



**PLANNING AND ZONING COMMISSION  
TOWN OF HARTLAND, CONNECTICUT  
EAST HARTLAND, CONNECTICUT 06027**

**ZONING REGULATIONS FOR THE  
TOWN OF HARTLAND, CONNECTICUT  
AS AMENDED AND REVISED**

## ARTICLE I - GENERAL

**Section I-1 Purpose** - The purpose of these Zoning Regulations is to encourage the most appropriate use of land; to promote the environment, health, safety and the general welfare; to avoid undue concentration of population; to protect water supplies and provide for safe disposal of sewage; to regulate and determine the size of yards and other open spaces; to conserve and stabilize the value of land and buildings with an over-all plan conceived with consideration of the various areas as to terrain, drainage and particular uses; and to that end, to designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, limited business or other purposes; and for said purposes to divide the town into zoning districts deemed best suited to carry out these regulations and provide for their enforcement.

**Section I-2 Interpretation and Application** - In their interpretation and application, the provisions of these regulations shall be held to be adopted for the purposes stated herein. It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or covenants, or with any rules or regulations previously enacted; provided, however, that where these regulations impose a greater restriction on the use of premises than are imposed by such existing provisions of law or ordinance or covenants, rules and regulations, the provisions of these regulations shall control.

**Section I-3 Definitions** - For the purpose of these regulations certain terms or words shall be defined as follows: words in the present tense include the future and words in the singular number include the plural and vice versa. The word "person" includes a partnership or corporation.

**Accessory Use or Building** - A use or a building customarily incidental and subordinate to the principal use or building and located on the same lot as such principal use or building, or on a contiguous lot under the same ownership.

Addition – An extension or increase in floor area or height of a building or structure.

Agriculture – Activities including the cultivation of crops, the management of animals (excluding typical household pets), forestry, the harvesting of maple syrup, the cultivation of fruit trees or similar use.

**Back Lot** - A lot as defined in this section which:

- a. Contains a minimum area of four (4) acres.
- b. Contains a road frontage measurement less than the minimum footage set forth in Section V-2, but in no event less than fifty (50) feet.
- c. Contains a lot width measurement of not less than two hundred (200) feet measured at the building line.
- d. Meets all other town Zoning and Subdivision Requirements otherwise applicable to lots.

In order for a lot that meets the above requirements to be accepted as a Back Lot, evidence satisfactory to the Commission must first be presented that such lot would not adversely affect adjacent property, public health and safety, or future land use and street planning. A maximum of two (2) adjoining Back Lots may share a common right of way of not less than fifty (50) feet for vehicular access purposes, provided that the requirements set forth in (a) through (d) above, are met separately for each Back Lot, and provided also that for the purposes of maintenance and upkeep of such common right of way, the deeds of Back Lots that share a common right of way shall be made subject to appropriate restrictions contained in a common ownership agreement.

Barn – An agricultural building for sheltering harvested crops, commodities and other farm products, livestock, farm machines and equipment.

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**Boarding House** - A residence in which the owner or tenant rents rooms and furnishes meals for compensation to one or more persons.

**Boarding House-Farm** - A dormitory or multifamily type building, for seasonal or permanent use as an accessory use to farming, and for occupancy only by persons employed on a farm or on work incidental to such farm.

**Building** - Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, poultry or materials. Any other structure, including an accessory structure to a permitted use, and including fences and walls, any of which are more than eight feet high, shall be considered as buildings.

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**Building Height** - The vertical distance from the finished grade at any point under consideration to the highest point of flat or mansard roofs including the top and ridge for gable, hip or gambrel roofs. A flat roof is one whose pitch has a rise of less than three inches in one foot of run.

**Building Line** - A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Town of Hartland or when established by the owner and recorded in the Land Records of the Town of Hartland.

**Club** - An organization of persons incorporated pursuant to the provisions of the General Statutes, which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A "member of a club" is a person who, whether as a charter member or admitted in agreement with the by-laws of the club, has become a bona fide member thereof, who maintains his membership by the payment of his annual dues in a bona fide manner in accordance with such by-laws, and whose name and address is entered on the list of membership.

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**Dwelling or Residence** - Is a structure intended for human habitation erected on a closed solid foundation, using permanent weatherproof exterior materials. It shall be connected to a safe water supply with adequate sanitary sewage disposal facilities: equipped with at least one furnace or other customary form of heating apparatus, and constructed on the inside with drywall construction in the customary manner, or finished in some acceptable substitute, designed to give proper insulation, and to be capable of maintaining a healthful interior room temperature of 69 degrees Fahrenheit and healthful ventilation when the outside temperature is zero. A residence shall have at least one bathroom equipped with bathtub or shower stall, water closet and lavatory and a kitchen with a sink.

**Dwelling, Seasonal** - Is a structure designed and intended for human habitation of a seasonal or recreational nature and not as a permanent dwelling, using permanent weatherproof exterior materials. It shall be connected to a safe water supply with adequate sanitary sewage disposal facilities.

**Family** - Is any number of individuals related by blood or marriage, or not more than six (6) persons not so related, living and cooking together as a single non-profit housekeeping unit.

**Farm** - A tract of land containing five (5) acres, or more, used in part or wholly for agricultural purposes.

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**Farmington River Protection Overlay District (hereinafter "District")** - A protected corridor of land along the entire length of the Farmington River within the Town of Hartland, consisting of the area within the edges of the river's bed and a contiguous and parallel Buffer Strip as more specifically defined in Section IV-7B.

**Flood Plain:** A flood plain is designated as an area which would experience inundation during the 100-year base flood defined by the US Department of Housing and Urban Development. Such areas are shown on the

National Flood Insurance Program Flood Insurance Rate Map (as revised), on file with the Town Clerk, as Zones A and AI through A99.

Home Occupations - Any use which is customarily or may properly be carried on for compensation within a dwelling or associated accessory building by the occupant thereof, which;

- A. Is clearly secondary to the use of the dwelling for dwelling purposes;
- B. Does not change the residential character of the dwelling in any visible manner;
- C. Does not create objectionable noise, odor, vibrations or unsightly conditions noticeable off the premises;
- D. Does not create interference with radio and television reception in the vicinity;
- E. Does not create a health or safety hazard;
- F. The treatment of patients in professional offices is a permitted use provided that no patient shall be hospitalized or housed overnight. Such cases as tea rooms are not considered home occupations.

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Hotel-Inn - A building designed and used primarily for temporary occupancy of transients, which may include the serving of food and rooms for public assembly, which offers or provides accommodations for compensation for six (6) or more persons, exclusive of employees, residing on the premises.

Household Pet – A dog, cat, or other domestic animal, which is usually kept as a companion and housed with human occupants in a residential building.

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Livestock - All animals except household pets, including but not limited to horses, cattle, goats, and sheep.

Lot - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by these regulations. In the case of public, institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

Lot Corner - A lot in which two (2) adjacent sides face a street or streets so that the interior angle of the intersection is not more than 120 degrees, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than 50 feet.

Lot Frontage - The distance between the side lot lines measured at a distance fifty (50) feet back from and parallel to the street line.

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Lot Depth - The mean distance from the street line of the lot to its rear line measured in the median direction of the side lines of the lot.

Motor Vehicle Non-Commercial - Any motor passenger vehicle, including taxis and livery vehicles, and any other motor vehicle which is primarily used for agriculture or for maintenance on the premises, but excluding buses.

Motor Vehicle Junk Yard or Motor Vehicle Junk Business - Any two or more unlicensed motor vehicles or parts equivalent to two or more, more specifically defined in Chapter 406 of the State Statutes and amendments made thereto.

Non-Conforming Use - A use of land, building or premises which is not a use permitted by the provisions of these regulations for the district in which such land, building or premises is situated.

Non-Conforming Building - A building which does not conform to all the applicable provisions of these regulations which existed at the time of their enactment.

Open Space - A space unoccupied by buildings on the same lot as the building.

Rear Lot – A lot which is typically located behind a front lot and which does not meet the required minimum lot frontage.

Rooming House - A dwelling, part of which is occupied by the owner or tenant of the building as his permanent residence, in which rooms are offered or provided for compensation to no more than five (5) persons.

