/Lot: 51/25

Owner: Nancy Gage Manderville Zoning District: Farm Residence Zone

Parcel Size: 30.7 acres

Lat/Long: 41°31'58.40"N/73°29'36.29"W

Ground Elevation: 925' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

22. 0 Mauweehoo Road, Sherman, CT

Map/Lot: 56/26

Owner: Mauweehoo Property Owners Zoning District: Farm Residence Zone

Parcel Size: 5.07 acres

Lat/Long: 41°32'30.05"N/ 73°29'33.99"W

Ground Elevation: 819' +/-

The owners responded that they were not interested in leasing to Homeland Towers. In addition, this parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

23. 0 Wagon Wheel Road, Sherman, CT

Map/Lot: 47/51

Owner: Craig Nelson

Zoning District: Farm Residence Zone

Parcel Size: 5.4 acres

Lat/Long: 41°32'7.48"N/73°29'8.91"W

Ground Elevation: 540' +/-

The owner responded to Homeland and expressed potential interest. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as the ground elevation is too low and it did not provide adequate coverage to the intended area.

24. 104 Route 37 South, Sherman, CT

Map/Lot: 9/61

Owner: Joseph and Ann Chiaramonte Zoning District: Farm Residence Zone

Parcel Size: 2.05 acres

Lat/Long: 41°33'6.58"N/73°30'20.74"W

Ground Elevation: 900' +/-

The owner responded to a proposal sent to them by certified mail from Homeland Towers. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

25. 0 Wakeman Hill Road, Sherman, CT

Map/Lot: 8/22

Edward and Rosemary Cook

Zoning District: Farm Residence Zone

Parcel Size: 116.95 acres

Lat/Long: 41°33'39.08"N/73°31'9.65"W

Ground Elevation: 1098' +/-

The owner responded to Homeland and expressed potential interest. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

26. 1 Woods Road, Sherman, CT

Map/Lot: 9/43

Owner: Allen and Barbara Flood Zoning District: Farm Residence Zone

Parcel Size: 2.68 acres

Lat/Long: 41°33'11.09"N/73°29'49.35"W

Ground Elevation: 1014' +/-

The owner did not respond to proposals sent to them by certified mail from Homeland Towers.

27. 16 Cozier Hill Road, Sherman, CT

Map/Lot: 9/41

Owner: Allen and Barbara Flood Zoning District: Farm Residence Zone

Parcel Size: 10.7 acres

Lat/Long: 41°33'9.25"N/73°29'45.55"W

Ground Elevation: 1037' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

28. 0 Route 37 South, Sherman, CT

Map/Lot: 9/9

Owner: Foley, Linkletter and Zinn Zoning District: Farm Residence Zone

Parcel Size: 11.7 acres

Lat/Long: 41°33'14.28"N/73°30'16.54"W

Ground Elevation: 877' +/-

The owner responded to Homeland and expressed potential interest. Upon further review of the parcel, it was determined that due to the extensive presence of wetlands a facility could not be constructed.

29. 98 Route 37 South, Sherman, CT

Map/Lot: 9/7

Owner: George and Roberta Linkletter Zoning District: Farm Residence Zone

Parcel Size: 21 acres

Lat/Long: 41°33'6.68"N/ 73°30'38.24"W

Ground Elevation: 1034' +/-

The owner did not respond to proposals sent to them by certified mail from Homeland Towers.

30. 4 Nutmeg Lane, Sherman, CT

Map/Lot: 7/22

Owner: Stephen Grossnickle

Zoning District: Farm Residence Zone

Parcel Size: 14.18 acres

Lat/Long: 41°32'36.52"N/ 73°30'24.86"W

Ground Elevation: 1111' +/-

The owner did not respond to proposals sent to them by certified mail from Homeland Towers.

31. Wagon Wheel Road, Sherman, CT

Map/Lot: 52/11

Owner: Squantz LLC and Wagon Wheel Road LLC

Zoning District: Farm Residence Zone

Parcel Size: 55.85 acres

Lat/Long: 41°32'14.74"N/ 73°29'7.55"W

Ground Elevation: 546' +/-

The owner responded to Homeland and expressed potential interest. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as the ground elevation is too low and it did not provide adequate coverage to the intended area.

32. 20 Coburn Road East, Sherman, CT

Map/Lot: 7/8

Owner: Hope Miller and Andrew Engel Zoning District: Farm Residence Zone

Parcel Size: 5 acres

Lat/Long: 41°32'30.13"N/ 73°30'25.64"W

Ground Elevation: 997' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

33. 57 Wakeman Hill Road, Sherman, CT

Map/Lot: 8/47

Owner: Connecticut Audubon Society Zoning District: Farm Residence Zone

Parcel Size: 168.99 acres

Lat/Long: 41°33'8.85"N/73°31'10.95"W

Ground Elevation: 1141' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

34. 5 Woods Road, Sherman, CT

Map/Lot: 9/45

Owner: Dennis and Ruth Byrnes Zoning District: Farm Residence Zone

Parcel Size: 5.47 acres

Lat/Long: 41°33'5.71"N/ 73°29'44.96"W

Ground Elevation: 999' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

35. 21 Mauweehoo Road, Sherman, CT

Map/Lot: 57/3

Owner: Kenneth Ward- Smith

Zoning District: Farm Residence Zone

Parcel Size: 44.3 acres

Lat/Long: 41°32'27.10"N/ 73°29'20.82"W

Ground Elevation: 781' +/-

The owner responded via email to Homeland Towers stating that they were not interested in leasing to Homeland Towers.

36. 35 Mauweehoo Road, Sherman, CT

Map/Lot: 51/13 Owner: Millie Loeb

Zoning District: Farm Residence Zone

Parcel Size: 3.14 acres

Lat/Long: 41°32'15.08"N/ 73°29'25.46"W

Ground Elevation: 800' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

37. 29 Mauweehoo Road, Sherman, CT

Map/Lot: 56/23

Owner: Martha Carlucci

Zoning District: Farm Residence Zone

Parcel Size: 4.97 acres

Lat/Long: 41°32'22.40"N/ 73°29'26.44"W

Ground Elevation: 839' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

38. 33 Mauweehoo Road, Sherman, CT

Map/Lot: 51/12

Owner: Mark and Ann Townsend Zoning District: Farm Residence Zone

Parcel Size: 4.07 acres

Lat/Long: 41°32'18.48"N/73°29'25.01"W

Ground Elevation: 820' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

39. 31 Mauweehoo Road, Sherman, CT

Map/Lot: 51/11

Owner: Warren and Amy Willet

Zoning District: Farm Residence Zone

Parcel Size: 2.98 acres

Lat/Long: 41°32'19.53"N/ 73°29'27.18"W

Ground Elevation: 831' +/-

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

40. Long Meadow Trail, Sherman, CT

Map/Lot: 46-17

Owner: Timber Trails Associates Zoning District: Residence Zone

Parcel Size: 94 acres

Lat/Long: 41°31'58.38"N/ 73°29'47.61"W

Ground Elevation: 934' +/-

The owner showed initial interest in leasing to Homeland Towers but was unwilling to move forward with a lease due to concerns of visual impact and aesthetics of the tower.

41. 2-4 Memory Lane, Sherman, CT

Map/Lot: 3/3

Owner: Pepper Jones

Zoning District: Farm Residence Zone

Parcel Size: 11.75 acres

Lat/Long: 41°32'22.03"N/ 73°30'11.96"W

Ground Elevation: 862' +/-

The owner expressed initial interest in leasing to Homeland Towers. This parcel was reviewed by the AT&T Radio Frequency Engineer and was rejected as it did not provide adequate coverage to the intended area.

42. 60 Leach Hollow Road, Sherman, CT

Map/Lot: 61/5

Owner: Ernie and Carolina Fernandez Zoning District: Farm Residence Zone

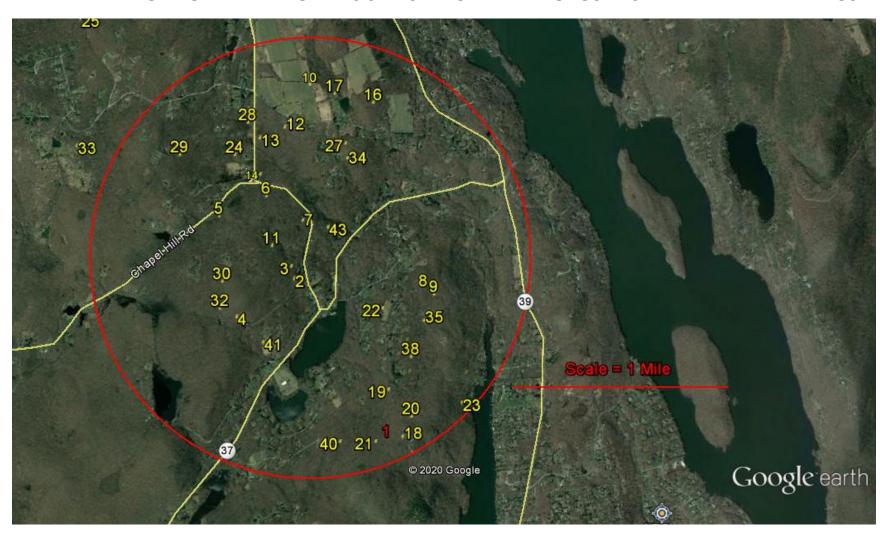
Parcel Size: 14.2 acres

Lat/Long: 41°32'49.31"N/73°29'51.22"W

Ground Elevation: 770' +/-

The owner reached out and expressed potential interest in leasing to Homeland Towers. Upon further discussions with owner they decided not to move forward due to their personal concerns regarding radio frequency emissions.

CT009 – SHERMAN II
AERIAL MAP OF HOMELAND TOWERS SITE SEARCH AND PROPOSED SITE WITH 1 MILE RADIUS



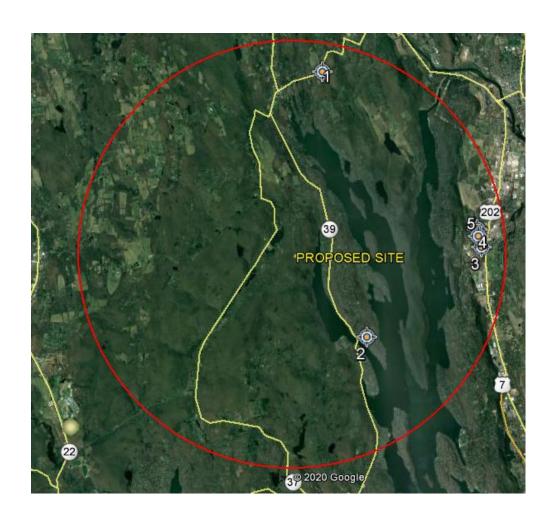
EXISTING FACILITIES WITHIN 4 MILE RADIUS

There is (1) communication tower, (3) power mounts and (1) stealth silo located within approximately 4 miles of the proposed site in Sherman. Each location is depicted on the following map, numbered in the order appearing on the list below. Not one of the existing facilities does currently, or could, provide adequate coverage to the area of Sherman. The facilities listed below that are currently being used by AT&T provide service outside of the area targeted for service by the proposed Sherman Facility.

No.	OWNER/ OPERATOR	TOWER/CELL SITE LOCATION	STRUCTURE HEIGHT/TYPE	AT&T OPERATING	COORDINATES
1.	Gorman/	32 Route 37 East, Sherman, CT	74'/Silo	YES	Lat.: 41°35'1.81"N
2.	Garlasco SBA	29 Bogus Hill Road, New Fairfield,	130'/Monopole	YES	Long.:73°28'49.08"W Lat.: 41°30'42.61"N
		CT			Long.: 73°28'1.95"W
3.	CL&P	5 Old Town Park Road, New	160'/ Power	YES	Lat.: 41°32'6.46"N
		Milford, CT	Mount		Long.:73°25'29.46"W
4.	CL&P	18 Hilltop View Lane, New Milford,	130'/Power	No	Lat.: 41°32'17.32"N
		СТ	Mount		Long.:73°25'33.10"W
5.	CL&P	Hilltop View Lane, New Milford, CT	130'/Power	No	Lat.: 41°32'23.96"N
			Mount		Long.:73°25'34.28"W

^{*}Site information obtained from Connecticut Siting Council database (Comprehensive List of Sites)

