SECTION 8.0 SPECIAL REGULATIONS

8.1 SITE PLAN AND DESIGN REVIEW; SPECIAL PERMIT CRITERIA

8.1.1 Statement of Purpose

The provisions of this Section shall apply for those uses listed in Section 5 (District Use Regulations) as requiring special permit with site plan and design review. Prior to granting a special permit for such uses, the Planning and Zoning Commission shall determine that proposed uses and buildings are of such a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and protect natural resources and the appearance and beauty of the community, and to avoid undue traffic congestion.

The Commission may also require as a condition of the grant of any special permit that the applicant post a cash bond with the Commission in accordance with the requirements of Section 8.1.8 of these Regulations to assure the satisfactory completion of all improvements, excluding buildings, shown on any approved site plan.

The standards and regulations for site and building standards, which applies to all new multi-family construction, residential construction authorized through a Special Permit process and non-residential construction including new construction, reconstruction, expansion, extension, moving and alteration of buildings and change of use, including but not limited to signs, parking, site design, erosion control, landscaping, architectural and design review and stormwater management, are contained within the following subsections of Section 8 as well as the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I which are also an integral part of these Zoning Regulations.

8.1.2 Permitted Stipulations

The Commission may, in approving a special permit, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property values in the area as a whole, and the public health, safety, and welfare; and which promote sound planning and zoning principles, improved land use, site planning and land development and better overall neighborhood compatibility. Such restrictions may involve, but shall not be limited to the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting, and building design, architectural treatment, and massing. Stipulations or conditions, which the Planning and Zoning Commission attach to the approval of a special permit, must be listed on the site plan before it is presented to the Commission Secretary for signing.

8.1.3 <u>Special Permit Application Procedure and Requirements</u>

A. Application for special permit use approval shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least 27 days prior to the regularly scheduled meeting of the Planning and Zoning Commission. Three copies of the application shall be filed and shall contain the following information:

1. Address or location of subject parcel

2. Size of subject parcel

3. Zone of subject parcel
4. Statement regarding how the proposed Special Use will relate to the adopted Plan of Development

5. Statement regarding how the proposed Special Use will be of benefit to the Town of Hebron

6. Name, address, telephone number of applicant(s)

7. Name, address, telephone number of owner(s)

8. Signature of owner(s)

9. Signature of petitioner(s)

10. Names and address of all property owners located within 200 feet of the boundaries of the affected property according to the latest records of the Hebron Assessor's Office. This information shall be keyed to a map delineating a 200 foot radius around the subject site.

B. Accompanying the application form shall be:

1. A check made payable to the Town of Hebron, in an amount in accordance with the Town of Hebron Schedule of Fees, which will be used to defray the expense of publication of notice of the hearing, the conduct of the hearing, and the cost to town personnel in processing such application.

2. Fourteen copies of an accurate site plan, clearly drawn by a registered civil engineer, or licensed surveyor, shown by an embossed seal, to a scale of not smaller than 20 feet to one inch which shall contain the following information:

a. Date, approximate north arrow and true north arrow, and scale

Section 8.1 Site Plan and Design Review; Special Permit Criteria (cont.)

b. The boundary line of the tract with accurate linear and angular dimensions drawn to scale

c. Existing and proposed contours with a vertical interval of two feet referred to sea level datum

d. The locations of existing property lines, streets, buildings, watercourses, bridges, utility lines, culverts, drainpipes, and utility easements both on land to be developed and on land within 20 feet of such proposed development

e. The names, location, and dimensions of proposed streets, buildings, parking area, traffic access and circulation walkways, recreation areas, fencing, landscaping, and utility layouts (including storm drainage) showing feasible connections to existing utility systems

f. The location of designated regulated areas including Inland Wetlands and 100 year Flood Hazard Zone

g. Location of all existing and proposed buildings and uses, including but not limited to sidewalks, curbing, driveways, parking and loading areas, and abutting streets, poles, hydrants, and other utility appurtenances; areas to be used for outside storage; and the type of screening to be provided

h. Dimensions of all yards, with all zoning setbacks shown

i. Location and description of water supply, buried fuel tanks, and sewage disposal facilities

j. Proposed landscaping, including the type, size, caliper, and location of proposed plantings. Particular attention shall be paid to buffer plantings (if any).

k. Whenever natural drainage is to be disrupted or extensive grading is to be done, an erosion and sedimentation control plan shall be submitted as part of the site plan. Such plan shall be prepared in accordance with standards specified in Section 8.1.5 and shall show the measures to be taken during and after construction to minimize erosion and sedimentation.

l. Location, type, and illustration with indication of color and size of any proposed signs

m. Street address of the property must be shown.

Section 8.1 Site Plan and Design Review; Special Permit Criteria (cont.)

n. The use

o. The parking calculation and the use category upon which it is based

p. Zone boundary (if any)

q. The percent coverage calculation

r. Test data (if any) for septic system

s. Location and type of fences (if any)

t. Date of approval of any other boards (Wetlands, ZBA)

u. Typical cross section of parking surface/access driveways

v. Provisions for solid waste disposal and its screening

w. Proposed outdoor illumination, including method and intensity

x. Architectural and Design Review information in accordance with Section 8.16.D.

3. A Stormwater Management Plan in accordance with Section 8.25.

C. The applicant shall submit additional information or material if required by the Planning and Zoning Commission.

D. Unless otherwise specified, a special permit use shall conform to the area, yard, lot coverage, floor area, and height restrictions of the zone in which it is located. Where two or more special permit uses are applied for on the same premises, the minimum lot area should be the total of the minimum requirements for each use as specified in these Regulations.

E. Submission of inaccurate or incomplete material or information shall be grounds for denial of the application.

F. In no case in which a petitioner requires a change of zone for any portion of the land affected by the Special Permit Use shall the petitioner make application for Zone Change to be heard at the same public hearing at which the Special Permit Use application would be heard.

G. If the proposed Special Use requires a variance from the Zoning Board of Appeals, the applicant must be granted such approval before the public hearing on said Special Permit Use application.

Section 8.1 Site Plan and Design Review; Special Permit Criteria (cont.)

H. No petition for approval of a special permit use, which, after public hearing, has been disapproved by the Planning and Zoning Commission or withdrawn by the petitioner, shall be heard sooner than six months from the date of rejection or withdrawal.

I. In the event a Special Permit Use has previously been approved for a specific site and said site is subsequently not occupied for approved use or is subsequently vacated, a new Special Permit application is required for the site if the proposed new use differs from that previously granted.

8.1.4 Public Notices of Special Permit Uses

No Special Permit Use shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, the last not less than two (2) days prior to the date of such hearing, and by sending a copy thereof by certified mail to the applicant.

A. All applicants or their agents requiring a public hearing under the provisions of these Regulations shall be responsible for notifying owners of property located within 100 feet of the subject property. With the submission of any such application to the Commission, the applicant shall provide:

1. A list of the names and addresses of owners of property located within 100 feet of (including directly across any street(s), watercourse or waterbody from) the subject property. The latest records of the Hebron Tax Assessor shall be utilized to determine the owner of each property.

2. A sketch showing the subject property and the surrounding properties within 500 feet of the subject property.

3. All affected properties, which are subject to the proposed application, as described above shall be designated with a tax map and tax lot number as determined by the Hebron Tax Assessor's records.

4. If applicable to the application, the name of the Land Trust that would be offered any open space or easements.

B. If the application is scheduled for a Public Hearing, the applicant shall notify each surrounding property owner, and when pertinent, the Land Trust that open space or easements will be offered, of the time, place, date and purpose of the hearing by sending a copy of the legal notice to each abutting property owner not less than ten days prior to the scheduled hearing. Notice shall be sent as per subsections C and D below.

C. Notices from the applicant to the surrounding property owners shall be sent via Certified U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificate of Mailing. Notices sent "Return Receipt Requested" are not advisable.

D. Prior to the date of the Commission's Public Hearing, the applicant shall submit:

1. The Certificate of Mailing;
2. A list of the property owners to whom the notices were sent;
3. The name of the Land Trust to whom the notice was sent.

8.1.5 <u>Standards</u>

The Commission's review and actions on applications submitted under Section 8 of the Zoning Regulations shall, at a minimum, be based on the following Standards (Section 8.1.5) and Additional Conditions and Safeguards (Section 8.1.6).

A. **Access:** Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street.

B. **Street Improvement:** The street providing access to the lot shall be suitably improved and have the capacity to accommodate the traffic generated by the proposed use and development. If necessary, proper provision shall be made for grading and improvement to the lot frontage on an existing street. Where necessary, provision shall also be made for future extension of streets and improvements.

C. **Driveways:** There shall be no more than one exit and one entrance driveway to a lot unless otherwise approved by the Commission. Along state highways, frontage roads to service multiple uses shall be encouraged. Driveways shall not exceed thirty (30) feet in width or 10% in grade. At the intersection of a driveway and road, the grade shall approximate the road level for a minimum distance of twenty (20) feet.

D. **Parking and Loading:** Shall conform to Section 8.3 of these Regulations.

E. **Signs:** Shall conform to Section 8.2 of these Regulations.

F. **Drainage:** Provision shall be made for collection and discharge of a ten-year storm on the lot to prevent flooding of off-street parking and loading spaces, to avoid hazards and storm water runoff across pedestrian ways and vehicular circulation areas, and to protect streams and wetlands from pollution. Provision shall also be made for protection or improvement of existing watercourses and other drainage systems in accordance with good design criteria under good engineering practice and, if necessary, as approved by the Conservation Commission and the Planning and Zoning Commission. The plan

Section 8.1 Site Plan and Design Review; Special Permit Criteria (cont.)

shall be found to comply with the Stormwater Management Plan provisions contained in Section 8.25. Drainage calculations shall be provided as part of the site plan.

G. **Erosion and Sedimentation Control:** Shall conform to standards specified in Section 8.13 of these Regulations.

H. **Wetlands:** Provision shall be made for protection of wetlands as required under Public Act 155 as amended and the Town of Hebron's Inland Wetlands and Watercourses regulations as administered by the Hebron Conservation and Inland Wetlands Commission.

I. **Water Supply and Waste Disposal:** Proper provision shall be made for water supply and sewage disposal requirements for the proposed development and use. Systems shall be designed and constructed in accordance with procedures set forth in these Regulations and applicable state laws and local ordinances. The design and construction shall be approved by the Town Health Officer or his agent. Provision shall also be made for collection, storage, and disposal of solid wastes accumulated which will result from the proposed development and use and for control of litter by means of receptacles, fences, or other means approved by the Commission.

J. **Outside Storage:** Outside storage of merchandise, goods, supplies, machinery, motor vehicles, equipment, and the like shall not extend into the area required for setback from a street line, property line, nor into the area required for a landscape buffer and shall conform to the site plan.

K. **Existing Topography and Natural Features:** Existing topography shall be disturbed to a minimum. Trees, stone walls, and any unique or fragile features shall be preserved wherever possible.

L. **Public Improvements:** Required public improvements shall conform to specifications set forth therefore in the Hebron Subdivision Regulations.

M. **Overall Design, Architectural Treatment, and Aesthetic Character:** Findings as to design, architectural treatment, and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable value of real property in the area and the cost of municipal services provided therefore. All new construction shall conform to Section 8.16 Architectural and Design Review, as well as to the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Regulations.

N. Landscaping shall conform to Section 8.15 of these Regulations.

O. All solid waste disposal containers shall be visually screened from the front of the lot.

8.1.6 Additional Conditions and Safeguards

In granting any special permit, the Planning and Zoning Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to the following:

A. Requirements of setbacks greater than the minimum required by these Regulations.

B. Requirement of screening and parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Planning and Zoning Commission.

C. Modification of the exterior features in appearance of any structure where necessary to be in harmony with the surrounding area and to meet the intent of the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Zoning Regulations.

D. Limitation of size, number of occupants, methods or time of operation, or extent of facilities.

E. Regulation of number, design, and location of access drives or operation, or extent of facilities.

F. Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.

G. Regulation of the number, type, and location of outdoor lighting facilities.

H. Requirement of demonstrating that passive solar and energy conservation techniques have been considered in the design of structures, structure orientation, street and lot layout, placement of vegetation, use of natural and man-made topographical features, and protection of solar access within a development.

I. Any person, firm, or corporation having obtained approval of special permit application under this Section, shall complete all work and comply with all conditions of approval of said site plan approval within three (3) years after said approval. In the event all such work and/or all such conditions are not completed within said time, the approval granted shall become null and void. The Planning and Zoning Commission may file a statement to that effect upon the Land Records if it deems necessary in its best interest. The Planning and Zoning Commission may by resolution and without public hearing extend its approval for additional periods of one year for good cause. Such extensions

shall not exceed, in the aggregate, a period of seven (7) years from the original expiration date.

J. Approval of an application for a special permit under this Section shall be conditioned upon the applicant's filing of the special permit approval on the Hebron Land Records as per the requirements of Public Act 75-317. Said filing must take place within 90 days of the expiration of the appeal period for said approval or the approved special permit shall be null and void.

8.1.7 Schedule of Construction

The Commission may require a schedule of construction, including a staging plan, for building structures, parking, open space, or landscaping. The Commission may impose a time limit.

8.1.8 Bonding - Completion of Construction

A. **New Construction:** In new construction, before issuance of a Certificate of Occupancy, the building shall conform to the design submitted with the approved site plan, and either all drainage, parking, driveways, sidewalks, landscaping, buffers, screening, soil erosion and sediment controls, and other public improvements shown on the approved site plan will be completed or a cash bond assuring completion within a specified time (not to exceed two years) shall be forfeited if the work shall not have been completed within such time limit.

B. **Additions or Changes of Use to Existing Buildings:** In additions or changes of use to existing buildings, a cash bond assuring completion, within a specified time (not to exceed one year) of all drainage, parking, driveways, sidewalks, landscaping, buffers, screening, soil erosion and sediment controls, and other public improvements shown on the approved site plan shall be filed with the Commission prior to the issuance of any building permits. Such cash bond shall be forfeited and the Building Inspector shall be directed to remove all utilities if the work has not been completed within such time limit or if the completed building does not conform to the design submitted with the approved site plan.

C. **Cash bonds shall be secured by a passbook savings account accompanied by:**

1. The savings account passbook

2. A withdrawal slip in the amount of the Bond, properly endorsed and made payable to the Town.

3. A letter from the bank acknowledging that the account has been assigned to the Town for the period established for the construction or installation of public improvements plus three months.

Section 8.1 Site Plan and Design Review; Special Permit Criteria (cont.)

D. **Partial Release:** When and if the Zoning Enforcement Officer determines that a substantial portion of the public improvements called for in the final plan approved by the Commission have been completed, he may recommend one or more partial releases of a portion of the cash bond, the balance to be sufficient to guarantee completion of the public improvements. Such partial release shall be authorized by the Planning and Zoning Commission upon recommendation of the Zoning Enforcement Officer. Releases shall be considered in amounts of approximately 20 percent to a total maximum of 80 percent of the original bond. In no event shall the bond fall below 20 percent of the actual cost of all improvements as a result of a partial release.

E. **Final Release:** The final release of the bond will not be authorized by the Commission until all of the following conditions have been met:

1. The applicant's engineer or surveyor has certified to the Zoning Enforcement Officer through submission of a detailed A2 "as-built" plan that the layout of the line and grade of all public improvements is in accordance with the approved plans. The applicant's engineer or surveyor must be licensed in the State of Connecticut.

2. The Zoning Enforcement Officer has submitted a certificate to the Commission stating that all required improvements have been satisfactorily completed and are in compliance with these Regulations and with the final plan approved by the Commission.

8.1.9 Expiration Date of Special Permit

The special permit shall expire within one year after it is issued if no work is begun within that time period unless an extension is granted by the Commission.

8.1.10 Certificate of Occupancy

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning and Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Officer may authorize issuance of Certificate of Occupancy on the condition that all provisions of the approval are complied with as the season permits. Noncompliance within that stated time make approval null and void unless further extended for good cause.

8.1.11 Revisions and Extensions

See Section 4.6 for change of use provisions.

8.2 SIGNS

8.2.1 Statement of Purpose

The purpose of the sign regulations is to set forth reasonable guidelines for commercial and other signs in order to encourage business activity and provide a public service, yet preserve and enhance property values, prevent traffic distractions and hazards, and ensure that the general welfare (which includes the attractiveness and character of an area and the aesthetics of a sign) is preserved. In addition, the Commission shall find that any proposed sign is in compliance with "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Zoning Regulations.

8.2.2 Definitions

(a) **Sign:** Any sign or device and all parts thereof which are used to advertise products, goods, services, or otherwise promote the sale or rental of objects or identify objects for sale or for rent or the occupancy or use of any land, structure or building.

For the purpose of this definition and these Regulations, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit, or official traffic control signs, or for notices required by law.

(b) **Sign Face:** A sign face is a plane defined by the continuous perimeter enclosing the extreme limits of the message or messages of the sign, including other representation or material or color lying within said plane that draws attention to a message or messages. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

(c) **Single-faced Sign:** A sign with one face.

(d) **Double-faced Sign:** A sign with two faces, neither face exceeding the maximum area allowed for the district in which it is located, and where the faces are mounted back to back not more than 18 inches apart and parallel.

(e) **Multiple-faced Sign:** A sign with two or more faces, except double-faced sign.

(f) **Sign, gross area of:** The "gross area" of a sign shall be defined and measured as follows:

Single-faced sign: The gross area shall be the area of the single face.

Double-faced sign: The gross area shall be the area of the largest face or the area of one face if both faces have equal area.

Section 8.2 Signs (cont.)

Multiple-faced sign: The gross area shall be the combined area of all faces.

(g) **Business Sign:** A sign, which directs attention only to a business, commodity, service, activity, or product, sold, conducted or offered upon the premises where such sign is located.

(h) **Directional Sign**: A sign that guides or directs pedestrian or vehicular traffic, and which contains no business name or other advertising, as approved by the Commission.

(i) **Identification Sign:** A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church, or other public or quasi-public facility, or a professional or firm nameplate, or the name of the person, firm or corporation occupying the premises, but bearing information pertaining only to the premises on which such sign is located.

(j) **Off-Premise Commercial Sign:** A sign that directs attention to a business, commodity, service, or activity that is generally sold, offered, or conducted elsewhere than upon the premises where such sign is located.

(k) **Temporary Sign:** A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

(l) **Overhanging Sign:** Any sign extending from a building that is its sole support.

(m) **Ground Sign:** Any sign supported by uprights or braces, placed upon the ground and not attached to any part of any building.

(n) **Roof Sign:** Any sign erected, constructed, or maintained upon the roof of any building.

(o) **Wall Sign:** Any painted sign or poster on any surface or plane that may be affixed to the front, rear or side wall of any building, or any sign painted directly on any such wall.

(p) **Pole Sign:** Any sign erected on a pole or poles and that is wholly or partially independent of any building or support.

(q) **Directly Illuminated Sign:** Any sign emitting any artificial light directly or through any transparent or translucent material from a source of light in the interior of or structurally connected to such a sign.

(r) **Indirectly Illuminated Sign**: A sign illuminated with an artificial light external to and not structurally connected to the sign which light shall be so shielded that no direct rays from it are visible elsewhere than on the lot where the sign is located.

Section 8.2 Signs (cont.)

(s) **Flashing Sign:** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times such artificial light is in use.

(t) **Moving Sign:** Any sign that has any visible revolving or rotating parts or any visible mechanical movement of any description, except clocks.

(u) **Awning Sign:** Any sign that has its message printed or otherwise applied directly onto a building's awning.

(v) **Historically Compatible Freestanding Sign:** Any freestanding sign using a single post and cross arm, from which hangs the sign panel containing the sign face.

(w) **Plaza Sign:** A sign located on a parcel within the General Business District, where said parcel contains a multi-tenant building(s), where the primary use is retail, and where the primary multi-tenant building is a minimum of 10,000 square feet in gross floor area.

(x) **Business Park Identification Sign:** A sign located on a parcel within the General Business District, identifying a Business Park, where said parcel contains a mix of retail and office uses in multiple buildings having a minimum of 10,000 square feet of total floor area in the Park.

(y) **Business Park Identification Sign:** A sign within a Business Park that guides or directs pedestrian or vehicular traffic as approved by the Commission under a Business Park Sign Application.

8.2.3 <u>General Sign Regulations</u>

(a) No sign shall display intermittent lights resembling the flashing light customarily used in traffic signals or those used by police, fire, ambulance or other emergency vehicles nor shall any sign use the word "stop", "danger", or any other word, phrase, symbol or character that might be misconstrued to be a public safety warning or traffic sign, nor shall any beam or beacon of light resembling any emergency vehicle or facility be permitted to be erected as part of any sign or sign display. All light for indirectly lit signs shall be continuous, fixed, non-intermittent and non-flashing.

(b) The light source for indirectly illuminated signs shall be shielded so as not to cast direct light off the property on which it is located nor to cast light onto any adjacent roadway right-of-way.

(c) Moving or revolving signs are not permitted.

(d) Directly illuminated signs are prohibited except signs indicating the time and/or temperature by means of white intermittent light.

Section 8.2 Signs (cont.)

(e) No streamers or banners or other sign devices not herein defined shall be permitted.

(f) Every ground or pole sign shall be provided with suitable, unpaved, properly maintained landscaping, covering the area between such sign and all adjacent property lines, except for any such area that is actively devoted to some other use.

(g) Other temporary signs for non-profit organizations, such as those associated with any educational, charitable, philanthropic, civic, religious, or like event for fundraising or other similar temporary purposes may be installed. Any such sign shall: 1) have a maximum area of twelve (12) square feet; 2) be limited to one such sign per property per event; 3) be installed for a period of not more than thirty (30) days before and ten (10) days after the event, and 4) be removed by the persons responsible for installation of such signs. In no instance shall any such temporary sign be permitted for a period of more than sixty (60) days; however, the Planning and Zoning Commission may permit one extension of the time period for such temporary sign for up to an additional sixty (60) days.

(h) No sign shall be erected within or overhang public rights of way except that the Planning and Zoning Commission may permit exceptions within the Hebron Green District provided any pole or ground sign is installed behind the sidewalk or area where sidewalks would normally be built, and the sign does not overhang the traveled portion of the right-of-way.

(i) No sign shall be installed at street, road or highway intersections so as to interfere with safe sight lines, generally a distance of twenty-five (25) feet from the intersection.

(j) Signs visible from a street shall not contain an arrow, except for directional signs, or the words STOP or DANGER or otherwise resemble or simulate official traffic control signs.

(k) No exterior sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building or structure.

(l) Signs which may have become unsafe or unsightly in the opinion of the Commission shall, upon notice from the Zoning Agent be repaired or removed within ten days of said notice by the owner or lessee of the property on which such signs stand.

(m) Signs, which are no longer functional or are abandoned, shall be removed or relocated by the owner or lessee of the property on which such signs stand within one month following such designation by the Zoning Agent.

Section 8.2 Signs (cont.)

(n) In cases where a use spans more than one district, signs shall conform to the Regulations for the district in which is located the majority portion of the use to which the sign relates and shall be located in that district.

(o) Off-premises commercial signs shall not be permitted.

(p) Detached directional signs not over one square foot in area, containing no business names or other advertising information, may be permitted as approved by the Commission.

(q) Signs, other than directional or temporary signs, may only designate the name, location, graphic logo type, type of business conducted on the premises, and principal product.

(r) Roof signs are prohibited.

(s) Overhanging signs shall not project more than four feet horizontally from the building to which it is attached.

(t) Political Campaign Signs and Political Expression Signs do not require a permit, provided however, they must comply with the illumination requirements for signs in these regulations, and any such signs shall not be so constructed or located as to interfere with traffic sight lines or otherwise pose any public hazard. Any such sign is allowed on residential properties. Such signs on non-residential properties shall adhere to the height, size, number, and locational requirements of permitted commercial signs in the district in which it is located.

(u) Political Campaign Signs shall be removed no later than ten (10) days after the event to which it is related.

(v) Nothing in these regulations shall be interpreted to restrict or limit the constitutional right of citizens to express their views on political matters or other matters of public interest by means of signs.

8.2.4 <u>Signs in Residence Districts</u>

In the R-1, R-2, and AL Districts, signs shall be permitted only as follows:

(a) Identification signs for home occupations indicating only names of persons and their profession, shall have a maximum area of two (2) square feet, and shall be limited to one sign per dwelling unit.

Section 8.2 Signs (cont.)

(b) Identification signs indicating name of residents and dwelling or dwelling unit numbers shall have a maximum area of two (2) square feet, and shall be limited to one sign per dwelling unit.

(c) Identification signs indicating the name of a multifamily development or subdivision shall have a maximum area of ten (10) square feet and shall be limited to one per multifamily development or subdivision.

(d) Directional signs solely for the control of traffic and parking shall have a maximum area of one (1) square foot, except authorized State and Town traffic control signs, and shall be permitted in locations authorized by the Commission.

(e) Identification signs for churches shall have a maximum area of twenty-four (24) square feet, identification signs for schools and other governmental uses shall have a maximum area of thirty-two (32) square feet and identification signs for other non-residential uses shall have a maximum area of nine (9) square feet. Identification signs for uses noted in this subsection shall be limited to one (1) sign per major entrance to said use.

(f) Temporary “for sale” or “for rent” signs shall be permitted on the property which is for sale or rent, and on no other premises, which comply with the following criteria:

(1) for properties less than 10 acres, a maximum sign area of eight (8) square feet (plus two sign riders not to exceed 1 ½ square feet each); for properties 10 acres or more, a maximum sign area of 16 square feet;

(2) a maximum of one such sign per street frontage; and,

(3) removed within one week after the sale or rental.

(g) Temporary signs, other than "for sale" or "for rent" signs shall have a maximum area of twelve (12) square feet, and shall be limited to one sign per lot.

(h) Historical markers shall have a maximum area of four (4) square feet and may be placed only by a bona fide historical organization or by a government agency.

(i) No ground or pole sign shall exceed a height of eight (8) feet.

(j) All signs in residential districts shall require a zoning compliance permit from the Zoning Agent. Every application shall contain the following information and exhibits:

(1) Position of the sign and its structure in relation to adjacent buildings or structures and property lines.

Section 8.2 Signs (cont.)

(2) The design, size, structural details, proposed dimensions, and the proposed location on the premises of the sign and/or sign structure.

(3) Statement showing the size, dimensions and location of all signs existing on the premises at the time of the sign application.

(4) Such other information as the Zoning Enforcement Officer may require showing full compliance with this and all other applicable ordinances of the Town.

8.2.5 <u>Signs in Non-Residence Districts</u>

(a) In all districts other than R-1, R-2, and AL, no sign shall be permitted unless a complete application is made to and approved by the Planning and Zoning Commission, except as noted below. A complete application shall consist of: a completed Sign Permit Application form; required application fee; a site plan showing the location of all proposed signs with dimensions to nearest property boundaries; a detailed illustration of such sign showing all dimensions, materials, colors, wording, supporting structure (poles, posts, braces, framing, walls, etc.) and means of illumination; and, a statement submitted by the applicant indicating compliance to the provisions of Section 8.2.5.

(b) In reviewing the signs in these zones, the Commission shall consider the size and scale of the sign in relation to its specific location, with a preference for signs having the appearance of natural materials, purpose of the sign, and other buildings in its immediate vicinity.

(c) No sign shall be approved which, in the judgment of the Commission, is not required to identify the use to which it relates.

(d) Replacement of approved signs, which are the same size, shape and general color, with only the wording changed, shall not require reapproval by the Commission; however, a Sign Permit Application shall be submitted to the Zoning Agent.

(e) One temporary grand opening flag, banner or sign, not to exceed twenty-four (24) square feet, may be displayed for a period not to exceed 30 days upon approval of an application to the Zoning Agent for any new business grand opening.

(f) One temporary business promotion sign, banner or flag, not to exceed twenty-four (24) square feet, may be displayed for a one-week period, twice each calendar year, to promote a special sale event, upon approval of an application to the Zoning Agent.

(g) Temporary “for sale” or “for rent” signs shall be permitted on the property which is for sale or rent, and on no other premises, which comply with the following criteria:

Section 8.2 Signs (cont.)

(1) for properties less than 3 acres, a maximum sign area of eight (8) square feet (plus two sign riders not to exceed 1 ½ square feet each); for properties greater than 3 acres but less than 10 acres, a maximum sign area of 16 square feet; and for properties greater than 10 acres, a maximum sign area of 32 square feet,

(2) a maximum of one such sign per street frontage; and,

(3) removed within one week after the sale or rental.

(h) **Signs in the Hebron Green District**: All sign applications within the Hebron Green District shall be reviewed as to their compatibility with the unique and historic characteristics of the District, their relationship to the architecture of the surrounding buildings and signs, and, their consistency with the "Statement of Intent" of the Hebron Green District as stated in Section 5.7.1 of these Regulations. A consistency of sign style, design, materials and placement within the Hebron Green District is encouraged to lend cohesiveness to the District. Said signs shall be subject to the following limitations:

(1) One freestanding sign may be permitted for each lot as approved by the Commission from one of the following categories:

(i) One Historically Compatible Freestanding Sign where the pole does not exceed 12 feet in height, where the top of the sign panel does not exceed eight (8) feet in height off the ground, and where the message area does not exceed 8 square feet in area; or,

(ii) One ground sign, for parcels having 100 feet of frontage or less, with a maximum height of six (6) feet and a maximum sign area of sixteen (16) square feet; or

(iii) One ground sign, for parcels having more than 100 feet of frontage, with a maximum height of six (6) feet and a maximum sign area of twenty-four (24) square feet.

(2) One Wall Sign, Overhanging Sign, or Awning Sign may be displayed for each occupant of a building, not to exceed one square foot in area for each lineal foot of building frontage; however, in the case of an Overhanging Sign, such sign shall be no larger than 12 square feet and shall not extend more than 4 feet from the face of the building;

(3) For buildings listed on the National Register of Historic Places or located within any historic district, the sign area of one of the signs shall contain the historic building name and date, or circa date, of original construction, and said area shall not be counted against the allowable square footage of sign;

(4) Directional Signs may be permitted at the discretion of the Commission; and

(5) Where multiple signs are to be located on a single property, prior to any individual permits being approved, the owner shall submit a sign theme, which shall establish an overall consistency for signs on the property as to design, color and location.

(6) In lieu of the above Hebron Green Sign Regulations, an owner may submit a Special Permit Application for a Unified Sign Proposal, which shall include an overall sign plan, of all freestanding and attached signs for the premise. The Proposal shall include information on the design, placement, size, material, color, lighting and landscaping associated with each sign. In order for the Commission to approve a Unified Sign Proposal, the Commission shall find that the Proposal is more compatible to the Hebron Green District due to: quality of the Unified Sign Proposal; the unique aspects of the property; the number of buildings on the parcel; multiple building entrances; placement of buildings on the site; and, the historic nature of the buildings themselves. As part of the review and action on a Unified Sign Proposal the Commission may exercise control over design, materials, color, type and style of signs to ensure overall compatibility to the District.

(7) In order to maintain the desirable character of the Hebron Green District, to further the intent and purposes of the Hebron Green National Register Historic District, to implement the Objectives contained in the Town's "Plan of Conservation and Development", and in consideration of the stated Intent of the Hebron Green District as set forth in Section 5.7.1, the following design standards are established for all signs, including Unified Sign Proposals, in the Hebron Green District:

(a) Use permanent, natural materials (e.g., stone, brick, wood) on the bases or supports of free standing signs or a material which replicates such materials as specifically approved by the Commission;

(b) Architectural treatment of sign post and sign face shall have the same architectural details as the building it serves;

(c) Flat or semi-gloss finish on all surfaces is required; and, glossy, metallic and plastic finishes, or materials or paints that resemble these finishes, are prohibited;

(d) Extremely bright background colors (e.g., bright red, orange, or yellow) are prohibited;

Section 8.2 Signs (cont.)

(e) The sign face background, trim, message color and detail shall be consistent with the architectural detail of the building it serves;

(f) Wall signs shall be placed on buildings consistent with architectural details and shall not conflict with elements such as cornices, arches, lintels, pediments, windows, or pilasters; and,

(g) Signs that are consistent with other signs in the District, have carved letters, or painted on letters, or a style compatible to such signs are encouraged.

(i) Signs in the Village Green District, as permitted in Section 5.10.