Sign – A device constructed of any material bearing the name and/or occupation of the resident of the premises, directional signs and signs advertising the sale, rental, construction and repair of the premises on which they are located, advertising or other personal signs.

Storage Unit – A container greater than one hundred (100) square feet which is used for storage, which may or may not be mounted on wheels.

Street - Any right of way dedicated and accepted for public travel and any right of way, recorded in the Land Records of the Town of Hartland, which is:

- A. Used or to be used for public access to any lot of record; or,
- B. Used or to be used for public access to any lot sold, or set apart in accordance with the Zoning Regulations and amendments thereto.

Street Line - A line separating the street right of way from adjoining property, not the paved or traveled roadway.

Tourist Home - A residence in which the owner or tenant rents rooms to one, but no more than five (5) persons to provide or offer overnight accommodations for transients for compensation.

Trailer or Mobile Home - Any vehicle which is or can be used for sleeping, living or working quarters, and which is, has been, or can be mounted on wheels.

Vehicle – Any automobile, automobile trailer, truck, truck trailer, trolley car, railroad car or other vehicle, with or without wheels, which may or may not be designed, altered or used for human occupancy as a home or camp.

Yard, Front - The space between the building and the front lot line, extending the full width of the lot, or in case of a corner lot, extending along all streets.

Yard, Rear - The space between the building and the rear lot line, expending the full width of the lot.

Yard, Side - The space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed as a side yard. On a corner lot, the yards which are opposite all street lines shall be considered side yards.

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## ARTICLE II - GENERAL REQUIREMENTS

**Section II-1** - Except as hereinafter provided, and as provided for non-conforming uses in Section VII-2 no land, building or premises, or part thereof, or other structure shall be used, constructed, re-constructed, extended, enlarged, moved or altered except in conformity with the regulations herein prescribed for the zone in which located.

**Section II-2** - On a lot which contains a lesser area or less frontage than the requirements of these regulations, owned separately as of November 1, 1957, as evidenced by the Land Records of the Town of Hartland, nothing in these regulations shall prohibit the construction, alteration or enlargements of one single family dwelling, or other permissible building, provided that all yard, floor area and other requirements of these regulations are observed.

**Section II-3** - No lot shall be diminished in area nor shall any yard, court or any other open space be reduced except in conformity with the provisions of these regulations.

**Section II-4** - deleted effective 3/31/05

**Section II-5** - Subdivision shall be permitted only in conformance with the regulations governing the subdivision of land entitled "Requirements for the Approval of Subdivision Plans in the Town of Hartland, Connecticut", effective as amended December 1, 1998.

Section II-6 – Any use legally existing as of the date of adoption of these Regulations, whether or not it would require a Special Permit if commenced after the date of adoption of these Regulations, shall nevertheless be recognized as a permitted use. Any such use that would require the issuance of a Special Permit if commenced after the adoption of these regulations shall only require a Special Permit upon application for an addition, expansion, or other change in the existing site plan or use.

Section II-7 – No residential, commercial, or agricultural interior or exterior lighting shall be of such intensity, or located or directed in such a way as to produce glare or discomfort on public streets or neighboring property.

Section II-8 – No variance or Special Permit granted according to these Regulations shall be effective until a copy certified by the Commission or Zoning Board of Appeals, whichever is applicable, is filed in Land Records of the Town of Hartland.

### ARTICLE III - ZONES

The Town of Hartland is zoned: R 1 Rural Residential, and B 1 Neighborhood Business as designated on the Zoning Map on file in the office of the Town Clerk of the Town of Hartland.

A change in the boundaries of the zones designated above may be requested of the Planning and Zoning Commission, providing the applicant furnishes, with his written request, a certified map of the area to be changed, the expected use, kind and type of structures to be built and any other pertinent information for the consideration of the Commission.

A fee of one hundred dollars (\$100.00) shall accompany the application to cover the cost of advertising and processing. The Commission shall call a public hearing to be held within sixty-five (65) days of the receipt of the application. Notice of time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation within 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, and the last not less than two (2) days before such hearing. A copy of such proposed change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before the date of such hearing and may be published in full in such paper.

The public hearing shall be held by a majority of the members of the Commission, and the testimony at said hearing shall be recorded on a tape recorder or similar recording device. The Commission shall, within sixty-five (65) days after the public hearing, adopt or deny the application by a majority vote of all the members of the Commission, except that if a protest is filed at such hearing with the Commission against such change, signed by owners of twenty percent (20%) or more of the area of the lots included in such change, or of lots within five hundred (500) feet in all directions of the property included in the proposed change. Such change shall not be approved except by two-thirds of all members of the Commission. The applicant may consent to the extension of the periods provided for the hearing, and for the adoption or denial, provided such extension shall not exceed sixty-five (65) days, or may withdraw such application.

The Commission shall state in its records the reason(s) for their decision. The application shall become effective at such time as is fixed by the Commission, providing that a copy of such decision shall have been filed in the office of the Town Clerk, and published as a legal notice in a newspaper having substantial circulation in the Town before such effective date. A copy of the decision shall be forwarded to the applicant by certified mail within fifteen (15) days after such decision is adopted, who, if his application has been adopted, shall furnish the Commission with a Mylar copy and two others, of the certified map. The members of the Commission shall approve all copies of the certified maps, return the approved Mylar copy, and one other approved copy to the applicant, and shall retain the other approved copy for their files. The applicant shall file or record the approved Mylar map in the office of the Town Clerk of the Town of Hartland.

The Commission shall not be required to hear any application(s) relative to the same changes, or substantially the same changes, more than once in a period of twelve (12) months.

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# ARTICLE IV – USE REGULATIONS

Section IV-1 - Residence Zone (RI) - No building, land or premises shall be used except for one or more of the following uses:

- A. A dwelling or residence as defined 1-3 for one family except as provided in IV-2.
- B. A seasonal dwelling as defined in 1-3 for one family, provided such dwelling may be occupied for no period greater than two (2) weeks other than that period between May 1st and November 1st each year, and provided further that the seasonal dwelling used for or converted to all year use shall conform to all the requirements for a dwelling or residence.

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Section IV-1-2 - Home Occupations - Customary home occupations, including commercial or professional offices, shall be subject to the same definition given in 1-3. Not more than four (4) persons not resident on the premises may be employed on the premises. Such occupation or use shall not occupy more than fifty percent (50%) of the ground floor of the building or buildings exclusive of basement space, and the remaining area must conform with Section IV-2d. No such use shall be carried on in an accessory building located nearer than 'twenty-five (25) feet to any lot line.

Section IV-1-3 - Agriculture, forestry, or nursery gardening including greenhouses incidental thereto, and the raising of livestock and poultry provided that:

- A. Such uses for commercial purposes shall be limited to a farm as defined in 1-3.
- B. The raising of swine is limited to a farm, and not more than five (5) swine more than one year old may be kept, bred, raised or sold as an incidental use to a farm.
- C. Commercial greenhouses, kennels, livery and boarding stables and veterinary hospitals are considered commercial use, not farm use. The raising and keeping of small animals raised for their pelts, except for domestic use, or for hospital purposes, is prohibited.
- D. Structures containing animals must be at least one hundred (100) feet from all property lines; structures containing fewer than 10 rabbits, poultry, or other similar small animals must be at least 50 feet from all property lines.

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Section IV-1-4 - Philanthropic, educational, recreational, religious and charitable use by a duly incorporated non-profit body or governmental unit.

Section IV-1-5 - An educational institution operated for profit, provided that no objectionable noise is audible off the premises.

Section IV-1-6 - A bona fide club not operated for profit, provided that no activity is carried on resulting in an objectionable noise audible off the premises.

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Section IV-1-7 - A boarding or rooming house or tourist home for not more than two (2) boarders or roomers. The Board of Appeals may permit not more than five (5) boarders or roomers. Tourist cabins, motels, trailer camps or mobile home parks are not permitted.