EXISTING SITE MAP WITHIN 4 MILE RADIUS



SECTION 3

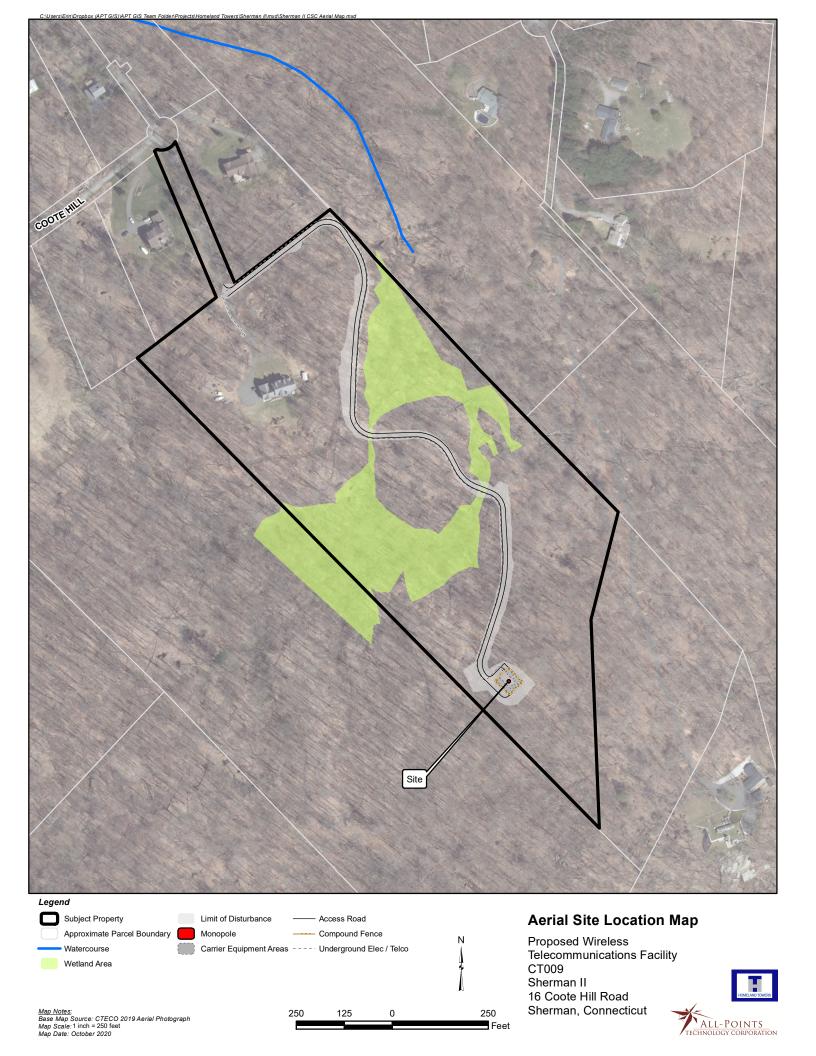
General Facility Description

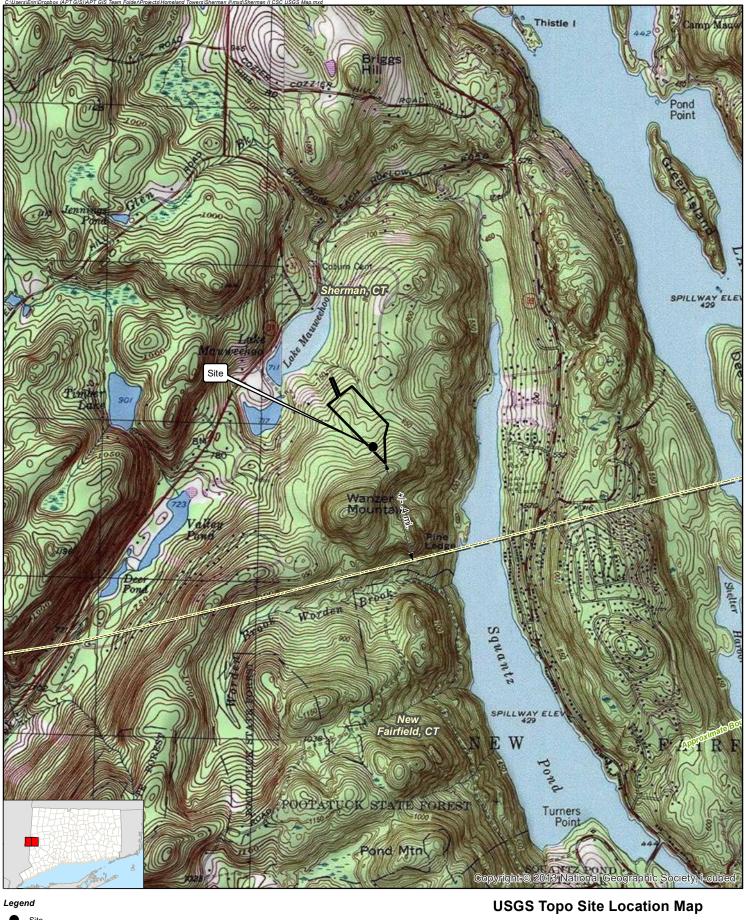
16 Coote Hill Road, Sherman, Connecticut Tax/PIN Identification: Map: 51 Lot: 28

19.87 Acre Parcel

The proposed tower site is located on a wooden portion of an approximately 19.87-acre parcel located at 16 Coote Hill Road owned by Michael J. & Suzanne J. Berger. It is classified in the Zone A: Farm Residence Zoning District and is improved with a single-family home and paved driveway, located in the northeastern portion of the parcel. The proposed telecommunications facility includes an approximately 5,625 s.f. lease area located in the southeastern section of the host parcel. The facility consists of a new self-supporting monopole that is approximately 170' in height with 2 municipal whip antennas extending an additional 20' above the top of the pole, bringing the total height to approximately 190'. AT&T would initially install six (6) panel antennas and related equipment at a centerline height of 166' above grade level (AGL). The tower would be designed for future shared use of the structure by other FCC licensed wireless carriers. AT&T's walk-in equipment cabinet would be installed on a concrete pad within the 50' x 53' fenced tower compound area at the base of the monopole. AT&T would also install an emergency backup power generator on a concrete pad within the equipment compound.

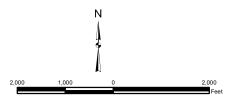
The tower compound would consist of a 2,650 s.f. area to accommodate AT&T's equipment and provide for future shared use of the facility by other carriers. The tower compound would be enclosed by an 8' high chain link fence. Vehicle access to the facility would be provided from Coote Hill Road over the existing paved driveway, a distance of approximately 460', then along a new 12' wide gravel access drive approximately 1,900' to the tower compound. Utility connections would be routed underground along the proposed access drive from an existing transformer and telco box along the existing paved driveway on the parcel.







Map Notes:
Base Map Source: USGS 7.5 Minute Topographic
Quadrangle Map, New Milford, CT (1984) and Pawiling, CT (1998)
Map Scale: 1:24,000
Map Date: October 2020



Proposed Wireless
Telecommunications Facility
CT009
Sherman II
16 Coote Hill Road
Sherman, Connecticut







SITE EVALUATION REPORT Sherman II CT009

I. LOCATION

A. <u>COORDINATES</u>: 41° 32' 01.16" N 73° 29' 32.71" W

B. GROUND ELEVATION: 902.4'± AMSL

C. USGS MAP: USGS 7.5 quadrangle for New Milford

D. <u>SITE ADDRESS:</u> 16 Coote Hill Rd. Sherman, CT 06784

E. <u>ZONING WITHIN ¼ MILE OF SITE:</u> Abutting areas to the north and east are zoned Zone A – Farm Residence Zone. Areas to the south are zoned Zone B – Residence Zone. Areas to the west are zoned Zone A – Farm Residence Zone and Zone B – Residence Zone.

II. <u>DESCRIPTION</u>

A. <u>SITE SIZE:</u> 19.87048 Ac (Vol 99 - Page 444)

LEASE AREA/COMPOUND AREA: 5,625 SF/2,650 SF

- B. <u>TOWER TYPE/HEIGHT:</u> A 170' Monopole.
- C. <u>SITE TOPOGRAPHY AND SURFACE:</u> Wooded portion of residential property. Site slopes and decreases in elevation from southeast to northwest.
- D. <u>SURROUNDING TERRAIN, VEGETATION, WETLANDS, OR</u>
 <u>WATER:</u> The proposed compound is located in the southern corner of a 19.87± acre residential parcel in a wooded area. To the north, south, east and west are residential properties. There are wetlands located on property.
- E. <u>LAND USE WITHIN ¼ MILE OF SITE:</u> Residential properties to the north, south, east and west.

III. FACILITIES

- A. <u>POWER COMPANY:</u> Eversource
- B. <u>POWER PROXIMITY TO SITE:</u> 2,050'±
- C. TELEPHONE COMPANY: Frontier
- D. PHONE SERVICE PROXIMITY: 2,050'±
- E. <u>VEHICLE ACCESS TO SITE:</u> Access to the proposed telecommunication facility will be along existing paved driveway (approx. 460'±) to a proposed gravel access driveway (approx. 1,900'±)
- F. OBSTRUCTION: (2) Wetland Crossings (Permanent wetland impacts: 290± sf & 775± sf)
- G. <u>CLEARING AND FILL REQUIRED</u>: Total area of disturbance is 70,000± sf. (1.6± ac.); 124 trees will need to be removed. The site improvements shall entail approximately 1,060 CY of cut for utility trenching and 1,675 CY of excavation and 433 CY of fill for the construction of the compound and access driveway. Approximately 106 CY of broken stone is needed for the compound and driveway construction.

IV. LEGAL

- A. PURCHASE [] LEASE [X]
- B. OWNER: MICHAEL J. & SUZANNE J. BERGER
- C. ADDRESS: 16 Coote Hill Road, Sherman, CT 06784
- D. DEED ON FILE AT: Volume 99 Page 444

FAA I-A SURVEY CERTIFICATION

Applicant:

Homeland Towers, LLC

9 Harmony Street, 2nd Floor

Danbury, CT 06810

Site Name:

Sherman II

Site Address: Map 51 Lot 28

16 Coote Hill Road Sherman, CT 06784

Source of Coordinates:

X GPS Survey Ground Survey

Vertical Datum:

NAVD 1988 (AMSL) X GPS Survey

Ground Survey

Structure Type:

X New Tower

Existing Tower

Roof Top

Water Tank

Smoke Stack

Other

Latitude:

(NAD 83) 41-32-01.16

Longitude:

(NAD 83) 73-29-32.71

Ground Elevation:

AMSL Elevation (in feet) 902.4'

Top of Tower:

AMSL Elevation (in feet) 1072.4'

Certification:

I certify that the latitude of 41-32-01.16 and the longitude of 73-29-32.71 are accurate to within + 15 feet horizontally, and that the ground elevation of 902.4' AMSL is accurate to within + 3 feet vertically. With a structure height of 170' AGL, the overall height will be 1072.4' AMSL. The horizontal datum (coordinates) are in the terms of the North American Datum of 1983 (NAD 83) and are expressed in degrees, minutes,

seconds to the nearest hundredth of a second.

The vertical datum (heights) are in terms of the North American Vertical Datum of 1988 and are determined to the

nearest 1/10 of a foot.

Company:

Langan CT, Inc.

Surveyor Signature/Seal:

Andrew G. Ives, P.L.S. #70286

Date: September 4, 2020



FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People



Antenna Structure Registration

FCC > WTB > ASR > Online Systems > TOWAIR

FCC Site Map

TOWAIR Determination Results







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

*** NOTICE ***

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

DETERMINATION Results

PASS SLOPE(50:1): NO FAA REQ-RWY 10499 MTRS OR LESS & 4469.89 MTRS (4.4699) KM **AWAY**

Туре	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-33-56.00N	073-27-35.00W	CANDLELIGHT FARMS	LITCHFIELD NEW MILFORD, CT	197.8	883.8999999999998

PASS SLOPE(25:1): NO FAA REQ-HELIPORT 4611.92 MTRS (4.61190 KM) AWAY

Туре	C/R	Latitude	Longitude	Name	Address	Elevation (m)	Runway Length (m)
HELI	С	41-34-4.00N	073-27-38.00W	CANDLELIGHT	LITCHFIELD NEW MILFORD, CT	205.7	15.199999999999999

Your Specifications

NAD83 Coordinates

Latitude	41-32-01.2 north	
Longitude	073-29-32.7 west	
Measurements (Meters)		
Overall Structure Height (AGL)	51.8	
Support Structure Height (AGL)	51.8	
Site Elevation (AMSL)	274.9	

Structure Type

1 of 2 9/9/2020, 1:01 PM MTOWER - Monopole

Tower Construction Notifications

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

ASR Help ASR License Glossary - FAQ - Online Help - Documentation - Technical Support

ASR Online
Systems

TOWAIR- CORES - ASR Online Filing - Application Search - Registration Search

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FCC | Wireless | ULS | CORES Help | Tech Support

Federal Communications Commission 445 12th Street SW Washington, DC 20554

Phone: 1-877-480-3201 TTY: 1-717-338-2824 <u>Submit Help Request</u>

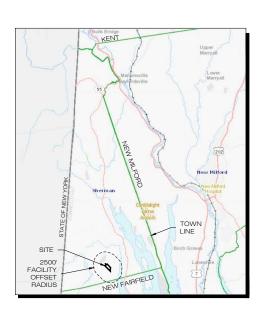
2 of 2



HOMELAND TOWERS, LLC

WIRELESS TELECOMMUNICATIONS FACILITY

SHERMAN II **16 COOTE HILL ROAD** SHERMAN, CT 06784





MUNICIPAL NOTIFICATION LIMIT MAP

DRAWING INDEX

T-1 TITLE SHEET & INDEX

VB101 BOUNDARY & TOPOGRAPHIC SURVEY

SP-1 SITE PLAN & ABUTTER MAP

SP-2 PARTIAL SITE PLAN

CP-1 COMPOUND PLAN & ELEVATION

C-1 AT&T EQUIPMENT PLAN & DETAILS

C-2 SITE DETAILS

C-3 EROSION CONTROL DETAILS

SITE INFORMATION

SHERMAN, CT 06784

PROJECT DESCRIPTION: RAWLAND SITE W/ GROUND EQUIPMENT

COMPOUND W/ PROPOSED 170'± AGL

DANBURY, CT 06810

DEVELOPER CONTACT: RAY VERGATI

(203) 297-6345

(860) 663-1697 x206

LONGITUDE: 73° 29' 32.71" W

PROJECT LOCATION: 16 COOTE HILL ROAD

WITHIN 2.650 SETELECOMMUNICATIONS

GALVANIZED MONOPOLE

PROPERTY DEVELOPER: HOMELAND TOWERS, LLC

9 HARMONY STREET 2ND FLOOR

ENGINEER CONTACT: ROBERT C. BURNS, P.E.

LATITUDE: 41° 32' 01.16" N ELEVATION: 902.4'± AMSL

MAP: 51 LOT: 28

ZONE: ZONE A : FARM RESIDENCE

SHERMAN II

DESIGN PROFESSIONALS OF RECORD

SUITE 311 WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC

ADDRESS: 9 HARMONY STREET 2ND FLOOR DANBURY, CT 06810

PROF: ROBERT C. BURNS P.E. COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C. ADD: 567 VAUXHALL STREET EXT.