(j) Signs in All Other Business Districts:

(1) One freestanding sign may be permitted for each lot as approved by the Commission from one of the following categories:

(i) One Historically Compatible Freestanding Sign where the pole does not exceed 12 feet in height, where the top of the sign panel does not exceed eight (8) feet in height off the ground, and where the message area does not exceed 8 square feet in area; or,

(ii) One Pole Sign or Ground Sign with a maximum height of six (6) feet and a maximum sign area of twenty-four (24) square feet; or

(iii) One Plaza Sign may be permitted by the Commission under a Special Use Permit, on properties containing a multi-tenant building and where the primary use is retail and where the primary multi-tenant building is a minimum of 10,000 square feet of floor area, if the Commission determines that such sign is necessary to properly identify said use and building on the property, and where the design, materials, landscaping, lighting and color of said sign is compatible to the site and the building's architectural style; and, said sign does not exceed eight (8) feet in height nor forty-eight (48) square feet in sign area; or,

(iv) One Business Park Sign Application may be approved by the Commission under a Special Use Permit, on properties containing a mix of retail and office uses in multiple buildings having a minimum of 10,000 square feet of total floor area within the Park, if the Commission determines that such signs are necessary to properly identify said Business Park, and where the design, materials, landscaping, lighting and color of said signs are consistent throughout, and are compatible to the site and the buildings' architectural style. All Business Park Signs

shall be included in the application. The Commission may approve the following signs under the Business Park Sign Application:

a. Business Park Identification Sign: One such sign may be permitted where said sign does not exceed eight (8) feet in height nor forty-eight (48) feet in sign area; and,

b. Business Park Building Tenant Signs:

1. for a building with a common entrance (and no exterior individual tenant access), one such sign may be permitted, in lieu of wall signs, near each common entrance listing tenant names and/or building addresses, where the sign does not exceed six (6) feet in height nor twenty-four (24) square feet in area; or,

2. for buildings with individual exterior tenant access, one such sign may be permitted near each building listing tenant names and/or building addresses, where the sign does not exceed six (6) feet in height nor twenty-four (24) square feet in area; and,

c. Business Park Directional Signs: One such sign may be permitted at intersections of driveways or roadways for the purpose of identifying additional tenants or buildings within the park where said sign does not exceed six (6) feet in height nor sixteen (16) square feet in sign area but in no instance larger than necessary to properly direct the public.

(2) One Wall Sign, or Overhanging Sign, or Awning Sign may be displayed for each occupant of a building, not to exceed the following limitations:

a. one square foot in area for each lineal foot of building frontage assigned to each unit of occupancy on the ground floor for signs located less than 150 ft. from the road right-of-way; and no sign shall exceed 50 square feet.

b. 1.5 square feet in area for each lineal foot of building frontage assigned to each unit of occupancy on the ground floor for signs located between 150 ft. but less than 300 ft. from the road right-of-way; and, no sign shall exceed 100 square feet;

c. 2 square feet in area for each lineal foot of building frontage assigned to each unit of occupancy on the ground floor for signs located 300 ft. and greater from the road right-of-way; and, no sign shall exceed 150 square feet; however, in the case of an Overhanging

Sign, such sign shall be no larger than 12 square feet and shall not extend more than 4 feet from the face of the building;

(3) Directional Signs may be permitted at the discretion of the Commission; and

(4) Where multiple signs are to be located on a single property, prior to any individual permits being approved, the owner shall submit a sign theme, which shall establish an overall consistency for signs on the property as to design, color and location.

(5) In lieu of the above Sign Regulations for Business Districts as set forth in subsection (j), an owner may submit a Special Permit Application for a Unified Sign Proposal, which shall include an overall sign plan, of all freestanding and attached signs for the premise. The Proposal shall include information on the design, placement, size, material, color, lighting and landscaping associated with each sign. In order for the Commission to approve a Unified Sign Proposal, the Commission shall find that the Proposal is more compatible to the individual site and surrounding area due to: quality of the Unified Sign Proposal; the unique aspects of the property; the number of buildings on the parcel; multiple building entrances; placement of buildings on the site; and, the architectural character of the buildings themselves. As part of the review and action on a Unified Sign Proposal the Commission may exercise control over design, materials, color, type, size and style of signs to ensure overall compatibility to the District.

(6) In order to maintain the desirable character of Hebron's Business districts, to implement the Objectives contained in the Town's "Plan of Conservation and Development", and in consideration of the stated Intent of the Business districts as set forth in Sections 5.4.1, 5.5.1, 5.6.1, and, 5.9.1, the following design standards are established for all signs, including Unified Sign Proposals, in Hebron's Business districts:

(a) Use permanent, natural materials (e.g., stone, brick, wood) on the bases or supports of free standing signs or a material which replicates such materials as specifically approved by the Commission;

(b) Architectural treatment of sign post and sign face shall have the same architectural details as the building it serves;

(c) Flat or semi-gloss finish on all surfaces is required; and, glossy, metallic and plastic finishes, or materials or paints that resemble these finishes, are prohibited;

(d) Extremely bright background colors (e.g., bright red, orange, or yellow) are prohibited;

(e) The sign face background, trim, message color and detail shall be consistent with the architectural detail of the building it serves;

(f) Wall signs shall be placed on buildings consistent with architectural details and shall not conflict with elements such as cornices, arches, lintels, pediments, windows, or pilasters; and,

(g) Signs that are consistent with other signs in the District, have carved letters, or painted on letters, or a style compatible to such signs are encouraged.

8.2.6 <u>Non-Conforming Signs</u>

Repairs and/or alterations to nonconforming signs are permitted provided that the cost of such repair does not exceed 50% of the replacement cost or value of the sign, whichever is less.

8.3 OFF-STREET PARKING AND LOADING

8.3.1 General Provisions

(a) The off-street parking and loading requirements set forth in this section shall be required for all business, commercial, industrial, and other uses not limited to a single family residential use established and all buildings and/or structures erected after the date of adoption of these Regulations and for all uses, buildings or structures existing on (actual date of adoption of these Regulations) which uses, buildings or structures are enlarged in excess of ten (10) percent of their area existing on the date of adoption of these Regulations.

(b) Every parcel of property used in whole or in part for off-street parking and/or off-street loading purposes, whether required or not by these Regulations, shall, for that portion used for off-street parking and/or off-street loading purposes, be developed, maintained, and used in accordance with the provisions set forth in this Section.

(c) In addition to the standards contained in Section 8.3, the design, layout, planning and configuration of all parking areas and drives shall take into consideration and meet the intent of the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Zoning Regulations.

8.3.2 Description of Parking Facilities

(a) Feeder drives servicing adjoining parking areas shall be no less than twenty-four (24) feet in width. Feeder drives longer than forty-five (45) feet shall provide continuous directional circulation.

(b) Collector drives distributing traffic to feeder drives and giving access to emergency vehicles shall be no less than thirty (30) feet in width and shall provide continuous circulation.

(c) Adequate ingress and egress to an off-street parking area or facility by means of clearly limited and defined drives shall be provided for all vehicles.

(d) All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping which shall provide a permanent delineation between spaces, drives and surrounding structures, uses and land.

(e) Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Planning and Zoning Commission in appropriate instances because of the size, layout or location of the parking area or facility.

(f) Perpendicular parking (90 degrees) is encouraged. Parallel parking (0 degrees) and oblique parking (angles other than 0 to 90 degrees) shall be avoided. Standards are as follows:

Section 8.3 Off Street Parking and Loading (cont.)

	Parking Angle			
	90°	**60°**	**45°**	**0°**
Curb Length per car	10’	11’4”	13’3”	23’
Stall Depth	18’	19’	18’	10’
Lot width 1 row + driveway	42’	37’	31’	21’
Lot width 2 rows + driveway	60’	56’	49’	30’
Feeder Drive	24’	18’	13’	14’

(g) In order for a parking space to be credited as a required space, it shall have access to a drive that meets at least the feeder drive width standard.

(h) All fire lanes and handicapped spaces shall be marked by vertical signs.

8.3.3 <u>Number of Parking Spaces</u>

Off street parking standards. The following off-street parking standards are minimum requirements for off-street parking and the Planning and Zoning Commission may require additional off-street parking for a particular development based on the nature of the development, its location, access and relation to surrounding development, and any unique parking demand, which may be associated with such a development.

(a) **Customary home occupation:** One (1) parking space for each employee plus three (3) parking spaces, such parking spaces to be in addition to any required off-street parking for residential purposes.

(b) **Dwellings, guest house, boarding, rooming or lodging house:** Two (2) parking spaces for each dwelling and one (1) parking space for each guest unit, boarding unit, rooming unit or lodging unit.

(c) **Orphanage or children's home, religious quarters:** One (1) parking space for each two (2) beds.

(d) **Hotel, motel, inn, tourist home:** One (1) parking space for each guest room or residence unit, plus required parking for any restaurant, assembly space or other non-residential use located within the development.

(e) **Office, general and/or professional (except medical offices), business services, finance, insurance and real estate services, government services, personal services, professional services (except medical offices, medical clinics and hospitals), broadcasting studio, message center or office:** One (1) parking space for each two hundred (200) square feet of floor area.

Medical offices and medical clinics: One (1) parking space for each one hundred and fifty (150) square feet of floor area.

Section 8.3 Off Street Parking and Loading (cont.)

(f) **Educational services:**

Day care center: One (1) parking space for each five hundred (500) square feet of gross building floor area.

Schools - public, private, parochial:

Elementary: Two (2) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

Middle/Secondary: One (1) permanent parking space for each four (4) seats in the largest assembly space located within every school, plus one (1) overflow parking space for each five (5) seats in all other assembly spaces within every school.

University, college, junior college and professional education: Ten (10) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium, stadium, theater or other public assembly space located within the development.

(g) **Repair services - Motor vehicle general and limited repair, motor vehicle gasoline or service station:** Five (5) parking spaces plus two (2) parking spaces for each service stall plus two (2) parking spaces for each gas pump. In addition, if any motor vehicles are offered for sale or for rent on the premises, an individual parking space shall be provided for each such motor vehicle offered for sale or for rent.

Ambulance services, motor vehicle car wash, bus garaging and equipment maintenance: One (1) parking space for each parking, washing or service stall, whichever the case may be.

(h) **Community center, clubs, athletic club, golf course:** One (1) parking space for each one hundred (100) square feet of gross building floor area.

(i) **Place of worship:** One (1) parking space for each four (4) seats.

(j) **Retail trade uses:**

Retail trade, except eating and drinking: One (1) parking space for each one hundred and fifty (150) square feet of gross building floor area.

Retail trade, eating and drinking: One (1) parking space for each one hundred (100) square feet of gross building area.

Section 8.3 Off Street Parking and Loading (cont.)

(k) **Wholesale trade and warehousing:** One (1) parking space for each two thousand (2000) square feet of gross building floor area used for wholesaling and/or storage purposes, plus one (1) parking space for each two hundred and fifty (250) square feet of gross finished office space.

(l) **Manufacturing uses:** One (1) parking space for each five hundred (500) square feet of gross building floor area used for manufacturing and/or storage purposes, plus one (1) parking space for each two hundred and fifty (250) square feet of gross finished office space.

(m) **Golf driving range, golf miniature, archery range, bowling, firing range, riding stable, tennis courts, bus passenger terminal, motor freight transportation terminal and garage:** Two (2) parking spaces for each driving tee, golf hole, alley, lane, stable, court, or other unit of activity, whichever the case may be.

Ice skating and/or roller skating rink: One (1) parking space for each one hundred (100) square feet of skating surface or one parking space for each three (3) seats, whichever is the greater requirement.

(n) **Library, museum or planetarium:** One (1) parking space for each six hundred (600) square feet of gross building floor area.

(o) **Auditorium, legitimate and/or motion picture theater:** One (1) parking space for each three (3) seats.

(p) **Agriculture, earth products, forestry production, customary accessory uses, cemetery, contract construction service, dog kennel, veterinarian service, bazaars, festivals, carnivals and circus, historic and monument sites, parks, nonprofit recreation uses, aircraft landing field, transmitting exchange, receiving or relay tower and/or stations, transportation center, utilities:** The Planning and Zoning Commission shall determine which, if, any, of the foregoing parking requirements, if any, shall apply.

(q) **Floor area defined:** For the purpose of the off-street parking and loading regulations and standards, "floor area" in the case of office uses, service uses, retail trade uses, and culture, entertainment and recreational uses, shall mean the gross floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. "Floor area" shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, residence, or for required stairways or elevators.

(r) **Place of assembly:** In auditoriums, stadiums, places of worship and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating

Section 8.3 Off Street Parking and Loading (cont.)

facilities, each twenty (20) inches of such seating facility shall be counted as one (1) seat for the purpose of determining the requirements for off-street parking spaces in accordance with these Regulations.

(s) **Units of measurement:** When units of measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) off-street parking space.

(t) **Funeral home:** One (1) parking space for every seventy (70) square feet of usable space directed to assembly room for funeral home services.

(u) **Facilities for instruction:** One (1) parking space for each two hundred (200) square feet of floor area. The Commission may authorize non-installed parking spaces in accordance with Section 8.3.4(b) to satisfy the needs of this unique category.

(v) **Arts & Crafts Gallery:** One parking space for each one hundred and fifty (150) square feet of floor area devoted to use.

8.3.4 <u>Reduction of Parking Spaces</u>

(a) The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day, different days of the week, or different times of the year.

(b) The applicant shall show upon the site plan the complete layout for the full parking requirements. The owner shall file that plan in the office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the non-installed parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

(c) In parking lots in excess of 25 spaces, the Commission may permit the installation of compact spaces, not to exceed 25% of the total number of spaces required, at 8 feet by 16 feet. These spaces shall be clearly designated as compact car parking. The use of compact spaces is available to retail uses only at the discretion of the Commission.

8.3.5 <u>Location of Parking Facilities</u>

(a) There shall be no parking permitted within ten (10) feet of the front, rear, or sides of a business structure or within twenty (20) feet of any facade of an industrial building.

Section 8.3 Off Street Parking and Loading (cont.)

(b) There shall be no parking permitted within ten (10) feet of side and rear property lines, except in the area of shared parking spaces when joint off-street parking is shared by abutting users.

(c) All parking areas for commercial and or business use shall conform to the front yard requirement of Section 8.15.3(a).

(d) All parking spaces provided pursuant to this Section shall be on the same lot with the building except that the Commission may permit the parking space to be on any lot within a five hundred (500) foot radius of the building, if it determines that it is impractical to provide parking on the same lot with the building.

(e) All new parking spaces in the Hebron Green District shall be provided behind any existing or proposed buildings, and may be permitted in up to 50% of the side yard width if such spaces are suitably screened from all public streets and adjoining uses.

(f) No more than 50% of all new parking spaces, in Districts other than the Hebron Green District, shall be located between the front facade of the principal building and the abutting streets.

8.3.6 <u>Joint Use</u>

Joint use of off-street parking facilities is permitted provided that the amount of such facilities shall not be less than the sum of the various users computed in accordance with the schedule of this Section and subject to provisions of Section 8.3.4.

8.3.7 <u>Surfacing and Drainage</u>

(a) All parking spaces, loading facilities, and access roadways shall have at least 6 inches of process stone and 2 1/2 inches of bituminous concrete as surface treatment unless the Commission allows some other surface treatment which, in the opinion of the Commission, will provide an adequate all-weather surface with proper drainage, will permit recharging of ground water, and will allow for reduction of storm water runoff.

(b) Parking facilities shall be so graded and drained as to dispose of all surface water accumulation within the area or facility. No surface water from any off-street parking or loading area shall be permitted to drain onto adjoining property unless express approval therefore has been obtained from the property owner or authority exercising jurisdiction over such property.

8.3.8 <u>Landscaping and Lighting and Utilities</u>

(a) Any off-street parking or loading area or facility shall be effectively screened on each side which adjoins or faces premises situated in any residential zone, or premises used for residential purposes in any zone, by a fence of acceptable design, wall or compact hedge as

approved by the Planning and Zoning Commission. Any landscaping required herein shall be integrated with any other landscaping required or provided for other portions of the parking area or facility. All landscaping, whether required or not by these Regulations, shall be properly installed and maintained on a year-round basis. All landscaping shall conform to Section 8.15 of these Regulations.

(b) The Planning and Zoning Commission may require that an off-street parking or loading area or facility be properly lighted because of its size, layout, location or the particular use served by the off-street parking or loading area or facility. The lighting shall be so arranged as to reflect the light away from adjoining premises located in any residential zone or any premises used for residential purposes in any zone. All exterior lighting shall consist of full cut-off fixtures. All exterior lighting shall be designed and arranged so as not to exceed one-half foot-candle measured at any lot line. Each Site Plan shall be accompanied by a proposed Lighting Plan providing: location of all fixtures, proposed light-levels in foot-candles, details of all light poles and fixtures, lamp type and wattage. No exterior lighting shall be installed unless a Lighting Plan is approved by the Commission. Any lighting required or provided shall be compatible with the rest of the development and landscaping of the off-street parking area or facility.

(c) All utility lines shall be underground.

(d) All waste and recycling containers, utility fixtures such as propane tanks, and similar fixtures, shall be screened from adjacent properties and views from public rights-of-way. If the areas are visible from adjacent properties or rights-of-way, the area shall be screened with materials that are compatible with the material of the principle building. Otherwise the Commission may approve a wooden fence and landscape treatment.

8.3.9 Pedestrian Circulation

(a) Interior Circulation. Safe and adequate pedestrian and vehicular traffic must be provided in all areas of off-street parking. The interior pedestrian and vehicular traffic flow shall integrate with the parking arrangement and sufficient traffic aisles and lanes for safe transit shall be provided.

(b) Sidewalks. Sidewalks are required along all public streets for all business districts unless the Commission determines that there is no long range need for sidewalks in the surrounding area based on unusual circumstances such as natural features, safety reasons or based on developing land use patterns.

8.3.10 Maintenance

Parking areas and access lanes must be kept in good repair at all times.

8.3.11 Off-Street Loading Requirements

Section 8.3 Off Street Parking and Loading (cont.)

On the same premises with every building, structure or part thereof erected or occupied for a use or uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and alleys (if any) and without encroachment on any off-street parking area.

Such off-street loading and unloading space, unless otherwise adequately provided for, as determined by the Planning and Zoning Commission, shall be an area not less than ten (10) feet by fifty (50) feet with fifteen (15) foot height clearance. A minimum of one (1) off-street loading and unloading space shall be required for each ten thousand (10,000) square feet of gross building floor area. Additional off-street loading and unloading spaces may be required by the Planning and Zoning Commission because of the building volume, location or particular use nature of the development under consideration.

Off-street loading and unloading spaces, together with appropriate access drives, shall be developed and maintained in accordance with the provisions of Sections 8.3.7, 8.3.8 and 8.3.10 of these Regulations.

8.3.12 Continuing Character of Obligation

The requirement for the provision of off-street parking spaces and off-street loading spaces shall be the continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its requirement for off-street parking and/or off-street loading spaces continues. It shall be unlawful for an owner of any structure or use affected by these parking Regulations to discontinue, change or dispense with, or to cause the discontinuance or change of the required off-street parking and/or loading spaces apart from the provision of alternative off-street parking and/or loading spaces which meet the requirements of and are in compliance with these Regulations.

8.3.13 Completion of Parking

All parking must be completed in compliance with Section 8.1.8 of these Regulations.

8.3.14 Parking Lot Design

Parking lots shall be designed so as to create a safe environment for pedestrians, motorists and the traveling public and to meet the following criteria:

(a) Not more than one curb cut per lot (or per each street frontage for corner lots) shall be allowed onto the adjacent street system, unless specifically authorized by the Commission to improve overall traffic circulation and safety.

(b) No exit from or entrance to an off-street parking facility shall be laid out or maintained as to constitute or create a traffic hazard or nuisance.

Section 8.3 Off Street Parking and Loading (cont.)

(c) A direct vehicular connection between properties in the same Zoning District may be required by the Commission to minimize the traffic impact on adjacent streets.

(d) The required number of parking spaces, as per Section 8.3.3, may be reduced by ten percent if pedestrian walkways are provided to adjacent properties and if direct vehicular circulation is provided to adjoining properties.

8.4 SALE OF ALCOHOLIC LIQUOR

8.4.1 The sale of alcoholic beverages in conjunction with the uses as noted below as well as where specified in Section 5 of these Regulations requires a Special Permit approval granted from the Planning and Zoning Commission.

8.4.2 In the Neighborhood Convenience, Amston Village, General Business, Hebron Green and Village Green District Zones, full service restaurants, including brew pubs, serving beer and wine or full liquor service to customers is permitted provided:

(a) The retail sale of alcoholic beverages shall be subordinate to the principle use which shall be a restaurant providing table service with hot meals; and, where subordinate shall mean that no more than 20% of the floor area of the restaurant is devoted to a bar or cocktail lounge area;

(b) Live or recorded entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday, except that the Commission may further limit these hours where live or recorded entertainment has the potential to become a nuisance to the area;

(c) Outdoor seating areas allowed only as specifically shown on a Site Plan and approved by the Commission and where the Commission may further restrict the hours noted in Section 8.4.2 (b) in order to achieve compatibility with adjoining uses;

(d) Walk-up windows and drive-through windows are prohibited; and,

(e) In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, service of alcoholic liquor, type of entertainment provided, proximity to residences, proximity to residential zone boundaries, appropriateness of abutting land uses, any proposed fencing or buffering, architectural quality and details of the building and site.

8.4.3 In the Neighborhood Convenience, Amston Village, General Business and Village Green District Zones, buildings where alcoholic liquors (as defined in the State Liquor Control Act) are to be sold for consumption off the premises are permitted provided:

(a) The center of the main entrance of the retail store shall be at least one thousand (1000) feet, measured by a straight line as established by the Planning and Zoning Commission, from the main entrance of any other such building used for the sale of alcoholic liquors for consumption off the premise;

Section 8.4 Sale of Alcoholic Liquor (cont.)

(b) The center of the main entrance of the retail store shall be at least five hundred (500) feet, measured by a straight line as established by the Planning and Zoning Commission, from any part of any lot used for a college, school, place of worship, library, park or playground.

(c) In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, proximity to residences, proximity to residential zone boundaries, appropriateness of abutting land uses, any proposed fencing or buffering, architectural quality and details of the building and site.

8.4.4 Liquor Permits associated with a hotel, motel, grocery store, clubs or a full-size golf course of nine (9) holes or larger, and as specifically permitted within the applicable zone in Section 5 of these Regulations, are permitted provided the Planning and Zoning Commission after a public hearing shall find that:

(a) The sale of alcoholic liquors shall be an accessory use.

(b) The sale of alcoholic liquors shall be for consumption on the premises (except for the Grocery Store permit);

(c) The sale of alcoholic beverages when a part of an incidental to a bona fide grocery store for consumption off the premises is a permitted accessory use in the Neighborhood Convenience, General Business and Village Green Districts;

(d) In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions: traffic safety, density of similar establishments, the size of the facility, service of alcoholic liquor, type of entertainment provided, proximity to residences, proximity to residential zone boundaries, appropriateness of abutting land uses, any proposed fencing or buffering, architectural quality and details of the building and site; and,

(e) The foregoing regulations set forth in this Section shall not be deemed to be retroactive, except that any location actually being used for the sale of alcoholic liquors on the date of adoption of these Regulations, whether conforming or not to the provisions of these Regulations, and at which location said selling of alcoholic liquors is discontinued by the designated permittee for such location, shall not be permitted to again be used for the sale of alcoholic liquors except in conformity with the provisions set forth in this Section.

Section 8.4 Sale of Alcoholic Liquor (cont.)

8.4.5 The foregoing distance limitations set forth in this Section shall not apply to a hotel, motel or club in the General Business district or to a full-size golf course of nine (9) holes or larger in the Residence R1 or Residence R2 districts provided the Planning and Zoning Commission after a public hearing shall find that:

(a) The sale of alcoholic liquors shall be an accessory use.

(b) The sale of alcoholic liquors shall be for consumption on the premises.

(c) That portion of the hotel, motel, club or golf course, whichever the case may be, actually used or arranged, designed or intended to be used for the sale and consumption of alcoholic liquors is located more than five hundred (500) feet, measured in a straight line as established by the Planning and Zoning Commission, from any part of any lot, building, or premises used or arranged, designed or intended to be used for a college, school, place of worship, hospital, library, park or playground.

(d) The sale of ale, beer and lager when a part of and incidental to a bona fide grocery store for consumption off the premises is a permitted accessory use in the Neighborhood Convenience and General Business District and shall not be subject to the foregoing distance limitations set forth in this Section.

(e) The foregoing distance limitations set forth in this Section shall not be deemed to be retroactive, except that any location actually being used for the sale of alcoholic liquors on the date of adoption of these Regulations, whether conforming or not to the provisions of these Regulations, and at which location said selling of alcoholic liquors is discontinued by the designated permittee for such location, shall not be permitted to again be used for the sale of alcoholic liquors except in conformity with the distance provisions set forth in this Section.

8.5 MOTOR VEHICLE REPAIR, GASOLINE OR SERVICE STATION, CAR WASH

The standards and regulations for site and building standards for all uses allowed under this section are contained in the following subsections of Section 8.5 as well as in the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Zoning Regulations.

8.5.1 Motor Vehicle or Gasoline Service Stations

(a) All motor vehicle or gasoline service stations shall be located on a lot, which lot shall have no portion located within three hundred (300) feet, measured in a straight line as established by the Planning and Zoning Commission, from any part of any lot, building or premises used or arranged, designed or intended to be used for a college, school, place of worship, hospital, library, theater, park, playground or other place of public gathering or within 300 feet of another motor vehicle or gasoline service station.

(b) Curb cuts for entrance and egress shall be a minimum of 50 feet from any street or highway intersection.

(c) There shall be a minimum distance of fifty (50) feet between any two curb cuts used for entrances and/or exits to the station.

(d) There shall be a minimum distance of fifteen (15) feet between any curb cut used for an entrance and/or exit to the station and the nearest side lot line of the lot on which said station is located.

(e) There shall be no products displayed in the front yard or side street yard, if any, except that automobile products such as lubricating oil customarily sold for retail as part of the operation of the service station may be displayed on the pump islands, and coin operated dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side street yard, if any, if such machines are situated immediately adjacent to the principal building on the lot, and provided further that there shall be a maximum of two (2) such machines per frontage.

(f) A landscaped area at least fifteen (15) feet in width shall be provided between the pump island area(s) and the front lot line and side street lot line, if any, for the full length of the frontage(s) excluding the area required for the station entrances and/or exits curb cuts. Landscaping not to obstruct highway sight lines.

(g) There shall be no streamers on the lot or structures.

(h) All signs shall abide by the sign provisions of the Hebron Zoning Regulations.

(i) Every motor vehicle or gasoline service station shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear

Section 8.5 Motor Vehicle Repair, Gasoline Or Service Station, Car Wash (cont.)

no advertising), or planting screen, eight (8) feet in height and providing and of such density so as to provide year-round screening and conforming to Section 8.15 of these Regulations.

(j) All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles and vehicles for rent or sale, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.

(k) There shall be no storage or parking of motor vehicles in the front yard or side street yard.

(l) There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

(m) Any lighting used to illuminate any sign or any area of the gasoline service station and its premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential district or any premises used for residential purposes in any district.

(n) Any trash or storage area shall be enclosed by a suitable opaque fence not less than eight (8) feet in height.

(o) All repair work shall be conducted within the principal building on the lot.

(p) The Planning and Zoning Commission may require, if it deems such action appropriate to reduce the potential noise and visual impact of the station on surrounding development, that the entrances to the station's service bays be located on a particular side of the station's service building.

(q) All site and floor drains, which may receive detergent, oil or other chemicals, shall not be connected to the sanitary sewer system but shall be collected in a holding tank, which shall be periodically pumped. Such drainage shall not in any case be directed to storm drains or natural watercourses or ground water.

(r) Approval of location for motor vehicle or gasoline service stations is required by the Zoning Board of Appeals.

8.5.2 <u>Motor Vehicle Limited and General Repair</u>

(a) There shall be no building on a lot or premises used for motor vehicles limited and/or general repair located within fifty (50) feet of another building.

Section 8.5 Motor Vehicle Repair, Gasoline Or Service Station, Car Wash (cont.)

(b) There shall be no products displayed for sale in the front yard or side street yard, if any.

(c) There shall be no more than one freestanding identification sign per frontage.

(d) There shall be no signs located in the front yard or side street yard, if any, except the permitted identification sign.

(e) There shall be no streamers on the lot or structures.

(f) All signs shall abide by the sign provisions of the Hebron Zoning Regulations.

(g) Every premises used for motor vehicle limited and/or general repair shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, eight (8) feet in height and of sufficient density to provide year-round screening and conforming to Section 8.15 of these Regulations.

(h) All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles for rent or sale, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.

(i) There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

(j) Any lighting used to illuminate any sign or any area of the premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential district or any premises used for residential purposes in any district.

(k) Any trash or storage area shall be enclosed by a suitable opaque fence not less than eight (8) feet in height.

(l) All repair work shall be conducted within the principal building on the lot.

(m) When motor vehicle limited repair is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 8.5.1 of these Regulations.

Section 8.5 Motor Vehicle Repair, Gasoline Or Service Station, Car Wash (cont.)

(n) All site and floor drains, which may receive detergent, oil or other chemicals, shall not be connected to the sanitary sewer system, but shall be collected in a holding tank, which shall be periodically pumped. Such drainage shall not in any case be directed to storm drains or natural watercourses or ground water.

(o) Approval of location for premises to be used for motor vehicle limited and or general repair is required by the Zoning Board of Appeals.

8.5.3 <u>Car Wash Facilities</u>

(a) All car wash facilities shall be located on a lot, which lot shall have no portion located within three hundred (300) feet, measured in a straight line as established by the Planning and Zoning Commission, from any part of any lot, building or premises used or arranged, designed or intended to be used for a college, school, place of worship, hospital, library, theater, park, playground or other place of public gathering or within 300 feet of another car wash facility.

(b) All car wash buildings and facilities shall be located no closer than 150 feet from a residential use and/or a residential district boundary or closer than 75 feet to any street right-of-way line.

(c) Curb cuts for entrance and egress shall be a minimum of 50 feet from any street or highway intersection.

(d) There shall be a minimum distance of fifty (50) feet between any two curb cuts used for entrances and/or exits to the car wash.

(e) There shall be a minimum distance of fifteen (15) feet between any curb cut used for an entrance and/or exit to the car wash and the nearest side lot line of the lot on which said car wash is located.

(f) There shall be no products displayed in the front yard or side street yard.

(g) There shall be no streamers on the lot or structures.

(h) All signs shall abide by the provisions of the Hebron Zoning Regulations.

(i) Every car wash facility shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, eight (8) feet in height and providing and of such density so as to provide year-round screening and conforming to Section 8.15 of these Regulations.

Section 8.5 Motor Vehicle Repair, Gasoline Or Service Station, Car Wash (cont.)

(j) All areas of the site used for parking, stacking and circulation shall be paved with concrete or asphalt. The paved area of the site shall be so graded to prevent any water from entering onto the adjoining street.

(k) In addition to the parking requirements for employees as contained in Section 8.3.3(g), each car wash bay shall have the following vehicle stacking capacity for cars waiting to be serviced: four (4) stacking spaces for each self service bay; eight (8) spaces for each automatic bay.

(l) If accessory vacuuming facilities are provided, the site plan shall demonstrate one parking space for each vehicle capable of being serviced at any one time at such facility where such parking spaces do not interfere with circulation drives or entry and exit drives.

(m) All washing, waxing and drying operations shall occur in completely enclosed buildings except for vehicle entrance and exit doors; accessory uses such as vacuuming stations shall be permitted outside only if specifically approved by the Commission and only where located not less than 25 feet from any side or rear property line except as provided in (b) above.

(n) The Planning and Zoning Commission may require, if it deems such action appropriate to reduce the potential noise and visual impact of the facility on surrounding development, that the entrances to the car wash bays be located on a particular side of the building. Vehicle entrance and exit doors shall not be oriented toward any abutting residentially zoned properties or residential uses.

(o) Any lighting used to illuminate any sign or any area of the facility and its premises shall be so arranged as to reflect the light away from any street or right-of-way and from any adjoining premises located in a residential district or any premises used for residential purposes in any district.

(p) Any trash or storage area shall be enclosed by a suitable opaque fence not less than eight (8) feet in height.

(q) Prior to any approval of such a facility from the Planning and Zoning Commission, the applicant shall provide a report from the Water Pollution Control Authority finding that the facility is approved for connection into the Town's sanitary sewer system.

(r) A report as specified in Section 5.5.3(d) shall be provided.

(s) Prior to the issuance of a building permit for such a facility, the applicant shall provide to the Town that approval has been received from the Department of Environmental Protection for the discharge of car wash wastewater to the sanitary sewer system.

Section 8.5 Motor Vehicle Repair, Gasoline Or Service Station, Car Wash (cont.)