Section IV-1-8 -

- A. Government, governmental agencies, accepted civic use or services such as necessary Town buildings, United States Post Offices, fire halls and community centers, whether such land or building is owned or leased by such organizations or persons, and that shall conform as nearly as possible to the residential character of the neighborhood.
- B. Public utility installations with no service yard or outside storage of supplies, provided that the building and/or grounds conform to the general style of architecture and landscaping of the neighborhood and subject to the approval of the Board of Appeals.

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- C. Hospital, sanitarium and convalescent homes, except for contagious, mental, alcoholic or drug cases, provided that the lot area is not less than 1/8 acre for each person accommodated, including patients and employees, and subject to the approval of the Zoning Board of Appeals, and after the approval of an adequate safe water supply and proper sewage disposal facilities has been granted by the State Board and the Health Officer of the Town.

**Section IV-1-9 Accessory Buildings** - Accessory uses customary with and incidental to a permitted use, including buildings used for permitted home occupations. No accessory building shall be used for residential purposes except by persons employed on the premises or non-paying guests of the occupant of the premises when so used shall be used for no other purpose except the storage of non-commercial motor vehicles, except as determined in Section IV-1-12.

- A. Buildings used for the storage, processing and manufacture of agricultural products are permitted as an accessory use on a farm.
- B. Roadside stands of not more than two hundred (200) square feet in area and for the sale of farm products and homemade articles are permitted when they are accessory to the premises on which they stand, with not more than two (2) signs aggregating twelve (12) square feet in-area, advertising such products. Such stand and signs shall not be less than ten (10) feet from any street line, and not less than fifty (50) feet from any street intersection.
- C. The slaughtering of livestock and poultry, as an accessory use to a commercial farming operation is permitted on a farm, provided that in normal operation, all stock slaughtered is raised on the farm.
- D. Buildings used for storage of the required motor vehicles and equipment used as an accessory to a farm, are permitted as an accessory use. Also permitted is the repair of such vehicles.
- E. Buildings housing farm animals and poultry and farm boarding houses as defined in Section 1-3, shall be not less than one hundred (100) feet from the nearest property line.
- F. Accessory buildings may include private garages, whether or not attached to the main building, with space for not more than three (3) non-commercial motor vehicles on one lot and for one (1) additional such vehicle for each 10,000 square feet by which the area of the lot exceeds one (1) acre. Not more than one such space may be used by a commercial motor vehicle of not more than three (3) tons capacity. Space for not more than one-third of the permitted number of vehicles may be let to persons other than residents of the premises for storage of non-commercial motor vehicles only.
- G. A public swimming pool may be permitted by the Planning and Zoning Commission as a special use only after a public hearing and shall be subject to such restrictions as will protect the public health, safety and welfare.

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**Section IV-1-10 Trailers and Storage Containers** - A trailer or storage container as defined in 1-3 may be stored by its owner in the rear yard of a lot occupied by his permanent residence. No trailer or vehicle of any kind may be occupied for sleeping, living, cooking or for carrying on a business in any zone in Hartland, except as outlined in A, B, C, and D of this section.

- A. No trailer or vehicle may be parked and occupied for residence purposes off the public highways in the Town for a period exceeding five (5) days without a certificate of occupancy issued by the Zoning Administrator.
- B. No such certificate shall be issued by the Zoning Administrator until he has secured written approval of the Town Health Officer certifying compliance with state sanitary regulations, and that the presence of such vehicle will not imperil the public health.
- C. No such certificate of occupancy shall be issued for an initial period exceeding thirty (30) days, and no such certificate may be renewable for a period exceeding an additional thirty (30) days. The Certificate shall state the location of the vehicle and the maximum number of persons occupying such vehicle.
- D. No such vehicle shall be parked and occupied within fifty (50) feet of a public highway unless concealed from view from such highway.

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- E. The Commission may grant, as a special use in any zone, and subject to proper safeguards as to location and duration, a permit for the temporary use of a trailer for business purposes as an accessory to a bona fide construction operation. The use of a trailer as a sales office for residential subdivisions will not be permitted.

Section IV-1-11 Signs - Signs bearing the name and occupation of the resident of the premises, directional signs and signs advertising the sale, rental, construction and repair of the premises on which they are located, provided that such signs shall not be larger than four (4)' square feet in area. Signs pertaining to a permitted use other than residential or residential accessory use may not exceed twelve (12) square feet in area, including sign structure.

Section IV-1-12 Accessory Apartments - The Commission may grant a Special Permit for the provision of one (1) accessory apartment in an existing single-family dwelling provided:

- A. The property is a minimum size of two (2) acres.
- B. The owner of the principal dwelling and lot shall reside in the dwelling or the accessory apartment.
- C. The accessory apartment will maintain the character and scale of the single-family residence and land uses.
- D. The accessory apartment shall not be used as a bed and breakfast establishment.
- E. The accessory apartment shall be clearly subordinate to the single-family residential dwelling and shall be subject to the following floor area requirements:
  - a. The minimum floor area of the apartment shall be four hundred (400) square feet and the maximum size shall be twelve hundred (1200) square feet.
  - b. The total floor area of an apartment in a residence shall be not more than forty percent (40%) of the total floor area of the principal residential dwelling.
  - c. The total floor area of an apartment in an approved accessory building shall be not more than sixty percent (60%) of the total floor area of the principal residential dwelling.
- F. Where construction of an accessory apartment involves an outside addition or modification to a residence or accessory building, the application shall demonstrate that the new construction will blend in with the existing residence or building and will maintain the single-family residential appearance of the building and the lot. The addition shall be in scale with adjoining residences and blend into the existing neighborhood by use of building shape, height, material and landscaping. An addition to an existing single-family residence shall be to the side or rear, and only one (1) entrance shall be visible from the front yard.
- G. Accessory apartment in accessory building. An accessory apartment in an accessory building shall be located within seventy-five (75) feet of the principal residential dwelling.
- H. Parking. A total of at least three (3) off-street parking spaces shall be provided for the use of the principal residential dwelling and the accessory apartment, preferably located to the rear of the building. Where parking will be located within view of the street, the Commission may require that the parking spaces be screened from public view.
- I. Independent facilities. The accessory apartment shall have its own outside access to the parking area and shall be equipped with its own kitchen and bath.
- J. Water and septic approval. The applicant shall present certification from the Farmington Valley Health District that the existing or proposed well and subsurface sewage disposal system is adequate to serve the proposed use. The apartment may utilize the existing sanitary system on the lot if approved by the Health District.
- K. Change of ownership/permit renewal. A change in the ownership of a property with an accessory apartment will require a review of the permit by the Zoning Enforcement Officer and the issuance of a written permit renewal for continued lawful occupancy of the apartment. This requirement shall be so noted on the permitted addition. As part of the permit renewal, the Zoning Enforcement Officer may require an affidavit to verify that the owner is in residence.

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**Deleted:** Section IV-1-12 Accessory Apartments - An accessory apartment may be permitted within a single family residence or an approved accessory building associated with a single family residence as a permitted addition in a residential zoning district, subject to the general standards and requirements of this article and the following specific standards and requirements:

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- L. Existing apartments. The following provisions shall apply to an apartment created without a zoning permit, after the effective date of the zoning regulations and before the effective date of this amendment. Such an apartment may be issued a zoning permit by the Zoning Enforcement Officer, provided that the Zoning Enforcement Officer shall obtain the following from the applicant:
  - a. Documentation that the owner is in residence pursuant to section C-(9), above.
  - b. Written approval of the Farmington Valley Health District pursuant to section C-(8), above.
  - c. Off street parking as required in section C (6), above.