HOMELAND TOWERS, LLC DANBURY, CT 06810

340 MOUNT KEMBLE AVENUE

'ALL-POINTS

PERMITTING DOCUMENTS

1 10/01/20 CLIENT COMMENTS: RCE

O DATE REVISION 0 09/28/20 FOR REVIEW: RCB

SITE 16 COOTE HILL ROAD ADDRESS: SHERMAN, CT 06784

DATE: 09/28/20 DRAWN BY: ELZ

CHECKED BY: RCE

SHEET TITLE:

TITLE SHEET & INDEX

SHEET NUMBER:

T-1

OWNER

MICHAEL J. & SUZANNE J. BERGER 16 COOTE HILL ROAD SHERMAN, CT 06784

APPLICANTS

(203) 297-6345

HOMELAND TOWERS, LLC 340 MOUNT KEMBLE AVE. 9 HARMONY STREET 2ND FLOOR MORRISTOWN, NJ 07960 DANBURY, CT 06810 RAY VERGATI

HOMELAND PROJECT ATTORNEY:

CUDDY & FEDER, LLP 445 HAMILTON AVENUE 14TH FLOOR WHITE PLAINS, NY 10601 (914) 761-1300

POWER PROVIDER: EVERSOURCE: (800) 286-2000

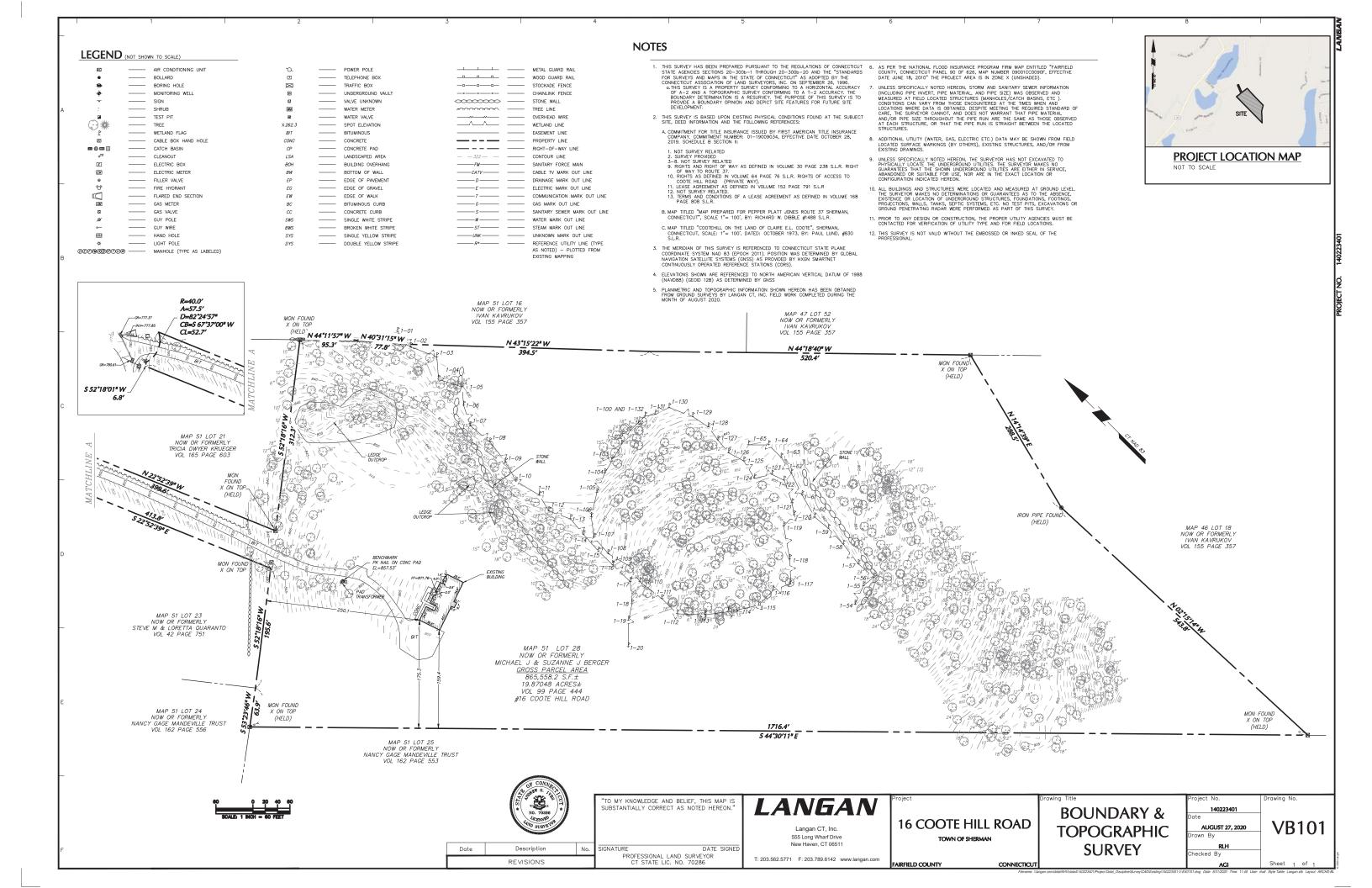
TELCO PROVIDER: FRONTIER (800) 921-8102

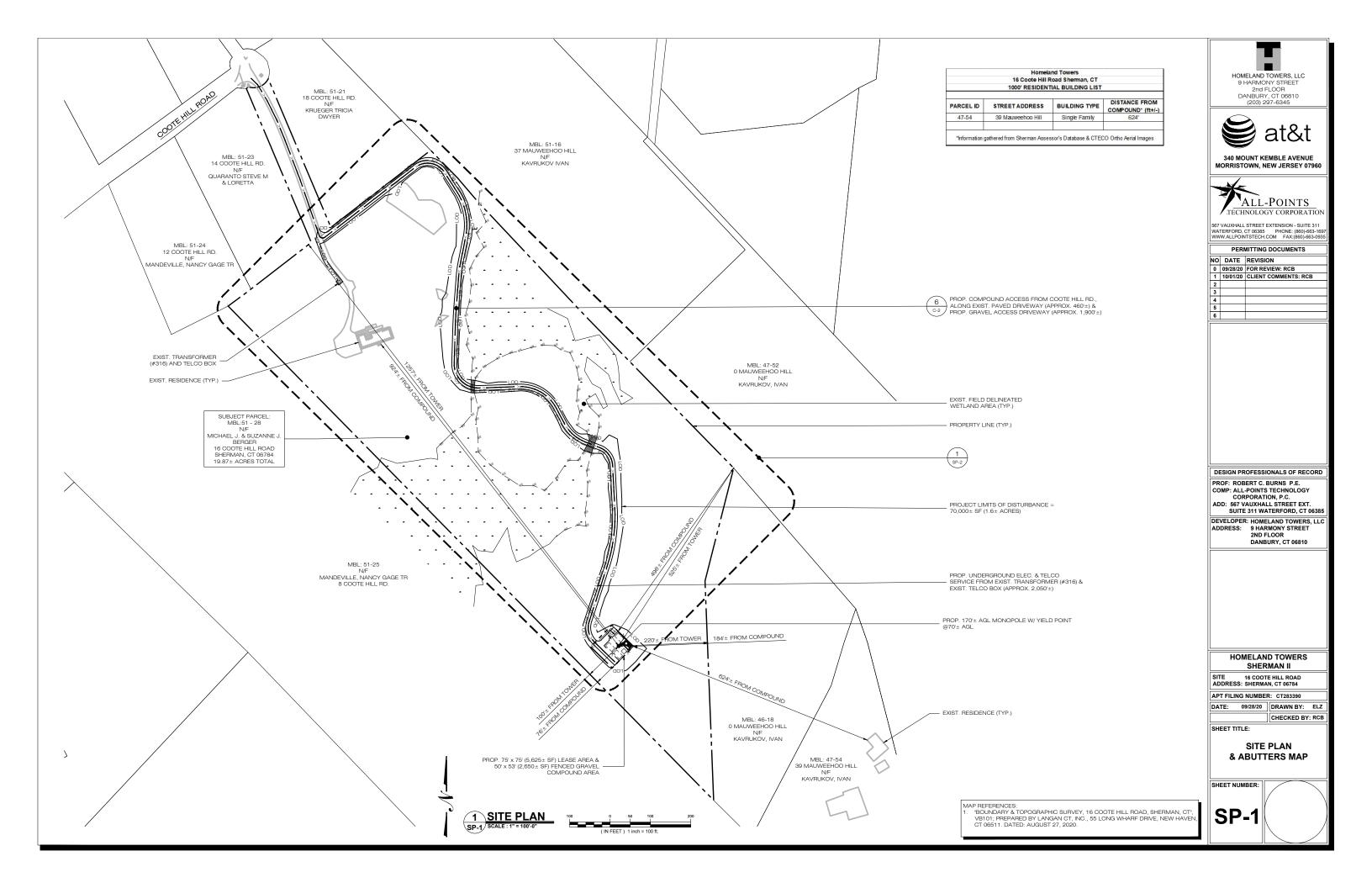
(800) 922-4455

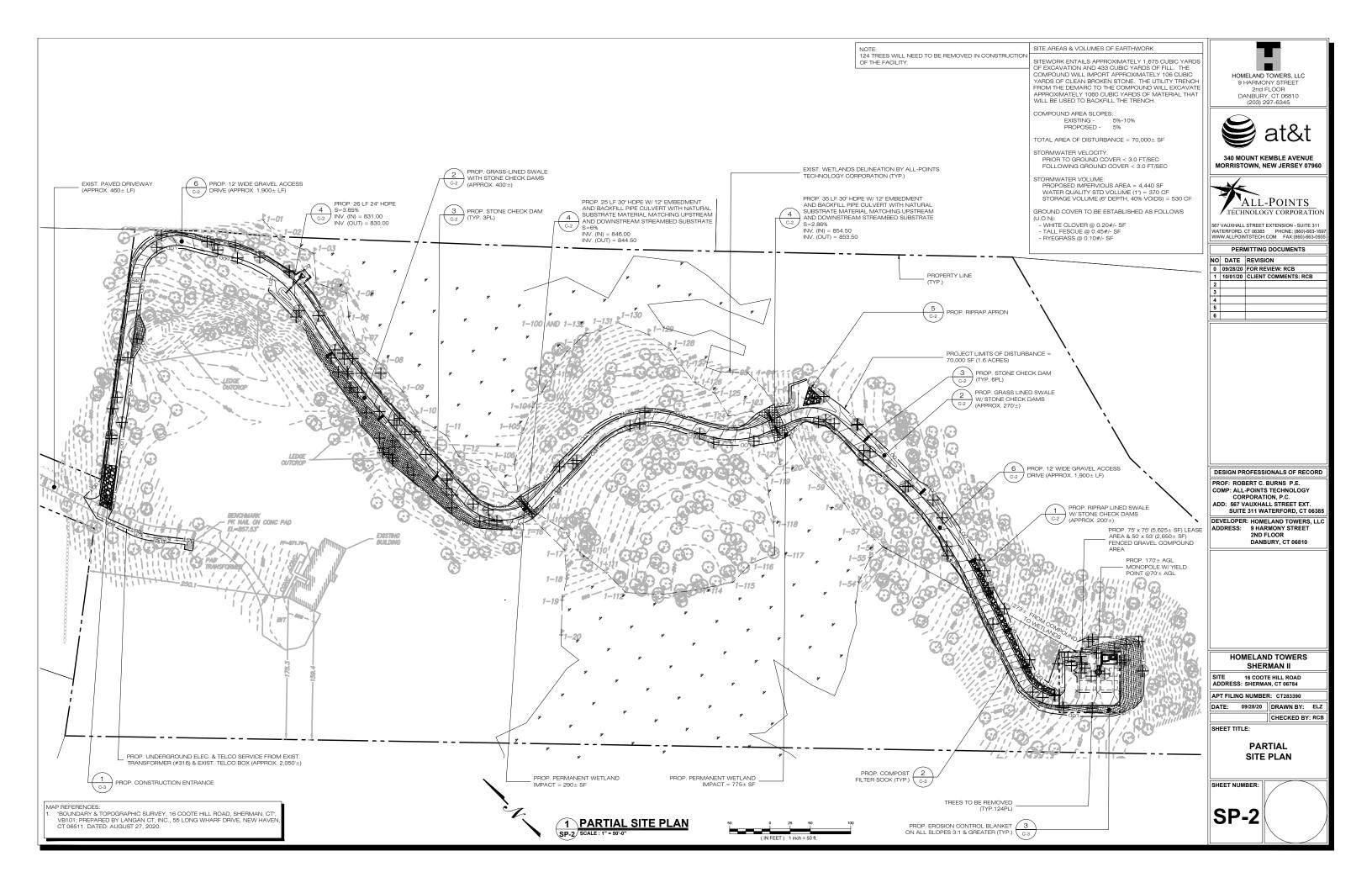
CALL BEFORE YOU DIG:

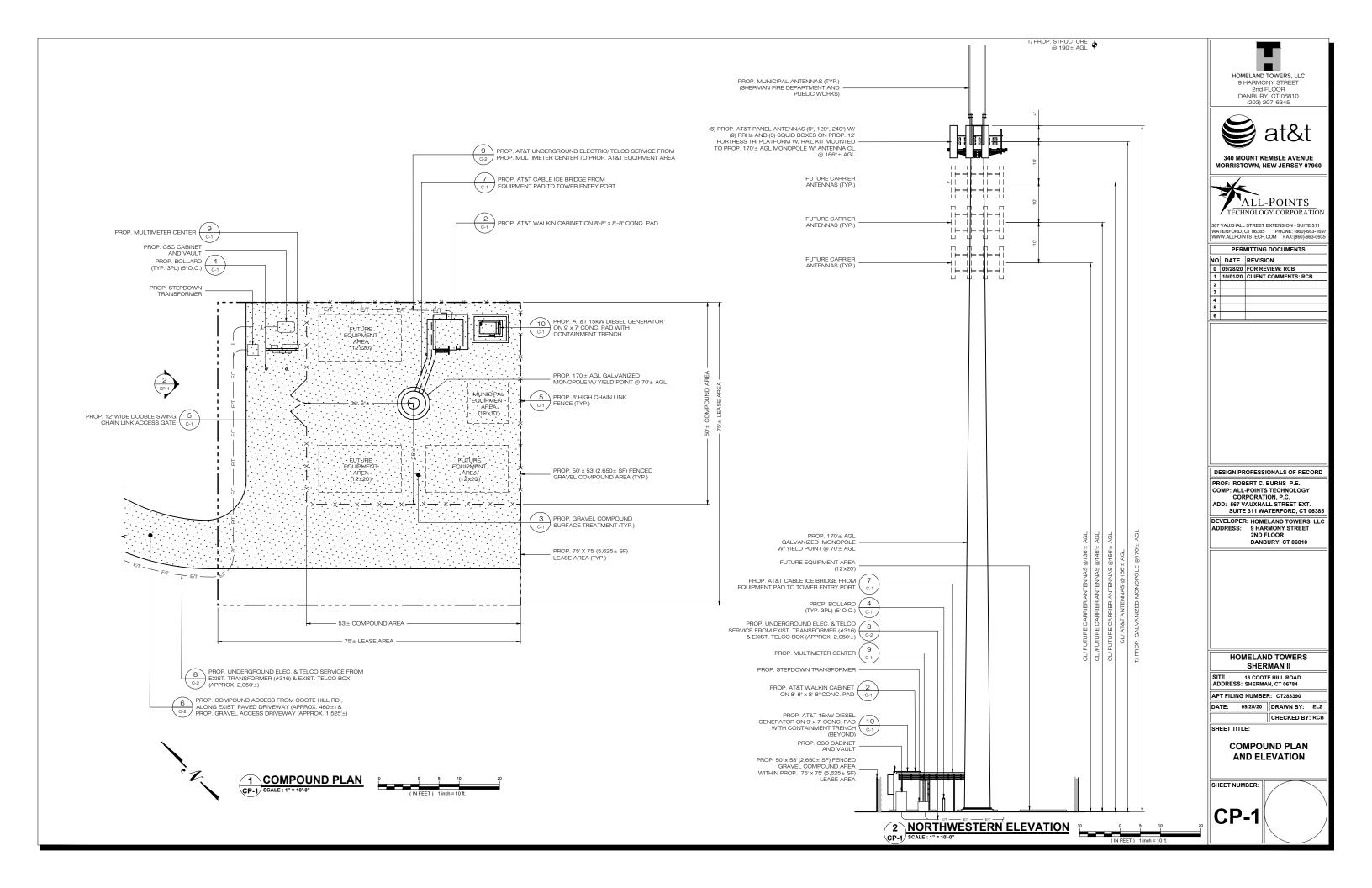
CONNECTICUT STATE BUILDING CODE, LATEST EDITION NATIONAL ELECTRIC CODE, LATEST EDITION TIA-222-H

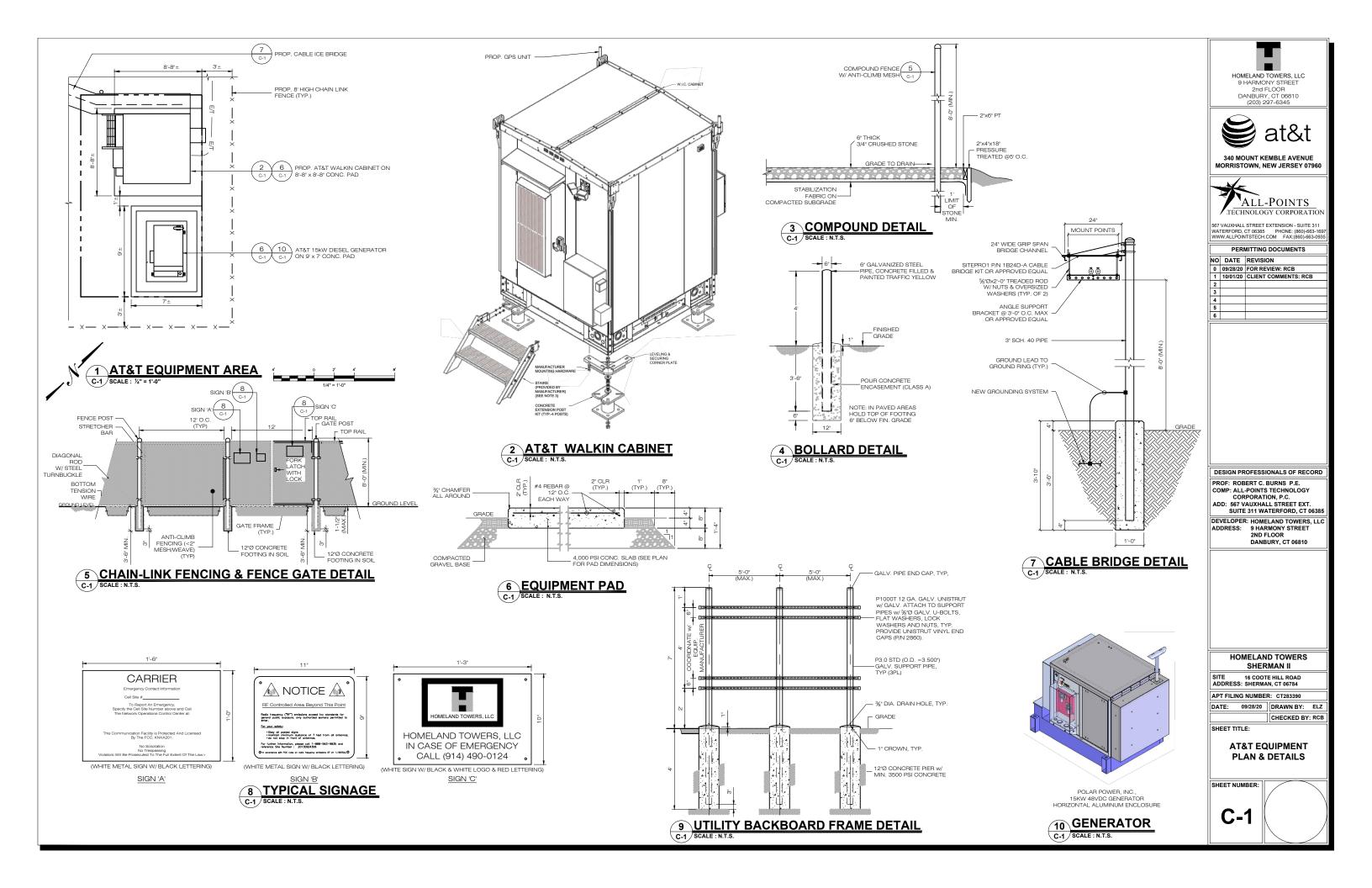
GOVERNING CODES

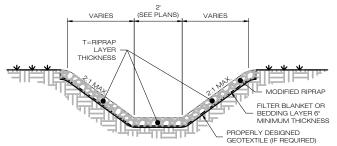










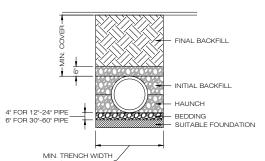


- ES: T=1.5 TIMES THE MAXIMUM STONE SIZE BUT NOT LESS THAN 12 INCHES. THE TOTAL HEIGHT OF THE LINING IS DEPENDENT UPON THE DESIGN DEPTH OF FLOW PLUS RUNUP DUE TO CHANNEL CURVATURE, PLUS FREEBOARD 3. IN CHANNELS WITH SIGNIFICANT BOTTOM WIDTHS LOW FLOW CHANNELS
- MAY BE INCORPORAITED

 4. SIDE SLOPES STEEPER THAN 2:1 OR SLOPES WITH UNSUITABLE MATERIAL WILL REQUIRE ADDITIONAL ANALYSIS.

 5. STONE CHECK DAMS SHALL BE INSTALLED IN ALL SWALES

1 RIPRAP LINED SWALE C-2 SCALE: N.T.S.



RECOMMENDED MIN. TRENCH WIDTH			
PIPE DIA.	MIN. TRENCH WIDTH		
6"	23"		
8"	26"		
10"	28"		
12"	30"		
15"	34"		
18"	39"		
24"	48"		
30"	56"		
36"	64"		
48"	80"		
60"	96"		

- NOTES:

 1. ALL PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321, "STANDARD
 THERMOP! ASTIC PIPE FOR SEWERS AND PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS', LATEST ADDITION.

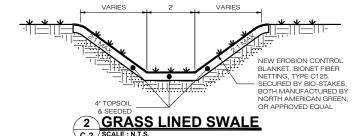
 MEASURES SHOULD BE TAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL
- MEASURES SHOULD BE LAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL
 MATERIAL, WHEN REQUIRED.
 FOUNDATION: WHERE THE TRENCH BOTTOM IS UNSTABLE, THE CONTRACTOR SHALL
 EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL
 AS SPECIFIED BY THE ENGINEER. AS AN ALTERNATIVE AND AT THE DISCRETION OF THE
 DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE
 MATERIAL
- MATERIAL.

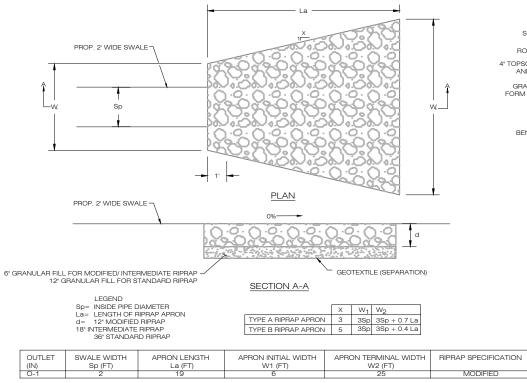
 4. BEDDING: SUITABLE MATERIAL SHALL BE CLASS I, II OR III. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. UNLESS OTHERWISE NOTED BY THE ENGINEER, MINIMUM BEDDING THICKNESS SHALL BE 4" (100mm) FOR 4"-24" (100mm-600mm); 6" (150mm) FOR 30"-80" (750mm-900mm).

 5. INITIAL BACKFILL: SUITABLE MATERIAL SHALL BE CLASS I, II OR III IN THE PIPE ZONE EXTENDING NOT LESS THAN 6" ABOVE CROWN OF PIPE. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER. MATERIAL SHALL BE INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION.
- INSTALLED AS REQUIRED IN ASTM D2321, LATEST EDITION.

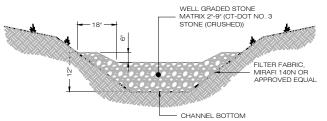
 MINIMUM COVER: MINIMUM COVER, H, IN NON-TRAFFIC APPLICATIONS (GRASS OR LANDSCAPE AREAS) IS 12° FROM THE TOP OF PIPE TO GROUND SURFACE. ADDITIONAL COVER MAY BE REQUIRED TO PREVENT FLOATION. FOR TRAFFIC APPLICATIONS, MINIMUM COVER, H, IS 12° UP TO 48° DIAMETER PIPE AND 24° OF COVER FOR 54°-60° DIAMETER PIPE, MEASURED FROM TOP OF PIPE TO BOTTOM OF FLEXIBLE PAVEMENT OR TO TOP OF RIGID PAVEMENT.

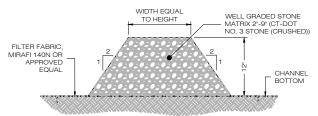
4 HDPE STORM DRAINAGE TRENCH DETAIL C-2 SCALE : N.T.S.



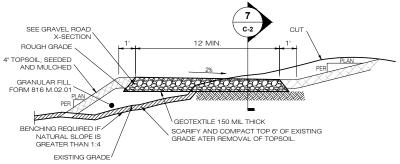








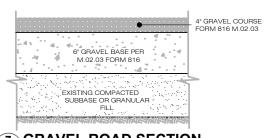
CROSS SECTION STONE CHECK DAM



* CROSS SLOPE GRADE SHALL BE 1-2% AS SHOWN ON PROPOSED GRADING * WHERE CUT OR FILL EMBANKMENTS ARE STEEPER THAN 3:1 USE A STAPLED IN

PLACE, BIODEGRADABLE EROSION CONTROL BLANKET OR A BONDED FIBER MATRIX HYDROSEED APPLICATION.

6 TYPICAL ROAD CROSS SECTION



GRAVEL ROAD SECTION

HOMELAND TOWERS, LLC DANBURY, CT 06810 (203) 297-6345





MORRISTOWN, NEW JERSEY 0796

567 VAUXHALL STREET EXTENSION - SUITE 31: WATERFORD, CT 06385 PHONE: (860)-663-1 WWW.ALLPOINTSTECH.COM FAX:(860)-663-0

PERI	MITTING DOCUMENTS

ı	NO	DATE	REVISION
I	0	09/28/20	FOR REVIEW: RCB
l	1	10/01/20	CLIENT COMMENTS: RCB
l	2		
l	3		
l	4		
l	5		
l	6		

DESIGN PROFESSIONALS OF RECORD

DANBURY, CT 06810

PROF: ROBERT C. BURNS P.E. COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C. ADD: 567 VAUXHALL STREET EXT. SUITE 311 WATERFORD, CT 06385 DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR

> HOMELAND TOWERS SHERMAN II

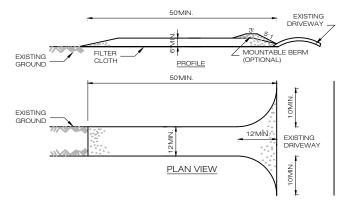
SITE 16 COOTE HILL ROAD ADDRESS: SHERMAN, CT 06784

APT FILING NUMBER: CT283390 DATE: 09/28/20 DRAWN BY: ELZ CHECKED BY: RCE

SHEET TITLE:

SITE DETAILS

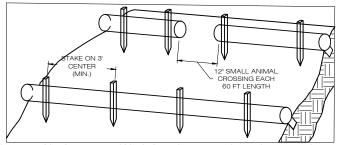
SHEET NUMBER:



- CONSTRUCTION SPECIFICATIONS:

 1. STONE SIZE USE 1-4 INCH STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- 2. LENGTH NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
- 3. THICKNESS NOT LESS THAN SIX (6) INCHES.
- 4. WIDTH TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
- 5. GEOTEXTILE WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- 6. SURFACE WATER ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ACCESS SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- 7. MAINTENANCE THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- 9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.