(t) The facility shall be equipped with a water recycling system and a report shall be provided documenting the percentage of water to be recycled.

(u) The facility shall be equipped with a grit separator for all car wash wastewater prior to discharge to the sanitary sewer system.

(v) The building shall conform to the Design Review Criteria as contained in Section 8.16 of the Regulations and all areas adjacent to the building, except for entrance and exit doors shall be landscaped for a minimum distance of ten (10) feet from the building.

8.6 RESTAURANTS

8.6.1 All vehicular entrances and/or exits to the premises shall be located not less than one hundred (100) feet from any intersection of public roads or streets, said one hundred (100) feet distance to be measured along the street line of the street on which said premises fronts from the point at which said street line intersects the nearest street line of an intersecting street to said premises.

8.6.2 Food services shall be primarily to customers seated at tables or at counters within a closed building.

8.6.3 Water Usage - a graded reserve area for all septic systems shall be required. Low water fixtures shall also be mandatory as approved by the Hebron Health Officer.

8.7 TRAILERS OR TOURIST CABINS

8.7.1 Scope of Regulation

No trailer camp, mobile home park or tourist camps or cabins shall be permitted in the Town of Hebron and no trailer shall be permitted except in conformance with the following Regulations.

8.7.2 Exceptions to Regulations

(a) The use of a trailer or other temporary structure by the owner-builder of a dwelling under construction is allowed provided:

(1) The trailer or other temporary structure in question must contain at least two hundred and forty (240) square feet of living area.

(2) Any trailer so used must not be over ten (10) years old.

(3) The trailer or other temporary structure shall have an adequate supply of potable water, and shall contain a flush toilet in working order, which toilet shall be connected to a septic tank and disposal field.

(4) The applicant must own the lot in which the dwelling is to be built with at least fifty percent (50%) equity.

(5) A building permit for the dwelling shall have been obtained and plans filed.

(6) The dwelling foundation, septic tank and water supply shall be complete.

(7) Occupancy permit. If steps 1 through 5 are complete, a six month temporary permit to park and use a trailer shall be issued. The fee for this permit will be $100.

(8) If, at the end of the six (6) month period covered by the permit, the framing, sheathing and roofing are finished, an additional six (6) month temporary permit will be allowed. The fee for this permit will be $100.

(9) At the end of the second six (6) month period, the dwelling must be complete in its exterior appearance, plumbing, heating, wiring, septic tank, drain field and well. At the discretion of the Zoning Enforcement Officer, a temporary certificate of occupancy for the dwelling may be issued and the trailer must no longer be occupied and must be removed from the premises. Due allowance will be made for extending the temporary permits due to undue hardships, such as sickness, unusual weather conditions or other acts of God.

Section 8.7 Trailers or Tourist Cabins (cont.)

(10) Only the owner of the premises and the owner's family may occupy the trailer.

(11) The trailer must be located a minimum of 100 feet from the front street line, 25 feet from any side lot line, and 50 feet from the rear lot line.

(12) The trailer must display the Connecticut Building Code Certificate.

(b) The use of a trailer meeting the specifications of item 1, 2, 3 of subsection 8.7.2(a) for the housing of aged persons is allowed provided:

(1) The trailer is parked at least one hundred fifty (150) feet from the nearest public highway or road, which may be reduced to one hundred (100) feet if the trailer is not easily visible.

(2) The trailer is parked on a lot containing a legal dwelling.

(3) The trailer may be used only to house specific aged persons closely related by blood or marriage to a legal inhabitant of the dwelling in Item 2 above.

(4) Occupancy permits. A one year temporary permit to park and use a trailer for aged family housing shall be issued. Renewable annually.

(c) The use of a trailer meeting the specifications of Item 1, 2, and 3 of subsection 8.7.2(a) for the housing of farm help is allowed provided:

(1) The trailer is located at least 200 feet from the nearest public road or highway. This distance may be reduced to 100 feet if the trailer is not then easily visible from the traveled portion of the road or highway.

(2) The farm helper housed in the trailer is an adult, full time employee working at least 40 hours a week on the farm owned or operated by the person, persons, or company on whose property the trailer is located. The farm helper must obtain the major portion of his income from work on the farm in question.

(3) Notice must be given to the Zoning Agent within one week after the occupant of the trailer leaves and within one week after a new occupant is installed. After the trailer is unoccupied for eight (8) months, the permit terminates and any new occupant requires another permit from the Planning and Zoning Commission.

(4) Occupant permit. A one year temporary permit to park and use each trailer for farm helpers' residence shall be issued, renewable annually.

Section 8.7 Trailers or Tourist Cabins (cont.)

(d) One visiting trailer or motor coach used for living purposes may be parked on the rear of a lot occupied by a detached single family dwelling and at least 40 feet from any lot line for a period of not more than four weeks in any calendar year. No permit is required.

(e) The owner of a travel trailer or motor coach may store or park it on his own land on the rear half of the lot where the owner's place of residence is located and at least 40 feet from any lot line, no permit is required.

(f) Construction trailers or mobile homes. Trailers or mobile homes used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active commercial construction job may be permitted on such premises of such construction job in any district, subject to the conditions of such district.

(1) It shall be located only as approved by the Building Official, who shall consider the location of the premises, adjacent properties, surrounding development, both existing and proposed, and the purpose for which such trailer, mobile home or semi-trailer is to be used.

(2) Occupancy permit. A six (6) month temporary permit shall be issued for each such trailer on a construction site, renewable once for an additional six (6) months.

8.7.3 <u>Occupancy Permits</u>

(a) The Town Zoning Enforcement Officer shall issue an occupancy permit to allow the residential use of a trailer or a mobile home in the Residence (R-1) or (R-2) District only subject to the conditions stated in Section 8.7.2(a) and 8.7.2(b), or a trailer, mobile home or semi-trailer for storage or field office purposes on a construction site only subject to the conditions stated in Section 8.7.2(f).

(b) Separate occupancy permits shall be issued for each trailer, mobile home or semi-trailer to be used.

(c) The occupancy permit shall state the location at which the trailer, mobile home or semi-trailer is to be parked, the purpose for which it is to be used, and the number of occupants, if any.

(d) Prior to the issuance of an occupancy permit for residential use of a trailer or a mobile home, written approval of the Town Health Officer certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Hebron must be obtained by the applicant and presented to the Zoning Enforcement Officer.

(e) Occupancy permits for residential purposes can only be issued to the owner(s) of the premises where the trailer or mobile home will be parked. Trailers or mobile homes for

Section 8.7 Trailers or Tourist Cabins (cont.)

construction site purposes shall be issued to the contractor who will be using the trailer or semi-trailer.

(f) Occupancy permits shall state the term for which occupancy is allowed.

(g) An occupancy permit to be issued or renewed under Sections 8.7.2(a) or 8.7.2(f) can only be issued after a building permit has been obtained for the premises where the trailer, mobile home or semi-trailer is to be parked.

8.7.4 <u>Changes or Additions</u>

No person shall make structural changes or additions to a trailer, mobile home or semi-trailer for the purposes of converting it into a tenement or permanent dwelling, nor shall any occupied trailer, mobile home or semi-trailer be dismounted.

8.7.5 <u>Compliance</u>

Any occupancy permit shall be voided upon the failure of the permittee to conform to these Regulations, any conditions of the permit or the State or Town sanitary regulations. A voided occupancy permit shall not be reinstated.

8.8 HOUSING FOR THE ELDERLY

8.8.1 **Purpose:** The purpose of this section is to ensure that any housing for the elderly development is consistent with the overall intent of these Zoning Regulations, namely to preserve the essentially rural, low-density residential character of the Town of Hebron, and to discourage forms of development which will create subsurface sewage disposal problems.

8.8.2 **Special Permit:** A special permit shall be required for any proposed housing for the elderly facility. Such special permit may be issued only by the Hebron Planning and Zoning Commission after a public hearing and shall be issued only in conformity to the provisions of this Section 8.8 of these Regulations.

8.8.3 **Definitions:** For purposes of this Section, the following definitions shall apply:

(a) **Housing for the Elderly:** An apartment building or group of apartment buildings which are located on a single parcel of land, share common management, and of which at least one (1) resident of each unit is an elderly or handicapped person. The applicant shall provide a Certificate of Need from the Hebron Housing Authority and a certified statement from a licensed architect or professional engineer that the project conforms to the requirements of the State of Connecticut and/or Federal programs providing for housing for the elderly.

(b) **Elderly Persons:** Persons sixty-two (62) years of age and over.

(c) **Handicapped Persons:** Persons who have certified by the Social Security Board as being totally disabled under the Federal Social Security Act.

(d) **Dwelling Unit:** A single unit providing complete, independent living facilities for one or more elderly or handicapped persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(e) **Community Center:** A building or structure, which is part of the housing for the elderly apartment building complex, which is operated primarily, but not exclusively, for a recreational, social, patriotic, benevolent, or athletic purpose of the tenants of the housing for the elderly complex.

(f) **Housing for the Elderly Apartment Complex:** All buildings and structures located on the development site.

8.8.4 **Application for Special Permit**: As part of an application for special permit under the provisions of Section 8.8, the following shall be submitted to the Planning and Zoning Commission:

(a) Letter of application signed by the owner and agent, if any, stating the ownership of the property to be developed and summarizing the development proposal.

(b) Letter of application for sewage discharge permit to the Hebron Health Officer, for referral of the project to the Connecticut Department of Health or the Department of Environmental Protection, pursuant to Section 7-245 of the Connecticut General Statutes and the Connecticut Public Health Code.

(c) Key map of the neighborhood at a scale of 1"=200' showing the relation of the proposed development to abutting properties and to existing and proposed streets.

(d) Certified A-2 survey, on a scale of 1"=40', showing the following information:

(1) Location of benchmarks

(2) Lot size

(3) Subdivision, if applicable

(4) Two foot contours extending fifty (50) feet beyond site boundaries. Contour information shall be collected by an actual field survey or by means of photogrammetry (aerial topography). No other sources will be acceptable.

(5) Location of subsurface sewage disposal area and site testing locations for the same

(6) Location of water supply or any buried fuel tanks

(7) Location, dimension and basement floor elevation of all buildings

(8) Apartment sizes

(9) Number of dwellings in each building

(10) Number of bedrooms in each dwelling unit and building

(11) Location of driveways, parking areas, and parking spaces, and of any fire lanes as required by Town ordinance

(12) Location of recreation areas

(13) Foundation drains and gutter drains; drainage plan of entire site including all disturbed areas, sidewalks, parking and driveway areas

(14) Location of any ponds, brooks, or inland wetlands areas

(15) Location of refuse containment area

(16) Site provisions for handicapped access to buildings

(e) Appropriate and accurate elevations, perspectives, isometric drawings or models, to scale, depicting height, bulk, fenestration, construction materials and other massing, architectural, and design features of the proposed development.

(f) Landscaping plan (may be incorporated as part of the A-2 survey referenced in 8.8.4.d above) showing:

(1) Planting schedules - type, number, minimum size of trees and/or shrubs and other plants

(2) Treatment of seeding, sodding, and water elements

(3) Pavement types for vehicular and pedestrian movement and recreation areas

(4) Type, height and density of any proposed screening or fencing

(5) Provisions for year-round maintenance of landscaping

(g) An erosion and sedimentation control plan prepared in accordance with Section 8.13.

8.8.5 **Standards:** Any application for a special permit under the provisions of this Section shall meet the following requirements:

(a) **Tract size:** No tract of land shall be developed for housing for the elderly that is less than eight (8) acres. Wetlands, ponds, streams, areas of grades in excess of fifteen percent (15%) shall not be counted for purposes of computing minimum tract size.

(b) **Dwelling units per building:** No apartment building shall contain less than three (3) dwelling units nor more that eight (8) dwelling units.

(c) **Units per acre:** No apartment building complex for the elderly shall exceed three (3) bedrooms per acre. An efficiency apartment dwelling unit shall be counted as one (1) bedroom. Wetlands, ponds, streams, areas of grades in excess of fifteen percent (15%) shall not be counted for purposes of computing density.

(d) **Handicapped dwelling units:** Not less than ten percent (10%) of all apartment units shall be constructed for handicapped living in accordance with the State of Connecticut Basic Building Code, 1978, as amended.

(e) **Building height:** Maximum height for any building shall be twenty-two (22) feet, measured from finished grade to roof parapet.

(f) **Separating distance:** Minimum separating distance between buildings shall be decided by the Hebron Planning and Zoning Commission. The Commission shall use Section 8.8.6 of these Regulations to determine separating distances.

(g) **Yards:** Front yard shall be seventy-five feet (75'). Side yards shall be each fifty feet (50'). Rear yards shall be fifty feet (50').

(h) **Frontage:** Minimum width of the site at the street line of a public street shall be fifty (50) feet.

(i) **Subsurface sewage disposal:** Each separate building having a sewage flow shall be connected to one community or common subsurface sewage disposal system with all other buildings on the site of the developed area. A permit for the construction of the subsurface sewage disposal system must be obtained from the Connecticut Department of Health Services or the Department of Environmental Protection prior to final approval of the Special Permit by the Commission.

(j) **Storm drainage:** All storm drainage facilities must conform to the requirements of Sections 13.7 and 13.8 (Public Improvement Specifications) of the Hebron Subdivision Regulations.

(k) **Parking and driveways:** The following standards shall apply:

(1) All parking and driveway surfaces shall be bituminous concrete with curbing to control water and traffic runoff.

(2) All parking spaces shall be lined with painted stripes.

(3) There shall be a minimum of one (1) parking space per dwelling unit.

(4) No parking space or any portion of pavement shall be within ten (10) feet of any building except for loading and delivery areas.

(5) The proper number of handicapped parking spaces shall be supplied as required by State of Connecticut regulations or statute.

(6) Parking areas or facilities must conform to general provisions of Section 8.3 of these Regulations.

(7) Parking areas or facilities must be properly lighted in relation to their size, layout, and location. Lighting shall be reflected away from dwelling units or adjacent residential uses. Any lighting required or provided shall be compatible with the rest of the development and with the landscaping of the parking areas or facilities.

(8) There shall be a seventy-five (75) foot minimum separating distance between a parking area or facility and any existing or contemplated adjacent residential use.

(l) **Landscaping standards:**

(1) All disturbed areas not mulched or planted with trees, shrubs, or flowers shall be planted with grass.

(2) There shall be a landscape buffer area with a minimum width of fifty (50) feet between the area of development and any adjoining premises used or contemplated to be used for residential purposes and conforming to Section 8.15 of these Regulations.

(m) All buildings shall conform to the standards in Section 8.16 Design Review Criteria.

8.8.6 **Evaluation Criteria**: In considering the proposed application, the Planning and Zoning Commission shall be guided by the following:

(a) The existing and future character of the neighborhood in which the use is to be located.

(b) The location of main and accessory buildings in relation to one another.

(c) The height, bulk, and density of buildings in relation to one another.

(d) Traffic circulation within the site; amount, location, and access to parking; traffic load or possible circulation problems on existing streets; pedestrian safety throughout the site and in the immediate neighborhood.

(e) Availability of water to the site and adequate disposal of sewage and storm water.

(f) Safeguards to prevent detrimental impact to adjacent property and the neighborhood in general.

8.9 EARTH PRODUCTS, EXCAVATION, FILLING OR REMOVAL

8.9.1 **Introduction:** The excavation or removal of earth materials is an activity requiring a Special Permit and is subject to the requirements of the underlying district in which it is performed; the provisions of Section 8.1 and the conditions, standards and requirements set forth in Section 8.9.

8.9.2 **Authorization:** Pursuant to Chapter 124 of the Connecticut General Statutes, as amended, the Planning and Zoning Commission is authorized to grant a Special Permit for the excavation or removal of earth materials in the Town of Hebron and the Zoning Enforcement Officer is authorized to enforce these Regulations and any conditions connected with such Special Permit.

8.9.3 **Purpose:** This Section is designed to regulate the excavation or removal of earth materials such that the activity does not pose a threat to the public's health, safety and welfare. This Section further is intended to conserve and preserve water storage areas, assure erosion and sedimentation is minimized, water pollution is prevented, hazards inherent to open pits and steep slopes of loose earth are prevented, such nuisances as excess or uncommon traffic, noise, odor, dust are minimized, visual blight is controlled, the productive usage of land is maintained and the cultural and natural values and heritage of Hebron are not lost.

8.9.4 **Definitions:**

Excavation operations - shall include any operations involving excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, peat moss, and any other earth products.

Premises - shall mean a parcel of land under one (1) ownership upon which exists a principal use.

8.9.5 **Exemptions:** In any instance involving excavation operations, such operations may only begin after receiving a Special Permit in accordance with these Regulations with the following exceptions:

(a) Excavation operations within the legal highway rights-of-way held by either the State of Connecticut or the Town of Hebron or those otherwise approved by the Planning and Zoning Commission as part of a Subdivision or Plan of Development.

(b) Excavation operations within a premise as directed and approved by the Zoning Enforcement Officer as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Building Official. Such excavation operations shall be restricted to those reasonably necessary and incidental to such construction operations, with the minimum necessary disturbance to the natural topography.

Section 8.9 Earth Products, Excavation, Filling Or Removal (cont.)

(c) Excavation operations completely within a premise as a result of bona-fide landscaping, agriculture, or construction for which operation no permit is required from the Town Building Official, or Zoning Enforcement Officer, provided no such operation shall result in removal, filling in, or grading of more than six hundred (600) cubic yards of earth products for each individual premises.

8.9.6 **Application for Excavation and Removal of Earth Materials:** Applications for Special Permit under this Section shall contain the following information:

(a) A key map at a scale of 1"=200' of the general area certified by a Licensed Surveyor showing the following existing conditions:

(1) boundaries and owners of record of the premises upon which the proposed activity will be conducted.

(2) boundaries and owners of record of all adjacent properties.

(3) existing topography and two (2) foot contours of the premises and all land within five hundred (500) feet of the premises.

(4) existing land and water use(s) on the premises and within five hundred (500) feet of the premises.

(5) all existing natural watercourses, wetlands, soil types and flood plain boundaries within and within five hundred (500) feet of the premises.

(6) all existing public and private roads, which provide access to the premises.

(7) all existing utilities and easements on the premises.

(b) A site plan, in triplicate, at a scale of 1"=100', certified by a Licensed Surveyor and by a Professional Engineer which conforms to a Class A-2 survey, showing the following proposed conditions:

(1) The entire boundaries and acreage of the premises and all information shown on the key map as it relates to the premises.

(2) The total amount of earth materials to be removed measured in cubic yards and the average thickness of proposed top soil coverage.

(3) A log of soil borings taken to four (4) feet beyond the depth of the proposed excavation; such logs to indicate the depths, composition and type of earth materials, mottling and depth to water table.

Section 8.9 Earth Products, Excavation, Filling Or Removal (cont.)

(4) Typical cross sections of the area to be excavated showing both existing and proposed contours and grades.

(5) Plan view of proposed contours and finished grades at the completion of the excavation operations.

(6) Location of all new roads, utilities, drainage ways and watercourses, proposed buildings, structures, fixed equipment and machinery.

(7) Areas and acreage of active operations and earth material stockpiling; differentiating between removed topsoil and subsurface materials.

(8) Amount, composition and origin of soil materials to be used for site restoration.

(9) Elevations of spring high ground water throughout the site as determined by test holes and location of such test holes.

(10) A sedimentation and erosion control plan and a plan for the restoration of the site following cessation of excavation operations.

(11) Proposed or potential future use of the area following cessation of the excavation operations.

8.9.7 **Permit Evaluation Criteria:** All applications for Special Permit under this Section shall be evaluated with regard to the following minimum criteria:

(a) **Appropriateness of location:** The compatibility of the proposed activity with the Town's Plan of Development; the zoning district in which it will occur and existing or proposed land uses therein; the present, proposed or potential water supply uses or capabilities of the area; the impact of the activity on the use and quality of adjacent water courses; the creation of such real or potential nuisances as noise, traffic, odors, dust, visual blight, natural resource degradation, erosion and sedimentation, flooding, the impact on surrounding existing or proposed land uses and the end use of the excavated area.

(b) **Conformance:** Conformance of the activity with Building Regulations, Town Codes or Ordinances and the general purposes, criteria, standard or stipulations of these Regulations.

(c) **Safety:** Accessibility for emergency vehicles; potential for damage to Town roads, bridges or other public facilities; potential for increased fire, traffic or health hazards.

Section 8.9 Earth Products, Excavation, Filling Or Removal (cont.)

(d) **Historic, scenic and general character:** Potential for destroying or defacing historic, scenic or natural values or otherwise be detrimental to a neighborhood or the Town's cultural and natural heritage.

8.9.8 **Permit Standards:** The following are minimum standards to be applied as restrictions on applications for permit for excavation or removal of earth materials.

(a) **General Restrictions:** All phases, activities, structures, roads, equipment, machinery, hours of operation, control measures, areas of excavation, operation and restoration standards shall be regulated and subject to approval by the Planning and Zoning Commission. The Planning and Zoning Commission may, after applying these Regulations, stipulate such other restrictions as appear reasonable to protect the rights of individuals, property values in the area, the public health, safety and welfare and those actions which will promote the general intent and purpose of the Plan of Development.

(b) **Operation Standards:**

(1) **Site Size:** No earth removal or excavation operation shall encompass more than (5) acres of active operations at any one time. Operations, which would encompass a total of more than five (5) acres, shall not be issued a permit unless and until a comprehensive phased removal and restoration plan has been submitted and approved.

(2) **Horizontal Set Backs:** No portion or phase of any excavation operation shall occur within one hundred (100) feet of any property boundary, public road, utility right-of-way or high water line of natural watercourses. Natural vegetation shall be maintained on this undisturbed land for screening, dust and noise control purposes.

(3) **Access Roads:** All access roads shall be properly bound so as to provide a durable and dustless surface for a minimum distance of five hundred (500) feet from any public road. Further, access roads shall be constructed at an angle to public roads or with a curve to screen the operation from public view.

(4) **Buildings, structures, machinery and equipment:** No building, structure, fixed machinery or equipment shall be located within three hundred (300) feet of any residential district. All buildings, structures, fixed equipment and machinery shall be properly maintained and operated in such manner as to minimize noise, odor, dust, unsightly conditions and any other nuisance. Any building, structure, fixed equipment or machinery that has not been used for one continuous year shall be removed from the premises or within sixty (60) days of expiration of the Special Permit or termination of the excavation operation.

Section 8.9 Earth Products, Excavation, Filling Or Removal (cont.)

(5) **Operating hours:** Operating hours for excavation shall be restricted to week days, between the hours of 7 A.M. and 6 P.M. At other hours, road access to the site shall be barred through the use of a locked gate.

(6) **Erosion:** Erosion by wind and water shall be controlled at all storage areas, yards, access roads, untreated open areas and during transport of earth materials on public roads. Proper drainage at all stages of the operation shall be maintained to prevent: stagnation of water, interference with or disturbance of natural water flow; slope and stream erosion; sedimentation; or other harmful effects to adjoining properties or the future use of the premises.

(7) **Vertical setback:** No excavation operation shall remove earth materials closer than four feet to the spring high water table. This separating distance shall be maintained during and following cessation of the excavation operation and shall be shown of the proposed site plan.

(8) **Topsoil preservation:** All topsoil shall be stripped from the operation area and stockpiled for use in restoring the area once the excavation phase of the activity has been completed.

(c) **Restoration standards:**

(1) **Final slopes:** Within thirty (30) days of completion of an excavation operation, the final slopes of an area shall be created and maintained at a gradient of 3:1 (one (1) foot vertical rise in three (3) feet of horizontal distance).

(2) **Debris:** No debris, stumps, boulders, waste products or process residues shall be disposed of in any watercourse but shall be collected and disposed in a location approved by the Planning and Zoning Commission.

(3) **Soil cover:** Within sixty (60) days of completion of an excavation operation, a minimum of four (4) inches of topsoil shall be re-spread over the area and shall be lined, fertilized and seeded in accordance with recommendations of the Planning and Zoning Commission. At the Commission's discretion, this requirement may be held in abeyance during the months of November, December, January and February, however, the un-restored slopes shall be appropriately stabilized until commencement of restoration activities in the months of April.

8.9.9 **<u>Performance Bond</u>:** A performance bond shall be assigned exclusively to the Town of Hebron assuring satisfactory compliance with this Regulation and any conditions imposed by the Commission in the interests of safeguarding the area and the Town against injury; assuring proper future use of the land after completion of operations or to control the transportation of such material through the Town. Upon failure to comply and forfeiture of the bond, monies

therefrom shall be utilized by the Town for the purpose of fulfilling these requirements. In any case, the bond shall not be released until sufficient time has elapsed to ascertain that all slopes have stabilized, that vegetation planted has successfully been established, that drainage is operating satisfactorily and that all operation and restoration standards have been met. The amount of the bond shall be not less than three thousand (3,000) dollars for each acre to be excavated. An agreement shall be filed with the bond, which, among other things, shall grant the Town the right of access to perform all necessary rehabilitation of the property in the event of bond forfeiture.

8.9.10 **Completion of Operations:** If within thirty (30) days of expiration of a Special Permit, no application for permit renewal has been received by the Planning and Zoning Commission or the request for permit renewal has been denied or the permit has been revoked, the operation shall be deemed completed and the standards for site restoration shall apply.

8.9.11 **Permit Duration:** A Special Permit granted under the provisions of these Regulations shall remain in force for a period of one year. Operations exceeding this limit shall reapply for permit renewal at which time the provisions of Section 8.9.12 shall apply.

8.9.12 **Permit Renewal/Violations**:

(a) The Commission may revoke or suspend, at any time, any permit issued under the provisions of Section 8.9 for violation of any permit conditions or provisions.

(b) Special Permits for the excavation or removal of earth materials may be renewed only after an application is filed with the Commission. Such application shall contain that information required in these Regulations and shall show the nature and extent of excavation and restoration work, which has been completed. No permit shall be renewed if it is apparent there are substantial, outstanding violations of any condition of the permit for which renewal is sought.

8.10 FLOOD HAZARD

8.10.1 Purpose and Objectives

It is the purpose of this regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Hebron are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

8.10.2 Definitions

Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application.

A. **Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

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

D. **Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, other than a basement area is not considered a building's lowest floor.

E. **Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

F. **Mean Sea Level** means, for purpose of the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate are referenced.

G. **Start of construction** includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual

Section 8.10 Flood Hazard (cont.)

start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of replacement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

H. **Substantial improvement** means any combination or repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.

8.10.3 <u>General Provisions</u>

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hebron.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) of Flood Insurance Rate Map (FIRM), dated March 18, 1991, and other supporting data, as may be amended thereto, are adopted by reference and declared to be a part of this Regulation. A Development Permit shall be required in conformance with the provisions of this Regulation prior to the commencement of any development activities.

8.10.4 <u>Duties And Responsibilities Of The Zoning Enforcement Officer</u> <u>(ZEO)</u>

Duties of the Zoning Enforcement Officer (ZEO) shall include, but not be limited to:

A. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

B. Advise permittee that additional Federal or State permits may be required. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

Section 8.10 Flood Hazard (cont.)

C. Record the elevation (in relation to mean sea level) "as-built" of the lowest floor (including basement) of all new or substantially improved or floodproofed structures. When flood-proofing is utilized for a particular structure, the ZEO shall obtain certification from a registered professional engineer or architect.

D. When base flood elevation data or floodway data have not been provided, then the ZEO shall obtain, review and utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Sections 8.10.5.B and 8.10.5.C.

E. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the ZEO shall make the necessary interpretation. All records pertaining to the provisions of this Regulation shall be maintained in the office of the ZEO.

8.10.5 <u>Provisions For Flood Hazard Reduction</u>

A. **<u>General Standards</u>**

In all areas of special flood hazard, the following provisions are required:

1. **New Construction And Substantial Improvements -** New construction and substantial improvements shall be: (a) anchored to prevent flotation, collapse or lateral movement of the structure; (b) constructed with materials resistant to flood damage; (c) constructed by methods and practices that minimize flood damage; (d) constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. **Water Supply And Sanitary Sewage Systems -** New and replacement water supply system shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

3. **Manufactured Homes -** All manufactured homes to be placed with Zone A and AE on a Community's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to use of over-the-top or frame ties to ground anchors.

Section 8.10 Flood Hazard (cont.)

B. **Specific Standards**

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 8.10.3 or as determined in Section 8.10.4.A-E, the following provisions, in addition to those in Section 8.10.5.A, are required:

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

2. **Non-Residential Structures** - New construction or substantial improvement of any commercial, industrial, or non-residential structure located in a special flood hazard area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.

3. **Floodproofing** - Non-residential structures located in all A and AE Zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

4. **Elevated Buildings** - New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria: (a) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (b) the bottom of all openings shall be no higher than one foot above grade (c) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

5. **Manufactured Homes** - All manufactured homes (except those to be placed in an existing manufactured home park/subdivision where the repair, reconstruction or improvement of the streets, utilities and pads is less than 50% of the value before the repair, reconstruction or improvement has commenced) shall have the lowest floor elevated to or above the base flood level. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored.

6. In A and AE Zones where base flood elevations have been determined, but before a floodway is designated, required that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

C. **Floodways**

In areas where floodways have been determined: Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point.

8.10.6 Standards For Subdivision Proposals

In all special flood hazard areas, the following requirements shall apply: **(a)** all subdivision proposals shall be consistent with the need to minimize flood damage; **(b)** all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; **(c)** all subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; **(d)** in Zones A and AE base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first.

8.10.7 Variance Procedures

The Zoning Board of Appeals (ZBA) shall hear and decide appeals and requests for variances from the requirements of this Regulation.

A. **Specific Situation Variances**

1. **Buildings On An Historic Register**

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedure set forth in the remainder of this Section, except for Subsections 8.10.7.B.3(a) -

8.10.7.B.3(d), and provided that no renovations or alterations may be made to an historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.

2. **Preexisting, Small Lot Location**

Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Subsections 8.10.7.B.3(a) through 8.10.7.B.3(d).

3. **Functional Dependent Uses**

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of Subsections 8.10.7.B.3(a) through 8.10.7.B.3(d).

4. **Floodway Prohibition**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. **Consideration For Granting Of Variances**

1. In passing upon such applications, the ZBA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Regulation, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

Section 8.10 Flood Hazard (cont.)

(e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the Town's Plan of Development and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

2. Upon consideration of the factors listed above, and the purposes of this Regulation, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Regulation.

3. **Conditions for variances**

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of an historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building;

(b) Variance shall only be issued upon **(i)** a showing of good and sufficient cause, **(ii)** a determination that failure to grant the variance would result in exceptional hardship, and; **(iii)** a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Section 8.10 Flood Hazard (cont.)

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

(d) The ZEO shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

8.11 SPECIAL ACCESSORY USE REGULATIONS

8.11.1 Purpose

It is the purpose of this Regulation to permit special accessory uses within the R-1 and R-2 residential zones as Special Permit Uses under Section 8.1 of these Regulations and within certain minimum standards so as to preserve the public's health, safety and welfare. These Regulations are further intended to provide economic opportunities to residents of the Town in such a manner that will not negatively impact traffic circulation, Town infrastructure, the natural environment, and the existing character of surrounding land uses.

8.11.2 Accessory Use Categories and Definitions

The following accessory uses may be permitted by the Commission as Special Permit Uses in the Residential-1 and Residential-2 District:

A. **Home occupation:** A use, not otherwise permitted in the zone, which is customarily and may properly be conducted for compensation as an accessory use on a residential lot. A home occupation includes, but is not limited to the following: dressmaking; sewing; sale of hand-crafted items produced on the premises; assembly or repair of small retail goods; classes; and low impact office type uses using normal office equipment such as computers, calculators, telephone, fax machines, desks, drafting tables or other similar office furnishings.

B. **Professional Office:** The office of recognized professions such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

C. **Bed and Breakfast Establishment:** An owner occupied dwelling in which up to four (4) bedrooms may be used to provide or offer overnight accommodations to transient guests for compensation, and which accommodations may include the provision of breakfast and private meals for guests.

D. **Historic or Large Building Use for Antiques and Collectibles Shop, Gallery, Artisan Shop, Arts and Craft Classes and Similar Uses:** An owner occupied residential property which may contain a historic residential structure or accessory building identified within the Town's Survey of Historical and Architectural Resources, prepared by the Capitol Region Council of Governments, 1975 and on file with the Town Clerk's Office, or other suitable residential or accessory building. Any such residential building shall have a minimum of 1500 S.F. of livable floor area. Any accessory building considered for the above use shall have a minimum of 400

S.F. and not exceed the square footage of the principal dwelling on the same lot. (See 8.11.4C for Special requirements or standards).