Section IV-1-13 Bed and Breakfast Establishments

- A. The provision of rooms for transient visitors in a residential structure may be permitted as a Special Permit in a residential zone, subject to the Connecticut General Statutes and regulations, general requirements of this Article and the following specific standards and criteria.
- B. The following specific standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a bed and breakfast Special Permit.
  - 1. Owner/resident. The owner of the principal dwelling on the lot shall reside on the property housing the bed and breakfast use.
  - 2. Parking. The lot shall be large enough to provide additional parking at the rate of one (1) space per guest room, screened from public view and preferably located on the rear portion of the lot.
  - 3. Structure suitable for use. The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition. The applicant must provide a diagram showing the interior arrangement of the rooms.
  - 4. Maximum rooms. No more than four (4) guest rooms rated for double occupancy are permitted in a structure in which the owner is in full-time residence.
  - 5. Bathrooms. Complete bathrooms shall be provided at the rate of one (1) per two (2) guest rooms.
  - 6. Water and septic approval. The applicant shall present certification from the Farmington Valley Health District that the existing or proposed well and subsurface sewage disposal system are adequate to serve the proposed use.
  - 7. Additions. Minor Additions may be made to a structure, up to two hundred (200) square feet, for improvement necessary for bed and breakfast use. Any additions must conform to the building code.
  - 8. Food Service facilities must be approved by Farmington Valley Health.
  - 9. Permit. The operation of a bed and breakfast use shall require written permit. This permit will be issued by the Zoning Enforcement Officer following approval of a Special Permit by the Commission. The permit will be effective for a two-year period and must be renewed for additional two-year periods. Willful failure to abide by these regulations is cause for the Commission to revoke such permit.
  - 10. A fee of three hundred dollars (\$300) must accompany the application for hearing fees.

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Section IV-2 Multi-Family Conversion - Conversion of existing buildings: In the Rural Residential Zone where the conversion of a single family residence existing on November 1, 1957, to multi-family use may be accomplished in harmony with the purpose of this regulation, the Board of Appeals may, after public hearing, permit such conversion subject to the following conditions:

- A. There shall be not less than 20,000 square feet of lot area per family.
- B. No structural alterations made to the exterior of the building shall detract from its single-family characteristics.
- C. No stairs above the first floor shall be added outside the existing walls except at the rear wall of the building, and on a corner lot, any new stairs shall be added within the existing walls of the building, or added in the form of a wing that will not detract from the building's single family characteristics.
- D. Minimum floor area shall be 600 square feet for a four room apartment, 450 square feet for a three

room apartment, 320 square feet for any apartment or apartments of less than three rooms and 150 square feet for each additional room over four. Each apartment must include proper sanitary facilities.

Section IV-3 Neighborhood Business Zone - Neighborhood Business Zone (BI): Buildings and land may be used, and buildings may be erected for the following uses:

- A. Any use allowed in the Rural Residential Zone (RI) except the production and slaughter of livestock. A dwelling or seasonal dwelling must conform to the area, yard and height requirements and minimum floor area prescribed under articles V and VI.
- B. Grocery and drug stores, theaters, meat and fruit markets, barber and beauty shops, offices, restaurants, shoe sales and repair shops, laundrettes and any similar retail businesses and financial or personal service which is established for the convenience of the community's residents.
- C. Upon permission from the Zoning Board of Appeals, gasoline service stations, auto sales and repair shops, motor vehicle junk yards and motor vehicle junk businesses, a liquor package store or outlet at a particular location, hospitals, sanitariums and convalescent homes, all of which require the approval of the appropriate State Boards or Commissions; also manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five operators are employed at such manufacturing.
- D. Building plot plans and building design plans must be approved by the Planning and Zoning Commission before building permits are issued. Each building shall have a separate adequate safe water supply and proper sanitary sewage disposal facilities for the uses intended.
- E. Off street parking: Parking facilities shall be provided off the street or public right of way on all premises sufficient to accommodate the motor vehicles of all occupants, employees, customers and other persons normally visiting the premises at any time. Unless parking facilities are otherwise approved by the Zoning Board of Appeals, they shall contain not less than the following minimum areas, exclusive of driveways necessary for access:
  1. For all dwelling lots, 225 square feet for each family unit.
  2. For dwelling lots with home occupations, 225 square feet for each family unit plus 225 square feet for each employee.
  3. For residence road stands, 750 square feet, minimum in addition to dwelling requirements.
  4. For customers in a shopping area, an area three and one half times the gross building area.
  5. For an assembly hall or auditorium having fixed seats, one parking space of 180 square feet for each six seats.
  6. For other places of assembly or recreation area, one parking space of 180 square feet for each six legal occupants.
  7. For a hotel, or boarding, rooming or tourist home, one parking space of 180 square feet for each two guest rooms and for each employee.
  8. For a hospital, sanitarium or convalescent home, one parking space of 180 square feet for each two beds and for each employee.
  9. For a club, restaurant, retail store, personal service shop and similar retail business, one parking space of 350 square feet for every 100 square feet of gross floor area.
  10. Where any facility named above is permitted in Rural Residential Zone (RI), off-street parking facilities shall be provided with the equivalent minimum parking areas as required above.
  11. Surfacing: Required parking areas and access driveways shall have an all weather surface capable of allowing free and safe movement for all vehicles using the facility.
  12. In a Neighborhood Business Zone (BI), where any lot, or portion thereof, adjoins any Rural Residential Zone (RI) without separation of a street, there shall be a landscaped strip of at least fifteen (15) feet wide extending the length of such zone boundary, seeded to grass and properly planted by trees and shrubs to insure a proper break between business and residential zone areas. In addition, all trash, refuse, garbage and other outside storage must be suitably screened from

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the public view. Plans showing the work to be done with assurance of completion and future maintenance shall be filed with the Commission before a permit may be issued to use such lot or portion thereof for any business use. Failure to maintain such strip shall constitute a violation of this regulation by the owner of such lot or portion thereof.

13. A fee of twenty-five dollars (\$25.00) must accompany the application.

**Section IV-4 Use Permit Requirement** - With regard to all development or improvement of land located in a Neighborhood Business Zone, (B-1) and all land uses and modifications of land uses referred to in Section IV-3,

- A. The planning and Zoning Commission is authorized to approve all uses and modifications of uses, and to grant Use Permits when the Commission has adequate evidence that the standards and requirements herein will be met.
- B. Standards. The uses referred to in Section IV-3 have characteristics which necessitate the review of the individual site and case to assure adherence to the following standards:
  1. That the streets giving access to the use are adequate to accommodate traffic generated by the use, that provisions will be made for safe vehicular entrance and exit from the lot where the use is located, and that all required permits and approvals are received from the State Department of Transportation regarding access onto a state highway, or from the town engineer regarding access onto a town road. The Commission may require that a traffic study be performed to insure that these requirements are met;
  2. That adequate provisions will be made for water supply and sewage disposal, and that approval or consent letters are received from the Farmington Valley Health District and Hartford County Soil and Water Commissions, and that all applicable requirements of the State Health Code and related local ordinances are met;
  3. That determinations are made by the Town Fire Marshal and Selectmen that adequate provision has been made for fire and police protection, taking into account access to the site, available local protection services and facilities and the plans for the site and buildings;
  4. That sufficient provision is made in accordance with the requirements of Section IV-3E, for off-street parking and loading facilities for all vehicles which will customarily come to the site;
  5. That the Planning and Zoning Commission determines that the lot is of sufficient size and suitable shape and has topography and landscaping to accommodate the proposed use in harmony with the neighborhood and uses permitted in the Zone;
  6. That the Wetlands Commission is satisfied that adequate provision has been made for inland wetlands, including the natural drainage system of water courses, swamps and ponds on the lot, and that adequate provision has been made for storm water drainage;
  7. That the Planning and Zoning Commission determines that the proposed use, buildings, other structures, signage and site development in connection therewith, will be of character so as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property value and to preserve the appearance and to preserve the appearance and beauty of the community; and
  8. That all requirements set forth in Section IV -3 regarding Neighborhood Business Zones are met.
- C. Procedure. Application for a Use Permit shall be made by filing a zoning application and a site plan prepared in accordance with Section IV-5 with the Planning and Zoning Commission. A fee of one hundred dollars (\$100.00) must accompany the application. The Commission shall hold a duly noticed public hearing to consider the Use and shall decide thereon according to the procedure established in the Connecticut General Statutes. The applicant shall notify all adjacent property owners of the proposed use and of the date of the public hearing by certified return request mail no later than seven (7) days prior to the hearing and shall present the return receipts to the Commission. The Commission may request the submission of additional information concerning site plans' and building plans as deemed necessary to have evidence of compliance with the standards of this section, and may approve a Use Permit with such conditions and safeguards as deemed necessary to

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Section IV-4 Use Permit Requirement  
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protect the public health, safety and general welfare.