1. BEGIN AT THE LOCATION WHERE THE SOCK IS TO BE INSTALLED BY EXCAVATING A 2-3" (5-7.5 CM) GV (22.9 CM) WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED UP SLOF FROM THE ANCHOR TRENCH.

2. PLACE THE SOCK IN THE TRENCH SO THAT IT CONTOURS TO THE SOIL SURFACE. COMPACT SOIL FROM THE

EXCAVATED TRENCH AGAINST THE SOCK ON THE UPHILL SIDE. SOCKS SHALL BE INSTALLED IN 60 FT CONTINUOUS LENGTHS WITH ADJACENT SOCKS TIGHTLY ABUT. EVERTY 60 FT THE SOCK ROW SHALL BE SPACED 12 INCHES CLEAR, END TO END, FOR AMPHIBIAN AND REPTILE TRAVEL. THE OPEN SPACES SHA

SPACED 12 INCHES CLEAR, END 10 END, FOR AMPHIBIAN AND REPTILE TRAVEL. THE OPEN SPACES SHALL BE STAGGERED MID LENGTH OF THE NEXT DOWN GRADIENT SOCK.

3. SECURE THE SOCK WITH 18-24 (45.7-61 CM) STAKES EVERY 3-4 (0.9 -1.2 M) AND WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE SOCK LEAVING AT LEAST 2-3" (5-7.5 CM) OF STAKE EXTENDING ABOVE THE SOCK, STAKES SHOULD BE DRIVEN PERPENDICULAR TO THE SLOPE FACE.

COMPOST FILTER SOCK 2 SEDIMENTATION CONTROL BARRIER C-3 SCALE: N.T.S.

SEQUENCE OF CONSTRUCTION

1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECPS), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.

- APPLICATION OF LIME, FERTILIZER, AND SEED.

 2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECPS IN A 6° DEEP X 6° WIDE TRENCH WITH APPROXIMATELY 12° OF RECPS EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECPS WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12° APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE COMPACTED SOIL AND FOLD THE REMAINING 12° PORTION OF RECPS BACK OVER THE SEED AND COMPACTED SOIL. SECURE RECPS OVER COMPACTED SOIL.
- WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE RECPS. ROLL THE RECPS DOWN HORIZONTALLY ACROSS THE SLOPE. RECPS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECPS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE.

 THE EDGES OF PARALLEL RECPS MUST BE STAPLED WITH APPROXIMATELY 2" - 5" OVERLAP DEPENDING ON THE
- RECPS TYPE.

 5. CONSECUTIVE RECPS SPLICED DOWN THE SLOPE MUST BE END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE

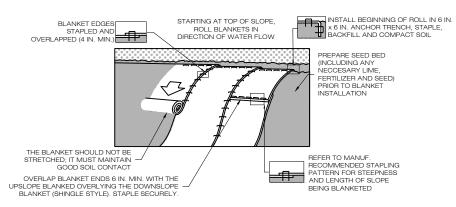
NOTES:

1. PROVIDE ANCHOR TRENCH AT TOE OF SLOPE IN SIMILAR FASHION AS AT TOP OF SLOPE.

2. SLOPE SURFACE SHALL BE FREE OF ROCKS, CLODS, STICKS, AND GRASS.

- BLANKET SHALL HAVE GOOD CONTINUOUS CONTACT WITH UNDERLYING SOIL THROUGHOUT ENTIRE LENGTH. LAY BLANKET LOOSELY AND STAKE OR STAPLE TO MAINTAIN DIRECT CONTACT WITH SOIL. DO NOT STR
- BLANKET: A THE BLANKET SHALL BE STAPLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

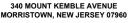
 5. BLANKETED AREAS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT UNTIL PERENNIAL VEGETATION IS ESTABLISHED TO A MINIMUM UNIFORM 70% COVERAGE THROUGHOUT THE BLANKETED AREA. DAMAGED OR DISPLACED BLANKETS SHALL BE RESTORED OR REPLACED WITHIN 4 CALENDAR DAYS.













567 VAUXHALL STREET EXTENSION - SUITE 31: WATERFORD, CT 06385 PHONE: (860)-663-1 WWW.ALLPOINTSTECH.COM FAX:(860)-663-0

	PERMITTING DOCUMENTS					
NO	DATE	REVISION				
0	09/28/20	FOR REVIEW: RCB				
1	10/01/20	CLIENT COMMENTS: RCB				
2						
3						
4						
5						
6						

DESIGN PROFESSIONALS OF RECORD

PROF: ROBERT C. BURNS P.E. COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C.
ADD: 567 VAUXHALL STREET EXT.

SUITE 311 WATERFORD, CT 06385 DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

HOMELAND TOWERS SHERMAN II

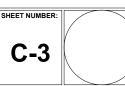
SITE 16 COOTE HILL ROAD ADDRESS: SHERMAN, CT 06784

DATE: 09/28/20 DRAWN BY: ELZ

CHECKED BY: RCB

SHEET TITLE:

EROSION CONTROL DETAILS



Facilities and Equipment Specification

I. TOWER SPECIFICATIONS:

A. MANUFACTURER: To be determined

B. TYPE: Self-Supporting monopole tower

C. HEIGHT: 170' AGL

DIMENSIONS: Tower structure tapered

D. TOWER LIGHTING: None required.

II. TOWER LOADING:

- A. AT&T 6 panel antennas
 - a. Model TBD
 - b. Antenna Dimensions TBD
 - c. Position on Tower 166' centerline AGL
 - d. Transmission Lines DC and Fiber lines internal to tower.
 - e. 9 Remote Radio Units on proposed antenna mounts
- B. Future Carriers To be determined

III. ENGINEERING ANALYSIS AND CERTIFICATION:

The tower will be designed in accordance with American National Standards Institute TIA/EIA-222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures" as amended. The foundation design would be based on soil conditions at the site. The details of the tower and foundation design will be provided as part of the final D&M plan.



Site Impact Statement

Site: Sherman II CT009
Site Address: 16 Coote Hill Rd.
Sherman, CT 06784

Access distances:

Existing paved driveway (approx. 460'±) to a Proposed gravel access driveway (approx. 1,900'±)

Distance to Nearest Wetlands

0'+/- to compound access drive

Distance to Property Lines:

1,257'+/- to the northwestern property boundary from the tower

525'+/- to the northeastern property boundary from the tower

220'+/- to the eastern property boundary from the tower

100'+/- to the southwestern property boundary from the tower

924'+/- to the northwestern property boundary from the compound

496'+/- to the northeastern property boundary from the compound

184'+/- to the eastern property boundary from the compound

76'+/- to the southwestern property boundary from the compound

Residence Information:

There is 1 single family residences within 1,000' feet of the compound. The closest off site residence is approximately 624 feet to the west and is located at Parcel 47-54 (39 Mauweehoo Hill Rd.)

Special Building Information:

(2) Wetland Crossings (Permanent wetland impacts: 290± sf & 775± sf).

Tree Removal Count:

124 trees need to be removed to construct the access driveway and the compound area.

6" - 10"dbh 32 trees 10" - 14"dbh 40 trees 14" or greater dbh 52 trees

Cut/Fill: The site improvements shall entail approximately 1,060 CY of cut for utility trenching and 1,675 CY of excavation and 433 CY of fill for the construction of the compound and access driveway. Approximately 106 CY of broken stone is needed for the compound and driveway construction.

Clearing/Grading Necessary: Total area of disturbance = 70,000+/- SF





September 25, 2020

Cuddy & Feder, LLP Attn: Lucia Chiocchio 445 Hamilton Avenue 14th Floor White Plains, NY 10601

RE: Tree Inventory

Site: Sherman II CT009 16 Coote Hill Road Sherman, CT 06784

Dear Ms. Chiocchio:

A Tree Inventory was completed at the subject site during the month of August 2020 to determine the size and quantity of existing trees that will need to be removed for the installation of the proposed facility. The proposed site has suitable access, but clearing and earthwork will be required to improve the access route and to construct the compound area. Installation of the proposed compound area and access driveway improvements will require the removal of 124 trees.

6" - 10"dbh 32 trees 10" - 14"dbh 40 trees 14" or greater dbh 52 trees

The interior wooded area to be disturbed for construction of the compound area will be approximately 5,625 square feet. A new access driveway will be installed to provide access and utility corridor to the proposed compound. The total combined area of disturbance for compound, access drive, and utility improvements is 70,000 sf.

Sincerely,

ALL-POINTS TECHNOLOGY CORPORATION, P.C.

Robert C. Burns, P.E. Program Manager

Homeland Towers 16 Coote Hill Road Sherman, CT 1000' RESIDENTIAL BUILDING LIST

PARCEL ID	STREET ADDRESS	BUILDING TYPE	DISTANCE FROM COMPOUND* (ft+/-)
47-54	39 Mauweehoo Hill	Single Family	624'

^{*}Information gathered from Sherman Assessor's Database & CTECO Ortho Aerial Images

SECTION 4

Environmental Assessment Statement

I. PHYSICAL IMPACT

A. WATER FLOW AND QUALITY

A wetland delineation identified two broad hillside seep wetlands with two intermittent watercourses draining southeast to northwest on the Parcel. The wetlands are separated by a central upland forested area located in the central portion of the parcel.

The Proposed Facility is located approximately 273' southeast of the nearest wetlands boundary. The proposed gravel access drive includes two wetlands crossings impacting approximately 1,065 sf of delineated wetlands. As previously studied in 2013, there are no alternative access options that would avoid the wetlands crossings because the wetland system extends across both north and south property boundaries. The wetlands crossings are proposed within the narrowest features of the wetland that are comprised of seasonal intermittent watercourses within minimal to no bordering wetlands and utilize the upland areas for the majority of the driveway location. Design details for the crossings and related improvements are detailed on the site access drawings.

Best Management Practices to control stormwater and soil erosion during construction and post-installation of the Proposed Facility will be implemented. The equipment associated with the Proposed Facility will not discharge pollutants to surface or groundwater systems. Attached is a copy of the wetland inspection. A detailed wetland report is being prepared to address impacts associated with the proposed access crossings and any further mitigation that might be warranted. A copy of this report will be provided as part of the state application process.

B. AIR QUALITY

Under ordinary operating conditions, the equipment that would be used at the Proposed Facility would emit no air pollutants of any kind. An emergency backup power diesel generator would be exercised once a week and comply with the Connecticut Department of Energy and Environmental Protection ("DEEP") "permit by rule" criteria pursuant to R.C.S.A. §22a-174-3b.

C. LAND

Approximately 124 trees over 6" DBH will need to be removed in order to construct the compound and the new access drive. The total area of clearing and grading disturbance will be approximately 70,000 s.f. The remaining land of the lessor would remain unchanged by the construction and operation of the facility.

D. NOISE

The equipment to be in operation at the facility would not emit noise other than that provided by the operation of the installed heating, air-conditioning and ventilation system. Some construction related noise would be anticipated during facility construction, which is expected to take approximately six to eight weeks. Temporary power outages would involve sound from the emergency generator which is tested weekly.

E. POWER DENSITY

The cumulative worst-case calculation of power density from AT&T's operations at the facility would be 6.21% of the federal MPE standard. Attached is a copy of a Radio Frequency Emissions Analysis Report for the facility.

F. SCENIC, NATURAL, HISTORIC & RECREATIONAL VALUES

The site of the Proposed Facility exhibits no specific scenic, natural, historic or recreational characteristics known to be unique. When a 170' facility was previously proposed in a similar location on the parcel in 2013, the CT State Historic Preservation Office ("SHPO") issued a determination that there would be no historic properties affected by a new 170' monopole tower and associated

equipment. This iteration of the project is not materially different as to overall height, location or design, and the SHPO findings from 2013 are likely to be confirmed again. Homeland Towers has requested an updated SHPO determination to confirm that the project will have no adverse effect on any listed or eligible historic resources or identified archaeological sites. Homeland Towers will provide a copy of the SHPO response as part of the state application process.

The facility site is not located in an area identified on the Connecticut Department of Energy & Environmental Conservation ("CTDEEP") Natural Diversity Data Base ("NDDB") maps as supporting endangered, threatened and special concern species and significant natural communities in Connecticut. There are CTDEEP NDDB areas mapped throughout Sherman nonetheless. Homeland Towers is consulting with CTDEEP to obtain their perspectives or any information that might relate to the Proposed Facility.

G. SCHOOLS/DAY CARE CENTERS

The nearest school is Sherman School, located +/- 3 miles north of the Parcel on Route 37. There are no day care centers located within 250' of the Proposed Facility.



WETLAND INSPECTION

September 23, 2020 APT Project No.: CT283390

Prepared For: Homeland Towers, LLC

9 Harmony Street, 2nd Floor

Danbury, CT 06810

Site Name: Sherman II (HLT-CT009/AT&T – CT1341 Sherman)

Site Address: 16 Coote Hill Road, Sherman, Connecticut

Date of Investigation: 7/27/2020

Field Conditions: Weather: sunny, mid 90's Soil Moisture: dry to moist

Wetland/Watercourse Delineation Methodology¹:

□ Connecticut Inland Wetlands and Watercourses

Municipal Upland Review Area:

Mitthew Lustuf

Wetlands: 100 feet Watercourses: 100 feet

The wetlands inspection was performed by²:

Matthew Gustafson, Registered Soil Scientist

Enclosures: Wetland Delineation Field Form & Wetland Inspection Map

This report is provided as a brief summary of findings from APT's wetland investigation of the referenced Study Area that consists of proposed development activities and areas generally within 200 feet.³ If applicable, APT is available to provide a more comprehensive wetland impact analysis upon receipt of site plans depicting the proposed development activities and surveyed location of identified wetland and watercourse resources.

¹ Wetlands and watercourses were delineated in accordance with applicable local, state and federal statutes, regulations and guidance.