8.11.3 General Requirements and Standards for all Special Accessory Use Categories above (A-D).

(a) All such uses shall be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit except that the Commission may permit certain appropriate activities (such as classes or nature walks and discussions) to occur outside where it is deemed to be compatible to the site and the neighborhood.

(b) All such uses shall be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises only of any member of the immediate family residing in such dwelling unit plus one person, full or part time, not residing in such dwelling unit.

(c) All such uses shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.

(d) The use shall not change the residential character of such dwelling unit and lot, nor shall it generate traffic substantially in excess of that normally generated by a residential dwelling unit in the neighborhood.

(e) There shall be no storage of any materials or products on the premises outside of the dwelling unit or the permitted accessory building in which the use is located.

(f) No offensive emissions from the property including noise, vibration, smoke, dust, odors, heat, or glare shall be produced; no health or safety hazard shall be created; no interference with any communications medium including radio or television reception in the neighborhood shall be produced.

(g) Any sign associated with the use shall be limited to one professional identification sign per dwelling unit, such sign not to exceed two (2) square feet in area.

(h) Parking adequate to meet the needs of the use, as specified in Section 8.3.3, shall be provided.

(i) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as determined by the Town Sanitarian, in non public sewered areas.

Section 8.11 Special Accessory Use Regulations (cont.)

8.11.4 <u>Special Requirements and Standards for each use category (8.11.2 A-D)</u>

A. **<u>Home Occupation and Professional Office</u>:**

(1) The total area dedicated to the use, not including hallways, utility areas and storage areas, shall not exceed twenty-five percent (25%) of the gross floor area of such dwelling unit. If the use is located in a permitted accessory building, it may occupy all of the floor area of said accessory building.

(2) There shall not be displayed or advertised outside any commodity or product for sale or rental on the premises.

B. **<u>Bed and Breakfast Establishment</u>:**

(1) No accessory building shall be used for the provision of guest rooms.

(2) No guest shall use such establishment as his or her place of residence. No guest shall stay at such establishment for longer than seven (7) consecutive nights.

(3) The operators of such establishment shall comply with all applicable State and local health, fire safety and building regulations, and shall obtain all required permits prior to commencement of operation.

(4) The application for a Bed and Breakfast establishment shall include a preliminary report from the Town Sanitarian or the WPCA Administrator as applicable.

(5) The lot shall be adequate size and shape to accommodate one parking space for each guest room. Parking spaces shall be located to the rear of the building where possible.

(6) The Commission may require additional landscaped buffers where necessary to meet the stated purpose of these Regulations.

C. **<u>Historic or Large Building Use for Antiques and Collectibles Shop, Gallery, Artisan Shop, Arts and Craft Classes and Similar Uses</u>:**

(1) All uses shall be located upon an arterial or collector road as defined in the Hebron Subdivision Regulations.

(2) The total floor area devoted to such uses shall not exceed one half of the livable floor area of the single-family dwelling within which it is to be located; however, if the use is located in a permitted accessory building, it may occupy all of the floor area of said accessory building.

Section 8.11 Special Accessory Use Regulations (cont.)

8.11.5 <u>Permit</u>

(a) A permit under this Section, granted by the Planning and Zoning Commission, shall be valid for a period of two (2) years and may, upon application of the holder of such permit, be renewed by the Planning and Zoning Agent, be renewed for additional periods of two (2) years each, provided the requirements and intent of this Section are continually met. Such permit shall not be transferable.

(b) A permit under this Section shall not be renewed and an outstanding permit may be revoked if the use no longer complies with the requirements of this Section.

8.11.6 <u>Prohibited Uses</u>

The definition contained in Section 8.11.2 A + B shall not be construed to include in purpose or intent restaurants or other eating and drinking places, automotive repairs, small engine repair, or any form of retail sales except those involving goods assembled on the premises or hand-crafted items produced on the premises. The definition of this Section shall not be construed to include restaurants or other eating and drinking places for categories C and D under Section 8.11.2.

8.12 DAY CARE CENTER, CHILD

8.12.1 The site plan shall contain the following in addition to the provisions of Section 8.1.4.

(a) Age of the children to be cared for.

(b) Maximum capacity (# of children) of the day care center.

8.12.2 There shall be a fenced play area providing a minimum of 75 square feet per child. This will determine the group size admitted into the play area at a given time. The interior of the play area shall abut the building and it shall be directly accessible from an exterior door of the day care center.

8.12.3 Four (4) parking places shall be reserved for parents dropping off or picking up their child. These spaces shall be immediately adjacent to the pedestrian walkway into the building.

8.13 SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT

8.13.1 Definitions

(a) **"Certification"** means a signed, written approval by the Planning and Zoning Commission that the Soil Erosion and Sediment Control Plan, as presented, complies with this regulation and the minimum acceptable standards established in Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.

(b) **"Commission"** means the Planning and Zoning Commission of the Town of Hebron.

(c) **"County Soil and Water Conservation District"** means the Tolland County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

(d) **"Development"** means any construction on improved or unimproved real property located in the Town of Hebron, including, but not limited to any grading activities or vegetation removal associated with such construction.

(e) **"Disturbed area"** means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

(f) **"Erosion"** means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

(h) **"Inspection"** means the periodic review of sediment and erosion control measures shown on the certified plan.

(i) **"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.

(j) **"Soil"** means any unconsolidated mineral or organic of any origin.

(k) **"Soil Erosion and Sediment Control Plan"** means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Section 8.13 Soil Erosion And Sediment Control Regulations For Land Development (cont.)

8.13.2 <u>Activities Requiring A Certified Erosion and Sediment Control Plan</u>

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

8.13.3 <u>Exemptions</u>

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

8.13.4 <u>Soil Erosion and Sediment Control Plan</u>

(a) To be eligible for certification, a Soil Erosion Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the <u>Connecticut Guidelines for Erosion and Sediment Control</u> (1985), as amended.

(b) Said plan shall contain, but not be limited to:

A. A narrative 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;

c. 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 at a scale of no less than 1" = 40' to show:

(1) The location of the proposed development and adjacent properties;

(2) The existing and proposed topography 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, roads 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) The sequence of grading and construction activities;

(7) The sequence for installation and/or application of soil erosion and sediment control measures;

(8) The sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent, including but not limited to, watershed map(s) and a statement of the project's impact on watershed(s).

8.13.5 <u>Minimum Acceptable Standards</u>

(a) 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 <u>Connecticut Guidelines for Soil Erosion and Sediment Control</u> (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 off-site erosion and/or sedimentation.

(b) The minimum standards for individual measures are those in the <u>Connecticut Guidelines for Soil Erosion and Sediment Control</u> (1985), as amended. The

Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

(c) 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.

8.13.6 Issuance of Denial of Certification

(a) The Commission shall either certify that the Soil Erosion and Sediment Control Plan, as submitted, complies with the requirements and objectives of this regulation or deny certification when the Soil Erosion and Sediment Control Plan does not comply with these Regulations.

(b) 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.

(c) Prior to certification, any Soil Erosion and Sediment Control Plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

(d) The Commission or its designated agent shall forward a copy of the development proposal including the Soil Erosion and Sediment Control Plan to the Conservation Commission for review and recommendation.

8.13.7 Conditions Relating to Soil Erosion and Sediment Control

(a) Site development shall not begin unless the Soil Erosion and Sediment Control is certified and those control measures and facilities in the certified Soil Erosion and Sediment Control Plan which are scheduled for installation prior to site development are installed and functional. If any such site development is begun prior to the time that such pre-development control measures and facilities, as required under such certified plan, are installed and functional, and such site development continues after written notice is provided to the permittee under such certified plan, or such permittee's designated agent, advising of the failure to comply with the certified plan, the Commission may suspend or revoke its certification of such certified plan.

(b) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Soil Erosion and Sediment Control Plan.

(c) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified Soil Erosion and Sediment Control Plan.

8.13.8 Monitoring and Inspection

(a) Inspections may be made by the Commission or Town Staff during development to ensure compliance with the certified Soil Erosion and Sediment Control Plan and that control measures and facilities are properly performed or installed and maintained. The Commission and any agent designated by the Commission to make inspections shall be allowed to access the project site at any time.

(b) The permittee shall verify through progress reports as required by the Commission that soil erosion and sediment control measures and facilities have been performed or installed according to the certified Soil Erosion and Sediment Control Plan and are being operated and maintained.

(c) Prior to initiation of development activity, the permittee shall place on file with the Commission a letter identifying designated person(s) responsible for implementation of the certified Soil Erosion and Sediment Control Plan and with whom inspectors representing the Town may communicate routinely.

(d) The Commission shall designate agents who shall have authority to act in the field in the event of:

(1) Unforeseen developments and emergencies, which require immediate remedial action.

(2) A need for minor amendments or adjustments to a certified Soil Erosion and Sediment Control Plan that will enhance effectiveness of the erosion/sediment control measures.

(e) It is the permittee's responsibility to anticipate unforeseen erosion or sedimentation problems and emergencies and to have the capability to deal effectively with such problems. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands or watercourses in the Town of Hebron face imminent danger of pollution or obstruction from erosion and sedimentation and the permittee or his designated agent cannot be contacted through reasonable effort, the Commission shall empower its agent to act to stem the threat of erosion and sedimentation. Except to the extent prohibited by applicable law, the expense for remedial action shall be recoverable from the permittee under the certified Soil Erosion and Sediment Control Plan.

(f) All aspects of the approval soil and erosion control plan shall be completed in compliance with Section 8.1.8 of these Regulations.

8.13.9 Minor Amendments to Certified Soil Erosion and Sediment Control Plan

Minor amendments to a certified Soil Erosion and Sediment Control Plan may be approved by the Commission's designated agent(s) provided that the proposed amendment:

(a) Involves the replacement of inadequate or failed control materials or devices with those determined to be more effective by the designated agent;

(b) Does not adversely change an approved restoration schedule;

(c) Is not a substantial redesign of the certified Soil Erosion and Sediment Control Plan or narrative, in the agent's opinion.

The permittee or the Commission's agent may petition the Commission for substantive amendments to the certified Soil Erosion and Sediment Control Plan.

8.14 (Section Deleted)

8.15 LANDSCAPE AND BUFFER REGULATIONS

The standards and regulations for landscaping and buffer requirement are contained in the following subsections of Section 8.15 as well as in the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Zoning Regulations.

8.15.1 Intent

These landscaping regulations are adopted for the purpose of protecting property values by preserving existing vegetation and planting of new materials; providing privacy from visual intrusion, light, dirt, and noise; preventing the erosion of soil; providing water recharge areas; and improving the quality of the environment and attractiveness of the Town of Hebron.

8.15.2 Overall Landscaped Area Requirements

Any lot developed for business or industrial use shall provide landscaped areas on site, which are in the aggregate, at least 25% of the total lot area. On such lots that are smaller than one acre, the Commission may require landscaped areas on the site, which are in the aggregate, up to 15% of the total lot area.

Any lot developed for a Special Permit use in a residential district shall provide landscaped areas on site, which are in the aggregate up to 10% of the total lot area dedicated to such Special Permit use. Existing vegetation may be used to satisfy this requirement as per Section 8.15.6. Variations to this requirement may be considered under Section 8.15.7.

8.15.3 Perimeter Landscaped Area Requirements

(a) Front Yard - Any lot developed for commercial or industrial use shall provide a landscaped area adjacent to the street which is not less than the width specified in the table below:

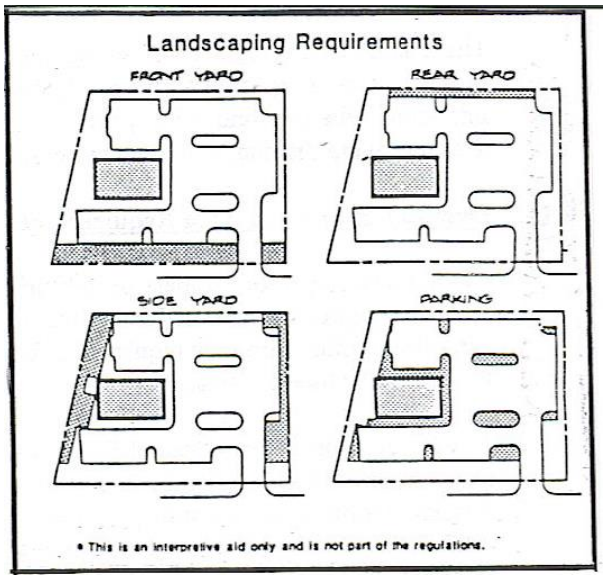
NC	20'
GB	30'
CI	50'
HG	20'
AV	20'

The front yard landscaped area shall contain at least one shade tree at least 3 inches in caliper for each 50 feet or part thereof of street frontage. Through lots shall be considered to have two frontages.

Section 8.15 Landscape And Buffer Regulations (cont.)

(b) Side/Rear Yards - Any lot developed for commercial or industrial use shall provide a landscaped area along side and rear lot lines at least 10 feet wide with one shade tree at least 3 inches in caliper for each 50 feet or part thereof of such lines.

In addition, 50% of the landscaped side yards shall be in landscaped areas at least 25 feet wide. The Commission may modify this requirement for excellence in landscaping on other parts of the site. On such lots that are smaller than one acre, the Commission may require a landscaped area along side and rear lot lines up to 6 feet wide with one shade tree for each 40 feet or part thereof of such lines.



8.15.4 <u>Parking Lot Landscaped Area Requirements</u>

Any lot which contains parking facilities for more than ten cars shall also provide landscaped areas within the parking lot equal to at least 20% of the gross parking lot area. The applicant shall provide calculations verifying compliance with this section. This landscaped area requirement shall be provided by landscaped end islands and landscaped center islands within the parking area, which are designed and located to minimize the unattractiveness of parking lots. Such landscaped end and center islands shall be aggregated into larger areas within the parking lot rather than dispersed, with each such area having a 20 feet minimum width and length. One deciduous shade tree at least 3 inches in caliper shall be planted within the landscaped areas for each 10 parking spaces.

8.15.5 <u>Landscaped Buffer Requirements</u>

Landscaped buffers shall be provided where required and shall conform to the standards below:

(a) Canopy trees shall be deciduous shade trees planted at three inches in caliper with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees planted at 2 inches in caliper with a mature height of at least 12 feet. Evergreens shall be

coniferous species planted at six feet in height. Shrubs shall be either deciduous species planted at 2 1/2 feet in height with a mature height of at least 6 feet or coniferous species planted at 2 1/2 feet in spread.

(b) The width of the buffer shall be at least the width specified in the referring section of these regulations. Acceptable buffers shall be one of the following:

Berm	An earthen berm 5 feet in height and 30 feet wide at its base planted at the rate of 4 canopy trees, 8 understory trees, and 8 shrubs per 100 feet of berm length.
Conifer	A landscaped area planted at the rate of 18 conifers and 9 shrubs per 100 feet of buffer length.

8.15.6 Existing Vegetation

Existing plant materials may be used to meet all or part of the landscape regulations. Existing trees in good condition over 12 inches in caliper shall be preserved unless approved for removal by the Zoning Enforcement Officer.

8.15.7 Variations to Landscape Requirements

(a) **Additional Landscaping** - The Commission may require additional landscaping or more mature plantings when unusual conditions require more extensive screening, or for noise abatement to prevent the depreciation of adjoining residential properties.

(b) **Reduced Landscaping** - The Commission may reduce the landscape requirements by not more than 25% for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of landscape materials.

8.15.8 Completion of Landscaping

All landscaping, buffers and screening shall be completed in compliance with Section 8.1.8 of these Regulations.

8.15.9 Landscape Plan Requirements

Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing planting shall be identified on the plan.

8.15.10 <u>Prohibition of Non-Native Invasive Plants</u>

Non-native invasive plant species as identified by the State of Connecticut Department of Environmental Protection shall not be permitted as part of any landscaping plan approved by the Commission.

8.16 DESIGN REVIEW CRITERIA

The standards and regulations for architectural and design standards for all new construction on multi-family dwellings and non-residential structures are set forth in the subsection of Section 8.16 as well as in the "Guidelines for Community Site and Architectural Design, November 2013" as contained in Appendix I of these Zoning Regulations.

8.16.1 Intent

The Planning and Zoning Commission, in accordance with CGS 8-2, shall conduct architectural and design review for all new construction of multi-family dwellings, and non-residential structures. Design review shall also be required for all substantial structural alterations made to existing multi-family dwellings and non-residential structures (substantial is defined as any construction which requires site plan approval).

(a) The business districts are Hebron's shopping areas and serve as the center of the community. It is the area of town that visitors, tourists and commuters most frequently observe and which portrays the character of the town. It is the purpose of this section to encourage building designs, which conform to the scale, proportions and character of a small New England town. Specific purposes of this section are: to encourage architectural continuity within the business districts; to promote high quality building design; to achieve a functional town center; and, to implement the goals and policies of the Town of Hebron Plan of Conservation and Development.

It is the policy of the Commission that it will encourage the highest quality design of buildings and a more creative use/design of site plans, rather than practice censorship of creativity.

The Planning and Zoning Commission recognizes that the public is a "captive audience" to its man-made environment. The purpose of architectural and design review is to:

1. mitigate negative effects from exterior appearances of buildings erected in any neighborhood, and thus to promote and protect the health, safety and welfare and comfort of the community;
2. promote and protect the public convenience and prosperity;
3. conserve and protect the value of property;
4. encourage the most appropriate use of land;
5. protect residents from visual assault;
6. preserve the special character of existing neighborhoods;
7. promote the development of a harmonious character in newly developing areas;

Section 8.16 Design Review Criteria (cont.)

8. encourage the retention and adaptive use of historic buildings.

Findings as to the adequacy of design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood may adversely affect the desirability of the immediate area and the neighboring areas for residential, business, or other purposes.

(b) Criteria for Plan Evaluation

1. The Commission will consider the specific criteria outlined below to review the following:

   a. the basic design for the proposed uses, buildings, or development;

   b. the relationship between the buildings and the land;

   c. the relationship between uses and buildings/structures; and

   d. the overall physical appearance of the proposed use/building/development and its compatibility with surrounding development and the neighborhood.

2. Specific Criteria for Plan Evaluation

   The purpose of these criteria is to establish a list of those items that affect the physical aspect of Hebron's environment. Pertinent to appearance is the design of the site, building and structures, plantings, signs, street hardware, and other objects that are observed by the public.

   These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Town.

   a. Impact on the market value of existing structures and properties in the adjoining area.

   b. Effect on the health, safety and general welfare of the community.

   c. Impact on the historic significance of the site and the affected area.

   d. Compatibility with the Plan of Conservation and Development.

   e. Location and dimensions of public and private streets and common drives.

   f. Location and dimensions of public and private pedestrian walkways, sidewalk malls and paths.

Section 8.16 Design Review Criteria (cont.)

g. Types, styles and colors of building materials, exterior facades and facing, fenestration, and fire retardant characteristics.

h. Special architectural features.

i. Conformity with the Town Building/Zoning Regulations, Subdivision Regulations, and other appropriate laws, codes, or ordinances.

j. Relationship of width to height of new structures.

k. Colors, materials, and location of lighting.

l. Design of signs.

m. Blending of street and mechanical hardware and miscellaneous appurtenances into the overall design.

(c) Standards

The following standards are intended as guidelines to aid applicants in ensuring that their designs are in harmony with the purposes of the Zoning Regulations:

1. Relationship of Buildings to Site

a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.

c. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means to partially screen parking areas from view from public ways. Such decorative elements should also be designed with public safety in mind, such that the public feels safe during night parking.

d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

2. Relationship of Buildings and Site to Adjoining Area

a. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.

b. Attractive landscape transition to adjoining properties shall be provided.

c. Harmony in texture, lines and masses is required. Monotony shall be avoided.

3. Landscape and Site Treatment

Landscape elements included in these standards consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction, except buildings and utilitarian structures.

a. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.

b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.

d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.

e. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Non-invasive plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.

f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.

i. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.

j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

Section 8.16 Design Review Criteria (cont.)

k. Exterior lighting, where used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

l. Existing trees at 4" or greater caliper shall be incorporated into the site plan.

m. For every 5 parking spaces a minimum of one 3-inch caliper tree must be planted and must meet the requirements of Section 8.15.10.

4. Building Design

a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

b. Development should be compatible with neighboring buildings with respect to façade width-to-height ratio, complexity and variety of component forms, and vertical/horizontal emphasis. Development should be compatible with and maintain the existing and prevailing scale of the neighborhood. Specific requirements for "Form, Proportion, Mass and Scale" are as follows:

i. All sides of a building facing an abutting street shall feature at least one customer entrance.

ii. Individual buildings shall not exceed 5,000 square feet of ground floor area, except larger buildings may be permitted when designed to have the appearance of several smaller buildings clustered together. This may be achieved through articulation of doors and windows, textural treatment of facades, architectural ornamentation, orientation, varied rooflines, variation to the plane of the front of the building, and similar treatments.

iii. Buildings greater than 100 feet in length must incorporate recesses and projections comprising at least 20 percent of the facade length, with a minimum depth of 10 feet.

iv. One drive-through or canopy per principal building may be permitted by the Commission as an accessory use to a principal use, approved as part of a Special Permit / Site Plan Review, when the Commission determines that said facility meets the following standards: any free-standing facility shall be located completely behind the plane of the rear wall of the principal building; any attached facility shall be located no closer to the front wall of the principal building than a dimension equal to ½ the building depth; the architectural design, materials and details of the facility are compatible and similar to the architectural design, materials and details of the principal building; and, the vehicular circulation and stacking areas required for said facility do not pose a danger to

pedestrian safety or to the general parking and circulation needs of the principal building.

c. Roof Forms and Materials

i. Buildings with an average horizontal dimension of less than forty feet in any direction shall have a roof with a pitch of 4" to the foot or greater. The roofing materials shall be wood, asphalt or slate shingles. Roof top utilities shall be screened from the street.

ii. Buildings whose average horizontal dimension in every direction is greater than 40 feet may have a roof with a pitch of less than 3" to the foot. Such buildings with flat roofs shall be bordered on the front and sides by an architectural roof treatment using traditional forms as noted below, of at least five feet in vertical height that will screen the rooftop utilities and screen the public view of the roofs. This Regulation (8.16.3) does not apply to school buildings or buildings in the CI District.

iii. Variations in rooflines are encouraged: well-designed parapet walls, overhanging eaves, sloped roofs and multiple roof planes should be used.

iv. Roof forms should be traditional in design using overhangs, sloped roofs having architectural shingles, wood shingles or slate, columns, and corner details.

d. Siding and/or Exterior Materials

i. Suitable exterior materials are natural stone, brick (maximum length 9", maximum height, 3"), any wood product (except laminated or composite wood products), and tinted / textured concrete masonry units. The Commission may approve, as an alternate, vinyl or aluminum that has been fabricated to resemble wood clapboard with a maximum of 5 inches to the weather. All other materials are not suitable.

ii. Facade colors must be low reflecting, subtle, and neutral or earth-toned. The use of high-intensity colors, metallic colors or fluorescent colors are prohibited. Illuminated trim is not allowed. Exposed neon tubing and any similar material are not allowed.

iii. No building exterior that would be visible to an adjacent property or public right-of-way shall consist of architectural materials inferior in quality, appearance or detail to the front facade.

iv. New buildings and additions shall avoid blank windowless facades, flat roofs and lack of architectural details.

v. At least 60 percent of the facade length of any building facing a street must include windows, doors, awnings or arcades.

e. Building materials:

i. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

Section 8.16 Design Review Criteria (cont.)

ii. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

iii. Materials shall be of durable quality.

f. Building components such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

g. Colors shall be harmonious and shall use only compatible accents.

h. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.

i. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

j. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways and shall be enclosed with materials identical to those used in the treatment of the principle building, or an alternate material acceptable to the commission.

k. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

5. Miscellaneous Structures and Street Hardware

a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.

b. Lighting in connection with miscellaneous structures and street hardware shall meet the standards applicable to site, landscape, buildings and signs.

(d) Architectural and Design Review Application Requirements

The following items are required in addition to the site plan prepared in accordance with Section 8 of these Regulations:

1. The overall architectural design of the proposed structure, including elevations at a scale of four feet per inch, of the facade and all exterior elevations, showing all fenestrations, signs and other architectural features, including the color and style of the building materials (and samples, if necessary) and any architectural peculiarities.

2. Color renderings.

3. An elevation drawing showing the height and architectural style of the proposed structure with adjacent buildings; composite elevations from all streets abutting the site if multiple buildings are proposed.

Section 8.16 Design Review Criteria (cont.)

4. The height, locations, fixture design, and intensity of all exterior lighting; expected illumination off the site.
5. The height, location and design of all signs.
6. Perspective drawings to show relationship after development of the site to off-site features, if necessary.
7. Elevation drawings from all streets abutting the site with all proposed plantings superimposed. Plantings shall be shown at the height at which they are proposed to be installed. Applicant is also encouraged to provide elevations showing expected height of plantings in ten years.
8. All provisions for and design of the following appurtenances if visible from the exterior:
   a. utility lines, meters, boxes
   b. refuse storage and pickup areas
   c. stairs, ramps
   d, flues, chimneys, exhaust fans
   e, sunshades, awnings, louvers
   f. balconies
   g. mechanical equipment visible from exterior
   h. loading docks, loading spaces
   i. roof leaders, downspouts
   j. antennas

(e) Architectural and Design Review Application Procedure

Applicants are encouraged to submit applications for design review in advance of a formal application submittal to the Commission and request an informal review of the preliminary design. Applicants are advised to make submittals as complete as possible to ensure minimal delays in the design review process.

The Commission will review all applications at the same scheduled meeting as the Special Permit/ Site Plan application. The Commission will make a decision based on the standards and criteria outlined above. The Commission may employ consultants, having expertise in architecture or landscape architecture or site design to assist them in this application and review process, and the cost of such consultants shall be borne by the applicant.

8.16.2 <u>Form, Proportion, Mass, Scale</u>

Development should be compatible with neighboring buildings with respect to facade width-to-height ratio, complexity and variety of component forms, and vertical/horizontal emphasis. Development should be compatible with and maintain the existing and prevailing scale of the neighborhood. Specific requirements for “Form, Proportion, Mass and Scale” are as follows:

Section 8.16 Design Review Criteria (cont.)

(a) All sides of a building facing an abutting street shall feature at least one customer entrance.

(b) Individual buildings shall not exceed 5,000 square feet of ground floor area, except larger buildings may be permitted when designed to have the appearance of several smaller buildings clustered together. This may be achieved through articulation of doors and windows, textural treatment of facades, architectural ornamentation, orientation, varied rooflines, variation to the plane of the front of the building, and similar treatments.

(c) Buildings greater than 100 feet in length must incorporate recesses and projections comprising at least 20 percent of the facade length, with a minimum depth of 10 feet.

(d) One drive-through or canopy per principal building may be permitted by the Commission as an accessory use to a principal use, approved as part of a Special Permit / Site Plan Review, when the Commission determines that said facility meets the following standards: any free-standing facility shall be located completely behind the plane of the rear wall of the principal building; any attached facility shall be located no closer to the front wall of the principal building than a dimension equal to ½ the building depth; the architectural design, materials and details of the facility are compatible and similar to the architectural design, materials and details of the principal building; and, the vehicular circulation and stacking areas required for said facility do not pose a danger to pedestrian safety or to the general parking and circulation needs of the principal building.

8.16.3 <u>Roof Forms and Materials</u>

(a) Buildings with an average horizontal dimension of less than forty feet in any direction shall have a roof with a pitch of 4" to the foot or greater. The roofing materials shall be wood, asphalt or slate shingles. Roof top utilities shall be screened from the street.

(b) Buildings whose average horizontal dimension in every direction is greater than 40 feet may have a roof with a pitch of less than 3" to the foot. Such buildings with flat roofs shall be bordered on the front and sides by an architectural roof treatment using traditional forms as noted below, of at least five feet in vertical height that will screen the rooftop utilities and screen the public view of the roofs. This Regulation (8.16.3) does not apply to school buildings or buildings in the CI District.

(c) Variations in rooflines are encouraged: well-designed parapet walls, overhanging eaves, sloped roofs and multiple roof planes should be used.

(d) Roof forms should be traditional in design using overhangs, sloped roofs having architectural shingles, wood shingles or slate, columns, and corner details.

Section 8.16 Design Review Criteria (cont.)

8.16.4 <u>Siding and/or Exterior Materials</u>

(a) Suitable exterior materials are natural stone, brick (maximum length 9", maximum height, 3"), any wood product (except laminated or composite wood products), and tinted / textured concrete masonry units. The Commission may approve, as an alternate, vinyl or aluminum that has been fabricated to resemble wood clapboard with a maximum of 5 inches to the weather. All other materials are not suitable.

(b) Facade colors must be low reflecting, subtle, and neutral or earth-toned. The use of high-intensity colors, metallic colors or fluorescent colors are prohibited. Illuminated trim is not allowed. Exposed neon tubing and any similar material are not allowed.

(c) No building exterior that would be visible to an adjacent property or public right-of-way shall consist of architectural materials inferior in quality, appearance or detail to the front facade.

(d) New buildings and additions shall avoid blank windowless facades, flat roofs and lack of architectural details.

(e) At least 60 percent of the facade length of any building facing a street must include windows, doors, awnings or arcades.

8.16.5 <u>Other Requirements Enforced</u>

All other requirements of these Regulations that affect building design are applicable to buildings subject to design review criteria.

8.16.6 <u>Completion of Construction</u>

All such construction must be completed in compliance with Section 8.1.8.

8.17 MINI ESTATE SUBDIVISION (MES)

8.17.1 Intent

It is the intent of these Regulations to provide an alternative form of subdivision, which recognizes that some lands are not suited for conventional/traditional subdivision standards. These regulations allow for the development of lands at a low residential density attributed to the natural beauty, composition of soils, topographical conditions and traffic circulation characteristics.

8.17.2 Applicability of Regulations

This alternative form of development may be pursued on a voluntary basis within the Residence One (R-1) or Residence Two (R-2) District provided the criteria set forth herein are met.

8.17.3 Application Requirements and Procedures

All Mini Estate Subdivisions shall be considered subdivisions and subject to the terms and standards of the Hebron Subdivision Regulations except as otherwise herein provided. All subdivision applications made under this regulation shall also satisfy the terms and standards of Section 8.1, Special Permit and Site Plans, of the Hebron Zoning Regulations. The applicant shall file concurrent applications. Application fees are set out in the Hebron Town Ordinances, Schedule of Fees, as amended.

(1) **General Statement**: A statement shall be submitted with the applications addressing the following:

(a) Types of proposed uses on the site;

(b) The method by which all site utilities will be provided;

(c) The manner of ownership and maintenance of any private roadways, private or public facilities and any commonly owned real property rights, including without limitation, open space, conservation restrictions, recreational restrictions; and

(d) A description of the open space, conservation restrictions and recreational facilities on the site, including the method of proposed protection of each of these areas.

Section 8.17 Mini Estate Subdivision (MES) (cont.)

(2) **Notice:** A public hearing is required for all MES development applications and notices shall be sent to surrounding property owners as per Section 4.6 of the Hebron Subdivision Regulations.

(3) **Plans:** The Commission requires fourteen (14) copies of all plans submitted as part of an official application. If the proposed Mini Estate Subdivision is located within 500 feet of an adjacent municipality, the Commission may require up to seventeen (17) sets of plans.

(4) **Right of Review:** The Commission reserves the right to seek professional opinion and review from independent experts without limitation in the areas of traffic engineering, environmental impact and design, planning and zoning law, historic and agricultural preservation, soil erosion and sediment control and similar areas of specialized knowledge.

8.17.4 Standards and Requirements

A. **Minimum Lot Area:** All proposed lots shall have an average lot size of four (4) acres. This average shall be determined after circulating the proposed area of the road system and subtracting it from the total site area before dividing by the number of lots. No lots shall have less than two (2) acres in total land area.

B. **Lot Frontage:** For the purpose of this Section, lots need not have frontage on a public street but if not, must have frontage on a street or drive owned and maintained by a homeowners association.

C. **Accessory Structures:** Accessory structures shall comply with the setback standards for principal structures except that school bus shelters and gate houses not exceeding 200 square feet may be located not less than 30 feet from a public street line.

D. **Roads:**

Mini Estate Subdivision Roads: The road system serving a Mini Estate Subdivision shall be designed in conformance with the Hebron Subdivision Road Standards. Private roads are permitted under these Regulations conforming to the standards set forth in Section 5.4E of the Subdivision Regulations.