- D. Conditions. The Commission shall require as a condition of approval of a Use Permit that the applicant post a performance bond in the form of a surety bond purchased from an insurance company, a passbook savings account or a letter of credit made in the name of the Town to assure the satisfactory completion within two years of the date of the bond, of all improvements, excluding buildings, shown on the site plan. The form and conditions of such bond shall be subject to the approval of the Commission and the Town Attorney. The applicant shall provide an estimate of improvements to be bonded together with a description of the basis of the estimate. Such estimate shall be subject to review and approval by the Commission or its authorized agent.' The Commission shall permit portions of the bond to be released commensurate with portions of the site improvements actually completed. The bond shall not be completely released until all site improvements and other related construction requirements shall have been completed. In the event land use approved in accordance with the provisions of Section IV and V herein becomes non operative or vacant for a continuous period of one year, a new application for a Use Permit, including re-submission and approval of a Site Plan, is required.
- E. Recording. No Use Permit shall be effective until a copy of the permit certified by the Commission is recorded by the record owner in the land records of the Town of Hartland.

#### Section IV-5 Site Plan and Erosion and Sediment Control Plans

- A. Applicability. A site plan, as described in this section, shall accompany the application for any special use permit. The site plan shall be approved by the Commission or its authorized agent prior to the issuance of a zoning permit or special use permit.
- B. Purpose of Site Plan. The site plan is intended to provide the Commission with information that will enable it to determine if the proposed building, use or structure meets the specific requirements of these regulations, and that all applicable federal and state erosion and sediment control standards are also met. A site plan may be modified or denied only if it fails to comply with the specific requirements of these regulations.
- C. Site Plan Requirements. The site plan shall be prepared by a registered land surveyor. Where the plan proposes grading or new improvements, the plan shall be signed and sealed by a Connecticut registered professional engineer or architect. The plan shall be drawn at a scale not smaller than one inch equals forty feet or at such other appropriate scale as may be approved by the Commission. The plan shall contain the following, as applicable:
1. Name of applicant and owner of property.
  2. Scale and north arrow.
  3. Property boundary, dimensions, angles, area and zoning classification.
  4. Names and record owners of abutting properties.
  5. Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas, drainage features, fences and walls, natural and artificial water features, wetlands, and exposed ledge rock.
  6. A rendering of all proposed signage and its locations, dimensions and means of illumination.
  7. Locations and methods of water supply, sewage disposal, utilities and underground fuel or other storage facilities.
  8. Landscaped areas, including types of trees and shrubs to remain or to be planted.
  9. Certification by the Farmington Valley Health District concerning satisfactory conditions for water supply and sewage disposal in accordance with the State Health Code or any related local ordinances.
  10. Where grading is required, or where site improvements are proposed, existing and proposed contours shall be shown as prepared by a registered land surveyor at two foot intervals, unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indications of elevations. All plans for erosion and sediment

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control shall be clearly shown on the site plan. Sufficient information shall be included to clearly show pre and past construction surface drainage patterns. The full extent of total land area disturbed shall also be shown.

- 11. The Commission may choose not to require one or more of the above (Sections 1 through 10) if it decides that the information or requirement is not necessary in order to evaluate the proposal.
- 12. The site plan shall include an approval block as shown below, which shall include a space for the date of approval of the site plan and the date of expiration of the site plan, which shall be five (5) years from the date of approval. In the event that all construction and site improvements indicated on the site plan are not completed within this five (5) year period, application for a new Use Permit and re-approval of the site plan is required.

Approved by the Hartland Planning and Zoning Commission on \_\_\_\_\_ (Date of Meeting)

Signed by \_\_\_\_\_ (Chairman). Pursuant to Connecticut General Statutes Chapter 124, 8-3, this site plan approval shall automatically expire five years from the above date of approval. Date of Expiration \_\_\_\_\_ A fee of fifty dollars (\$50.00) must accompany the application.

**Section IV-6 Flood Plain Use Regulation** - Within the Flood Plain, all encroachments including fill and new construction are prohibited unless certification by a professional engineer registered in the State of Connecticut is provided and that:

- A. The lowest of the structure (including cellar or basement if present), is elevated to or above the base flood elevation shown on the Flood Insurance Rate Map.
- B. The Construction shall not result in any increase in base flood elevations during the 100-year flood.
- C. The following amendments apply specifically to all special Flood Hazard areas within the jurisdiction of Hartland. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study and Flood Insurance Rate Maps dated December 16, 1980 and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this regulation.

~~NO STRUCTURE OR LAND SHALL HEREAFTER BE LOCATED, EXTENDED, CONVERTED OR STRUCTURALLY ALTERED WITHOUT FULL COMPLIANCE WITH THE TERMS OF THIS AMENDMENT TO THE ZONING REGULATIONS, ALONG WITH ALL OTHER APPLICABLE REGULATIONS PROVIDED HEREIN.~~

**Base Flood:** Means the flood having a one percent chance of being equaled in any given year.

**Mean Sea Level:** Means for the purposes of the National Flood Insurance Program, the National Geodetic

Vertical Datum (NGDV) of 1929 or other datum, to which base flood elevations shown on a communities flood insurance rate map are references.

**Substantial Improvement:** Means any combination of repairs, reconstruction, alteration or improvements to a structure, of which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (a) the appraised value of the structure prior to the start of the initial repair or improvement, or (b), in 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 dimension 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.

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BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF HARTLAND AS FOLLOWS:

1. That the Building Official and Zoning Administrator shall review all building permits for new construction or substantial improvements to determine whether proposed sites will be safe from flooding. If a proposed building site is in a location that has flood hazard, any proposed new construction or substantial improvement will be prohibited.
2. The Building Official and Zoning Administrator and Town Sanitation Agency shall review subdivision proposals and other proposed new development to assure that (a) all such proposals are consistent with the need to minimize flood damage, and (b) all public utilities and infrastructure shall not be placed in flood hazard areas.
3. Duties and responsibilities of the Building Official
  - a. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and "maintained on file with the development permit; possibly including but not limited to: Water Diversion Dam Safety, Corps of Engineers 404.
  - b. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - c. Maintain the carrying capacity of altered or relocated watercourses.
  - d. Maintain a record of any variance given from this amendment.
4. General Statutes
  - a. Residential construction-No new construction or substantial improvement of any residential structure shall be permitted in a flood hazard area. The Town of Hartland is Zoned Residential (R-1).
  - b. No manufactured home will be allowed in a flood plain area for more than a total of 180 days. Hartland will provide a 30-day trailer permit and a 30-day extension if necessary, but for all intents and purposes, trailers are not allowed in Hartland without the express permission of the Board of Selectmen.

Section IV-7 Farmington River Protection Overlay District - The Farmington River Protection Overlay District shall be defined as the Farmington River (hereinafter the "River") within the Town of Hartland and including the area within the edges of the River's bed and contiguous and parallel buffer strip, which together constitute a culturally significant and environmentally sensitive river corridor. All use and activities established after the effective date of this regulation shall be in accordance with the standards and requirements in this regulation which are established to accomplish the following publicly recognized purposes:

- A. Purposes
  1. To establish standards and requirements for the use and conservation of the District in recognition of the River's eligibility for designation under the National Wild and Scenic Rivers Act, and in the furtherance of the Town's resolution dated February 25, 1991, to contribute to the regional conservation of the River Corridor.
  2. To prevent any alterations to the natural flow of the River in order to maintain its ecological, recreational, aesthetic and other qualities, such as documented in the other federal, state and local documents relating to the Farmington River.
  3. To prevent water pollution caused by erosion, sedimentation, nutrient and pesticide run-off and waste disposal facilities, and to encourage retention and enhancement of shore vegetation cover, including diversity of native species, age distribution and ground cover density to provide a protected buffer and pollution filter strip along the river bank as required in other important river line corridors and as recommended in numerous pollution prevention studies.
  4. To conserve the ecological, water supply and flood storage functions of the River's flood plain, and related groundwater table and aquifer recharge areas and to protect life, public safety and property from flooding hazards, especially within the River's flood hazard areas as defined and protected under the Flood Plain Overlay District Regulations.