² All established wetlands boundary lines are subject to change until officially adopted by local, state, or federal regulatory agencies.

³ APT has relied upon the accuracy of information provided by Homeland Towers, LLC and its contractors regarding proposed lease area and access road/utility easement locations for identifying wetlands and watercourses within the study area.

Attachments

- Wetland Delineation Field Form
- Wetland Inspection Map

Wetland Delineation Field Form

Wetland I.D.:	Wetland 1		
Flag #'s:	WF 1-01 to 1-28, 1-40 to 1-85, 1-100	to 1-132 (closed loop – upland island)	
Flag Location Method:	Site Sketch ⊠	GPS (sub-meter) located ⊠	

WETLAND HYDROLOGY:

N	О	N	TI	DA	١L	\boxtimes
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Intermittently Flooded □	Artificially Flooded □	Permanently Flooded □			
Semipermanently Flooded □	Seasonally Flooded ⊠	Temporarily Flooded □			
Permanently Saturated □	Seasonally Saturated/seepage ⊠	Seasonally Saturated/perched □			
Comments: Wetland 1 consists of a complex of a hillside seep system with seasonal saturation and areas of shallow seasonally flooded depressional areas and intermittent watercourses.					

TIDAL

Subtidal □	Regularly Flooded □	Irregularly Flooded □
Irregularly Flooded □		
Comments: None		

WETLAND TYPE:

SYSTEM:

Estuarine □	Riverine □	Palustrine ⊠
Lacustrine □	Marine □	
Comments: None		

CLASS:

Emergent ⊠	Scrub-shrub ⊠	Forested ⊠
Open Water □	Disturbed □	Wet Meadow □
Comments: Mature forest is the dominant vegetive class. Storm events have resulted in patches of		
windthrown trees/canony openings where scrub/shrub and emergent vegetation dominates		

WATERCOURSE TYPE:

Perennial □	Intermittent ⊠	Tidal □
Watercourse Name: Unnamed		

Comments: Two intermittent watercourses drain southeast to northwest within a narrow 1- to 3-foot wide, heavily incised channels with sandy/cobble bottoms. Both seasonal watercourses are characterized by limited bordering vegetated wetlands. These watercourses converge into a large seep wetland system to the north. The eastern watercourse contains a higher quality stream bed structure with a diversity of stone sizes, coarse woody debris, and riffle/pool structure than the western watercourse and its seasonal periods of flow appear to endure longer. The eastern watercourse also is entirely shaded with mature closed canopy forest. The western watercourse streambed is primarily dominated by sandy and small cobble with much of the stream exposed resulting from a lack of forest canopy shading.

Wetland Delineation Field Form (Cont.)

SPECIAL AQUATIC HABITAT:

SI LOIAL AQUATIO HADITAT.	
Vernal Pool Yes □ No ⊠ Potential □	Other □
Vernal Pool Habitat Type: None	
Comments: Two wood frog metamorphose were observed with discernable potential vernal pool habitat was observed within Wetland 1. It is possible that potential vernal pool habitat exists off the subject property and the subject wetland and uplands are the possible off-site vernal pool.	or nearby the delineated extents of within the identified wetland system

SOILS:

00120.		
Are field identified soils consistent with NRCS mapped soils?	Yes ⊠	No □

DOMINANT PLANTS:

Red Maple (Acer rubrum)	Yellow Birch (Betula alleghaniensis)
Tulip Poplar (Liriodendron tulipifera)	Spicebush (Lindera benzoin)
Tussock Sedge (Carex stricta)	Sphagnum moss (Sphagnum spp.)
Japanese Barberry* (Berberis thunbergii)	Sensitive Fern (Onoclea sensibilis)
Skunk Cabbage (Symplocarpus foetidus)	Jewelweed (Impatiens capensis)
Wood Fern (Dryopteris carthusiana)	Japanese Stilt Grass (Microstegium vimineum)

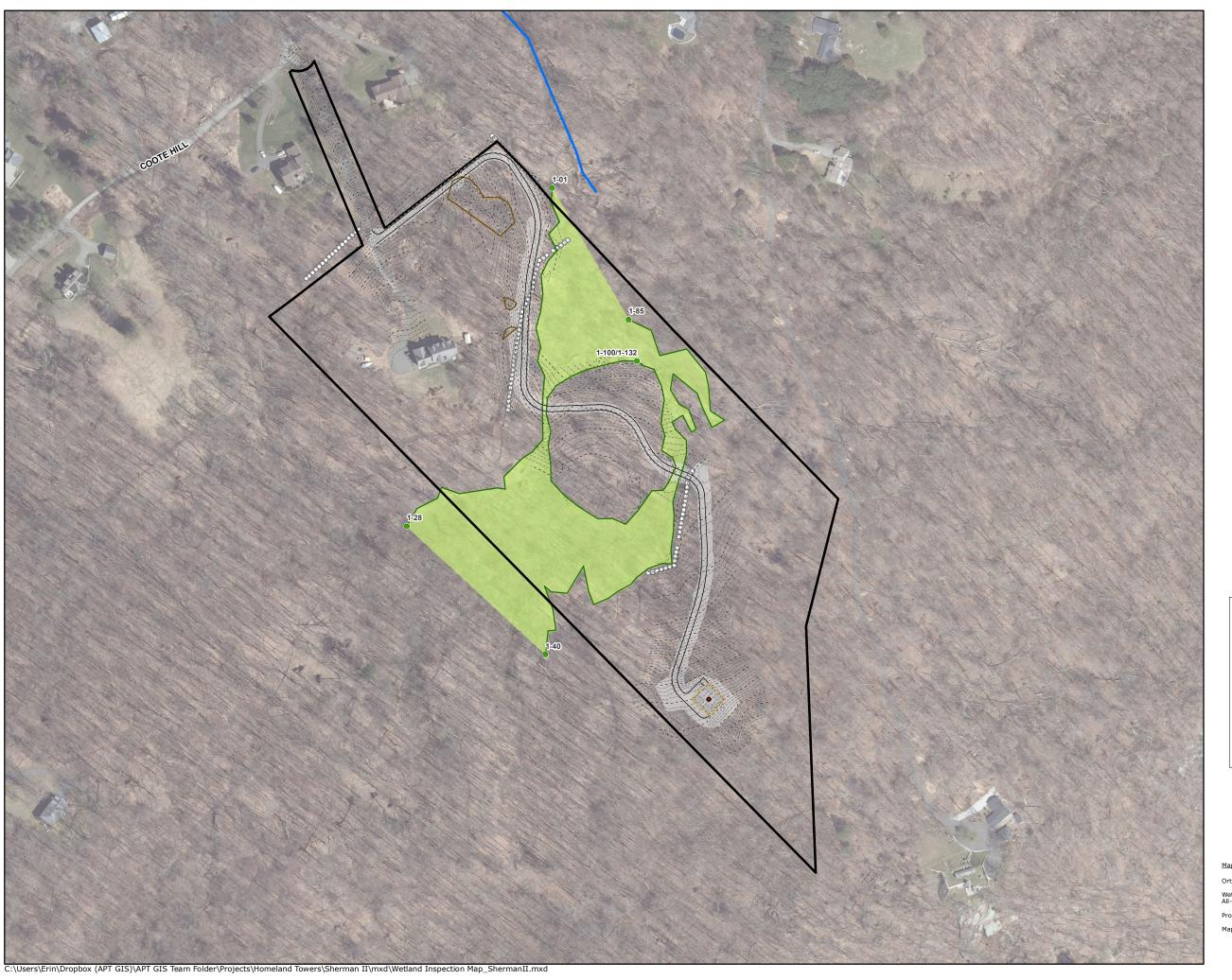
^{*} denotes Connecticut Invasive Species Council invasive plant species

GENERAL COMMENTS:

All-Points Technology Corp., P.C. ("APT") understands that Homeland Towers proposes to install a wireless communications facility ("Facility") in the southeast corner of a residentially developed property within a dry to xeric mature forested upland. A proposed 12-foot wide gravel access road and utility route would start from the existing residential driveway, follow along the north then west property boundaries before turning to run through the central portion of the property. One wetland system, separated by a relatively large upland island, was identified in the central portion of the property.

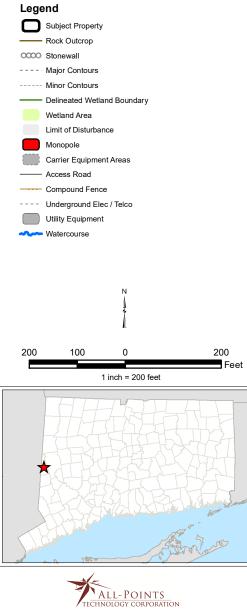
Wetland 1 consists of a complex of two broad hillside seep wetlands with two seasonal intermittent watercourses that connect these seep systems to the northwest and southeast, separated by a central upland forested island. The wetland system is dominated by mature hardwood forest with pockets of scrub/shrub and emergent vegetation within isolated canopy openings. The hillside seep system to the southeast is characterized by moderate slopes and a lack of surface saturation. The more northerly seep system collects drainage from the connecting intermittent watercourses and is characterized by more variably steep slopes and pockets of seasonal surface saturation and shallow inundation. This north/northwest draining wetland system extends off the subject property to both the north and south.

The proposed Facility would be located ± 273 feet southeast from the nearest location to Wetland 1's boundary. In order to access the proposed Facility location, a crossing through Wetland 1 is required; with the wetland system extending across both the north and south property boundaries there is no alternative access available that would avoid the wetland crossing. Utilizing the upland island centrally located within Wetland 1 to minimize wetland impacts, two crossings within the narrowest features of Wetland 1 that consist of seasonal intermittent watercourse features with minimal to no bordering wetlands are proposed. A wetland impact evaluation will be provided under separate cover to assess these unavoidable, relatively small, wetland impacts.



Wetland Inspection Map
Proposed Sherman II
Wireless Telecommunications Facility
16 Coote Hill Road
Sherman, Connecticut





Map Sources:

Ortho Base Map: State of Connecticut 2019 aerial imagery CTECO

Wetlands Field Delineated by: All-Points Tech. Corp., Matthew Gustafson, Registered Soil Scientist; Date: July 27,2020

Proposed Design Data: All-Points Tech. Corp.

Map Date: September 2020



Calculated Radio Frequency Exposure



CT1341

16 Coote Hill Road, Sherman, CT 06784

September 28, 2020

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1. Introduction

The purpose of this report is to investigate compliance with applicable FCC regulations for the proposed installation of the AT&T antenna arrays on a new monopole tower located at 16 Coote Hill Road in Sherman, CT. The coordinates of the tower are 41° 32′ 01.16″ N, 73° 29′ 32.71″ W.

AT&T is proposing the following:

1) Install nine (9) multi-band antennas (three per sector) to support its commercial LTE network and the FirstNet National Public Safety Broadband Network ("NPSBN").

This report considers the planned antenna configuration for AT&T¹ to derive the resulting % Maximum Permissible Exposure of its proposed installation.

2. FCC Guidelines for Evaluating RF Radiation Exposure Limits

In 1985, the FCC established rules to regulate radio frequency (RF) exposure from FCC licensed antenna facilities. In 1996, the FCC updated these rules, which were further amended in August 1997 by OET Bulletin 65 Edition 97-01. These new rules include Maximum Permissible Exposure (MPE) limits for transmitters operating between 300 kHz and 100 GHz. The FCC MPE limits are based upon those recommended by the National Council on Radiation Protection and Measurements (NCRP), developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI).

The FCC general population/uncontrolled limits set the maximum exposure to which most people may be subjected. General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.

Public exposure to radio frequencies is regulated and enforced in units of milliwatts per square centimeter (mW/cm²). The general population exposure limits for the various frequency ranges are defined in the attached "FCC Limits for Maximum Permissible Exposure (MPE)" in Attachment B of this report.

Higher exposure limits are permitted under the occupational/controlled exposure category, but only for persons who are exposed as a consequence of their employment and who have been made fully aware of the potential for exposure, and they must be able to exercise control over their exposure. General population/uncontrolled limits are five times more stringent than the levels that are acceptable for occupational, or radio frequency trained individuals. Attachment B contains excerpts from OET Bulletin 65 and defines the Maximum Exposure Limit.

Finally, it should be noted that the MPE limits adopted by the FCC for both general population/uncontrolled exposure and for occupational/controlled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

¹ As referenced to AT&T's Radio Frequency Design Sheet updated 06/04/2020.



3. RF Exposure Calculation Methods

The power density calculation results were generated using the following formula as outlined in FCC bulletin OET 65, and Connecticut Siting Council recommendations:

Power Density =
$$\left(\frac{1.6^2 \times 1.64 \times ERP}{4\pi \times R^2}\right)$$
 X Off Beam Loss

Where:

ERP = Effective Radiated Power

R = Radial Distance =
$$\sqrt{(H^2 + V^2)}$$

H = Horizontal Distance from antenna

V = Vertical Distance from radiation center of antenna

Ground reflection factor of 1.6

Off Beam Loss is determined by the selected antenna pattern

These calculations assume that the antennas are operating at 100 percent capacity and power, and that all antenna channels are transmitting simultaneously. Obstructions (trees, buildings, etc.) that would normally attenuate the signal are not taken into account. The calculations assume even terrain in the area of study and do not consider actual terrain elevations which could attenuate the signal. As a result, the predicted signal levels reported below are much higher than the actual signal levels will be from the final installations.

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4. Calculation Results

Table 1 below outlines the cumulative power density information for the AT&T equipment at the site. The proposed antennas are directional in nature; therefore, the majority of the RF power is focused out towards the horizon. As a result, there will be less RF power directed below the antennas relative to the horizon, and consequently lower power density levels around the base of the tower. Please refer to Attachment C for the vertical pattern of the proposed AT&T antennas. The calculated results for AT&T in Table 1 include a nominal 10 dB off-beam pattern loss to account for the lower relative gain below the antennas.