Rural Mini Estate Subdivision Roads: Private roads may be built to the standards as specified in Section 6.4 I of the Subdivision Regulations if the proposed subdivision conforms to the following standards: (a) all proposed lots shall have an average lot size of six (6) acres; and (2) no lots shall have less than three (3) acres in total land area.

Section 8.17 Mini Estate Subdivision (MES) (cont.)

E. **Open Space:** Open Space shall be provided as required under the Hebron Subdivision Regulations.

F. **Utilities:** All utilities shall be placed underground.

8.17.5 Final Approval and Recording

All final approvals and recording procedures shall comply with the Hebron Subdivision Regulations and Section 8.1 of the Hebron Zoning Regulations.

8.18 OPEN SPACE SUBDIVISION (O.S.S.)

8.18.1 Intent

It is the intent of these Regulations to provide reasonable flexibility in the division and subsequent development of land, when, in the judgment of the Commission, such flexibility shall insure the conservation or preservation of natural or man made features and related open space areas which contribute to the health, safety and general welfare of the Town of Hebron

Further, it is the intent of these Regulations to provide an alternative form of residential land subdivision by permitting a reduction in the minimum lot size normally required in specified zones for residential purposes, provided that the total number of lots in such subdivision is not greater than otherwise permitted by the Lot Credit Calculation provision of these Regulations. In order to satisfy the stated intent, these Regulations shall serve to fulfill one or more of the following objectives:

A. To preserve and protect the Town's natural environment by encouraging the permanent preservation of specific features and lands which, in turn, contribute to the stabilization and enhancement of residential amenities and values and the maintenance of the Town's existing character.

B. To preserve and protect areas having conservation value particularly those features having qualities of natural beauty, ecological significance, or historic interest.

C. To preserve and protect wetlands, streams, rivers and ponds as natural resources and to avoid flooding, erosion and water pollution as is consistent with the Town of Hebron Inland Wetland Regulations and the Town's Natural Resource Inventory.

D. To fully protect the health and safety of the public by restricting the extent to which steep slopes and poor soils shall be utilized for public and private roads, waste disposal systems and other types of development.

E. To promote the preservation of open space that will benefit the present and future generations of Hebron including active or passive recreation areas, farmland of local significance, and/or areas containing significant natural features such as unusual terrain or land forms, vegetation, wildlife habitats and scenic views or vistas.

F. To preserve existing open space along road frontages.

8.18.2 Applicability of Regulations

These Regulations shall be applied where the Commission determines that one or more of the foregoing objections may be achieved and that the lot layout, use and provision of the

proposed open space shall provide significant benefit to the proposed development or the Town of Hebron beyond that which would normally be derived from conventional/traditional subdivision development. The following characteristics of the parcel(s) must also be present:

A. The land area to be subdivided consists of ten (10) or more acres if located outside the Hebron Sewer Service District, or five (5) or more acres when located within the same; except as otherwise provided in subsection 8.18 4A herein; and

B. The proposed subdivision is located within Residence 1 (R-1) or Residence 2 (R-2) Districts.

C. In the event that a single family detached cluster development is proposed under Section 8.22 Planned Residential Development District, then the requirements, procedures and standards of these Regulations shall apply thereto. When there are no individual property lot lines required, the plans shall show how the minimum area per dwelling unit is in compliance with this Regulation.

8.18.3 Application Requirements and Procedures

A. **Determination of Suitability Application**: Prior to a Special Use Permit application for an Open Space Subdivision the applicant shall submit a Special Permit Application for a Determination of Suitability by the submission of a Letter of Intent to develop an Open Space Subdivision accompanied by the following maps, plans and information as part Special Permit Application.

B. **Determination of Suitability Process:** A Determination of Suitability Process will be conducted by the Commission following receipt of a Special Permit Application and the following maps, plans and information that will identify the significant aspects of the site, identify the most buildable areas of the site, identify the areas of the site that are appropriate for conservation, and provide a basis for an informed review and a Determination of Suitability by the Commission.

(1) **Site Context Map**

A map (scale of 1” = 400’) showing the location of the proposed Subdivision within its neighborhood context of a 2,000’ radius showing the following features:

(a) U.S.G.S. topography;
(b) Inland wetland soils and watercourses and regulated areas;
(c) Vegetation cover;
(d) Floodplains;
(e) Any part of a contiguous forest areas over 50 acres within the map area;

(f) Ridge lines;
(g) Public roads and private roads;
(h) Parcel boundaries with abutting property owners noted;
(i) Publicly owned open space and conservation land and land preserved for agricultural purposes;
(j) Future Open Space Greenways as shown in the Plan of Conservation and Development;
(k) Historic sites identified in Hebron's Historic Resources Inventory.

(2) Site Resource Assessment

A Site Resource Assessment shall be prepared to provide the developer and the Town with a comprehensive analysis of existing conditions both on the proposed development site and within 300 feet of the parcel boundaries. The following information shall be included in the Site Resources Assessment at a scale of 1"=100'.

(a) Topography, at two-foot intervals determined by photogrammetry. Slopes 20 % and greater shall be clearly indicated. Plans shall be prepared by a professional engineer or land surveyor and coordinated with official U.S.G.S. benchmarks where available. Ridgelines and watershed boundaries shall be identified.
(b) The location of ponds, streams, ditches, dams, drainage-ways, as well as 100-year floodplains and all wetland and watercourses and regulated areas.
(c) Vegetative cover conditions on the property including cultivated land, meadow, pasture, old field, hedgerow, wetland and woodland canopy. Significant Natural Communities defined by the CT Department of Environmental Protection (DEP) shall be shown.
(d) Areas with potentially State and Federally listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Significant Natural Communities Map published by the CT Geological and Natural History Survey of the CT DEP.
(e) Soil series, types and phases, clearly identifying Prime Farmland and Farmland of Additional Statewide importance as defined and mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, including any accompanying data published for each soil relating to its suitability for septic system leaching. Also, provide soil data by Natural Resource Groups with a written description of each group present on the site with its appropriateness for development and groups that are appropriate for preservation.
(f) Significant geologic formations on the proposed development parcel, including ledge and rock outcroppings and cliffs.
(g) All existing man-made features including, but not limited to, public and private streets, private ways, cart paths, trails, driveways, structures,

foundations, walls, stonewalls, wells, drainage fields and swales, dumps, utilities, fire hydrants, and storm and sanitary sewers and septic systems.

(h) Structures and features listed on the National or State Register of Historic Places, or designated as a Historic Property by the Town Historic Properties Commission, or sites identified by the Town of Hebron Historic Resources Inventory, and known or suspected archeological sites.

(i) Existing national, State or locally designated scenic roads.

(j) Opportunities for scenic views or vistas should be identified.

(k) All easements, rights of way, and other encumbrances of property, which are or have been filed of record with the Town Clerk.

(l) Total acreage of the land, acreage of wetland soils, acreage of floodplain, acreage of slopes steeper than 20%.

(m) A vertical aerial photograph current to within five years enlarged to a scale not less detailed than 1”=400 feet, with the site boundaries clearly marked.

(n) Sample test pit results may be required by the Commission as part of the resource data required for this review. When such tests are required they shall be conducted under the supervision of the Health District.

(3) Conceptual Development and Conservation Plan

A Conceptual Development and Conservation Plan, at a scale of 1”=40’, shall be prepared for review by Commission and Staff to allow a determination of the suitability of the site for development under the terms of the Open Space Subdivision Regulations. To achieve this purpose, the Plan should show the following:

(a) “Areas Suitable for Development”: The map will include a bold delineation of the areas of the site that are most suitable for development and shall show the concept layout of the site including: potential layout of roads, lots, houses, septic areas and wells;

(b) “Areas Most Suitable for Conservation”: The map will include a bold outline of the conservation areas of the site showing potential conservation easements, open space, open space improvements, walkways, and other planned features.

(c) A written statement indicating how the site features identified in the Site Resource Assessment were used to developed the plan, identify the optimum development areas, and to locate the proposed Conservation portion of the conceptual plan.

(d) A plan shall also be provided showing how the site would be alternatively developed under conventional subdivision regulations and said plan shall include at least the following information: topographic information; wetlands, watercourses and regulated areas; flood plain; street layout; lot layout; minimum building lines and Minimum Buildable Land rectangle;

House and septic system footprints; well location and well protection radius; and, required open space.

(e) A description of the uses, if any, for which the OSS open space will be utilized;

(f) A statement outlining the reasons why the developer believes that the intent of this Regulation would be satisfied by development as an O.S.S. as shown on the Conceptual Development and Conservation Plan;

(g) A Statement that includes an analysis, in-lieu of using the Town's Minimum Buildable Land Requirements, that demonstrates how the proposed Plan locates the development portion of the improvements on the portions of the site where the natural resources (include an analysis of soils, test pit data, slopes, land cover, access, etc.) can best support the development and how the proposed Plan locates the Conservation features of the Plan on the portions of the site that preserves the site's sensitive natural features, and maximizes the open space opportunities presented by the site (include an analysis of compatibility to the Town's Plan of Conservation and Development and the Future Open Space Plan).

(h) The Lot Credit Calculation as set forth below shall be provided for the site.

(i) For projects within the Sewer Service District, the prospective applicant is to provide a written preliminary indication from the WPCA that sufficient sewer capacity is available to serve the project.

(j) For projects within the Sewer Service District, the prospective applicant shall provide to the Commission a report discussing projected demands for potable water and sanitary sewer and evidence that an undue burden will not be placed on these resources or services by the proposed development. The standards used for such reports shall be consistent with those of Section 8.22.3A 4(n).

C. **Determination of Suitability:**

Before any parcel of land subject to this Regulation may be developed or subdivided as an Open Space Subdivision, the Commission shall make a determination of suitability of the site to be developed under the terms of this Regulation (O.S.S.). In making its Determination of Suitability, the Commission shall consider the following:

(1) The Site Context Map;

(2) The Site Resource Assessment;

(3) The Conceptual Development and Conservation Plan;

(4) The Hebron Plan of Conservation and Development; and

(5) The Intent (Section 8.18.1) and Applicability (Section 8.18.2) of the Open Space Subdivision Regulations.

The Commission's Determination of Suitability shall be finalized by a formal motion and vote of the Commission that will indicate the site's suitability for development as an Open Space Subdivision and shall contain conditions of its Determination that must be incorporated into the final plan. Such conditions may include: number of lots; location of lots; location and layout of roads; ownership of roads; and size, location and use of open space. Such Determination shall not prejudice the consideration of any formal Open Space Subdivision application.
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D. **Lot Credit Calculation:** In order to determine the maximum number of single family residential building lots allowed under these Regulations, the following calculations shall apply.

(1) Total land area, minus (subtract) all water bodies, equals gross land area.

(2) Gross land area, minus (subtract) 15% for roadway area.

(3) Subtract 75% of land designated as wetlands and watercourses, exclusive of 100 year flood hazard areas; 50% of areas having slopes in excess of 20%, and 100% of areas designated as 100 year flood hazard areas.

(4) Steps 1-3 result in the calculation of net land area. Net land area is then divided by the underlying zoning density, R-1 (one acre) or R-2 (two acre) to determine lot credit calculation.

(a) The lot credit calculation for land within the Sewer Service District and designated as an R-1 zone shall apply a two and one-half dwelling (2.5) unit per acre density (17,424 s.f./D.U.) to the net land area.

(b) The lot credit calculation for land within the Sewer Service District and designated as an R-1 zone may be increased if a development utilizes the density bonus within this Regulation under subsection 8.18.4.B. Special Density Exceptions.

(5) The number of lots shown on the Conceptual Development and Conservation Plan may not exceed the number of lots yielded by the above lot credit calculation and, in no instance shall the number of lots permitted exceed 20% of the number of lots that would normally be allowed by a conventional single family subdivision unless utilizing subsection 8.18.4.B, Special Density Exceptions, or unless the Commission allows an additional increase in the number of lots, not to exceed that permitted by the Lot Credit Calculation, where the Commission specifically states the reasons for such a waiver, where the Commission finds that each section of the Intent section of this Regulation

is met, and where the Commission approves such waiver by a two-thirds vote of the entire membership of the Commission. When this calculation, to determine the maximum number of lots results in a fraction of a lot, any fraction less than 0.5 of a lot shall be ignored and any fraction of 0.5 or greater shall permit one additional lot.

(6) In making its determination, the Commission shall consider the intent and objectives enumerated in Section 8.18.1; traffic access to and from existing streets and highways which serve the development; the existing patterns of development in the surrounding vicinity; the likely impact on the location and capacity of storm and surface drainage systems, and other utilities; the likely impact on natural environmental systems such as wetlands, groundwater, watercourses and vegetative and wildlife communities; and the presence of land characteristics that the Commission shall consider favorable for open space subdivision facilities. The Commission may request an advisory opinion from the Conservation Commission and such other Town agencies or officials as deemed necessary in making its determination.

E. **Special Permit and Subdivision Applications:** All Open Space Subdivisions shall be considered subdivisions, by definition, and subject to the Hebron Subdivision Regulations except as otherwise provided herein. They shall also be considered special permit uses subject to the requirements of Section 8.1 of these Zoning Regulations, in addition to any other requirements set forth herein. Once the Commission has made a positive finding of suitability, the developer may file jointly, a special permit and subdivision application under the terms of these Regulations. Application fees are set out in the Hebron Town Ordinances, Schedule of Fees, as amended.

(1) **General Statement:** A statement shall be submitted with the applications addressing the following:

(a) Types of proposed uses on the site;

(b) The method by which all site utilities will be provided;

(c) The manner of ownership and maintenance of any private roadways, private or public facilities and any commonly owned real property rights, including without limitation, open space, conservation restrictions, recreational restrictions,; and

(d) A description of the open space, conservation restrictions and recreational facilities on the site, including the method of proposed protection of each of these areas.

(e) A copy of the Commission's Determination of Suitability will be provided with a statement and analysis indicating how the formal

application, and subdivision plans and layout conforms to the findings of the Commission.

(2) **Notice:** A public hearing is required for all O.S.S. development applications and notices shall be sent to surrounding property owners as per Section 4.5 of the Hebron Subdivision Regulations.

(3) **Plans:** The Commission requires fourteen (14) copies of all plans submitted as part of an official application. If the proposed O.S.S. is located within 500 feet of an adjacent municipality, the Commission may require up to seventeen (17) sets of plans.

(4) **Right of Review:** The Commission reserves the right to seek professional opinion and review from independent experts without limitation in the areas of traffic engineering, environmental impact and design, planning and zoning law, historic and agricultural preservation, soil erosion and sediment control, and similar areas of specialized knowledge.

8.18.4 Development Standards and Requirements

A. **Area of Development:** An Open Space Subdivision shall require a minimum area of ten (10) acres of land located within Residence 1 (R-1) or Residence 2 (R-2) Districts, or five (5) acres if located within the Sewer Service District. An O.S.S. may be approved on smaller tracts if it adjoins and can be integrated into an existing or approved Open Space Subdivision; and, the Commission may allow separate parcels of land which may be separated by roadways, railroad rights-of-way, or other similar features to be combined into a single Open Space Subdivision application where the overall project clearly meets the Intent of this Section (8.18.1).

B. **Special Density Exemptions**: For developments located within the Sewer Service District and within an R-1 zone, the maximum number of dwelling units to be permitted per acre of net land area may be increased incrementally and cumulatively by one (1) dwelling unit per acre density above that permitted in Section 8.18.3 D (2.5 DU/Ac.) by utilizing any of the following incentives 1, 2, or 3, up to a maximum of 4.5 dwelling units per acre density.

(1) At least 20% of the number of dwelling units permitted under subsection 8.18.3C are dedicated as affordable housing units. Affordable housing is defined in Section 8-30q and 8-39a of the Connecticut General Statutes for persons and families whose income is less than or equal to 100 percent of the area median income for at least thirty (30) years after the initial occupation of the dwelling unit.

(a) All affordable housing units shall be evenly distributed throughout the development, unless permitted in small clusters, not exceeding (10) dwelling units each.

(b) If an affordable housing development is undertaken in phases, then any affordable housing units shall be built in an amount that is equal to at least 20% of the total number of dwellings within each development phase.

(c) The mixture of dwelling unit types shall be limited to no greater than 25% of the total number of affordable units to contain four (4) bedrooms, and no greater than 50% of the total number of affordable units shall contain three (3) bedrooms. For the purpose of these Regulations, any rooms other than kitchens, dining rooms, bathrooms, utility rooms, living rooms, and family rooms shall be considered bedrooms.

(2) At least 20% of the number of dwelling units permitted under subsection 8.18.3C are transferred development credits, as permitted under Section 8.21 Transfer of Development Rights.

(3) At least 50% of the total area of land within the O.S.S. is dedicated as Open Space and at least 10% of the number of dwelling units permitted under subsection 8.18.3C are dedicated as affordable housing units as defined and described in (a) above.

Any provision of affordable housing under these Regulations shall comply with Section 8.22.5 Management, subsection C Provision of Affordable Housing.

All density exceptions permitted under these Regulations shall require a 3/4 majority vote by the Commission.

(4) Other exceptions applicable under this Section include: Minimum Lot Area; Minimum Lot Frontage; and Minimum Front, Side and Rear Yards as indicated in Section 8.18.4D.

(a) Under these special density provisions, there is no minimum average lot size, however, no lot shall be created that contains unusual or irregular shapes or areas, and all lots shall contain a minimum building envelope or area having a minimum dimension of 80 feet wide and 80 feet long and generally resembling a rectangle.

(b) Under these special density provisions, the Minimum Lot Frontage requirement may be met as calculated along private common

driveways or cluster cul-de-sacs which may be utilized. See Plates 9A and 9B of the Hebron Subdivision Regulations.

C. **Lot Layout, Road Layout, and Open Space layout**: All proposed building lots, general roadway layout, open space layout and other design aspects of the development shall be located and designed in a general pattern that is consistent with the conceptual plan under which a determination of suitability is made by the Commission and they shall be found to be in conformance with the Commission's Determination of Suitability.

D. **Minimum Lot Area, Frontage and Yard Requirements (4)**

ZONE	**R-2**	**R-1**	**R-1/SSD 2.5 DU/AC**	**R-1/SSD 3.5 DU/AC**	**R-1/SSD 4.5 DU/AC**
Lot Area - Conventional	87,120 sf	43,560 sf	21,780 sf		
Lot Area - O.S.S. (5)	43,560 sf	32,670 sf	17,424 sf*		
Minimum Lot Area (with Exceptions)**	N/A	N/A	15,000 sf	13,000 sf	10,000 sf
Minimum Lot Frontage (2) (average)	N/A	N/A	50'	40'	30'
Minimum Lot Frontage (2)	100'	100'	25'	25'	25'
Minimum Front Yard (3)	50'	40'	30'	25'	20'
Minimum Side Yard (1)	20'	15'	15'	10'	10'
Minimum Rear Yard (1)	50'	40'	30'	25'	20'

* average ** Only permitted under Section 8.18.4.B Special Density Exceptions

(1) Where proposed structures are to be located adjoining land that is not part of an O.S.S. development, said structures shall comply with the conventional setbacks required under Section 6.1 of these Zoning Regulations along the affected property boundaries.

(2) For the purpose of this Section, lots need not have frontage on a public street but if not, must have frontage on a street or drive owned and maintained by a homeowners association.

(3) Accessory structures shall comply with the setback standards for principal structures except for school bus shelters and gate houses not exceeding 200 square feet may be located not less than 30 feet from a public street line.

(4) Yard exceptions may be granted under subsections B and G of these regulations as may be applicable. Also, the Minimum Buildable Land Regulations as set forth in Section 6.4 of the Hebron Subdivision Regulations are not applicable in Open Space Subdivisions, as lot area suitability is determined under the Determination of Suitability.

(5) This represents the maximum allowable lot area reduction under these Regulations with the exception of that which may be permitted under subsection 8.18.4B. Special Density Exceptions.

E. **Siting Standards:** Because of the allowed reduction of lot sizes, building and site design become critical elements in ensuring compliance with the intent of this Regulation. Therefore, as part of its review and evaluation, the Commission shall consider landscaping and the location of all proposed buildings.

(1) The location of all individual dwelling units as proposed and their relationship to all abutting, proposed or existing units shall be shown on the application site plan and shall become a part of the special permit site requirements. The applicant may show a rectangle or square if the exact configuration of the house has not been determined. However, any construction on any lot shown in any such manner shall not extend in any direction beyond the area included in the square or rectangle. Said square or rectangle shall be realistic in size and amount of area contained within in relation to the rest of the lot.

(2) The site plan shall contain existing wooded areas of sufficient density and size and of appropriate species to provide adequate screening and privacy between proposed dwellings and between proposed dwellings and proposed public areas or areas to be owned in common by the residents. In specific cases, the Commission may find that equivalent privacy and screening may be provided by other unique natural site features (i.e., dramatic topography, etc.). In all cases, any Open Space Subdivision application shall clearly outline the method to reasonably ensure the survival of natural site features critical to the provision of screening and privacy (i.e., berms or mounds, tree wells, root area drainage).

(3) All structures shall be laid out, to the greatest extent feasible, to achieve the following objectives:

(a) Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features;

(b) In locations least likely to block or interrupt scenic views or vistas as seen from the public roadway(s);

(c) In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.

F. **Lot Credit Transfer:** Where an O.S.S. application contains land fronting upon a public road and such land could yield building lots under a traditional/conventional

subdivision, these Regulations shall require, where feasible, a transfer of all potential road frontage lots to other interior portions of the property. This provision is established primarily to improve the traffic circulation pattern in and around the proposed development and to preserve the aesthetics and property values of the neighborhood.

Exceptions: The Commission may grant an exception to the above provided that a finding is made that due to the unique conditions of the property said exception would not have a significant adverse affect on adjacent property or on public health and safety. Such an exception requires a majority vote of all members of the Commission. The Commission shall state upon its records the reasons for which any exceptions are granted.

G. **Yard Exceptions:** Where the Commission determines that special or unique natural features of a property require preservation and where the location of such features are within the logical building area of the site, the Commission may authorize up to 25% reduction of a required yard or setback stipulated in Section 8.18.4(D) provided:

(1) The area or areas so restricted by notation on the plan shall be preserved in a natural or undisturbed condition in perpetuity or may be used for specific purposes that the Commission determines to be desirable and necessary for the welfare, values and livability of the general area.

(2) The extent of any exception to the specific requirements of Section 8.18.4(D) shall be shown or noted on the plan and reference made to this Section by notation thereon.

(3) The features to be preserved and the precise extent of the area or areas within which such features are to be located shall be clearly and accurately delineated on the plan and their significance described in writing on the application or in attachments thereto.

(4) A suitable instrument which sets forth the proposed easements and restrictive covenants preserving, in perpetuity, the designated features to be preserved, which instrument shall be required to be incorporated within the subdivision; said easements and/or covenants shall establish, to the satisfaction of the Commission, adequate and proper arrangements governing the extent and conditions of use, ownership, tax liability with lien provision, and maintenance responsibility for all areas of open space and/or features to be preserved in accordance with the provisions of this Section.

(5) Any exceptions granted under this Section shall require a majority vote by all members of the Commission.

Section 8.18 Open Space Subdivision (O.S.S.) (cont.)

H. **Landscaping:** It is the intent of the Commission to encourage the developer to preserve the natural vegetation of the site wherever practical. Therefore, existing vegetation (generalized) shall be shown on the site plan with an indication of general areas to be disturbed. The developer shall stabilize and landscape disturbed areas to prevent erosion and shall plant as design dictates.

(1) Where new plants are to be a part of the subdivision, they shall be shown by size, type, number and location on the site plan.

(2) To facilitate snow removal, shrubs or street plantings shall not be allowed closer than a minimum of ten (10) feet from the edge of street pavement or curb in the case of a street with curbs.

(3) All proposed detention or retention ponds, common recreation facilities or other common site activities shall be suitably buffered or screened by vegetation.

(4) All O.S.S. Developments within the Sewer Service District having a density greater than one (1) dwelling unit per acre shall comply with the provisions of Section 8.22.4.C.15.

I. **Types of Open Space to be Dedicated**

All subdivisions approved under these Regulations shall preserve open space in perpetuity where in the opinion of the Commission such land serves one or more of the following purposes:

- Provide parks, playgrounds or other outdoor recreation areas and facilities;
- Protect natural streams, ponds or surface or subsurface water supply, and watershed protection;
- Conserve soils, wetlands, swamps or marshes;
- Protect natural drainage systems or assurance of safety from flooding;
- Preserve open spaces along existing road frontages;
- Preserve sites or areas of scenic beauty, or of historic or archaeological interest;
- Conserve forests, field meadows, stands of unique or scenic trees, wildlife habitats, agricultural and other natural resources;
- Supplement existing open space, greenways (including the Airline Trail), open space corridors and recreation areas;
- Meet recreation needs of present and projected population;
- Preserve ridges, ravines, ledge outcroppings, hilltops, scenic vistas, and other unusual physical features;
- Promote orderly community developments; or
- Further the findings, goals and policies contained in the Town of Hebron's Plan of Conservation and Development.

(1) **Location of Open Space**

Open Space shall be located within all subdivisions (except as provided in Sections 8.18.4.I(7) and (8) in a specific location as determined by the Commission where such open space will best further the purpose of the Open Space.

The Commission as part of its determination may take into consideration: (a) if any particular location may be adjacent to existing or proposed open space or other property owned by the Town, a land trust or other similar entity; or (b) if any particular location is along the boundary of adjoining undeveloped land so that the Open Space may be potentially expanded if that adjoining parcel is the subject of a future subdivision application.

The Commission may permit open space, located outside the Open Space Subdivision boundaries, to be dedicated under the provisions of this section if the Commission concludes that intent of this regulation is satisfied and that the public benefit is served.

The Commission may require review of all proposed open space by the Recreation Commission, the Conservation Commission or a land trust which could be the open space recipient prior to subdivision approval.

(2) **Size of Open Space**

The minimum required area of open space shall be thirty percent (30%) of the total area of the land to be subdivided, adjusted as set forth in Section 8.18.4.I(4)(b), and shall be of such size as deemed appropriate by the Commission so that the Open Space will achieve the purpose intended as noted in Section 8.18.4.I and serves the increased density of population resulting from the subdivision and serves to achieve the goals and objectives of the Plan of Conservation and Development. In addition, the applicant must dedicate as open space an area of the entire tract at least equal to that by which the proposed aggregate lot areas are to be reduced in accordance with Subsection 8.18.4(D) herein. The applicant shall dedicate at least 40% of the total area of land to be subdivided as open space if the project is located within the Sewer Service District.

(3) **Open Space Standards**

(a) **Calculations:** Unless specifically waived by a two-thirds (2/3) vote of the Commission, the minimum required Open Space as per Section 8.18.4.I(2) shall not include land designated as inland wetland soils nor slopes in excess of 30 percent; and, the Commission, to permit the inclusion of these areas shall find that proposed open space accomplishes the goals and findings of The Natural Resources Inventory and the Town

of Hebron Plan of Conservation and Development. The provision of Open Space within the identified "Greenways" as shown in the Plan of Conservation and Development is encouraged and shall be a consideration for such waiver.

(b) **Access**: Such open space shall have access from a public street, with such access at least 40' wide and having a maximum grade of 15%, or shall abut existing open space having such access, unless specifically waived by the Commission due to the unique characteristics of the open space or subdivision.

(c) **Condition**: Any land to be dedicated as Open Space (except open space set aside for parks, playgrounds or other outdoor recreational facilities) shall be left in its natural state by the subdivider, except for improvements as may be required by the Commission, and shall not be graded, cleared, disturbed, or used as a repository for pumps, brush, earth, building materials, or debris. Open space for parks, playgrounds or other outdoor recreational areas and facilities shall be provided in a condition suitable for the purpose intended. The Commission may require such open space area be graded by the subdivider to properly dispose of surface water, that it be seeded with appropriate perennial grass, and that all brush and debris be removed. Such improvement of open space will not be required until the subdivision is substantially completed.

(d) **Open Space in Phased Developments:** If the entire parcel is not to be subdivided at one time, or where the land to be subdivided is adjacent to other land of the applicant or adjacent to land owned by the owner of the land to be subdivided, the Commission will review the entire tract(s) to determine the location of the Open Space. The Commission shall utilize among other information, the plan required by Section 5.1A of the Town of Hebron Subdivision Regulations.

(4) **Dedication of Open Space**

The Open Space shall be dedicated by any of the following methods listed in this Section, as determined by the Commission; and, the Town shall consider any such dedication as satisfying the Open Space requirements of this Regulation and of Section 8-25 of the Connecticut General Statutes

(a) **Method of Dedication:** Permanent dedication of each such area of open space shall be accomplished by: **a)** conveyance of fee simple ownership to the Town of Hebron; **b)** creation of a Conservation Easement in favor of the Town of Hebron; **c)** creation of a Conservation Easement in favor of the Town of Hebron reserving specific agricultural rights as approved by the Town; **d)** conveyance of fee simple ownership to a Tax-Exempt Organization approved by

the Commission, **e)** creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission, **f)** conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision are members, along with a conservation easement over the entire open space area; or **g)** any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section. The Commission may require dedication of open space by methods listed in a, b, c, or f of this paragraph; and the Commission may require dedication by methods listed in d, e, and g with consent of the applicant. Any such dedication, regardless of the method used, shall be completed prior to the endorsement and filing of the final subdivision plans in the office of the Town Clerk. Any conveyances of an interest in the dedicated open space shall convey to the grantee good and marketable title to the premises, and unless otherwise specified by the Commission shall be free of all encumbrances or defects.

(b) **Schedule of Open Space Credits**

	Method	**Adjusted Average Value***
(i)	Conveyance of Fee Simple Ownership to the Town of Hebron	(1.0)
(ii)	Any approved Conservation Easement to The Town of Hebron	(0.5)
(iii)	Conveyance of Fee Simple Ownership to Tax Exempt Organization	(1.0)
(iv)	Conservation Easement in favor of Tax Exempt Organization	(0.5)
(v)	Conveyance of Fee Simple Ownership to Connecticut Non-Stock Corp.	(0.5)

*Adjusted Average Value, meaning that each type of open space is given a value based upon the extent of public access allowed thereto. Each acre so dedicated shall be multiplied by its AAV to determine its proportionate value in satisfying the overall open space requirement.

(c) **General**: When any dedication of Open Space is made as per Section 8.18.4.I(4)(b)(v.) (Conveyance to a Connecticut non-stock corporation), the deed, declaration or other instrument transferring interest in the property shall be in a form acceptable to the Town, and shall provide, at a minimum:

(i) That all such covenants or restrictions shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision;

(ii) That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief;

(iii) That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; and

(iv) That if at any time maintenance, preservation or use of such open space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its election, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess, against the owners of land within the subdivision, either jointly or severally, all costs incurred by the Town for such purposes.

(d) **Evidence of Acceptance:** If Open Space is to be dedicated to an entity other than the Town, the applicant shall provide written evidence, satisfactory to the Commission, from the entity proposed to own the Open Space, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space in perpetuity.

(e) **Transfer of Interest**: The Commission shall approve any transfer of title or interest to any successor entity.

(5) **Delineations/Marking of Open Space**

All corners of the Open Space or Conservation Easement shall be permanently marked by iron pins or monuments as required for all other parcels as noted in Section 6.8 of the Town of Hebron Subdivision Regulations.

The Commission shall require the applicant to post identification plaques, provided by the Town, on trees, fences or posts, each 50 ft. along the edge of the Open Space and Conservation Easements as visual identification of these areas to future residents, unless waived by the Commission.

(6) **Legal Transfer**

Properly executed legal documents, including warranty deeds for any title transfers, shall be prepared in accordance with the provisions of this Section and shall be submitted with the final subdivision map to be endorsed and filed. All warranty deeds shall be accompanied by a certificate of title, prepared by an attorney admitted to the bar of the State of Connecticut, certifying that such conveyance passes good title to the described property or property interest, and that it is free and clear of any defect or encumbrances, or that any such encumbrance has been subordinated to the conveyance. All documents must be acceptable to the Commission and its attorney, and shall refer to the subdivision maps by title. All warranty deeds for dedication of land to the Town shall be held in escrow by the Commission to be recorded on the Town Land Records upon acceptance by the Board of Selectmen. In the event that acceptance is rejected by the Board of Selectmen, the deed shall be returned and the subdivider shall return to the Commission for determination of an alternate means of preserving the Open Space. In no case, shall the acceptance of any deed by the Commission or an employee of the Town be deemed as acceptance of the Open Space by the Town.

(7) **Fee-In-Lieu of Open Space**

As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town, or pay a fee to the Town and transfer land to the Town lieu of the full requirement to provide open space as set forth above. Such authorization may be granted by the Commission if and when it determines, in its sole discretion, that conditions such as subdivision size, population densities, existing open space in the neighborhood, topography, soils or other characteristics are such that on-site open space is not as desirable as a fee-in-lieu of open space.