- 5. To protect valuable fisheries and wildlife habitat within and along the Farmington River, as cited in various documents including the Farmington Wild and Scenic River Study (Draft Eligibility Report, August, 1989) and the State Comprehensive Outdoor Recreation Plan.
- 6. To conserve and enhance the natural scenic and topographic conditions in the river corridor and its environmental quality recognizing that these are vital to the economic and environmental health of the Town, and, to preserve the natural scenic quality of the River by maintaining, where possible, screening of man-made structures from the River view.
- 7. To carry out the recommendations of the Town Plan of Development and the State Plan of Conservation and Development and to prevent unnecessary or excessive expenditures of municipal funds for services and utilities which might be required as a result of improper development of land within the District.

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B. Definition of the boundaries of the District: The Farmington River Protection Overlay District shall consist of the West Branch of the Farmington River through the Town of Hartland and a contiguous and parallel Buffer Strip, defined as an area extending one hundred (100) feet measured landward and horizontally from both edges of the river bed, as outlined on the map entitled "Farmington River Protection Overlay District". The edge of the river bed is defined as that mark along the river's edge where the presence and action of waters are so common and usual, and are so long continued in all ordinary years, as to produce soil and/or vegetation types which are distinct from that of the abutting upland. Where there is a question or dispute over the District boundary, the Town's Building Inspector shall determine the precise location of the river bed and district boundary at any given location. Property owners who own land within the District shall not incur liability for and expense in determining the district boundary.

C. General Applications for proposed activities within the District shall be subject to the following standards and requirements in addition to the Town of Hartland Zoning and Wetland Regulations. No site alterations, regrading, filling or clearing of vegetation may be conducted prior to submission of an application for a Zoning permit or Special Permit as required under these regulations, and any such alterations shall be a violation of these Regulations which shall be subject to the penalties provided under Connecticut General Statutes.

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D. Basic Requirements and Limitations within this overlay District, all uses allowed in the underlying zoning district shall be subject to the following limitations unless otherwise provided for as a Special Permit or Permitted Activity under this regulation. The following activities shall be prohibited within the District:

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- 1. Construction of new building(s) or structure(s) or addition to an existing building or structure;
- 2. Construction of a new septic system (including septic tank, leach fields and reserve leach fields) or any other type of waste disposal system;
- 3. Dredging or removal of sand, gravel or other earth materials, including dumping or filling;
- 4. Cutting or removal of trees, shrubs or other vegetation within the Buffer Strip, or
- 5. Camping or other fires within the Buffer Strip, unless conducted under permission from the particular landowner and in accordance with any other applicable ordinances of the Town of Hartland.

E. Special Permits. Uses and activities allowed in the underlying zoning district may be permitted by the Planning and Zoning Commission as a Special Permit subject to the standards and requirements of the Hartland Zoning Regulations, and only upon compliance with the following specific conditions, standards and requirements.

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F. Special Permit for the development of a lot existing at the time of the adoption of this regulation, where there is no established principal building or use, and which lot is otherwise in compliance with the zoning and subdivision regulations of the Town of Hartland.

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- 1. Conditions: Where there is a lot which existed at the time of the effective date of this regulation which did not have an existing principal building or use, and provided that either of the following conditions are met, the Commission will approve development within the Buffer Strip as a Special Permit subject to the specific Standards and Regulations contained in
  - a. Said lot does not contain sufficient depth for a Buffer Strip as defined herein; or
  - b. Said lot contains sufficient depth for a Buffer Strip, but does not contain sufficient additional land to

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permit establishing a building or use of the lot, as otherwise permitted in the underlying zoning district.

2. Standards and Requirements:

- a. The applicant shall; (a) submit a Site Plan in accordance with Hartland Zoning Regulations, and (b) provide documentation that proves that the above conditions apply to the land in question, and that the proposed use or activity has been designed to minimize disturbance within the Buffer Strip.
- b. The Commission shall not permit a reduction of the Buffer Strip by more than is necessary to provide for the establishment of a principal building, structure or use permitted in the underlying zoning district and for necessary accessory buildings and structures.
- c. In no case shall the Commission permit the total area within the Buffer Strip which is to be improved, regraded or disturbed to equal or exceed fifty (50) percent of the total area of the Buffer Strip on any such existing lot.

G. Special Permit for the extension or enlargement of existing structures located on existing lots within the buffer strip.

- 1. Conditions: Where there is a principal building or structure located within the Buffer Strip, and both the building or structure and the lot on which it is located existed on the effective date of this Regulation, the Commission will grant a Special Permit permitting such building or structure to be extended or enlarged within the Buffer Strip, subject to the following standards and requirements:
- 2. Standards and Requirement:

- a. The applicant shall submit a Site Plan and shall also provide documentation proving (a) that the above conditions apply and (b) what the proposal is designed to minimize disturbance within the Buffer Strip, especially within the area between the River and the existing building or structure.
- b. In no case shall the Commission permit the existing and proposed area which is or will be improved, regraded or disturbed to equal or exceed fifty (50) percent of the total area of the Buffer Strip on any such existing lot.
- c. Nothing in this section shall prohibit the ordinary repair and maintenance of existing buildings or structures within the District, provided all other applicable Town Building and zoning regulations are complied with, and provided also that such repair and maintenance does not result in an extension or enlargement of existing structures.

H. Removal of Timber - The Commission may permit, by Special Permit, the cutting of timber for forestry management purposes provided that such cutting is performed in accordance with an approved forest management plan provided by a qualified forester licensed in the State of Connecticut, which plan shall be submitted with the application. The Commission may impose any additional conditions deemed necessary in order to protect the District for the purposes stated in Section A, above.

I. Removal of Vegetation for Filtered View of River - The Commission may permit, by Special Permit, the selective pruning or removal of trees, shrubs and other vegetation to allow for the creation of a view of the River, provided that such shall only be a filtered view of the River designed to provide reasonable visual access to the River while maintaining, to the greatest extent possible, a natural screen of man-made structures and objects, and otherwise furthering the purposes of this regulation. Any application for a Special Permit pursuant to this Section I, shall include a specific plan for the proposed pruning or removal delineating the particular trees to be affected and the location of such trees within the Buffer Strip. Where such plan involves removal of any trees in excess of four (4) inch diameter at breast height, the plan shall be prepared by a qualified forester licensed in the State of Connecticut.

J. Special Permit for Municipal Improvement - The Commission may permit, by Special Permit, a municipal improvement which unavoidably must encroach upon the Buffer Strip, provided the Town demonstrates that there is no practical alternative for the provision of the needed utility or improvement outside of the District, and that all reasonable measures will be taken to minimize the adverse impact of such improvement.

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K. Special Permit for Fire Prevention Facilities - The Commission may permit, by Special Permit, the installation of a Fire Prevention Facility consistent with the other provisions of this Regulation. Activities Permitted within the District Without a Zoning Permit. The following activities may be carried out within the District without the necessity of a zoning permit.

1. The selective pruning or removal of trees or shrubs to:
  - a. Maintain a PRE-EXISTING view of the River from a principal structure;
  - b. Provide foot access to the River by means of an unimproved and unpaved path which meanders down to the River in accordance with the natural contours of the property in question;
  - c. Remove dead, diseased, unsafe or fallen trees and noxious plants and shrubs in such a manner so as to minimize disturbance of other vegetation within the area;
  - d. Maintain, repair or expand an existing primary structure or accessory use as long as the vegetation is not removed within twenty (20) feet from the edge of a graded area; and
  - e. For these purposes, and wherever permitted under this regulation, selective pruning and/or removal shall be done in a manner that:
    1. Promotes stream band stabilization and erosion control by maintaining stump and root structure to the maximum extent possible, and
    2. Provides the greatest possible screening of man-made structures and objects to be seen from the River.
3. Grading or other surface alterations necessary for an existing primary use of a lot, provided that it is done in such a way as to minimize disturbance of vegetation and of other natural features in accordance with the purposes of this regulation. In no case shall the area affected by such grading or alteration equal or exceed fifty (50) percent of the area of such lot located within the Buffer Strip.
4. Planting of perennial native species in the Buffer Strip is permitted and encouraged, especially where exposed soil and steep slopes exist, provided that such planting is otherwise completed in accordance with the other provisions of this Regulation.
5. Other Permitted Activities:
  - a. Surveying and boundary posting.
  - b. Non-intensive and non-commercial recreational uses not requiring structures, such as hunting, fishing and hiking.
  - c. Family garden plots as accessory to a residential use.
  - d. Continuation of farming activity which is in existence as of the effective date of this Regulation.
  - e. Emergency Operations.
  - f. Fish and wildlife management practices according to a plan approved by the County Conservation Director.