Carrier	Antenna Height (Feet)	Operating Frequency (MHz)	Number of Trans.	ERP Per Transmitter (Watts)	Power Density (mw/cm²)	Limit	% MPE
AT&T	166	722	1	1542	0.0022	0.4813	0.45%
AT&T	166	739	1	3794	0.0053	0.4927	1.08%
AT&T	166	763	1	3794	0.0053	0.5087	1.05%
AT&T	166	885	1	4066	0.0057	0.5900	0.97%
AT&T	166	1900	1	5237	0.0074	1.0000	0.74%
AT&T	166	2100	1	8614	0.0121	1.0000	1.21%
AT&T	166	2300	1	5118	0.0072	1.0000	0.72%
						Total	6.21%

Table 1: Carrier Information



5. Conclusion

The above analysis concludes that RF exposure at ground level from the proposed site will be below the maximum power density levels as outlined by the FCC in the OET Bulletin 65 Ed. 97-01. Using conservative calculation methods, the highest expected percent of Maximum Permissible Exposure at ground level is 6.21% of the FCC General Population/Uncontrolled limit.

As noted previously, the calculated % MPE levels are more conservative (higher) than the actual signal levels will be from the finished modifications.

6. Statement of Certification

I certify to the best of my knowledge that the statements in this report are true and accurate. The calculations follow guidelines set forth in FCC OET Bulletin 65 Edition 97-01, ANSI/IEEE Std. C95.1 and ANSI/IEEE Std. C95.3.

Report Prepared By: Marc Salas

RF Engineer

C Squared Systems, LLC

Mark Balas

September 28, 2020

Date

Reviewed/Approved By:

Sohail Usmani RF Engineering

Sohail Usmani

C Squared Systems, LLC

October 5, 2020 Date



Attachment A: References

OET Bulletin 65 - Edition 97-01 - August 1997 Federal Communications Commission Office of Engineering & Technology

<u>IEEE C95.1-2005, IEEE Standard Safety Levels With Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz</u> <u>IEEE-SA Standards Board</u>

IEEE C95.3-2002 (R2008), IEEE Recommended Practice for Measurements and Computations of Radio Frequency Electromagnetic Fields With Respect to Human Exposure to Such Fields, 100 kHz-300 GHz IEEE-SA Standards Board

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Attachment B: FCC Limits for Maximum Permissible Exposure (MPE)

(A) Limits for Occupational/Controlled Exposure²

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (E) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time $ E ^2$, $ H ^2$ or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	$(900/f^2)*$	6
30-300	61.4	0.163	1.0	6
300-1500	-	-	f/300	6
1500-100,000	-	-	5	6

(B) Limits for General Population/Uncontrolled Exposure³

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (E) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time $ E ^2$, $ H ^2$ or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	$(180/f^2)*$	30
30-300	27.5	0.073	0.2	30
300-1500	-	-	f/1500	30
1500-100,000	-	-	1.0	30

f = frequency in MHz * Plane-wave equivalent power density

Table 2: FCC Limits for Maximum Permissible Exposure (MPE)

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² Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure

³ General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure



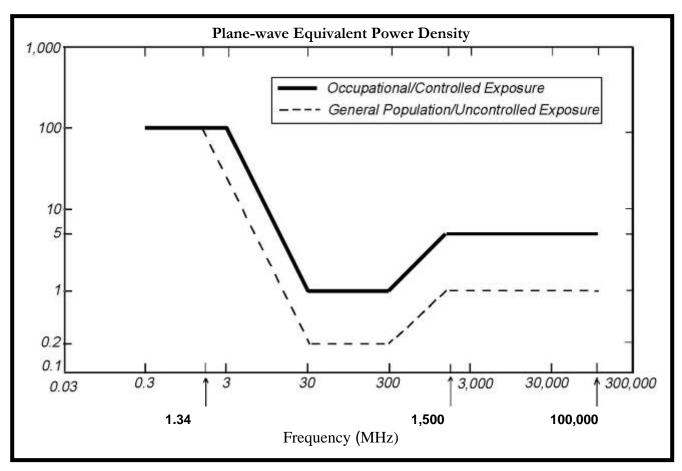


Figure 1: Graph of FCC Limits for Maximum Permissible Exposure (MPE)

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Attachment C: AT&T Antenna Data Sheets and Electrical Patterns

722 MHz

Manufacturer: CCI Products

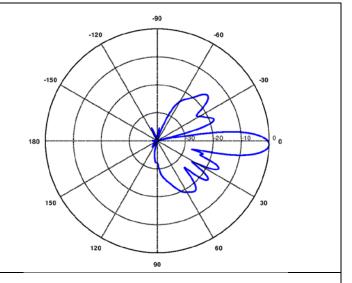
Model #: HPA65R-BU8A

Frequency Band: 698-806 MHz

Gain: 12.85 dBd

Vertical Beamwidth: 9.7° Horizontal Beamwidth: 67°

Polarization: Dual Linear 45° Size L x W x D: 96.0" x 11.7" x 7.7"



739/763 MHz

Manufacturer: KMW

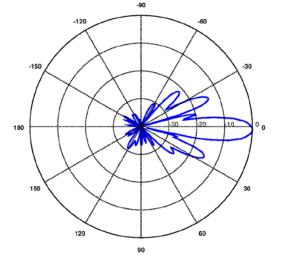
Model #: EPBQ-654L8H8-L2

Frequency Band: 698 - 806MHz

Gain: 13.75 dBd

Vertical Beamwidth: 9.3° Horizontal Beamwidth: 67°

Polarization: Dual Linear 45° Size L x W x D: 96.0" x 21" x 6.3"



885 MHz

Manufacturer: KMW

Model #: EPBQ-654L8H8-L2

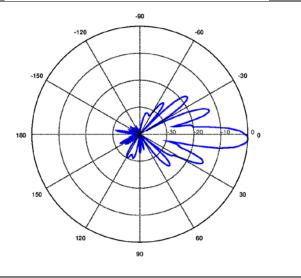
Frequency Band: 806 - 894 MHz

Gain: 14.05 dBd

Vertical Beamwidth: 8.7° Horizontal Beamwidth: 66°

Polarization: Dual Linear 45°

Size L x W x D: 96.0" x 21" x 6.3"





1900 MHz

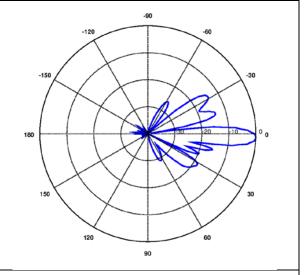
Manufacturer: KMW

Model #: EPBQ-654L8H8-L2 Frequency Band: 1850-1910 MHz

Gain: 15.15 dBd

Vertical Beamwidth: 7.8° Horizontal Beamwidth: 60°

Polarization: Dual Linear 45° Size L x W x D: 96.0" x 21" x 6.3"



2100 MHz

Manufacturer: KMW

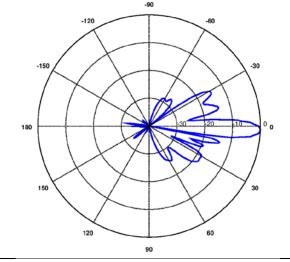
Model #: EPBQ-654L8H8-L2

Frequency Band: 1910-2180 MHz

Gain: 15.55 dBd

Vertical Beamwidth: 7.4° Horizontal Beamwidth: 60°

Polarization: Dual Linear 45° Size L x W x D: 96.0" x 21" x 6.3"



2300 MHz

Manufacturer: CCI Products

Model #: HPA-65R-BU8A

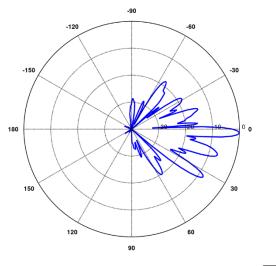
Frequency Band: 2300 - 2400 MHz

Gain: 15.05 dBd

Vertical Beamwidth: 4.0° Horizontal Beamwidth: 60°

Polarization: Dual Linear 45°

Size L x W x D: 96.0" × 11.7" × 7.7"



Natural Diversity Data Base Areas

SHERMAN, CT

June 2020



State and Federal Listed Species



Critical Habitat



Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Critical Habitats. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDB) from a variety of data sources. Exact locations of species have been buffered to produce the generalized locations.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a hatched area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

www.ct.gov/deep/nddbrequest

Use the CTECO Interactive Map Viewers at http://cteco.uconn.edu to more precisely search for and locate a site and to view aerial imagery with NDDB Areas.

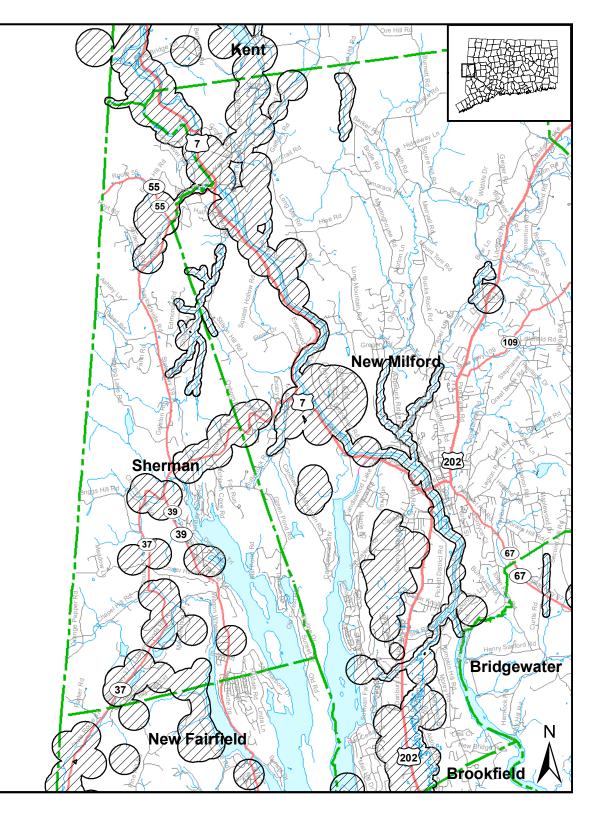
QUESTIONS: Department of Energy and Environmental Protection (DEEP) 79 Elm St, Hartford, CT 06106 email: deep.nddbrequest@ct.gov Phone: (860) 424-3011



Connecticut Department of Energy & Environmental Protection Bureau of Natural Resources Wildlife Division

0.5 1

■ Miles



SECTION 5

Visibility Analysis

As set forth in detail in the enclosed Preliminary Visual Assessment, areas where the tower site might be visible comprise approximately 7.4 acres of year-round visibility within the 2-mile radius (8,042-acre) study area. The majority of the year-round views occur primarily within 0.5 miles of the Proposed Facility to the northwest along Route 37 in the vicinity of Lake Mauweehoo. Additional year-round visibility is predicted further north near the intersection of Route 37 and Chapel Hill Road and limited visibility is predicted between 0.7 and 2.0 miles to the east, north and northeast. This is consistent with the extensive visual analyses competed by AT&T in consultation with the Town in 2013. Homeland Towers plans to conduct a balloon test in a leaf off condition to further evaluate and re field-verify the results and finalize updated photographic simulations from several vantage points. Homeland Towers will provide a copy of these field results and simulations once they become available.



PRELIMINARY VISUAL ASSESSMENT

Date: September 29, 2020

To: Homeland Towers, LLC

9 Harmony Street, 2nd Floor

Danbury, CT 06810

From: Brian Gaudet

Re: Proposed Telecommunications Facility

16 Coote Hill Road Sherman, Connecticut

Homeland Towers, LLC ("Homeland") has identified a proposed location for development of a wireless telecommunications facility at 16 Coote Hill Road in Sherman, Connecticut (the "Host Property"). The proposed Facility would include a 170-foot tall steel monopole and equipment within a ± 50 -foot by ± 53 -foot fenced compound (the "Facility") located in the eastern portion of the Host Property ("Site").

The Host Property is a ± 19.79 -acre, residentially-developed parcel located southeast of Coote Hill Road and south of Mauweehoo Hill within a heavily wooded area. Residential neighborhoods are located to the north, west, and south of the Host Property. Woodland and the norther end of Squantz Pond are to the east of the Host Property; Candlewood Lake is beyond Squantz Pond, approximately 1.35 miles to the east.

At the request of Homeland, All-Points Technology Corporation, P.C. ("APT") has prepared initial viewshed mapping to provide a preliminary evaluation of the visibility associated with the proposed Facility. To conduct this assessment, a predictive computer model was developed specifically for this project using ESRI's ArcMap Geographic Information System ("GIS")¹ software and available GIS data. The predictive model provides an initial estimate of potential visibility throughout a pre-defined "Study Area", in this case a two-mile radius surrounding the proposed Facility location.

The predictive model incorporates project and Study Area-specific data, including the Facility location, its ground elevation and the proposed Facility height, as well as the surrounding topography, existing vegetation, and structures (the primary features that can block direct lines of sight). The Study Area extends into the neighboring municipalities of New Fairfield to the south and Pawling, NY to the west.

¹ ArcMap is a Geographic Information System desktop application developed by the Environmental Systems Research Institute for creating maps, performing spatial analysis, and managing geographic data.

A digital surface model ("DSM"), capturing both the natural and built features on the Earth's surface, was generated for the extent of the Study Area utilizing State of Connecticut 2016 LiDAR² LAS³ data points. LiDAR is a remote-sensing technology that develops elevation data by measuring the time it takes for laser light to return from the surface to the instrument's sensors. The varying reflectivity of objects also means that the "returns" can be classified based on the characteristics of the reflected light, normally into categories such as "bare earth," "vegetation," "road," or "building". Derived from the 2016 LiDAR data, the LAS datasets contain the corresponding elevation point data and return classification values. The Study Area DSM incorporates the first return LAS dataset values that are associated with the highest feature in the landscape, typically a treetop, top of a building, and/or the highest point of other tall structures.