(a) **Amount**. Such fee or combination of fee and the fair market of land transferred shall be equal to not more than ten percent (10%) of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant, with the cost of all appraisal fees and expenses borne by the applicant.

(b) **Procedure**. To employ the fee-in-lieu of open space option, the following procedure shall be used:

(i) The applicant shall submit a narrative to the Commission setting forth his desire to utilize the provisions of this Section.

(ii) The Commission shall determine whether to accept the applicant's proposal, or to accept a different combination of land transfer and fee, or to require an open space dedication only.

(iii) The Commission and applicant shall jointly select an appraiser to submit a report. Steps a. through c. may be accomplished at the application acceptance portion of the process.

(iv) The applicant shall submit the appraisal during the formal application review process.

(v) The Commission, as part of the action on the applicant, shall either accept the fee-in-lieu proposal, a combination of fee and land transfer proposal, or require an open space dedication.

(vi) The Commission may deem a transfer of land to a Land Trust, or other similar non-profit entity organized to preserve land in its natural state, as a satisfaction of the applicant's obligation to transfer land to the municipality.

(c) **Payment**. The method of payment of any fees under this Section shall be one of the following two options:

(i) The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or,

(ii) The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the final subdivision may filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Town, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office. Any required fees shall be paid to the Town prior to the release of this bond. The Commission may also choose other acceptable security such as a mortgage or lien on the land to be subdivided. This mortgage or lien shall secure the amount of the fee-in-lieu and provide for partial release of lots sold as the fractional part of the fee is paid.

(iii) No building permits shall be issued until such fractional part is paid as to any lot in the subdivision.

(d) **Dedicated Fund**. Fees submitted under this Section shall be deposited by the Town in a fund, which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes.

(8) **Open Space Waiver**

The Commission shall require open space in all subdivisions or shall require a fee-in-lieu of open space for all subdivisions. No waivers of this requirement shall be granted except in the following instances as specifically required by Section 8-25 of the Connecticut General Statutes:

(a) where the transfer of all land in a subdivision of less than five (5) lots is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin of the property owner for no consideration. Such intended transfer shall be evidenced by covenants, restrictions, contracts, or other legally binding documents as the Commission may approve, which documents will be filed in the Land Records along with the Subdivision Plan. If the Commission determines, subsequent to the approval of such subdivision, that such transfer were intended to be temporary, and for the sole purpose of evading the requirements of this Section, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records; and

(b) where the subdivision is to contain affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, equal to twenty percent (20%) or more of the total housing to be constructed in such subdivision. Such restrictions for affordable housing shall be evidenced by such documents as the Commission may require, and such restrictions shall run with the lots affected thereby in perpetuity. If, subsequent to approval of the Subdivision, the lots designated for affordable housing shall not be sold for that purpose, the Commission may, following a public hearing with notice by certified mail to the violator, void, in whole or in part, any such subdivision approval, and may cause notice thereof to be filed in the Land Records.

8.19 NEIGHBORHOOD RETIREMENT HOUSING

8.19.1 Purpose: The purpose of this section is to provide for housing for older persons which is consistent with the overall intent of these Regulations, namely to preserve the essentially rural, low-density residential character of the Town of Hebron, while permitting variations in bulk, density, and residential use types which would not otherwise be possible, in order to meet the special needs of older persons; to permit flexible site design so that development may be constructed in harmony with and to preserve natural site design features; and to provide incentives and opportunities for the creation of affordable housing and the preservation of open space lands.

8.19.2 Special Permit: A special permit shall be required for any proposed Neighborhood Retirement Housing. The special permit may be issued only by the Hebron Planning and Zoning Commission after a public hearing and shall be issued only in conformity to the provisions of Section 8.19 of these Regulations.

8.19.3 Definitions: For purposes of this Section, the following definitions shall apply:

(a) **Neighborhood Retirement Housing**: A building, or group of buildings, which are located on a single parcel of land, share common management, wherein each dwelling unit is occupied by one or more older persons.

(b) **Older Persons:** Persons fifty-five (55) years of age and over.

(c) **Dwelling Unit:** A single unit providing complete, independent living facilities for one or more older persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) **Neighborhood Retirement Housing Complex:** All buildings and structures located on the development site.

8.19.4 Application for Special Permit: As part of an application for special permit under the provisions of Section 8.19, the following shall be submitted to the Planning and Zoning Commission:

(a) Letter of application signed by the owner and agent, if any, stating the ownership of the property to be developed and summarizing the development proposal.

(b) Letter of application for sewage discharge permit to the Hebron Health Officer, for referral of the project to the Connecticut Department of Health Services, the Department of Environmental Protection, pursuant to Section 7-245 of the Connecticut General Statutes and the Connecticut Public Health Code.

(c) Key map of the neighborhood at a scale of 1"=200' showing the relation of the proposed development to abutting properties and to existing and proposed streets.

Section 8.19 Neighborhood Retirement Housing (cont.)

(d) Certified A-2 base map, on a scale of 1"=40', showing the following:

(1) Location of benchmarks

(2) Lot size

(3) Subdivision, if applicable

(4) Two foot contours extending fifty (50) feet beyond site boundaries. Contour information shall be collected by an actual field survey or by means of photogrammetry (aerial topography). No other sources will be acceptable.

(5) Location of subsurface sewage disposal area and site testing locations for the same, if applicable.

(6) Location of water supply or any buried fuel tanks.

(7) Location, dimension and basement floor elevation of all buildings

(8) Dwelling unit sizes

(9) Number of dwelling units in each building

(10) Number of bedrooms in each dwelling unit and building

(11) Location of driveways, parking areas, and parking spaces, and of any fire lanes as required by town ordinance.

(12) Location of recreation areas, accessory buildings, structures and facilities

(13) Foundation drains and gutter drains, drainage plan of entire site including all disturbed areas, sidewalks, parking and driveway areas

(14) Location of any ponds, brooks, or inland wetland areas, as certified by a soil scientist

(15) Location of refuse containment area

(e) Appropriate and accurate elevations, perspectives, isometric drawings or models, to scale, depicting height, bulk, fenestration, construction materials and other massing, architectural, and design features of the proposed development.

(f) Landscaping plan (may be incorporated as a part of the A-2 survey referenced in Section 8.19.4.d above) showing:

Section 8.19 Neighborhood Retirement Housing (cont.)

(1) Planting schedules - type, number, minimum size of trees and/or shrubs and other plants

(2) Treatment of seeding and sodding

(3) Pavement types for vehicular and pedestrian movement and recreation areas

(4) Type, height and density of any proposed screening or fencing

(5) Provisions for year-round maintenance of landscaping

(g) An erosion and sedimentation control plan prepared in accordance with Section 8.13.

8.19.5 <u>Standards</u>: Any application for a special permit under the provisions of this Section shall meet the following requirements:

(a) **Tract Size and Location:** No tract of land shall be developed for Neighborhood Retirement Housing that is less than eight (8) acres. The location of such a tract shall be limited to an area shown and described within the Hebron Plan of Development and Land Use Plan as amended.

(b) **Dwelling units per building:** No building shall contain more than three (3) dwelling units, and not more than fifty (50%) percent of the total units shall be in three (3) unit buildings.

(c) **Dwelling units per acre:** No Neighborhood Retirement Housing complex shall exceed three (3) dwelling units per acre (gross), except that the Commission may permit not more than five (5) dwelling units per acre (gross) if one or more of the following criteria are met:

(1) The applicant commits to a minimum of ten (10%) of the dwelling units to be conveyed within the limits of "Affordable Housing" as defined by Section 8-39a of the Connecticut General Statutes. Said units shall be dispersed within the project and shall not be located within the same building or in adjoining locations. The provisions for "affordable housing" shall be enforced pursuant to the provisions of Section 8-2g of the Connecticut General Statutes.

(2) Open Space or common facilities and amenities warrant such credits.

(d) Each dwelling unit shall contain a minimum of 750 square feet of floor space for living quarters. No dwelling unit shall contain more than three (3) bedrooms and no more than fifty (50%) percent of the total number of dwelling units on the tract shall contain three (3) bedrooms.

(e) **Building Height:** Maximum height for any building shall be two and one-half (2 1/2) stories.

Section 8.19 Neighborhood Retirement Housing (cont.)

(f) **Separating distance:** Separating distance between buildings shall be set by the Hebron Planning and Zoning Commission, except that the separating distances shall be not less than fifteen (15) feet for one (1) or one and one-half (1 1/2) story buildings, and twenty (20) feet for two (2) or two and one-half (2 1/2) story buildings.

(g) **Yards:** Front, side and rear yards shall be a minimum of twenty-five (25) feet. The Commission shall use Section 8.19.6 of these Regulations to determine if additional yard setbacks are necessary.

(h) **Frontage:** Minimum width of the site at the street line of a public street shall be fifty (50) feet.

(i) **Sewage Disposal:** Each separate building having a sewage flow shall be connected to an approved sewage disposal system, which shall be connected to the municipal sanitary sewerage system when available. A permit for the construction of the subsurface sewage disposal system must be obtained from the Department of Health Services or the Department of Environmental Protection prior to final approval of the special permit by the Commission. All Neighborhood Retirement Housing shall be situated in the designated sewer service district as determined by Water Pollution Control Authority.

(j) **Storm drainage:** All storm drainage facilities must conform to the requirements of Section 3.0 (Storm Drainage and Construction Requirements) of Section 13 (Public Improvement Specifications) of the Hebron Subdivision Regulations. The Commission may apply Section 8.1.5(f) of the Zoning Regulations upon receiving a positive advisory report from the Town Engineer.

(k) **Parking, driveways and roads:** The following standards shall apply to parking, driveway and roads:

(1) Parking and driveway surfaces shall be bituminous concrete.

(2) Each individual dwelling unit driveway shall consist of an area of at least nine (9) feet by eighteen (18) feet.

(3) There shall be a minimum of one and one-half (1 1/2) parking spaces for each dwelling unit, which does not have its own garage and driveway.

(4) There shall be a minimum of one-half (1/2) parking space per dwelling unit for guests and visitors.

(5) Private Roads: Private roads may be constructed as per the Residential Private Road provisions contained within the Hebron Subdivision Regulations. The Commission may permit a 22 foot minimum road width (travelway) if the

Town Engineer finds that minimum public safety standards are met and adequate off-street parking is provided.

(l) **Landscaping standards:**

(1) All disturbed areas not mulched or planted with trees, shrubs, or flowers shall be planted with grass.

(2) There shall be a landscaped or natural buffer area of a minimum of fifteen (15) feet between the development and any adjoining premises. The Commission shall determine what additional width or improved character of the landscaped area in accordance with Section 8.19.6.

(m) The entire Neighborhood Retirement Housing Complex shall be under common ownership, or all driveways, parking areas, utilities, water, sewage, streets, landscaped areas, open spaces, accessory buildings, structures and facilities shall be owned and maintained by a common interest ownership association pursuant to the Connecticut Common Interest Ownership Act of the Connecticut General Statutes.

(n) All utility transmission and service lines shall be underground, except when waived by the Commission due to circumstances such as severe soil limitations.

(o) All garages shall have automatic door openers.

(p) Architectural design shall provide for:

(1) Shielding of mechanical and utility devices.

(2) Utilization of building materials, which are typical of residential construction.

(3) Each unit shall be staggered or offset a minimum of five (5) feet in two and three unit buildings.

(4) Design, which minimizes windows from directly facing other windows.

(q) Adequate street lighting.

(r) Appropriate signage shall identify the entrance to the complex, intersections, directions and patterns of vehicular movement.

(s) All buildings shall conform to the standards in Section 8.16 Design Review Criteria.

(t) Open space: A minimum of fifteen (15%) percent of the total tract area be set aside for open space purposes.

Section 8.19 Neighborhood Retirement Housing (cont.)

(1) The method of Dedication of Open Space shall be in accordance with Section 8.18.4.H.2 of the Hebron Zoning Regulations.

(2) Open space covenants and restrictions shall be consistent with Section 8.18.4.H.4 of the Hebron Zoning Regulations wherein the term "subdivision" shall be superseded by "Neighborhood Retirement Housing Complex".

8.19.6 **Evaluation Criteria:** In considering the proposed application, the Planning and Zoning Commission shall be guided by the following:

(a) The existing and future character of the neighborhood in which the use is to be located.

(b) The location of principal and accessory buildings in relation to one another.

(c) The height, bulk, and density of buildings in relation to one another.

(d) Traffic circulation within the site; amount, location, and access to parking; traffic load or possible circulation problems on existing streets; pedestrian safety throughout the site and in the immediate neighborhood.

(e) Availability of water to the site and adequate disposal of sewage and storm water.

(f) Safeguards to prevent detrimental impact to adjacent property and the neighborhood in general.

(g) Provisions for Open Space, common areas and amenities, including size, configuration, purpose, public and environmental benefit, including ownership, maintenance and control.

8.19.7 The Commission may provide for bonding of all required public improvements and for soil and erosion control to conform to the specifications set forth in the Hebron Subdivision Regulations.

8.19.8 The responsibility for maintenance of public improvements and for maintaining the provisions of the approved Special Permit and Site Plan within the Neighborhood Retirement Housing Complex shall be vested in the Homeowners association pursuant to the Connecticut Common interest Ownership Act. The Commission may also require the recordation of a Caveat providing for enforcement by the Town of Hebron.

8.20 COMMERCIAL HORSE STABLES

8.20.1 Purpose

It is the purpose of these Regulations to permit commercial horse stables within residential districts in a way that is compatible with the overall character of existing residential areas and so as to not degrade the natural environment or negatively impact the public health, safety, and property values. These regulations shall also set the minimum necessary standards for the keeping of horses for commercial purposes that are consistent with best management practices for such animals. These regulations shall also apply to riding academies, livery and boarding stables, animal and convalescent stables, breeding stock farms, and private club riding stables in a manner that is consistent with the provisions of Section 8.1, Site Plan and Design Review; Special Permit Criteria. The following special standards or conditions shall be met in addition to the above-referenced Section:

8.20.2 Application Requirements and Procedures

All applications under this Section shall satisfy the requirements of Section 8.1 of these Regulations and be accompanied by a fee as set out in the Hebron Town Ordinances, Schedule of Fees as amended.

A. **General Statement:** A written statement shall be submitted with the application addressing the following:

(1) Types of proposed uses on the site;

(2) A general outline that reflects a standard operational procedure for proposed uses with attention given to animal waste management, noise, illumination, dust and pest control, intensity and duration of uses;

(3) Water supply needs and sewerage disposal plan; and

(4) Relationship to abutting land uses.

B. **Notice:** A public hearing is required for all proposals under this section and notices shall be sent to abutting property owners as per Section 4.5 of the Hebron Subdivision Regulations.

C. **Plans:** The Commission requires twelve (12) copies of all site plans as part of an official application.

Section 8.20 Commercial Horse Stables (cont.)

8.20.3 Standards and Requirements

A. **Minimum Lot Area:** All proposed uses permitted by these Regulations shall require a minimum lot area of fifteen (15) acres. Any lot area used to satisfy these Regulations shall be owned or leased by the applicant, or have a contract to purchase the same, and shall be continued to be owned or leased for the duration of any permit issued. Any existing or proposed residence shall discount one (1) acre (R-1) or two (2) acres (R-2) from the area calculation depending upon the appropriate district that is applicable.

B. **Maximum Number of Horses Permitted and Minimum Area for Keeping of Horses:** There shall be at least one-half (1/2) acre of land per proposed horse. The areas where the horses shall be generally kept, which includes barns, stalls, paddocks, and rings, shall consist of land area not less than 1/8 acre per horse and such area shall not exceed 20% slope, contain wetland soils or have poorly drained soils. This keeping area shall be included within the minimum lot requirement cited above. On-site septic systems shall not be located within the paddock, corrals, or riding ring areas or otherwise be included in the keeping area calculation.

C. **Minimum Lot Frontage:** All proposed uses permitted by these Regulations shall require a minimum lot frontage of fifty (50) feet to be located on a public or private road.

D. **Special Setbacks**:

(1) All buildings or structures used for the keeping of horses shall be located at least one hundred (100) feet from any adjoining residences.

(2) Any proposed riding rings, paddocks, corrals, and horse trailers shall be located at least fifty (50) feet from any property line and shall not be located within wetland areas.

(3) There shall be no storage of horse excrements or bedding materials within fifty (50) feet of any well, wetland, or septic system or within 100 feet of an adjoining residence.

E. **Parking:** There shall be five (5) off-street parking spaces plus one (1) space for each five (5) proposed horse stalls. All parking shall be located at least fifty (50) feet from any property line. The access drives for entering and leaving the property shall be a minimum width of fifteen (15) feet and be located in such a manner so as to not create a hazard for pedestrian or vehicular traffic. The travel surface shall be of a dustless material.

Section 8.20 Commercial Horse Stables (cont.)

F. **Waste Management:** Horse manure, urine, or used bedding material storage shall not create a health hazard to the Town or surrounding neighborhood. The stabling of horses shall conform to all State and local laws, regulations, and codes. Sanitary facilities shall be provided for employees, patrons, and visitors in accordance with State and local health requirements for normal operations as well as for horse shows and similar activities. This Section shall meet with the approval of the Town Sanitarian.

(1) There will be no outside storage of feed, grain, hay, animal excrements, or other hazardous or insect breeding material

(2) Each animal will have free access to shelter, which will provide shade and protection from wind, rain, and snow. Such shelter shall have an attached or adjacent area with an impervious cover to which all animal waste cleanings shall be confined.

G. **Lighting:** There shall be no external floodlighting that transmits beyond the property boundaries.

H. **Noise and Duration of Use:** The use of Public Address Systems, the conduct of the instruction of riders with use of public address system, and the spectator participation in competition shall be modulated and continuously controlled in order to avoid becoming a nuisance to the surrounding neighbors. The above activities shall cease at 8:00 P.M. and shall not begin prior to 7:00 A.M., unless permission for such activity is specifically granted by the Planning and Zoning Commission. The use shall be operated in conformance with performance standards governing noise as specified under Section 5.6.3 of the Hebron Zoning Regulations and as measured at the property boundary lines.

I. **Safety:** Adequate fencing shall be installed and maintained to reasonably contain the horses within the property.

J. **Fire:** Fire control facilities for the barns, buildings, and other amenities used for normal operations as well as for horse shows and similar activities shall be approved by the Town Fire Marshal.

K. **Advisory Opinions:** The Commission may refer the application to the University of Connecticut Cooperative Extension Service or any other applicable organization for review and advisory opinion.

8.20.4 Recording of Approval

Approval of an application for a special permit under this Section shall be conditioned upon the applicant's recording the special permit approval on the Hebron Land Records as per the requirements of Public Act 75-317. Said recording must take place within ninety (90) days of the approval or approved special permit shall be null and void.

8.21 TRANSFER OF DEVELOPMENT RIGHTS (TDR)

8.21.1 Purpose

Transfer of Development Rights is established as permitted under Section 8-2 of the Connecticut General Statutes to implement the goals and policies of the Hebron Plan of Conservation and Development by allowing the transferring of potential residential development away from the Sending Area, an area containing endangered natural resources, to the Receiving Area, an area generally more desirable for, and having the capacity for, higher density development.

Specific purposes of the TDR process are as follows:

a) to transfer certain potential future development out of the Amston Lake District in order to limit environmental impact to the lake, limit impact to groundwater supplies, and lessen congestion in the neighborhood;

b) to transfer this development into a designated portion of the Sewer Service District, an area having the infrastructure to better support increased densities in a manner consistent with the Plan of Conservation and Development;

c) to assist in the diversification of the Town's housing stock by encouraging more innovative residential developments with specific design review;

d) to achieve these objectives while not generating any increased potential development for the Town as a whole.

8.21.2 Sending Area

For the purpose of these Regulations concerning the Transfer of Residential Densities, the Sending Area is defined in Section 3.3.19 of these Regulations and more specifically defined as the area containing Lots of Record within the Amston Lake District.

8.21.3 Receiving Area

For the purposes of these Regulations concerning the Transfer of Residential Densities, the Receiving Area is defined in Section 3.3.18 of these Regulations and more specifically defined as a portion of the Sewer Service District, and said Receiving Area is as specifically shown on Plate 2.12 of these Regulations.

Section 8.21 Transfer of Development Rights (TDR) (cont.)

8.21.4 <u>TDR Approval Process</u>

The TDR Approval Process consists of three distinct components as follows:

A. Certification of Transferable Development Rights;

B. Transfer of Transferable Development Rights

C. Use of Transferable Development Rights.

Approval by the Commission is required for "Certification of Transferable Development Rights" and the "Use of Transferable Development Rights". These shall require the submission of a formal application on forms provided by the Commission containing the information required in this Section, and such application shall be treated as a Special Permit Application. These can occur either as a single application requesting approval of both components or in mu7ltiple applications where each application de4als with only one such component.

8.21.5 <u>Certification of Transferable Development Rights</u>

A. Certification of Transferable Development Rights can only be approved by the Commission as part of a Special Permit application;

B. A Transferable Development Right is the right to transfer potential development rights to an unspecified location in the Receiving Area;

C. Persons eligible to apply to the Commission for Certification of Transferable Development Rights are those owning land within the Sending Area; and, the Transferable Development Rights are created only upon Certification by the Commission under this Section;

D. The number of Transferable Development Rights to be created for each eligible property in the Sending Area shall be as set forth in Sections 5.3.5(a) and (b), of the Amston Lake District;

E. Transferable Development Rights shall be identified by a numbering system such that each individual right is identified by a unique number as assigned by the Commission following approval;

F. An application to the Commission for Certification of Transferable Development Rights shall contain the following information:

(1) A completed application for "Certification of Transferable Development Rights" as provided by the Commission;

Section 8.21 Transfer of Development Rights (TDR) (cont.)

(2) Legal description of the land from which the transfer of development rights is requested;

(3) Survey of the land from which the transfer of development rights is requested;

(4) A copy of the document entitled "Transferable Development Rights Easement", as provided by the Commission, or equal, fully executed by all persons having an interest in the land as grantors; said easement agreement shall establish a perpetual restriction on the affected property prohibiting development thereon;

(5) A statement from the applicant describing the intended disposition of the sending parcel, as described in Section 5.3.5(c), once the development rights have been severed;

(6) A certificate of title from an attorney at law running in favor of the Town of Hebron identifying the owners and holders of any interest in the premises.

G. Upon approval of the Certification by the Commission, the Easement shall be executed by the Town, and the applicant shall file the document in the Town's Land Records and a copy sent to the Town Assessor.

8.21.6 <u>Transfer of Transferable Development Rights</u>

A. Transferable Development Rights in ownership of an individual may be transferred to ownership of another individual by execution and filing of a "Transfer of Development Rights - Deed of Transfer" as provided by the Commission, or equal. No application or approval by the Commission is required.

B. Such Deed shall identify the Transferable Development Right(s) being conveyed by number as shown on the applicable "Transferable Development Right Easement", with reference to the Book and page of the Town's Land Records on which is recorded the easement which created them and any deeds transferring their ownership;

C. Such Deed shall be executed by both the seller and buyer of the identified transferable development rights;

D. The executed Deed shall be filed in the Town's Land Records and a copy sent to the Town Assessor.

8.21.7 <u>Use of Transferable Development Rights</u>

A. Use of Transferable Development Rights can only be approved by the Commission by way of a Special Permit application;

Section 8.21 Transfer of Development Rights (TDR) (cont.)

B. An application to use a Transferable Development Right shall accompany an application for a Special Permit for the following residential developments permitted in Section 8 of these Regulations: An Open Space Subdivision in the Sewer Service District (Section 8.18), or Planned Residential Developments (Section 8.22);

C. One Transferable Development Right shall be required for each additional unit requested above the Base Density in the Receiving Area as specified in Sections 8.18.4 and 8.22.4C;

D. The applicant who proposes to use a Transferable Development Right must demonstrate to the Commission that he has clear legal interest in the receiving parcel and clear ownership of the identified Transferable Development Right(s);

E. The applicant shall demonstrate to the Commission that the resulting density above the Base Density is preferable to conventional development and compatible to surrounding development in the Receiving Area.

F. An application to use a Transferable Right shall include:

(1) A completed application for "Use of Transferable Development Rights" as provided by the Commission specifically identifying the applicable Transferable Development Right(s) by number as assigned by the Commission in the Certifying process;

(2) All copies of the executed "Transferable Development Rights Easements" as filed in the Hebron Land Records as may be applicable;

(3) Any copies of "Transferable Development Rights Deeds of Transfer" as filed in the Hebron Land Records as may be applicable;

(4) A copy of the "Transferable Development Rights Document of Attachment" as provided by the Commission fully executed by the owner.

G. Following approval of the application by the Commission, the "Transferable Development Rights Document of Attachment" shall be filed in the Hebron Land Records with a copy sent to the Town Assessor.

8.22 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD)

8.22.1 Purpose

It is the purpose of these Regulations to allow in appropriate areas within the Town's Sewer Service District clustered single and multifamily housing districts. These zoning districts, once established, shall encourage flexibility in design; facilitate adequate, efficient, and economical provision of streets and utilities; provide functional and aesthetically acceptable residential environments which are compatible with existing abutting land uses and the overall character of their respective areas; protect and preserve existing historical buildings or sites, natural resources and scenic qualities of the Town's open spaces; create an opportunity to increase the Town's affordable housing stock and to provide a sufficient range of housing types for all ages and socioeconomic levels of Hebron residents.

8.22.2 Qualifying Standards

No Planned Residential Development zoning district shall be adopted by the Commission unless it complies with the following standards and meets with the provisions of the above Purpose statement:

A. There shall be no minimum land area requirement for the PRD zoning district. The suitability for such designation shall be determined based upon criteria enumerated within this Section and the Purpose statement. Any proposed parcel(s) of land shall consist of contiguous acreage owned or under agreement to be purchased by one person, corporation, partnership or other single legal entity that may own land.

B. The parcel shall be located wholly or partially within the Town's sewer service district, but other than in the Amston Lake (A.L.), Hebron Green (H.G.), General Business (G.B.), and Neighborhood Convenience (N.C.) zones. Qualifying locations would include the Church Street corridor, transitional land use areas adjoining or within proximity to the G.B., H.G., N.C., and A.V. zones, all within R-1 zones, or within the Amston Village (A.V.) zone. The location of all PRD Districts shall conform to the Hebron Plan of Conservation and Development and be limited to the residential development receiving area as shown on the SSD map in Section 2.12.

C. The parcel shall be serviced by public sewer provided the Hebron WPCA has determined that adequate sewage capacity is available to serve the proposed project.

D. The parcel shall have a minimum of 50 feet of frontage on an accepted, improved, and maintained public road. Such road shall meet the definition of an arterial street, residential collector street, or residential sub-collector street as defined by the Hebron Subdivision regulations. The traffic circulation plan for the site shall address the amount and location of proposed traffic, and access to parking. The proposed or existing sight distances shall meet

the minimum standards of the Subdivision Regulations for all existing or proposed access drives or streets.

E. The existing road network, including intersections, which may be impacted by the proposed development will be capable of satisfactorily handling the increased traffic generated by any proposed uses.

F. The basic design of the proposed use(s) or buildings, relationship between the buildings and the land; and overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood, particularly where historic properties or sites exist, and will not serve to detract from abutting residences or other properties.

G. Adequate safeguards shall be taken to protect the natural environment. A stormwater management plan shall show no negative impacts to result within the immediate drainage basin or adjoining basins as a direct result of the proposed development.

H. The existing or proposed buffer or open space along the property road frontage shall be one of the critical elements considered when proposals are submitted under these Regulations. Where feasibility of design shall permit, a one hundred (100) foot front setback shall be provided for all new construction.

8.22.3 <u>Application Requirements and Procedures</u>

A. The Planned Residential Development District shall require the submission of a Zone Change application with a preliminary conceptual site plan proposal. The Commission may grant the zone change only when it finds that the preliminary conceptual site plan conforms to the purposes and qualifying standards of this Regulation. The Commission recommends that prospective applicants consult with staff prior to making any formal submissions. All preliminary conceptual site plans shall contain the following minimum level of information:

(1) A key map at a scale of one (1) inch equals 1000 feet showing the general location of the parcel in the Town of Hebron.

(2) A map at a scale of one (1) inch equals 100 feet or less showing the boundaries of the parcel, general topography highlighting areas exceeding 20% slope, inland wetlands, flood zones, general soil type boundaries, heavily wooded areas, and other significant natural or artificial features of the land.

(3) A description of the uses, if any, for which the open space will be utilized.

(4) A statement outlining the reasons why the applicant believes that the purpose and standards of this Regulation would be satisfied by development as a PRD. Additional information shall be required as follows:

Section 8.22 Planned Residential Development District (PRD) (cont.)

(a) The preliminary conceptual site plan shall be accompanied by supplemental information that shows sufficient area surrounding the proposed PRD. to demonstrate the relationship to adjoining uses, both existing and proposed; other considerations shall include, but not be limited to surrounding densities, building heights and building materials.

(b) A statement of the present and anticipated future ownership of all land included within the PRD.

(c) Proposed types, quantities and general location of residential units including square footage and number of bedrooms and densities for individual sections or phases of the development as well as for the PRD as a whole.

(d) A general landscape plan including the proposed treatment of common areas, usable open space and the treatment of the perimeter of the PRD including materials and techniques to be used as vegetative screens, berms, fences and stone walls.

(e) A written report by a professional engineer, licensed in the State of Connecticut, evaluating the impact of the PRD on the existing traffic circulation, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed development, and projected traffic from other proposed developments in the area.

(f) The existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.

(g) Examples of proposed product types for the residential units, typical lot and/or building layouts and elevations of all buildings (front, back, and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.

(h) Proposed development schedule with projected completion date(s) for the P.R.D. and its individual phases.

(i) Proposed number of units by bedroom count.

(j) Identification of any historic structures or features on the site.

(k) Preliminary grading and drainage information.

(l) A listing of all property owners, by tax parcel number, whose property boundary is within 500 feet of the project or any portion thereof.

(m) A summary table indicating compliance with the development standards. The table shall show proposed phasing, the number and type of buildings and units, number of parking spaces required and provided, square feet and percent of lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.

(n) A report discussing projected demands for potable water and sanitary sewer and evidence that an undue burden will not be placed on these resources or services by the proposed development.

(1) The potable water report shall be made by an individual qualified in the field to make such a determination and certified by a professional engineer, licensed in the State of Connecticut, that any conclusions are to be supported by proper calculations and professional sources. The report shall contain at least the following: A hydrogeological map, indicating the location of the proposed water system, the direction of ground water flow, the depth of ground water, the recharge time, the location of the ground water recharge area, and the location of all other users that rely upon the same ground water source.

(2) The public sewer report shall be made by a professional engineer, licensed in the State of Connecticut, and shall use the most current data available from the administrator of the WPCA. Sewer reach analysis and pump station capacities shall be considered.

(o) The impact of the PRD on schools, police, fire and other municipal services.

(p) Any future developable areas within the PRD shall be identified and analyzed to show future development potential.

(5) All applications received by the Commission shall be required to state whether the application is an affordable housing application as defined in Connecticut General Statutes 8-30g(a) and, if so, to describe the proposed affordable housing development in connection with which such application is filed to state the applicant's relationship to the proposed development.

(6) All applications received by the Commission shall be required to state whether the application is utilizing transfer of development rights as permitted under Section 8.21 of these Regulations.

(7) Twelve (12) copies of the above materials shall accompany the Zone Change application and application fee.

(8) A public hearing is required for all PRD zone change requests and notices shall be sent to surrounding property owners as per Section 4.6 of the Hebron Subdivision Regulations.

B. **Findings**

In order to approve a PRD zone change and preliminary conceptual or Special Permit site plan submitted under these Regulations, the Commission shall first make the following findings:

(1) The purposes specified in Section 8.22.1 have been substantially met.

(2) The qualifying standards of Section 8.22.2 and development standards and requirements of Section 8.22.4 have been met.

(3) Provisions for traffic, water, sewerage, stormwater and open space are adequate, do not overburden existing streets, water, sewer and stormwater drainage facilities both on-site and off-site and will not create water problems.

(4) No congestion in the streets surrounding the site will result from the PRD and the proposed development design will not require upgrading of the street system of the Town of Hebron. This requirement can only be waived if the Commission elects to permit the necessary upgrading at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his/her expense.

(5) The proposed development design will not require upgrading of the existing both on-site and off-site sewer system and drainage systems. This requirement can only be waived if the Commission in its sole discretion recommends, and the Water Pollution Control Authority elects to permit, the upgrading either on-site or off-site systems at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans, and data at his/her expense.