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**ARTICLE V - AREA, YARD AND HEIGHT REQUIREMENTS**

Section V-1 - No building shall hereafter be erected, enlarged, altered, rebuilt, or premises used, except in conformity with these regulations, and as prescribed in the schedule which is a part of this Section and is labeled "Schedule of Areas, Yards, and Height Requirements", except that minimum lot size requirements shall not prevent the construction of a dwelling on a separately owned smaller lot and evidenced by a recorded deed in the Land Records of the Town of Hartland on or before November 1, 1957, provided that all front, side and rear yard and building floor area requirements in the schedule are observed.

Section V-2 Schedule of Areas, Yards and Height Requirements

	Minimum Area	Minimum Front	Minimum Depth	Maximum Height
<b>RURAL RESIDENTIAL ZONE (R1)</b>				
Residence and other structure	2 acres	200'	300'	30'
Seasonal Dwelling	2 acres	200'	300'	30'
<b>NEIGHBORHOOD BUSINESS ZONE (BI)</b>				
All Structures	1 acre	200'	200'	30'
	Maximum Lot Coverage	Minimum Front	Minimum Yard Side	Rear
<b>RURAL RESIDENTIAL ZONE (R1)</b>				
Residence and other structure	15%	50'	25'	25'
Seasonal Dwelling	15%	100'	75'	25'
<b>NEIGHBORHOOD BUSINESS ZONE (BI)</b>				
All Structures	40%	50'	50'	50'

No lot shall have an area, width, front, side or rear yard less than given in the above table, and no building or buildings, including accessory buildings, shall cover a greater area, nor exceed in height the figures given in the above table.

Section V-2-1 - No structure or accessory building shall be erected or altered, except in accordance with these regulations, on any lot nearer the street than the building and verandah line. Said building and verandah line is hereby established at fifty (50) feet from the street line for a permanent residence, and one hundred (100) feet for a seasonal dwelling. On a separately owned plot of land where a building line is established by a residence in place on November 1, 1957, at a greater or lesser distance than specified herein, such greater or lesser distance shall apply. Where a separately owned plot of land is located between or adjacent to two plots of land on which residences existed on November 1, 1957, and on which the building lines are at a lesser distance than specified herein, the building line may be established at the lesser distance.

Section V-2-2 - No building lot shall be approved for the construction of a dwelling after the effective date, unless it contains a minimum, contiguous non-wetland area of at least three quarters (3/4) of an acre and a maximum perimeter of eight hundred feet (800'). The proposed site must be capable of accommodating a house foundation, a well, and a septic system with both primary and secondary leaching fields and a garage or parking area. The specific area must be clearly identified and staked out on the lot and identified on the Plot Plan and/or Subdivision Plan, if such application is required.

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## ARTICLE VI - MINIMUM FLOOR AREAS

Section VI-1 - No residence shall be built or structure altered for residential use, unless it shall provide living quarters with a minimum living floor area as follows:

Section VI-1-1 - For a one story residence, 868 square feet minimum ground floor area, and where there is no basement, an additional 120 square feet are required.

Section VI-1-2 - For a one and one-half or two story residence, 868 square feet minimum total for both floors, with a minimum of 579 square feet on the ground floor are required.

Section VI-1-3 - For one story seasonal dwellings or when there is unfinished space on the second floor, 650 square feet are required. Where living quarters are provided on a first and second floor, the total living area including both floors shall be 800 square feet, as computed under Section VI-1-2, which requires that 66% of the total be on the ground floor.

Section VI-2 - Minimum floor areas for residences shall be computed from the outside of the building walls, and shall include normal bedroom closets, but shall not include such areas as garages, storage spaces, space for heating equipment, bay windows, porches or any basement room.

A. Minimum floor areas for seasonal dwellings shall be computed in the same manner as above, except that with one story or one story where there is unfinished space on the second floor, a screened-in living room that is a part of the main structure may be included. Such area may not exceed 20% of the total floor area so computed. Where living quarters are provided on a first and second floor, a screened porch shall not be included as living area.

Section VI-3 - All first floor living quarters for residences shall be a minimum of seven and one-half (7 1/2) feet clear height and 65% of all required second floor areas shall have a clear height of seven (7) feet, with access to the first floor by permanent stairway.

A. For seasonal dwellings, the ceiling height of the first floor living area shall have a minimum height of seven (7) feet, with access to the first floor by a permanent stairway. Where no ceiling is installed, the low point of the roof rafters shall have a minimum height of six and one-half (6 1/2) feet and shall have a roof with a pitch of a rise of more than three (3) inches in one (1) foot of run.

## ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

Section VII-1 - Enforcement and Penalties - The commission will appoint a Zoning Administrator authorized to enforce the provision of these zoning regulations, and to make such orders and decisions necessary to carry out the intent thereof. The Zoning Administrator may institute any appropriate action or proceedings to prevent any violation of the provisions of the zoning regulations as they apply to the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure or to the unlawful use of land, to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. Whenever such acts shall be in violation of the provisions of these regulations, penalties shall be as provided by General Statutes.

### Section VII-2 Non-Conforming Uses

- A. A non-conforming use of a building or land existing on November 1, 1957 may be continued.
- B. A building containing a non-conforming use may be altered or rebuilt if cost of such construction does not exceed fifty percent (50%) of the value established in the most recent re-evaluation of the Town.
- C. A non-conforming use which becomes non-operative or vacant for a continuous period of one year shall not be re-occupied except by a use conforming to the district in which it is located.

### Section VII-3 Zoning Board of Appeals

A. Powers and Duties - The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised, subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations, and in accordance with the public interest and the most appropriate development of the neighborhood.

1. To hear and decide appeals, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Administrator. An appeal shall stay all proceedings in the action appealed from, unless the Planning and Zoning Commission or the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In which case the proceeding shall not be stayed, except by a restraining order which may be granted by a court of record on application, on notice to the Planning and Zoning Commission or the Zoning Administrator and on due cause shown.
2. To hear and decide all matters, including Special Permits upon which it is required to pass by the specific terms of these regulations.
3. To authorize upon appeal, in specific cases, variances from the terms of these regulations whereby reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship, would result to the owners of said property from a strict enforcement. Before any exception or variance is granted, the Zoning Board of Appeals shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary hardship involved.

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### B. Procedure

1. The Zoning Board of Appeals shall hold a public hearing within sixty-five days of the filing of all applications and appeals. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation within the Town at least at intervals of not less than two days, the first not more than fifteen (15) days, or less than ten (10) days, and the last not less than two (2) days before such hearing. The Board shall render its decision within sixty-five (65) days of the hearing and the decision shall be effective at such time as is fixed by the Board, provided a copy thereof shall have been filed in the office of the Town Clerk. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the applicant by the secretary within fifteen (15) days after such decision has been rendered.
2. All applications and appeals shall be made on the application form that may be obtained from the Secretary of the Zoning Board of Appeals. The applicant shall supply, under oath, all the information

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required by this form. When dimensions are involved, it should be accompanied by a certified drawing or map made to scale, on which the present status and the proposed changes or alterations are indicated. The form shall be accompanied by a fee of Three Hundred Dollars (\$300), payable to the Town of Hartland, to cover the cost of advertising and processing.

3. Every application for variance from the use requirement, as distinguished from the density requirement, on receipt thereof by the Secretary of the Zoning Board of Appeals, shall be referred to the Planning and Zoning Commission for their action and decision. The Planning and Zoning Commission shall make a report thereon to the Zoning Board of Appeals within thirty (30) days of such referral. Failure of the Commission to file a report within the thirty (30) day period will signify approval of the application. The Board of Appeals will then process the application in accordance with subsection B. 1., above.
4. The Zoning Board of Appeals shall adopt such procedure as may be necessary to carry out the provisions of this section.
5. A fee of Three Hundred Dollars (\$300) must accompany the application.