Once the DSM was generated, ESRI's Viewshed Tool was utilized to identify locations within the Study Area where the proposed Facility may be visible. ESRI's Viewshed Tool predicts visibility by identifying those cells⁴ within the DSM that can be seen from an observer location. Cells where visibility was indicated were extracted and converted from a raster dataset to a polygon feature which was then overlaid onto an aerial photograph and topographic base map. Since the DSM includes the highest relative feature in the landscape, isolated "visible" cells are often indicated within heavily forested areas (e.g., from the top of the highest tree) or on building rooftops during the initial processing. It is recognized that these areas do not represent typical viewer locations and overstate visibility. As such, the resulting polygon feature is further refined by extracting those areas. The viewshed results are also cross-checked against the most current aerial photographs to assess whether significant changes (a new housing development, for example) have occurred since the time the LiDAR-based LAS datasets were captured.

With these data inputs, the model is then queried to determine where the top of the Facility can be seen from any point(s) within the Study Area, given the intervening existing topography and vegetation. The results of the preliminary analysis are depicted on the attached maps and are intended to provide a representation of those areas where portions of the Facility may potentially be visible to the human eye without the aid of magnification, based on a viewer eye-height of five (5) feet above the ground. The shaded areas of predicted visibility shown on the maps denote locations within the Study Area from which the proposed Facility may potentially be visible year-round above the tree canopy. However, the Facility may not necessarily be visible from all locations within those shaded areas. It is important to note that the computer model cannot account for mass density, the diameter and branching variability of the trees, or the degradation of views that occur with distance. In addition, each point – or pixel – represents about one meter in area, and thus is not predicting visibility from all viewpoints through all possible obstacles. Although large portions of the predicted viewshed may theoretically offer visibility of the Facility, because of these unavoidable limitations the quality of those views may not be sufficient for the human eye to recognize the tower or discriminate it from other surrounding or intervening objects.

Visibility also varies seasonally with increased, albeit obstructed, views occurring during "leaf-off" conditions. Beyond the density of woodlands found within the given Study Area, each individual tree has its own unique trunk, pole timber and branching pattern characteristics that provide varying degrees of screening in leafless conditions which cannot be adequately modeled. Thus, modeling for seasonal variations of visibility generally over-predicts the viewshed in "leaf-off" conditions, even when incorporating conservative constraints into the model (i.e., assuming each tree is simply a vertical pole of varying width, depending upon species, with no

² Light Detection and Ranging.

³ An LAS file is an industry-standard binary format for storing airborne LiDAR data.

⁴ Each DSM cell size is 1 square meter.

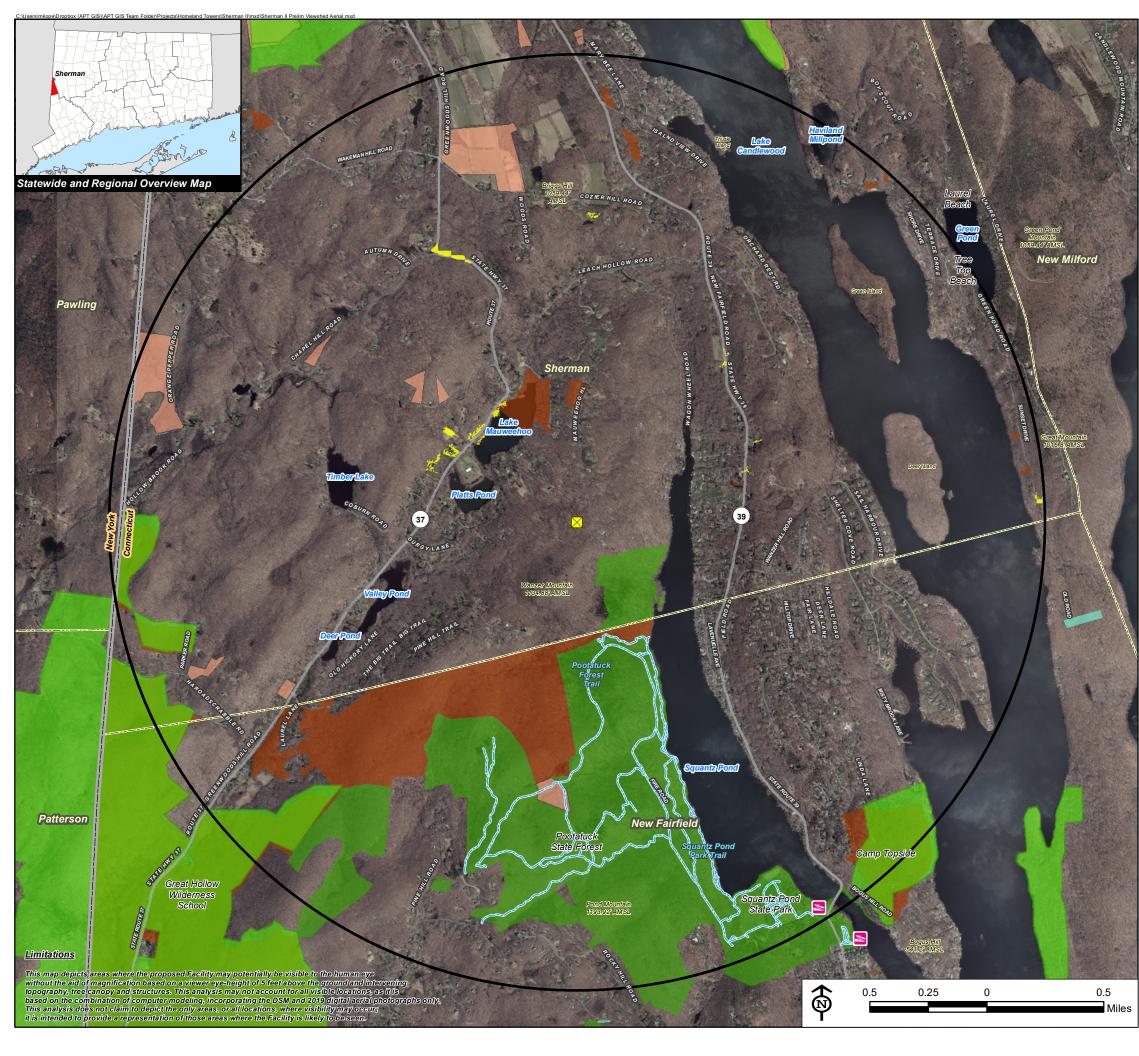
distinct branching pattern). Therefore, seasonal visibility is evaluated in the final visibility assessment once field verification activities are completed.

The preliminary viewshed mapping results indicate that predicted year-round visibility associated with the proposed Facility could include up to approximately 7.4 acres (less than one tenth of a percent of the 8,042-acre Study Area). The predicted year-round visibility occurs primarily within 0.5 mile of the Facility to the northwest along Route 37 in the vicinity of Lake Mauweehoo. Additional visibility is predicted farther north along Route 37 near the intersection of Route 37 and Chapel Hill Road. Limited areas of year-round visibility are predicted at distances intermittently between 0.7 mile and 2.0 miles to the east, north and northeast.

The maps provided as attachments offer a preliminary basis for understanding the extent of visibility that may occur throughout the Study Area, but they do not address the character of those potential views. Note also that the results of the computer model have not been field verified. Our experience is that the computer model's sensitivity typically results in the initial mapping being over-predictive of the Facility's viewshed.

These initial results will be field-verified via a balloon test to supplement and fine tune the results of the preliminary computer modeling. The balloon test activities consist of raising an approximately four-foot diameter, helium-filled balloon tethered to the proposed Facility height at the Site location. Once the balloon is aloft and secured, APT performs a Study Area reconnaissance by driving along the local and State roads and inventorying those locations where the balloon is seen above/through the trees. Visual observations will be used to evaluate the results of the preliminary viewshed mapping and identify any discrepancies in the initial modeling. During the field activities, APT will also photo-document areas where the balloon can be seen (as well as locations it is not visible) and will prepare photographic simulations from several vantage points to depict scaled renderings of the proposed Facility. This information will be included in Homeland's application to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need.

Attachments





Preliminary Viewshed Analysis Map

Proposed Wireless Telecommunications Facility
CT009-Sherman II
16 Coote Hill Road
Sherman, Connecticut

Proposed facility height is 170 feet AGL.
Forest canopy height is derived from LiDAR data.
Study area encompasses a two-mile radius and includes 8,042 acres.
Map information not field verified by APT.
Base Map Source: 2019 Aerial Photograph (CTECO)
Map Date: September 2020

Legend

Proposed Site
Study Area (2-Mile Radius)
Predicted Year-Round Visibility (7.4 Acres)
Land Trust
Municipal Boundary
Municipal Boundary
Private
State Boundary
Trail
Scenic Highway
DEEP Boat Launches
Municipal and Private Open Space Property
State Forest/Park

Data Sources:

Physical Geography / Background Data

A digital surface model (DSM) was created from the State of Connecticut 2016 LiDAR LAS data points. The DSM captures the natural and built features on the Earth's surface.

Municipal Open Space, State Recreation Areas, Trails, County Recreation Areas, and Town Boundary data obtained from CT DEEP. Scenic Roads: CTDOT State Scenic Highways (2015); Municipal Scenic Roads (compiled by APT)

Dedicated Open Space & Recreation Areas

Connecticut Department of Energy and Environmental Protection (DEEP): DEEP Property (May 2007; Federal Open Space (1997); Municipal and Private Open Space (1997); DEEP Boat Launches (1994)

Connecticut Forest & Parks Association, Connecticut Walk Books East & West

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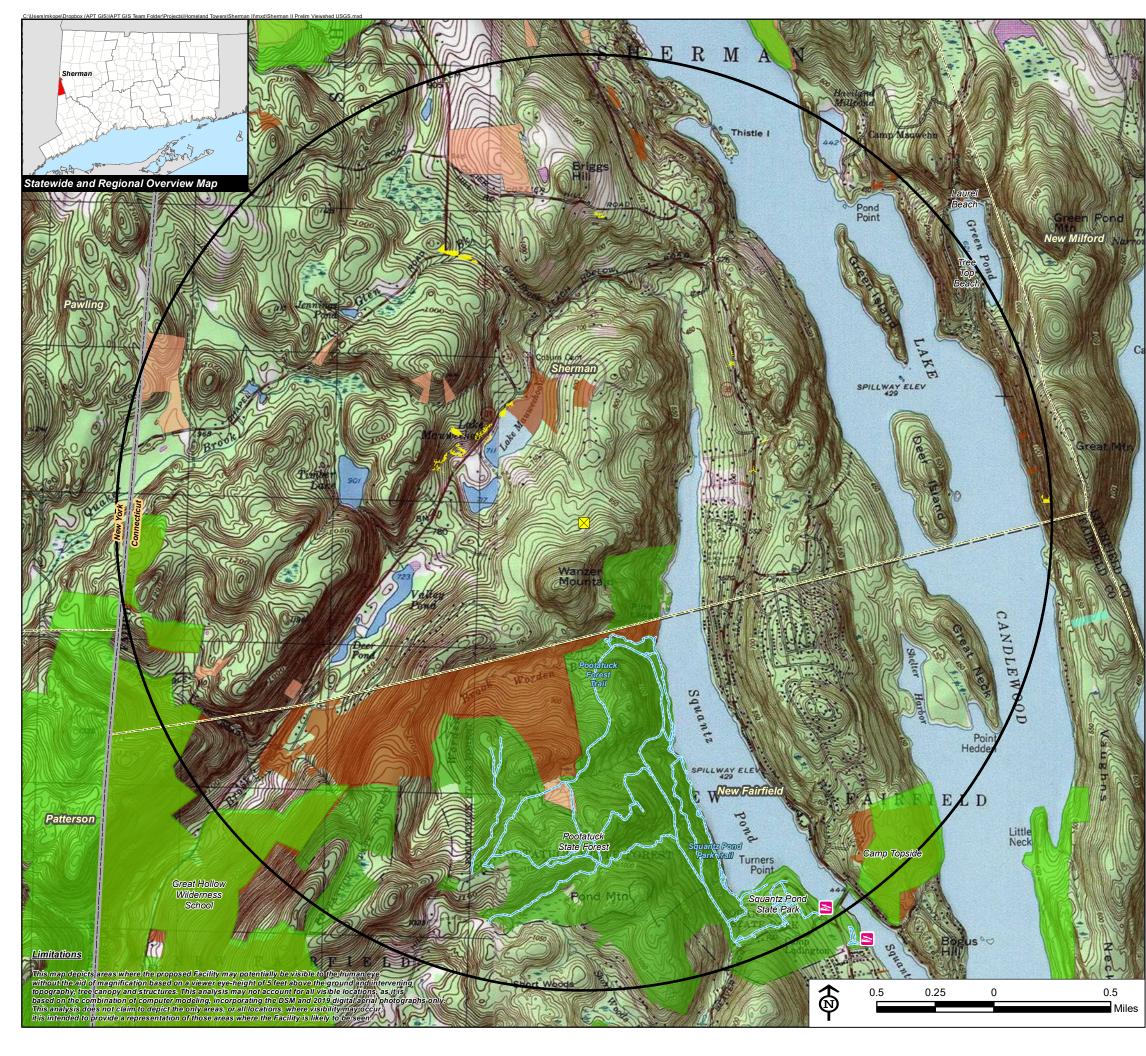
CTDOT Scenic Strips (based on Department of Transportation data)

Note

**Not all the sources listed above appear on the Viewshed Maps. Only those features within the scale of the graphic are shown.









Preliminary Viewshed Analysis Map

Proposed Wireless Telecommunications Facility
CT009-Sherman II
16 Coote Hill Road
Sherman, Connecticut

Proposed facility height is 170 feet AGL.
Forest canopy height is derived from LiDAR data.
Study area encompasses a two-mile radius and includes 8,042 acres.
Map information not field verified by APT.
Base Map Source: USGS 7.5 Minute Topographic
Quadrangle Map, New Milford, CT (1984) and Pawiling, NY- CT (1998)
Map Date: September 2020

Legend



Data Sources:

Physical Geography / Background Data

A digital surface model (DSM) was created from the State of Connecticut 2016 LiDAR LAS data points. The DSM captures the natural and built features on the Earth's surface.

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