(6) The need exists within the Town for a different type of housing unit than is permitted outside the sewer service district and there is a documented need for the number and type of affordable housing units suggested.

(7) The proposed development will not have a significant adverse effect on the environment and, in particular, wetland and watercourse areas. In making this

finding, the recommendations of the Conservation Commission regarding the development will be taken into consideration.

(8) Where appropriate, the applicant has provided for continuing maintenance of private roads, parking areas, stormwater drainage facilities, open space, and other amenities to be transferred to the Town of Hebron.

C. In the event that the PRD zone change is granted, this shall not constitute approval of the PRD preliminary conceptual site plan. Such final site plan approval is subject to the requirements set forth below.

D. An applicant seeking approval of a PRD site plan shall submit a Special Permit Site Plan application in accordance with Sections 8.1 and 8.22 of these Regulations within twelve (12) months from the effective date of the PRD zone change. The Commission, in its discretion and for cause, may extend this period for up to one (1) additional year, after which the Commission shall delete said PRD zone from the zoning map if a Special Permit Site Plan application has not been submitted. An applicant may submit a Special Permit Site Plan application in stages, but in no case less than 20% of the total development plan, relative to the total number of dwelling units.

E. All Special Permit Site Plan applications require a public hearing and notices shall be sent to surrounding property owners as per Section 4.6 of the Hebron Subdivision Regulations.

8.22.4 <u>Development Standards and Requirements</u>

All Special Permit Site Plan applications considered under these PRD district regulations shall comply with the standards and requirements of Section 8.1 in addition to those specified herein. A special permit site plan shall be submitted that is consistent with the preliminary conceptual site plan provided during the PRD zone change process and the Purpose and Qualifying Standards set forth in this Regulation.

A. **<u>Special Permit Site Plan Objectives</u>**

A PRD shall consist of single family detached dwellings or attached dwellings, garden apartments or town houses, or a combination thereof, which achieve both of the following objectives:

(1) **Preservation of Open Space**, such as those areas identified on the Hebron Plan of Conservation and Development and identified as an Area of Special Environmental Concern, and which is either (a) significantly beneficial to the community by preserving unusual open space features within the PRD or constituting part of an

open space and conservation system covering a larger area, or (b) a significant portion of and enhancement to the design of the PRD by achieving a contrast between building and non-building areas and supporting the character of the neighborhood and the community.

(2) **Architecture and Site Development of Design Merit,** contributing to the appearance and beauty of the Town and achieving convenience of residential living and economies in the use of energy, and in all cases shall (a) be located on a tract of land having the capability of supporting such alternative form of development, (b) have a harmonious relationship to adjacent neighborhoods, such as with regard to, but not limited to the location and bulk of buildings, maintenance of privacy and traffic access, and (c) constitute a form of residential development that achieves both the above objectives in a manner more effective than a subdivision of individual building lots permitted on the tract.

(3) **Additional Objectives**: PRDs are encouraged to achieve (a) the preservation of farmland in active use or prime farmland as identified by the U.S. Department of Agriculture, and the U.S. Soil Conservation Service in Tolland County, and (b) the preservation of Areas of Special Environmental Concern, and (c) the construction of Affordable Housing, and in support of these additional objectives, PRDs which achieve the same may contain additional dwelling units as long as the primary objectives are achieved.

B. **Permitted Uses**

All uses require a special permit from the Planning and Zoning Commission. All uses must comply with the procedures and requirements set forth in Section 8.1 and any other requirements as may be specified below:

(1) Single Family Dwellings, detached.

(2) Single Family Dwellings, attached, on land owned in common under the Common Interest Ownership Act of the Connecticut General Statutes.

(3) Duplex, Triplex, Multi-family Dwellings, on land owned in common under the Common Interest Ownership Act of the Connecticut General Statutes.

(4) Customary and incidental accessory uses which are intended to be supportive to and utilized by the residents of the Planned Residential Development. Such uses may include, but are not limited to those described in Sections 5.1.1(b), (c), (d), (e), (g), (h), (i), 5.1.3(b), (c), (d), (k), (n), and (p). All such uses shall be further limited by the provisions of Section 8.22.5 Management and Maintenance Requirements.

Section 8.22 Planned Residential Development District (PRD) (cont.)

Any PRD that proposes to contain single family detached dwellings and no others, as permitted in Section 8.22.4B(1) above and contains at least five (5) acres of land shall be processed under the requirements, procedures and standards of Section 8.18 Open Space Subdivision Developments (see subsection 8.18.2C). Such an Open Space Subdivision application shall be made following the effective date of the PRD zone change. Any applicant under these conditions shall be exempt from Section 8.18.3B, Preapplication Determination of Suitability. Any application that proposes a mixture of land ownership, such as a single family cluster with individual lot ownership and a separate common interest ownership association with all lands held in common shall comply with Sections 8.18 and 8.22 as applicable.

C. <u>Standards and Requirements</u>

(1) **P.R.D. Area:** A PRD has no minimum qualifying land area but shall meet the standards enumerated in Section 8.22.2 above.

(2) **Dwelling and Building Layout:** All proposed dwellings and buildings shall be located and designed in a general pattern that is consistent with the preliminary conceptual site plan upon which the Commission considered as part of its adoption of the PRD zone change application.

(3) **Net Land Area:** In order to determine the number of dwellings permitted for each PRD, the net land area must first be calculated as follows:

(a) Total land area, minus all water bodies, equals gross land area.

(b) Gross land area, minus 10% for roadway area.

(c) Subtract 50% of land designated as wetlands and watercourses, exclusive of 100 year flood hazard areas; 50% of areas having slopes in excess of 20%, and 100% of areas designated as 100 year flood hazard areas.

(d) Steps (a) through (c) result in the calculation of net land area to be used in subsection 8.22.4C4.

(4) **Maximum Dwelling Unit Per Acre Density:** The maximum number of dwelling units to be permitted per acre of net land area shall be 2.5 dwelling units per acre (17,424 s.f./DU), unless the PRD qualifies for a density exception, which may be permitted under subsection 8.22.4C5 below.

(5) **Exception to Maximum Dwelling Unit Per Acre Density:** The maximum number of dwelling units to be permitted per acre of net land area may be increased incrementally and cumulatively by one (1) dwelling unit per acre density above that permitted in subsection 4 (2.5 DU/Ac.) by utilizing any of the following incentives a, b, or c, up to a maximum of 4.5 dwelling units per acre density.

Section 8.22 Planned Residential Development District (PRD) (cont.)

(a) At least 20% of the number of dwelling units permitted under subsections 8.22.4C4 and 5 are dedicated as affordable housing units. Affordable housing is defined in Section 8-30g and 8-39a of the Connecticut General Statutes for persons and families whose income is less than or equal to 100 percent of the area median income for at least thirty (30) years after the initial occupation of the dwelling unit.

(1) All affordable housing units shall be evenly distributed throughout the development, unless permitted in small clusters, not exceeding ten (10) dwelling units each.

(2) If an affordable housing development is undertaken in phases, then any affordable housing units shall be built in an amount that is equal to at least 20% of the total number of dwellings within each development phase.

(3) The mixture of dwelling unit types shall be limited to no greater than 25% of the total number of affordable units to contain four (4) bedrooms, and no greater than 50% of the total number of affordable units shall contain three (3) bedrooms. For the purpose of these Regulations, any rooms other than kitchens, dining rooms, bathrooms, utility rooms, living rooms, and family rooms shall be considered bedrooms.

(b) At least 20% of the number of dwelling units permitted under subsections 8.22.4C4 and 5 are transferred development credits, as permitted under Section 8.21 Transfer of Development Rights.

(c) At least 40% of the total area or land within the PRD is dedicated as Open Space and at least 10% of the number of dwelling units permitted under subsections 8.22.4C4 and 5 are dedicated as affordable housing units as defined and described in (a) above.

Any provision of affordable housing under these Regulations shall comply with Section 8.22.5 Management, subsection C Provision of Affordable Housing.

All density exceptions permitted under these Regulations shall require a 3/4 majority vote by all voting members of the Commission.

(d) Other exceptions applicable under this Section include: Minimum Land Area Per Dwelling Unit of 10,000 S.F.; Minimum Front Yard of 20 feet; Minimum Side Yard of 10 feet; Minimum Rear Yard of 20 feet.

Section 8.22 Planned Residential Development District (PRD) (cont.)

(1) Under these special density provisions, there is no minimum average lot size, however, no land area per dwelling shall be situated so that it contains unusual or irregular shapes or areas, and all land area per dwelling shall contain a minimum building envelope or area having a minimum dimension of 80 feet wide and 80 feet long and generally resembling a rectangle.

(2) Under these special density provisions, the Minimum Lot Frontage requirement may be met as calculated along private common driveways or cluster cul-de-sacs which may be utilized. See Plates 9A and 9B of the Hebron Subdivision Regulations.

(6) **Dwelling Units Per Building:** No building shall contain more than four (4) dwelling units, and not more than fifty percent (50%) of the total units shall be in four (4) unit buildings.

(7) **Floor Area:** Each dwelling unit shall contain a minimum of 750 square feet of floor space for living quarters.

(8) **Building Height:** Maximum height for any building shall be two and one-half (2 1/2) stories or thirty-five (35) feet. Accessory buildings shall be limited to one and one-half (1 1/2) stories or twenty-five (25) feet.

(9) **Separating Distance:** Separating distance between buildings shall be set by the Commission, except that such distances shall not be less than twenty-five (25) feet for one (1) or one and one-half (1 1/2) story buildings, and thirty (30) feet for two (2) or two and one-half (2 1/2) story buildings.

(10) **Mixture of Dwelling Unit Types:** The various types of dwelling units shall be limited to no greater than 25% of the total number of units to contain four (4) bedrooms, and no greater than 50% of the total number of units shall contain three (3) bedrooms. For the purpose of these Regulations, any rooms other than kitchens, dining rooms, bathrooms, utility rooms, living rooms and family rooms shall be considered bedrooms.

(11) **Setbacks:** The minimum front yard setback for all new structures within a PRD shall be 100 feet on all parcels containing more than five (5) acres and 75 feet for five (5) acres or less. The minimum side and rear yard setbacks shall be 50 feet on all parcels containing more than five (5) acres and 40 feet each for five (5) acres or less, unless an exception is granted under subsection 12 below.

(12) **Setback Exception:** Any of the established setbacks under subsection 11 above may be granted an exception following a three-quarters majority vote by the Commission where it is found that:

(a) A nonconforming setback exists on the property due to the location of a preexisting structure; and

(b) Said structure is found to be historically significant to the Town of Hebron, as shown by its listing within the Town of Hebron Survey of Historical and Architectural Resources, prepared by the Capitol Region Council of Governments, 1975 and on file with the Town Clerk's Office; and

(c) Said structure is proposed to be integrated into the PRD project design and architecture, and by permitting such an integration it will result in a better plan while preserving a vital link to the Town's heritage; and

(d) Such an exception shall permit new construction to utilize one-half (1/2) of the setback that received the exception.

(13) **Building Coverage:** The aggregate land area covered by all buildings and other structures shall not exceed 20% of the total net land area of the parcel.

(14) **Architectural Design** shall provide for:

(a) Shielding of mechanical and utility devices.

(b) Use of building materials shall be in compliance with Section 8.16 Design Review Criteria.

(c) An offset of a minimum of four (4) feet as viewed along the front facade for every two (2) dwelling units located within a building containing three (3) or more dwellings.

(d) A separate entrance directly from the outside for each dwelling unit.

(e) Design, which minimizes windows from directly facing other windows.

(15) **Landscaping:** Landscaping and Buffers shall be provided in accordance with Sections 6.1.3a and 8.15 Landscape and Buffer Regulations, in addition to the requirements below:

(a) Trees and shrubs shall be planted around foundations and between structures in a manner approved by the Commission.

(b) Street tree plantings shall be provided along streets and common drives where existing trees are sparse or nonexistent at a rate of two (2) trees for every 25 linear feet of road or drive for PRDs containing five (5) acres or less

and two (2) trees for every 100 linear feet of road or drive for PRDs containing more than five (5) acres. Each tree shall have a minimum caliper of three (3) inches and shall survive two (2) growing seasons or be replaced.

(16) **Parking, Driveways, Roads and Signs:** The following standards shall apply to parking, driveways, roads, and signs:

(a) Minimum building setbacks from internal roadways shall be 20 feet as measured from the edge of right-of-way.

(b) All parking and driveway surfaces shall be bituminous concrete.

(c) There shall be a minimum of two (2) parking spaces per dwelling unit with one-half space per dwelling for visitor parking. At least one (1) required resident space must be located in an enclosed garage. Parking spaces located in front of garages shall not be permitted to fulfill the total parking requirement.

(d) Visitor parking spaces shall be located within 200 feet from the farthest dwelling unit to be served if the average topographical grade between the spaces and dwelling units is less than 5%. If such grade is 5% or greater, then such parking shall be located within 75 feet of the farthest dwelling unit to be served.

(e) One (1) parking space must be provided for each 200 square feet of recreational building floor area and located within 200 feet of the building.

(f) No parking shall necessitate the backing out onto a through street as its only means of egress. Such parking off of cul-de-sacs may be permitted at the discretion of the Commission in instances where it would not present a safety hazard.

(g) In connection with parking, adequate, unobstructed space shall be provided for snow storage and clearance.

(h) Pedestrian walkways, a minimum of three (3) feet in width, shall be provided between buildings and between buildings and roadways in a system so as to discourage the use of driveways and roadways by pedestrians.

(i) All roads within a PRD must be constructed to Town road standards as set forth in the Hebron Subdivision Regulations, except as may be permitted under these PRD Regulations. In general, all roads shall be designed to discourage through traffic.

(j) Streets developed under these Regulations shall be public unless the Planning and Zoning Commission approves or requires the use of private roads and the necessary mechanism to maintain the roads.

(k) In the case of private roads, the Commission may permit pavement widths down to 18 or 22 feet, provided the right-of-way width remains at least forty (40) feet, where the Commission finds that density, length of road, projected traffic volumes, available parking and other relevant factors justify such reduction.

(l) All outdoor lighting shall be designed to prevent light from intruding directly into residential units and no exterior light shall be placed so as to shine directly outside of the PRD area. Street lighting shall be designed to compliment the overall design concept and shall be limited in intensity to that required for safety of vehicular and/or pedestrian circulation. A street light shall be placed at all road intersections.

(m) No permanent or temporary identification signs may be placed within the right-of-way of project roadways.

(1) One (1) small sign per entrance (maximum 20 sq. ft.) announcing the project may be placed outside the public or private right-of-way at no more than two (2) entrances to the development. This requirement shall supercede provisions of Section 8.2.4 of the Zoning Regulations.

(2) All signs shall be designed as an integral part of the PRD design concept. All buildings or groups of buildings shall have a comprehensive identification scheme through alpha-numerical designations or thematic naming program. Such an identification system shall be approved by the Fire Marshal and Tax Assessor.

(3) All individual dwellings or groups of dwellings shall display a clearly visible unit number and shall be four (4) to six (6) inches in height.

(17) **Open Space:** The PRD applicant shall dedicate at least 30% of the total area of land within the PRD as Open Space. The provisions of Section 8.18.4I shall apply to this Regulation.

(18) **Utilities:** The provisions of Section 8.18.4K, Utilities shall apply to this Regulation. The technical standards of the Hebron Subdivision Regulations shall also be complied with.

(19) **Soil and Erosion Controls** shall be provided to conform to the specifications set forth in the Subdivision Regulations.

8.22.5 Management and Maintenance Requirements

Each PRD shall be established with suitable legal organization and arrangements for ownership and management of common properties and facilities, open space and utility systems, including provision for financing and maintenance. The management system shall be established in a timely manner, shall support the criteria for a Special Permit set forth in these Regulations, and shall cover elements hereinafter specified. All accessory uses permitted under Section 8.22.4B4 shall be formally defined under the terms of these Regulations.

A. **Method of Ownership:** Dwelling units may be for sale or rental, in individual, public, cooperative, or condominium ownership. Documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Commission to confirm that appropriate legal structures are in place. All open space and supporting facilities shall be under specified common ownership with provision for maintenance, liability, financing and the rights of access and use by residents of the PRD which is acceptable to the Commission, except as certain open spaces may be conveyed to the Town of Hebron or a nonprofit corporation approved by the Commission or as facilities may be conveyed to the Town.

B. **Supporting Services:** Where there are common properties and services in the PRD, such as roads and driveways, water supply systems, sewage disposal systems, recreational facilities and open spaces, heating, cooling, electrical, or security systems, proper provisions shall be made for ownership, operation, maintenance and financing thereof on a private basis and without responsibility or liability for Town participation. As a condition of approval for all PRDs, the developer shall provide the Town with an Emergency Response Plan for the entire development. Such a plan shall include, but not be limited to basic information regarding the location of master controls for all water, sewerage, electric, and security systems. The Town's Fire Marshal shall be provided with all necessary keys to respond to emergencies.

C. **Provision of Affordable Housing:** Where a PRD contains Affordable Housing as defined in subsection 8.22.4C5 of these Regulations, the following provisions shall apply:

(1) Proper documentation shall be provided to affirm the availability of Affordable Housing dwelling units for sale to or lease agreement by families that qualify under the U.S. Department of Housing and Urban Development income limits by family size for the Hartford PMSA, as updated annually. Such documentation is subject to the approval of the Commission and, in the case of rental units, may consist of contracts between the applicant and the Housing Authority of the Town of Hebron or other appropriate governmental agency.

(2) The title of all Affordable Housing dwelling units shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then

maximum sales price as defined in these Regulations. All resales shall be approved by the Hebron Housing Authority.

(3) The lease, sublease and re-letting of units may not occur until the Hebron Housing Authority verifies that the conditions have been met with respect to the lease, sublease or re-letting. The new purchaser or renter of the property shall provide the Housing Authority with information verifying his/her income for the prior three years.

(4) Such restrictions shall be included in deeds incorporating the terms and conditions of the sale agreement and resale restrictions or embodied in the lease and notice of lease, a copy of which shall be filed with the Hebron Housing Authority. These covenants shall run with the land and be enforceable by the Town of Hebron until released by the Town.

(5) Prior to the approval of the Special Permit Site Plan for the PRD involving Affordable Housing dwelling units, the applicant must present a draft final contract document to the Commission, which has been approved by the Town Attorney as to legal form and effect. Said draft final contract shall describe, at a minimum, the following items:

(a) Description and identification of the approved (or to be approved) project plan.

(b) Procedures for establishment of maximum income for the occupants of the affordable housing and price limits on sale, resale, rental, sublease, or conversion to common interest ownership and subsequent sale of the affordable housing unit. This shall include current calculations applying these Regulations as of the month prior to application.

(c) Provision for increases of the specified income, sale, price or rent.

(d) Covenants in favor of the Town of Hebron incorporating the terms and conditions of the contract, which covenants shall run with the land and be enforceable by the Town.

(e) Subordination to the interest of institutional first mortgages on individual dwelling units of the project, if the project is subject to Chapter 828 of the Connecticut General Statutes (the Common Interest Ownership Act).

D. **Open Space Dedication:** The provision and dedication of Open Space shall comply with the applicable subsections of this Regulation and Section 8.18.4I. All documents dedicating the land must be approved by the Town Attorney as to form and effect.

8.23 COMMERCIAL WIRELESS TELECOMMUNICATION SITES

8.23.1 Purpose

It is the purpose of this Regulation to permit commercial wireless telecommunication sites by Site Plan Review or Special Permit as specified herein within the Town of Hebron while protecting neighborhoods and minimizing any adverse effects through careful design, siting and screening. Specifically this Regulation is intended to:

a) maximize use of existing and approved towers and other structures to accommodate new sites in order to minimize the number of necessary sites in the community;
b) encourage co-location of facilities;
c) site facilities below visually prominent hilltops;
d) encourage creative design;
e) protect historic and residential areas from adverse impacts;
f) avoid potential damage to adjacent properties through sound engineering and careful siting; and,
g) promote the public health, safety and general welfare of the residents of Hebron; provided, the Commission will determine which of the above purposes shall take priority in any given application.

8.23.2 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 provider on a single site.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

COMMERCIAL WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed commercial wireless telecommunication service provider, which consists of the equipment, and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Section 8.23 Commercial Wireless Telecommunication Sites (cont.)

HEIGHT OF TOWER means a distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances.

TOWER means a structure that is intended to support equipment used to receive or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

8.23.3 <u>Location Preferences</u>

The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed in 1 through 7 below, in order of preference.

1. On or within existing buildings and structures such as water towers, utility poles, and silos using camouflage techniques in order to blend the facilities into the character of the neighborhood.

2. On or within new buildings or structures, using camouflage techniques in order to blend the facilities into the character of the neighborhood.

3. On existing or approved towers.

4. On new towers less than 75 feet in height located in commercial or industrial zones.

5. On new towers less than 75 feet in height located in residential zones.

6. On new towers 75 feet or greater in height located in commercial and industrial zones.

7. On new towers 75 feet or greater in height located in residential zones.

8.23.4 <u>Permitted Uses Subject to Site Plan Review</u>

The following uses, which generally pose minimum adverse effects, are permitted in all zoning districts:

1. Commercial wireless telecommunication sites located on nonresidential buildings in a manner that is architecturally compatible to the building on which they are mounted. The method and materials used must be approved by the Commission.

2. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards or other structures not classified as buildings provided the following standards are met:

a. No changes are made to the height of such structure.

b. No panel antenna shall exceed 60 inches in height and 24 inches in width.

c. No dish antenna shall exceed 1 meter in diameter.

d. All accompanying equipment buildings or boxes shall be screened and fenced as required by the Commission.

3. Commercial wireless telecommunications sites where the antenna is located on or within existing or new buildings or structures, using camouflage techniques including but not limited to those techniques listed in Section 8.23.8 of these Regulations, in order to blend the facilities into the character of the neighborhood in a manner acceptable to the Commission.

8.23.5 Uses Allowed Only by Special Permit

Commercial Wireless Telecommunication Sites, not otherwise permitted in Subsection 8.23.4, are permitted in all zoning districts, except the Amston Lake District, only by Special Permit from the Planning and Zoning Commission. In addition to specific requirements listed in Subsections 8.23.7, 8.23.8, and 8.23.9, the procedures and requirements provided in Section 8.1 of these Regulations shall also apply to applications submitted under this Section.

8.23.6 Site Plan Requirements

All proposals to develop a commercial wireless telecommunication site as a permitted use or special permit use shall be subject to the site plan requirements listed in Section 8.1 of these Regulations. In addition, 14 copies of the following information shall be submitted for all applications:

1. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

2. Details of all proposed antenna and mounting equipment including size and color.

3. Elevations of all proposed shielding and details of materials including color.

4. An elevation of all proposed equipment buildings or boxes. Details of all proposed screening, fencing, landscaping and proposed lighting.

5. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.

Section 8.23 Commercial Wireless Telecommunication Sites (cont.)

The design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

6. A report from an engineer, licensed in the State of Connecticut, indicating that the proposed wireless telecommunication site will comply with the Performance Standards found in Section 5.6.3 of these Regulations. Such report shall also certify that the installation of such site will not interfere with public safety communications.

7. An analysis of the fall zone for the proposed tower prepared by an engineer, licensed in the State of Connecticut.

8. All applications shall include proof that either the applicant or co-applicant holds a license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

9. The following shall be provided on maps provided to the Town, showing Town boundaries and major roadways:

   a) a map showing existing sites used by the applicant, existing system coverage and resultant gaps in system coverage in the Town of Hebron;

   b) propagation studies for the proposed site along with all data used to generate such study;

   c) propagation studies shall be provided showing planned coverage in the Town of Hebron including existing, proposed and future sites along with all data used to generate such studies;

   d) the search radius for the proposed site;

   e) a map showing all existing, approved and planned towers and structures over a height of 40 feet that could serve as a location for facilities providing coverage within the Town of Hebron.

10. Upon request of the Commission, the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal. In addition, the applicant shall be required to demonstrate the proposed height of any new telecommunications tower by flying a weather balloon or equivalent from the proposed tower site at the proposed tower height. Such balloon test shall be conducted for a minimum 48 hour period at some time after the publication of the legal notice for the public hearing and before the close of the public hearing; and, a minimum of ten days prior to the beginning of the test, the applicant shall notify

the Commission and shall notify the owners of property within 500 feet of the subject property of the test, by certified mail.

11. The applicant shall provide to the Commission copies of letters sent by certified mail to all other service providers authorized by the Federal Communications Commission to provide similar service within the Town of Hebron, which shall identify the applicant's proposed construction and shall request information from other providers seeking opportunities to co-locate on their existing or planned facilities. The letters required under this Section shall have been postmarked at least 30 days prior to the opening of any public hearing on an application. All responses to these letters shall also be provided to the Commission.

12. The Commission may request an advisory recommendation from the Hebron Conservation Commission, local land trust, or other similar organization or agency to advise as to any negative environmental impacts, or impacts to wildlife, resulting from a proposed facility. The Commission may also request a report and recommendations from the Environmental Review Team.

    The Commission may hire consultants who are experts in the field of telecommunication towers including but not limited to the tower's design, proposed or potential camouflage techniques, siting, electromagnetic radiation or other factors, for the purpose of reviewing the applicant's submittal and to advise the Commission on the application's compliance to local, state or federal requirements. The cost of such review shall be borne in total by the applicant. When the Commission determines that such review is warranted, it shall notify the applicant by certified mail to deposit a sum of $5,000 with the Town, which shall be used exclusively for such purposes. Failure of the applicant to comply with this provision within 30 days of the request will constitute a finding of an incomplete application under Section 8.1.3 E and shall constitute a reason for denial of the application. The Commission shall promptly return any unexpended funds to the applicant following final action.

8.23.7 <u>Height and Area Requirements</u>

Acknowledging the need for a series of commercial wireless telecommunication sites, these Regulations also acknowledge the need to provide a series of standards which include minimum lot area and setbacks to property lines that are unique to these uses and to the Town of Hebron that will serve to achieve the following:

a) necessary separation distances from streets, property lines and other land uses to achieve a minimum level of desired safety in the event of a structural failure, whether resulting from man-made actions or by acts-of-god; and,

Section 8.23 Commercial Wireless Telecommunication Sites (cont.)

b) setbacks of potential tall structures from property lines and abutting existing or potential other land uses in order to achieve a sense of land use compatibility between potentially diverse uses.

These area and setback requirements are based on and directly related to the height of the proposed structures which, while necessary to achieve their telecommunication role, are likely to be far in excess of the nominal height of other abutting land uses permitted in the Town of Hebron.

1. Lot Size. Commercial wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than two (2) acres.

2. Height. The maximum height of a tower, including the antenna and all other appurtenances, proposed under this Regulation shall be 120 feet in any residential district and 150 feet in other districts. However, the maximum height of any lattice tower shall be 60 feet. No tower shall exceed the minimum height necessary to carry out the function of the facility. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

   A. In determining the maximum permissible height of any individual tower proposed under these Regulations, the Commission shall at least take into consideration the following: the unique features of the site, including but not limited to the site's natural topography and existing vegetation; the potential visibility of the tower from off site locations taking into consideration the site's and the neighborhood's unique features; the location of the tower in proximity to hilltops; and, the proposed tower height versus the height of trees on the site that may serve to buffer the tower from surrounding views

   B. In determining the maximum permissible height of any individual tower proposed under these Regulations, the Commission shall consider all information provided by the applicant; and to this end, the applicant shall:

      i. describe and provide written evidence, to the Commission's satisfaction, of efforts and measures taken by the applicant to locate the tower (a) on a site or combination of sites of higher priority (under Section 8.23.3 of these Regulations), and (b) on sites at multiple locations with towers at various heights in less visually obtrusive areas than the location chosen for the proposed tower, and why any higher preference site or combination of sites was not technologically, legally or economically feasible;

      ii. have the burden of (a) investigating any site or combination of sites raised and stated in writing by either the Commission, Consultant of the Town or Town Staff, (b) demonstrating, describing and providing written evidence, to the Commission's satisfaction, of the necessity of the location of the

proposed site over any enumerated site(s) requested, and (c) stating, in writing, why any such requested site(s) are not technologically, legally or economically feasible; and,

iii. provide, upon the Commission's request, propagation maps depicting a tower(s) at any site or combination of sites and at any height or combination of heights reasonably deemed necessary by the Commission to ascertain whether the proposed tower height and tower location are necessary to provide the proposed coverage or whether prudent alternative(s) can provide similar coverage.

3. Yards.

a. All towers shall comply with the following minimum property line setbacks: a minimum distance from any property line of at least 100 feet or a distance equal to one and one-half (1-1/2) times the height of the tower, whichever is greater. If the tower needs to be supported by guide wires, the setbacks shall apply also to the wires and anchors.

b. All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.

4. Pre-Existing Conditions:

The Commission, may approve an application under Section 8.23.4, Permitted Uses Subject To Site Plan Review, where a proposed telecommunication site would be located on an existing building, structure or tower, or would use camouflage techniques which, due to pre-existing conditions, does not meet the standards as set forth in Section 8.23.7, 1 through 3, and Section 8.23.8, 1 through 3, when the Commission finds that due to the unique features of the site, facility installation, location, proposed screening methods, and other factors presented in the application, that sufficient screening of the proposed facility is provided, that satisfactory separation of land uses has been achieved, and that the safety of abutting land uses is assured, such that the proposal is deemed to satisfy the intent of this Section.

8.23.8 General Requirements

1. *No* towers shall be located within 500 feet of a playground, school, church, day care centers and elderly housing areas.

Section 8.23 Commercial Wireless Telecommunication Sites (cont.)

2. *No* towers shall be located within a distance equal to three (3) times the tower height from any residence, but in no event shall such distance be less than 360 feet.

3. *No* tower exceeding 75 feet in height shall be located within 1,000 feet of the boundary of an approved local, State or National Register historic district.

4. *No* lights shall be mounted on proposed towers unless otherwise required by the Federal Aviation Administration (FAA).

5. Towers not requiring special FAA painting or markings shall be a non-contrasting, neutral gray, except as provided in Item 8 below.

6. No tower shall be located on municipally owned land designated as open space or for recreation use unless the plan has been reviewed by the Hebron Conservation Commission and the Hebron Board of Selectmen.

7. All towers shall be a monopole design unless otherwise approved by the Commission. A tower shall be designed to collapse upon itself and the applicant shall submit proof of such a design by a certified engineer.

8. The Commission may require that towers be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or so that it is concealed within or camouflaged on an existing or proposed agricultural building or silo particularly in the rural or agricultural areas of the community; and, may require other available measures to camouflage proposed facilities which may be proposed attached to existing or proposed buildings or structures.

9. 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 between 50 and 100 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.

10. Each tower site must be served by a driveway with parking for at least one vehicle.

11. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building; and, any new buildings or structures shall conform to the standards in Section 8.16 of the Zoning Regulations.

Section 8.23 Commercial Wireless Telecommunication Sites (cont.)

12. All dish antennas shall be of mesh construction unless otherwise approved by the Commission in conjunction with an application for a permitted use or an application for a special permit.

13. Dish antennas shall not exceed 1 meter in diameter. Panel antennas shall not exceed 5 feet in height.

14. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

15. All applications for commercial wireless telecommunication sites within a Flood Hazard area shall comply with the standards found in Section 8.10 of these Regulations.

16. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. After a facility is operational, the applicant shall submit, within 90 days of beginning operations from that site, and annually thereafter, existing and maximum future projected measurements of non-ionizing electromagnetic emissions as well as the Federal standards established for such emissions, as amended. Failure to comply with the Federal standards shall constitute a violation of the Hebron Zoning Regulations and any approvals granted under these provisions.

17. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission. In addition, each tower and accessory utility building shall be surrounded by a six (6) foot high chain link (or comparable) fence with a locked gate. Further, landscape buffering shall be provided. Existing vegetation shall be preserved to the maximum extent possible. Where the Commission determines that existing landscaping is not adequate, it may require the planting of evergreen trees, along the outside of the fence, with a minimum planted height of six feet and located so as to form an effective screen. All fencing and landscaping shall be maintained by the operator of the facility.

18. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations. The location and design of any generator and fuel storage facility shall include provisions for 100% containment of the fuel in the event of a spill or tank failure. All fuel storage tanks shall be above ground. A report from the Fire Marshal shall be received indicating that the proposal complies with all provisions of the Fire Safety Code. In environmentally sensitive areas, the Commission may require that the fuel source be propane rather than fuel oil.

19. The service provider shall be responsible for the continual upkeep and maintenance of the tower, buildings, and other facilities approved under this Section. Failure to do so shall constitute a violation of the Hebron Zoning Regulations.

20. The applicant shall demonstrate to the Commission's satisfaction, the necessity of the height of the proposed telecommunication tower.

21. The applicant shall demonstrate to the Commission's satisfaction, that it has exhausted all available space on existing or approved towers, structures and buildings, and shall provide a description of the applicant's process for eliminating potential co-location opportunities.

22. The Commission may consider any recommendations from those organizations or agencies referenced in Subsection 8.23.6.12 in making a final decision on an application under this Section and may incorporate said recommendations into conditions of any approval.

8.23.9 <u>Factors Upon Which Special Permit Decisions of the Commission Shall Be Based</u>

In passing upon applications for commercial wireless telecommunication sites, the Commission, in addition to the standards found in Section 8.1, shall also find:

1. In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the National Historic Register or within an approved historic district, that such proposal will preserve the historic or architectural character of the landscape or any structure.

2. That the applicant has made diligent efforts to minimize the proximity of the facility to, and its visibility from, residential properties and public rights-of-way.

3. In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference 1 through 3 location, that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation shall, at a minimum, evaluate the following factors:

    a. That the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment as documented by a qualified engineer, licensed in the State of Connecticut, and whether the interference cannot be prevented or eliminated at a reasonable cost.

b. That the planned equipment cannot be accommodated on existing or approved towers, buildings or structures described in preferences 1 through 3, due to structural deficiencies as documented by a qualified engineer, licensed in the State of Connecticut, and whether such deficiencies cannot be eliminated at a reasonable cost.

c. That the existing or planned equipment on an existing or approved tower, building or structures, as described in preferences 1 through 3, would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified engineer, licensed in the State of Connecticut, and whether the interference cannot be prevented or eliminated at a reasonable cost.

d. Any restriction or limitation imposed by the FCC.

8.23.10 <u>Abandonment</u>

A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area. As part of an application to the Commission under this Section, both the property owner and the potential facility owner shall execute a statement, to be recorded in the land records, agreeing to the requirement of Subsection 8.23.10.

8.23.11 <u>Expiration of Permit</u>

The approval of an application for special permit shall be void and of no effect as set forth in Section 8.1.9.

8.24 STORMWATER MANAGEMENT PLAN

8.24.1. Introduction

A. **Purpose and Intent**.

The purpose of these Regulations is to protect and preserve the surface water, ground water and other natural resources of the Town of Hebron from potential pollution and other adverse impacts resulting from changes to the land surface associated with development proposals, redevelopment proposals and other activities.

The intent of these Regulations is to set forth Stormwater Management Plan requirements, including design practices and technical standards, to be incorporated in the planning, design, construction and maintenance of development proposals, redevelopment proposals and other activities that change the land surface and alter hydrologic conditions that can result in potential pollution and adverse impacts to the surface water, groundwater and other natural resources of the Town of Hebron.

It is not the intent of these Regulations to abrogate or impair the requirements of other local, State or Federal laws, regulations and/or permit programs.

B. **Authority**.

Pursuant to the provisions of Chapter 98, 124, 126, 440, 444, and 446h of the General Statutes of the State of Connecticut as amended, the Town of Hebron Planning and Zoning Commission adopts these Regulations governing the management of stormwater.

C. **Applicability**.

A Stormwater Management Plan shall be prepared for all development proposals, redevelopment proposals and other activities except as noted below.

When submission of an application for approval and/or a permit to the Planning and Zoning Commission of the Town of Hebron is required for a development proposal, redevelopment proposal or other activity, a Stormwater Management Plan shall be included as supporting information to the application.

D. **Exemptions**.

(1) Upon written request, the Commission may waive these Regulations in whole or in part, when the development proposal, redevelopment proposal or other activity will, upon completion, disturb less than one (1) acre of land surface and have less than 10% of impervious surface, or where due to special conditions related to the site or vicinity of the proposal or activity, the requirements of these Regulations, in whole or in part, may not be technically feasible.

(Note: Any development or redevelopment which calls for a total of over 5 acres also requires the submission of registration to the Connecticut Department of Environmental Protection under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities.)

(2) No waiver request shall be approved that would cause an adverse impact to the surface water, groundwater and other natural resources of the Town of Hebron. The Applicant shall demonstrate to the satisfaction of the Commission that approval of a waiver request will meet this standard.

(3) Activities defined as Agricultural Uses shall be exempt from these regulations.

E. **Separability**

If any section, subsection, paragraph, clause or provision of these regulations shall be held invalid or ineffective, in whole or in part, such section, subsection, paragraph, clause or provision shall e held to be separate, distinct and independent, and such holding shall only apply to the section, subsection, paragraph, clause or provision which is held to be invalid or ineffective and shall not affect the validity or effectiveness of the remainder of these regulations.

E. Documents Incorporated by Reference

(1) Connecticut Council on Soil and Water Conservation and Connecticut Department of Environmental Protection, Connecticut Guidelines for Soil Erosion and Sediment Control, Bulletin No. 34, 2002, as amended. (Connecticut DEP Natural Resources Center Bookstore, 79 Elm Street, Hartford, Connecticut 06106-5127 http://www.dep.state.ct.us/store/).

(2) Connecticut Department of Transportation, Connecticut Department of Transportation Drainage Manual 2000, as amended. (Connecticut Department of Transportation Manager of contracts P.O. Box 317546 2800 Berlin Turnpike Newington, Connecticut 06131-7546 http://www.dot.state.ct.us/bureau/eh/ehen/sesserv/drainage/index.html).

(3) Connecticut Department of Environmental Protection, 2004 Connecticut Stormwater Quality Manual, as amended. (Connecticut DEP Natural Resources Center Bookstore, 79 Elm Street, Hartford, Connecticut 06106-5127 http://www.dep.state.ct.us/store/).

8.24.2. <u>Definitions</u>

As used in these Regulations, the following definitions shall apply.

A. "**Activity**" means any undertaking to alter, develop or redevelop a site for which a permit is required from the Planning and Zoning Commission or the Conservation Commission of the Town of Hebron or the Connecticut Department of Environmental Protection.

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B. "**Adverse Impact**" means physical, chemical, biological and aesthetic impacts on wetlands, surface water bodies, streams, fish and wildlife, or other natural resources that cause a reduction, impairment or less of natural functions.

C. "**Agricultural Use**" mans the use(s) defined as such in the Zoning Regulations of the Town of Hebron as amended.

D. **Applicant**" means a person, firm or other legal entity that makes an application for approval and/or a permit to the Planning and Zoning Commission for a development proposal, redevelopment proposal or other activity on a site.

E. "**Base Flow**" means normal flow of a stream without the influence of storm runoff.

F. "**Best Management Practice** (**BMP**)" means techniques or structural devices that are effective practical ways of preventing or reducing pollution.

G. "**Catchment**" means the geographical area draining into a watercourse or water body.

H. "**Commission**" means the Town of Hebron Planning and Zoning Commission.

I. "**CT DEP**" means the Connecticut Department of Environmental Protection.

J. "**CT DOT**" means the Connecticut Department of Transportation.

K. "**Development**" means activities on a site or sites that result in altering the natural or existing landscape and ecology by:
(1) adding new or increased impervious surfaces,
(2) diverting runoff from its natural course,
(3) increasing erosion and sedimentation,
(4) increasing the volume and/or rate at which sediment and water are delivered to a stream,
(5) reducing groundwater recharge and base flow,
(6) increasing the risk of flooding, and
(7) degrading water quality.

L. "**Discharge**" means the volume of water and suspended sediment of surface water that passes a given location in a given time. Usually expressed in cubic feet per second (CFS).

M. "**Ephemeral Stream**" means a stream that carries water only after rains or periods of snow melt.

N. "**FEMA**" means the Federal Emergency Management Agency.

O. "**First inch of rain**" means the first inch of rainfall during a single event.

Section 8.24 Stormwater Management Plan (cont.)

P. "**Flood**" means a temporary rise in flow or stage of any watercourse or stormwater conveyance system that results in stormwater runoff exceeding its normal flow boundaries and inundating adjacent, normally dry area.

Q. "**Flood Plain**" means any land area susceptible to inundation by stormwater runoff.

R. "**Geomorphic**" means of or relating to the form or surface features of the earth.

S. "**Impervious Surface**" means material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly not the soil. Constructed impervious surfaces include rooftops, pavements, sidewalks and driveways. Natural impervious surfaces may include clay or rock that does not permit infiltration of surface water.

T. "**Infiltration**" means the penetration of water through the ground surface or via openings in conduits or other constructed facilities into sub-surface soils.

U. "**Intermittent Stream**" means a stream that carries water most of the time but ceases to flow occasionally because evaporation and seepage into their bed and banks exceed the available Streamflow.

V. "**LID**" means low impact development, as discussed in the CT DEP 2004 Connecticut Stormwater Quality Manual

W. "**Managed Surface**" means impervious surface (as defined herein), and mowed landscaped surfaces such as playgrounds, ball fields, tennis courts, cemeteries, etc. whose construction has altered the natural surface of the ground and impeded infiltration of precipitation.

X. "**May**" means discretionary action sanctioned by the Commission.

Y. "**Maximum extent feasible**" means maximum extent feasible as determined by the Commission.

Z. "**Natural channels**" means watercourse channels shaped geomorphologically by the long-term history of sediment load and water discharge that they experience.

AA. "**NRCS**" means the U.S. Department of Agriculture Natural Resources conservation Service.

BB. "**Non-point Source Pollution**" means pollution from many diffuse sources.

CC. "**Owner**" means a person, firm or other legal entity that owns the site for which an application is made for approval and/or a permit to the Commission.

DD. "**Paulstrine**" means non-tidal wetlands that are dominated by trees, shrubs, emergent vegetations, mosses, and lichens.

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EE. "**Peak Flow**" means the maximum instantaneous discharge of a stream or river at a given location.

FF. "**Perennial Stream**" means a stream that contains water at all times, except during extreme droughts.

GG. "**Redevelopment**" means activities that alter an existing developed site or sites. See "Development".

HH. "**Regulations**" means these Stormwater Management Regulations and, where specifically referenced, the Town of Hebron Zoning Regulations and Subdivision Regulations and regulations of the Connecticut Department of Environmental Protection, all of the most current issue.

II. "**Responsible Person(s**)" means a person, firm or governmental agency responsible for implementation of Stormwater Management Plan.

JJ. "**Shall**" means mandatory action and is not discretionary.

KK. "**Site**" means a single parcel, together with any adjacent waters, which is the subject of an application for zoning approval, subdivision approval, or inland wetlands permit.

LL. "**Stream Order**" means a numbering system that indicates the location of a stream segment in its watershed, from upstream to downstream:
(1) First Order – a stream with no tributaries;
(2) Second Order – a stream with only first-order tributaries;
(3) Third Order – a stream with first and second-order tributaries; and,
(4) Fourth Order – a stream with first, second, and third-order tributaries.

MM. "**Stormwater**" means precipitation including snowmelt water.

NN. "**Stormwater Management**" means functions associated with planning, designing, constructing, maintaining, financing and regulating the facilities (both constructed and natural) that collect, store, control or convey stormwater.

OO. "**Stormwater Management Plan**" means a plan for the management of stormwater associated with a proposal or activity.

PP. "**Stormwater Runoff**" means that portion of precipitation and/or snowmelt water that is not absorbed by the ground or retained in its surface, but collects and runs off the land surface.

QQ. "**Subdivision Regulations**" means the Subdivision Regulations of the Town of Hebron.

RR. "**These Regulations**" means the Stormwater Management Regulations of the Town of Hebron".

SS. "**Town Engineer**" means the Town Engineer of the Town of Hebron.

TT. "**Town Planner**" means the Town Planner of the Town of Hebron.

UU. "**USDA**" means the United States Department of Agriculture.

VV. "**Vicinity**" means the area next to or near a site on which activities subject to these regulations are being proposed, which may be potentially adversely affected by such activities.

WW. "**Watershed**" means a geographical area that drains to a specified point on a watercourse or to a water body. Also known as drainage area, catchment or river basin.

XX. "**Zoning Regulations**" means the Zoning Regulations of the Town of Hebron.

8.24.3 Stormwater Management Plan Requirements

A professional engineer licensed in the State of Connecticut shall prepare the Stormwater Management Plan. Where surveying and/or mapping associated with the Stormwater Management Plan are required, a land surveyor licensed in the State of Connecticut shall prepare all such surveys and/or maps.

The Commission, or the Town Planner or Town Engineer as its administrative agent, may require that the preparation of the Stormwater Management Plan include other professionals in the disciplines of landscape architecture, the environmental sciences and others.
Twelve (12) copies of the Stormwater Management Plan shall be submitted with each application for approval and/or a permit to the Planning and Zoning Commission.

The Stormwater Management Plan shall include:

A. An executive summary describing the proposed stormwater management plan, including the basis for design of stormwater management facilities, and its on-site and off-site effects on the watershed hydrology, water quality and wildlife resources.

B. Proposal or activity background information including:

(1) A description of the proposal or activity.

(2) An outline of the proposal or activity construction period schedule and phasing and sequencing.

(3) Identification of the Owner(s) of the property on which the proposal or activity is proposed and identification of the Applicant submitting an application for approval and/or a permit.

Section 8.24 Stormwater Management Plan (cont.)

(4) Identification of the Responsible Person(s) for implementation of the Stormwater Management Plan during the construction period of the proposal or activity and the means of contacting those identified, including mailing address(es), 24-hour telephone numbers(s), facsimile number(s) and email address(es).

(5) A description of the procedures to be implemented in the case of emergency, adverse environmental impacts, or forecasted and unforeseen severe rainfall events during the construction period of the proposal or activity.

(6) Identification of all known local, State and/or Federal regulatory approvals and/or permits that may be required to be obtained for the proposal or activity.

(7) A map based on United States Geological Survey quadrangle mapping depicting the site of the proposal or activity and vicinity and the sub-regional drainage basin(s) and identifying hydrologic unit code(s) that the site of the proposal or activity is located within.

(8) A description of the surface water and groundwater resources, including identification of water quality classifications and the presence of impaired water bodies as identified by the CT DEP on and in the vicinity of the site of the proposal or activity.

(9) A description of the development and construction limitations and constraints of the site of the proposal or activity including:

(a) Areas of exposed bedrock.
(b) Areas of shallow depth to bedrock surficial soils as defined by the USDA Soil Conservation Service Soil Survey of Tolland County.
(c) Areas of high erosion hazard surficial soils as defined by the USDA Soil Conservation Service Soil Survey of Tolland County.
(d) Areas of ground surface slopes greater than or equal to fifteen (15) percent.
(e) Areas of potential shallow depth to groundwater.

C. A description of the objectives of the Stormwater Management Plan including the potential impacts resulting from the proposal or activity and a description of the practices, techniques, and facilities proposed in the Stormwater Management Plan to mitigate such impacts.

Section 8.24 Stormwater Management Plan (cont.)

D. Design information including:

(1) Drawings presented at a scale that will allow for clear identification of all existing conditions and post-proposal or activity conditions on and in the vicinity of the site of the proposal or activity depicting:

(a) Property boundaries
(b) Adjoining property owner names, property addresses and mailing addresses based on the Town of Hebron Assessors records.
(c) Zoning Districts and/or boundaries
(d) Existing ground surface elevation contours preferably referenced to the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988
(e) Proposed ground surface elevation contours, with a contour interval of 2 ft or less,
(f) Benchmarks(s)
(g) Buildings and other structures
(h) Utility company facilities and services
(i) Drinking water supply reservoir and well locations
(j) Existing and proposed easements including those for access, utilities, drainage, maintenance and conservation or resource protection purposes
(k) Existing and proposed areas subject to deed restrictions including those for conservation or resource protection purposes
(l) Ephemeral, intermittent and/or perennial watercourses
(m) Surface water bodies
(n) Special Flood Hazard Areas or boundaries and base flood elevations where determined, floodways or boundaries and/or stream channel encroachment lies
(o) Inland Wetland areas or boundaries
(p) Resource protection areas and boundaries
(q) Aquifer protection district areas or boundaries
(r) Public water supply watershed areas or boundaries
(s) Areas of ground surface slope greater than or equal to fifteen (15) percent
(t) Areas of exposed bedrock
(u) Areas of shallow depth to bedrock surficial soils as defined by the USDA Soil Conservation Service Soil Survey of Tolland County or subsequent report by the NRCS
(v) Areas of potential shallow depth to groundwater
(w) The locations of all subsurface investigations
(x) Existing land use
(y) Existing ground cover conditions including vegetation types
(z) Proposed land use
(aa) Proposed ground cover conditions
(bb) Existing impervious surface and managed surface coverage areas

Section 8.24 Stormwater Management Plan (cont.)

(cc) Proposed impervious surface and managed surface coverage areas

(dd) Surface water drainage patterns and watershed and/or catchment boundaries

(ee) The locations of all stormwater collection, conveyance and management systems and other hydraulic structures including, culverts, bridges and dams

(ff) Tributary land areas to appropriate points for purposes of hydrologic a hydraulic analysis and hydrologic and hydraulic design of proposed practices and techniques, and structures or facilities.

(gg) Travel time component and time of concentration flow paths for purposes of hydrologic and hydraulic analysis and design

(2) Subsurface soil investigation information required fro the design of all stormwater management practices, techniques and facilities where the determination of soil type classification and depths to groundwater, restrictive soil layers and rock are necessary, and where the determination of particle gradation analyses in-situ soil properties including soil infiltration rates are necessary.

(3) A description of design methodologies and computer models used, and hydrologic, hydraulic, and water quality design computations for all practices, techniques and facilities. In general, this information should be submitted in the form outlined in the hydrologic and hydraulic design and analysis documentation requirements of the CT DOT Drainage Manual 2000, as amended.

(4) Drawings including plans, profiles, sections, and typical details of all stormwater management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design, the details of construction and/or installation, and the dimensions and materials used.

(5) Structural and geotechnical design and supporting information for certain stormwater management system components including but not limited to, storm sewers, channels, outlet protection measures, culverts, bridges, dams, spillways, outlet works and other structures, as required by the Town Engineer.

E. Post Proposal or activity Stormwater Management Operation and Maintenance Plan including:

(1) A proposed operation and maintenance manual, including a description of the operation and maintenance tasks, and an implementation schedule.

(2) Identification of the Responsible Person(s) for implementation of the Stormwater Management Operation and Maintenance Plan including mailing address(es), contact 24-hour telephone number(s), facsimile number(s) and email address(es).

Section 8.24 Stormwater Management Plan (cont.)

F. Agreements, declarations of covenants and restriction, easements and/or other legal instruments governing the requirements for operation and maintenance of all post construction proposal or activity stormwater management measures as required by the Commission and the Town of Hebron Attorney.

8.24.4 Referral to Connecticut DEP

If the commission determines that the activity proposed in an application may result in significant non-point source pollution to groundwater or surface water drinking supplies, or any other waters of the state, it may refer the application, including the stormwater management plan, to the Connecticut DEP for a determination as to whether a discharge permit under section 22a-430 of the General Statutes, or other state authorization, is required.

8.24.5 Standards and Criteria for Decision

In order to approve any application for which a stormwater management plan is required, the commission shall find the stormwater management plan consistent with the following criteria. If such application is also subject to the requirements of an aquifer protection overlay zone or any other requirements for non-point source pollution control, the more stringent requirements shall control.

A. Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited.

B. To the maximum extent feasible, no net increase in rates of urban stormwater runoff from the site shall result from the proposed activity.

C. To the maximum extent feasible, design and planning for site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity.

D. Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination.

E. Stormwater management systems shall be designed and maintained to manage site runoff in order to eliminate surface and groundwater pollution, prevent flooding and, where required, control peak discharges and provide pollution treatment.

F. Stormwater management systems shall be designed to collect, retain and treat the first inch of rain on-site, so as to trap floating material, oil and litter.

G. On-site retention or detention of stormwater shall be employed to the maximum extent feasible. On-site methods include but are not limited to landscaped depressions, grass swales, infiltration trenches and retention or detention basins.

Section 8.24 Stormwater Management Plan (cont.)

H. To the maximum extent feasible, post-development runoff volumes shall not exceed pre-development volumes. Stormwater runoff volumes shall be controlled by encouraging infiltration.

I. Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended soils (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80% of TSS discharge from the site on an average annual basis. Chemical treatment of stormwater is not acceptable.

J. Where it is found necessary to utilize constructed, channelized drainage systems, the best available technology shall be employed in the design of such systems, including oil and sediment separation devices, filtration and discharge techniques and erosion control. Stormwater generated from impervious surfaces and collected and conveyed in such systems shall be initially treated in catch basins for removal of heavy particulates and then further treated in sediment and oil separation devices for secondary separation of particulates and oils.

K. The design of all stormwater management facilities and the selection of stormwater management practices and techniques shall be such as to minimize, to the most practical extent possible, the requirements for maintenance.

L. The Commission may withhold approval of a stormwater management plan if it fails to meet the criteria set forth above.

8.24.6 <u>Design Guidance and Recommendations</u>

The following documents, incorporated in these Regulations by reference, provide guidance and recommendations for the analysis and design of practices and techniques, and structures and other facilities to be incorporated in the Stormwater Management Plan. Other standards of practice for engineering analysis and design, computational or sizing methodologies may be used upon review and approval of the Commission, or the Town Planner or Town Engineer as its administrative agent.

Guidance and recommendations for the analysis and design of certain practices and techniques, structures and other facilities may be found in one or more of the following documents; however, in general:

A. The design of all erosion and sediment control structures, facilities, practices and techniques shall be in accordance with the recommendations and guidance given in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, as amended.

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B. The conceptual design of all stormwater management structures, facilities, practices and techniques shall be in accordance with the recommendations and guidance given in the 2004 Connecticut Stormwater Quality Manual, as amended.

C. The detailed design of all stormwater collection, conveyance (including stormwater outlet protection measures), management or other hydraulic structure or facilities shall be in accordance with the recommendations and guidance given in the CT DOT Drainage Manual 2000, as amended.

D. Where a conflict occurs between the documents listed above, or between any of these documents and these regulations, the more stringent requirement, as determined by the Commission, shall govern.

8.24.7 <u>Design Practices and Technical Standards</u>

Stormwater Management Plans for development proposals, redevelopment proposals and other activities shall incorporate the minimum design practices identified herein, as may be appropriate for the site conditions of the proposal or activity.

The Stormwater Management Plan shall also be designed such that the minimum technical standards identified herein, as may be appropriate for the site conditions of the proposal or activity, are achieved.

Additional design practices and/or technical standards may be required to be incorporated in the Stormwater Management Plan by the Commission and the Town Planner and Town Engineer acting as the Commission's administrative agents, where the proposal or activity will discharge stormwater runoff to an area identified as a sensitive surface water, groundwater or other natural resource, or to an area identified as impaired and/or experiencing existing flooding, stream channel instability or water quality problems.

A. Site planning and design practices, best management practices (especially those referred to as non-structural practices) and practices referred to as Low Impact Development (LID) techniques intended to mitigate the effects of changes to the land surface or hydrologic conditions shall be considered in the design of a development proposal, redevelopment proposal or other activity. These planning and design practices and techniques are intended to:

(1) Protect and preserve a sites' natural features and systems including drainage systems and resource protection and buffer areas

(2) Preserve vegetation

(3) Avoid steeply sloped areas

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(4) Avoid excessive site grading

(5) Avoid unnecessary compaction of existing soil surfaces during construction activities

(6) Reduce the area of impervious and managed surface coverage

(7) Encourage the disconnection of impervious and managed surfaces

(8) Minimize changes in surface water drainage patters

(9) Promote infiltration of stormwater runoff

(10) Promote temporary storage of stormwater runoff

(11) To the maximum extent feasible, minimize increases in volume of stormwater runoff and changes in magnitude, frequency and duration of stormwater discharges to receiving waters

(12) Generally prevent and minimize impacts to surface and ground water resources

The guidance and recommendations regarding site design practices, best management practices and LID techniques given in the 2004 Connecticut Stormwater Quality Manual, as amended shall be the minimum practices and techniques considered.

Additional resources regarding these practices and techniques can be found in the Additional Information Sources and References sections of Chapter Four – Site Planning and Design, of the 2004 Connecticut Stormwater Quality Manual, as amended.

B. Stormwater Infiltration

The guidance and recommendations given in the 2004 Connecticut stormwater Quality Manual, as amended, shall be the minimum used in the design of stormwater infiltration structures, facilities, practices and techniques.

(1) Where stormwater runoff is proposed to be infiltrated into natural soils and/or fill material, investigations shall be made of the hydrogeologic conditions of the site an din the vicinity of the proposed infiltration practices, technique, structure or facility, including field testing to determine soil infiltration rates under pre-development soil and groundwater conditions and to estimate infiltration rates under post-development soil and groundwater conditions.

(2) If a stormwater infiltration practice, technique, structure or facility is also intended to function to control peak rates of discharge of stormwater runoff, the practice,

technique, structure or facility shall be designed in accordance with the recommendations and guidance given in the Connecticut Department of Transportation Drainage Manual, as amended, as well as the 2004 Connecticut Stormwater Quality Manual.

C. Peak Runoff Attenuation

To the maximum extent feasible, the 2-year, 10-year, 25-year, 50-year and 100-year post-development peak discharge rates shall not exceed the corresponding pre-development peak discharge rates.

(1) The Commission may waive the peak runoff attenuation criteria for sites that discharge directly to a large stream (fourth order or greater) where the development area is less than 5 percent of the watershed area upstream of the development site.

(2) NRCS peak flow calculation methods such as TR-55 or TR-20 shall be used to compute peak flows.

(3) Where existing or new open earthen channels are proposed as part of the on-site stormwater management facilities, the Applicant shall either:

(a) Reduce the post-development, redevelopment or other activity 2-year, 24 hour peak flow rate to 50% of the 2-year, 24-hour predevelopment rate or,

(b) Reduce the post-development, redevelopment or other activity 2-year, 24 hour peak flow rate to the 1-year, 24-hour predevelopment rate.

D. **Downstream Analysis**

A downstream analysis shall be performed to identify potential detrimental effects of proposed stormwater treatment practices and detention facilities on downstream areas.

(1) The downstream analysis should include the following elements:

(a) Flow routing calculations shall proceed downstream to a confluence point where the site drainage area represents 10 percent of the total drainage area.

(b) Calculation of peak flows, velocities, and hydraulic effects at critical downstream locations (stream confluence, culverts, other channel constructions, and flood-prone areas) to the confluence point where the 10 percent rule applies.

(c) The analysis should use an appropriate hydrograph routing method, such as TR-20, to route the pre- and post-development runoff hydrographs from the project site to the downstream critical locations.

(d) Where the results of the downstream analysis indicates that the proposed stormwater management plan will result in an increase in peak flow in the receiving stream downstream of the site, due to the delayed onset of peak outflow from a stormwater detention basin coinciding with the peak discharge in the receiving stream, adequate stormwater runoff control

measure shall be designed and constructed to prevent such increase in peak flow.

(2) Adequacy of Existing Downstream Stormwater Facilities to Accept Concentrated Stormwater Runoff:

(a) Where site and design conditions are such that concentrated stormwater runoff resulting from post-development, redevelopment or other activity is proposed to be discharged to or through any man-made or natural channel, downstream stormwater collection and conveyance system, culvert, bridge or other hydraulic facility, the adequacy of the existing facilities to convey such flows shall be verified.

(b) Where it is determined that any existing downstream man-made or natural channel is experiencing channel instability, flooding, or water quality problems under existing conditions or will be hydraulically inadequate to accept the 2-year, 24-hour recurrence interval peak flow resulting from post-development, redevelopment or other activity, the Applicant shall either:

(1) Reduce the post development, redevelopment or other activity 2-year, 24-hour peak flow rate to 50% of the 2-year, 24-hour predevelopment rate, or

(2) Reduce the 2-year, 24-hour peak flow rate to the 1-year, 24-hour predevelopment rate.

(3) The requirements of a) and b) above do not apply where the developed site contains less than one acre of impervious cover or where the stormwater runoff discharges to a fourth order or greater stream or water body where the area of the site is less than 5 percent of the watershed area upstream of the site unless known water quality problems exist in the receiving waters.

(a) Where it is determined that any existing downstream closed conduit stormwater collection and conveyance system will by hydraulically inadequate to accept the 10-year, 24-hour recurrence interval peak flow resulting from post-development, redevelopment or other activity without being surcharged, the Applicant shall develop a stormwater management plan that will attenuate the post-development, redevelopment or other activity 10-year recurrence interval peak rate of discharge to that experienced under existing conditions.

(b) Where it is determined that any existing downstream culvert or bridge providing for the drainage from a watershed less than one square mile in area in which there is an established watercourse will be hydraulically inadequate to accept the 25-year, 24-hour recurrence interval peak flow resulting from post-development, redevelopment or other activity without

flooding or damaging the highway or adjacent property, the Applicant shall develop a stormwater management plan that will attenuate the post-development, redevelopment or other activity 25-year recurrence interval peak rate of discharge to that experienced under existing conditions.

(c) Where it is determined that any existing downstream culvert or bridge providing for the drainage from a watershed less than one square mile in area in which there is an established watercourse will be hydraulically inadequate to accept the 50-year, 24-hour recurrence interval peak flow resulting from post-development, redevelopment or other activity without flooding or damaging the highway or adjacent property, the Applicant shall develop a stormwater management plan that will attenuate the post-development, redevelopment or other activity 50-year recurrence interval peak rate of discharge to that experienced under existing conditions.

(d) Where it is determined that any existing downstream culvert or bridge providing for the drainage from a watershed one square mile or larger in area will be hydraulically inadequate to accept the 100-year, 24-hour recurrence interval peak flow resulting from post-development, redevelopment or other activity with at least one foot of under-clearance relative to the low chord of the upstream face of the structure and not create a backwater that will flood or endanger property or roads upstream, the Applicant shall develop a stormwater management plan that will attenuate the post-development, redevelopment or other activity 100-year recurrence interval peak rate of discharge to that experienced under existing conditions.

E. Erosion and Sediment Control

(1) The guidance and recommendations given in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, as amended shall be the minimum used in the design of erosion and sediment controls.

(2) The requirements of the Zoning Regulations and Subdivision Regulations regarding the prevention or minimization of erosion and the transport and deposition of sediment shall also be incorporated in the Stormwater Management Plan. Where such requirements conflict with the requirements for the Connecticut Guidelines for Soil Erosion and Sediment Control or other requirements of these regulations, the more stringent requirements, as determined by the Commission, shall govern.

8.24.8 <u>Operation and Maintenance</u>

A. Prior to the issuance of any permit(s) for which a stormwater management plan is required, the land use agency (agencies) involved in the issuance of said permits shall require the applicant or owner to execute an Operation and Maintenance Agreement binding the owner(s) of the property for which the permit has been applied to a five (5) year period for

operating and maintaining in good condition, and promptly repairing and restoring as required, all required stormwater management procedures and facilities. All repairing and restoration activities shall be subject to prior approval of the land use agency (agencies) involved in the issuance of said permit(s).

B. All stormwater management facilities shall be properly operated and maintained by the owners(s) at all times after the expiration of the aforesaid five (5) year period such that the facilities do not become nuisances.

C. Provisions shall be made for operation and maintenance of private stormwater management facilities and the financing of such operation and maintenance on private basis without responsibility or liability for participation by the Town of Hebron.

(1) This requirement does not apply to stormwater management facilities that are part of a residential subdivision as defined in the Subdivision Regulations.

8.24.9 Encroachment on Flood Plains

No encroachment into the floodplain of a stream shall be made if it is inconsistent with the intent and criteria of the national Flood Insurance Act of 1968 as amended, the standards and criteria set by the FEMA National Flood Insurance Program and Section 8.10 (Flood Hazard) of the Zoning Regulations.

8.24.10 Discharge to a CT DOT Drainage Facility

Where discharge to any CT DOT drainage facility is proposed, the application for approval of a stormwater management plan should be accompanied with a copy of the permit from the CT DOT for such discharge.

8.24.11 Record Drawings

Record Drawings of stormwater management facilities as constructed shall be prepared and submitted to the Commission under the direction of the Applicant's Engineer.

8.24.12 Bonding Requirements

Bonding requirements for proposed stormwater management reassures shall be as required by the applicable land use ordinances and regulations of the Town of Hebron including but not limited to the Zoning Regulations and Subdivision Regulations.

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8.24.13 Violations

Any violation of requirements of these regulations shall be subject to the enforcement remedies and penalties established by the applicable regulations of the Town of Hebron, including but not limited to the Zoning Regulations and Subdivision Regulations.