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## ARTICLE VIII - EXCAVATION OF EARTH MATERIALS REGULATION

**Section VIII-1 Purpose** - The purpose of this regulation is to regulate and control the excavation or deposition of earth materials in a manner consistent with the Town Plan of Development, and to prevent the creation of any safety or health hazards or nuisances to the public, or to owners or occupants of adjoining property including, but not limited to, soil erosion, stagnant water, water pollution, noise, dust, excessive runoff to adjoining property or adjacent property and to provide for the quiet and safe use thereof.

**Section VIII-2 Definitions** - For the purposes of this section, the following definitions shall apply:

- A. Excavation shall mean the deposition on, or removal from the ground, or severance from the earth's surface of soil, loam sand, gravel, clay, rock, topsoil or any other earth material.
- B. Topsoil shall mean earth materials, including loam, which are arable and constitute the surface layer of the earth.
- C. Fixed Machinery shall mean any mechanical device which is situated in a foundation or base designed or placed so as to secure the position of such device to the earth. Fixed machinery includes, but is not limited to, machinery situated on foundations, platforms, slabs, pillars or pads.
- D. Temporary Processing Machinery shall mean any portable machinery not fixed to the earth which may be subject OT of capable of movement from time to time, and which is used to process or improve the earth material prior to or during loading. Temporary processing machinery includes, but is not limited to, screening devices and washing and grading devices.
- E. Commission shall mean the Hartland Planning and Zoning Commission.

**Section VIII-3 Scope and Exceptions** - No excavation or removal of earth materials from the land' or deposition of fill on land or premises shall be commenced or conducted without a permit obtained in accordance with and subject to these regulations, except for:

- A. The construction of a well, driveway, utility line, septic system, fence, approved subdivision street or the landscaping of premises when in conjunction with either (a) a bona fide construction activity on the premises for which a building permit has been issued for a residential dwelling, which is completed within six (6) months; or (b) a use permitted by zoning or subdivision regulations, and provided that the construction does not result in the removal of more than three hundred (300) cubic yards of earth material from the premises;
- B. The movement of material from one part to another part of the same premises when it is necessary for the purpose of farming or landscaping, provided that no more than one (1) acre is open and remains open for no more than six (6) months, and that no more than (300) cubic yards of material is moved;
- C. The necessary excavation for a foundation, trench, landscape construction or other improvement approved as part of a subdivision plan, or solely in connection with work on the premises for which a subdivision plan or building permit has been issued. The approval of a building plan or issuance of a building permit in and of itself shall not constitute relief from this regulation.

No screening, sifting, washing or other activities incidental to the processing of earth materials shall be conducted in connection with any of the exceptions described in subsections A through C above.

Any excavation or removal of earth materials from the land or deposition of fill on land, commenced or conducted in accordance with these regulations shall be subject to the following conditions and limitations:

1. No stone crushing devices shall be allowed;
2. All screening, sifting, washing or other activities incidental to the processing of earth materials shall be conducted only (a) between 8 a.m. and 4 p.m., (b) for a period not to exceed sixty (60) consecutive business days per any two-year permit term, (c) by use of temporary processing equipment, which equipment shall be removed from the premises on or before the end of said 60-day period; and
3. No processed earth materials shall be removed from the premises where such processing occurred.

Section VIII - 4 Procedure Application for a Special Permit to excavate or remove any earth materials shall be made to the Planning and Zoning Commission by the property owner(s) or his authorized agent on forms provided by the Planning and Zoning Commission. The Commission shall require that the

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application be accompanied by a plan of operation including the following maps, plans and specifications, prepared by a licensed Engineer, Geologist, Soil Scientist or Land Surveyor. No excavation or deposition of earth materials in a wetland area or regulated buffer zone shall be permitted by the Planning and Zoning Commission unless reviewed and approved by the Hartland Wetlands Commission. Any application for a permit submitted pursuant to these regulations that is deemed incomplete by the Commission shall either be withdrawn by the applicant or denied by the Commission. Such application and plan of operation shall include the following:

- A. The location of the premises, the lands immediately surrounding the site and the amount and extent of materials to be excavated or removed.
- B. A grading plan showing contours on the excavation site, and including a distance of three hundred (300) feet on all sides of the excavation site, and the proposed contours after excavation.
- C. Existing and proposed drainage of the site.
- D. Truck hauling routes and truck access to the excavation.
- E. The number and types of trucks and other machinery to be used on the site and the days and hours of operation, as well as the location and types of any buildings or structures to be erected, as provided by the zoning regulations.
- F. A detailed plan for final grading, closure and re-vegetation of the site at the conclusion of excavation and removal operations at the premises.
- G. Written consent by the property owner(s) authorizing access to the premises, at any reasonable time, by the Zoning Enforcement Officer, and/or any other duly authorized representative(s) of the Commission, for the purpose of inspecting the premises and verifying compliance with these regulations.
- H. Such other information as the Commission may require.
- I. Evidence of review and, if necessary, approval by the Hartland Inland Wetlands Commission.

#### Section VIII-5 Permitting

- A. The premises shall be excavated and graded in conformity with the plan of operation, as approved. Any deviation from this plan shall be cause for the Planning and Zoning Commission to revoke the permit.
- B. The applicant shall file with the Planning and Zoning Commission a performance bond in such amount as the Commission shall deem sufficient to insure completion of the work following excavation, pursuant to the conditions as set forth by this regulation, (note: The final Grading/Closure plan must be in sufficient detail for bonding.)
- C. No fixed machinery shall be erected and no temporary machinery shall be operated at the site within three hundred (300) feet of any property line or street.
- D. Proper measures, as determined by the Commission, shall be taken to minimize conditions that may constitute a nuisance, including noise, airborne dust, particulate and odor. Such measures may include, when necessary: (a) limitations on stockpiling excavated earth materials; (b) sediment, erosion and dust controls; (c) monitoring and control of noise levels to ensure compliance with state standards or other decibel levels which may be determined, established and enforced by the Commission; and (d) providing drainage to prevent collection and stagnation of water and harmful effects on surrounding properties.
- E. No excavation shall take place within three hundred (300) feet of any property line or within three hundred (300) feet of any street unless above the established grade of the street and specifically authorized by the Commission.
- F. The Commission may require a buffer of existing trees and vegetation of sufficient height and a depth of not less than fifty (50) feet to screen the excavation to the extent feasible.
- G. All excavation, stockpiling and processing operations shall be conducted on the premises only between the hours of 8:00 a.m. and 4:00 p.m., local time, Monday through Friday inclusive, except as otherwise authorized by the Commission upon its finding of good cause. No operations shall take place on Saturday, Sunday or legal holidays as set by the State of Connecticut without the prior written approval of the Commission. Excavation, stockpiling and processing operations may commence no earlier than April 15th

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of each year. All operations shall cease no later than November 15th of each year, at which time necessary planting, seeding and leveling off for winter shut-down must be completed.

- H. The total area of excavation at a site at any one time shall be no more than three (3) acres, unless specifically authorized, in writing, by the Commission.
- I. The area subject to this permit shall be clearly staked by a Connecticut licensed land surveyor so as to indicate all corners of permit area and the limits of all "buffers" and "setbacks". A two hundred (200) foot square grid shall be indicated and maintained in the field over the entire area of excavation.
- J. The applicant shall file with the Commission a restoration plan, ensuring that the final regrading, re-vegetation and restoration shall be in accordance with the following conditions: (a) no slopes shall be steeper than 1:3 (vertical to horizontal); (b) a layer of topsoil four (4) inches thick shall be spread over the entire area of the excavation, except for rock outcrops; and (c) the area shall be seeded with a perennial rye grass, and maintained until the area is stabilized and approved by the Commission. The Commission may approve other restorations. All final grading and restoration activities shall be completed within one (1) year of the conclusion of excavation and removal operations or expiration/ non-renewal of a Permit.
- K. Where there are two (2) adjacent earth excavation areas, proposed or existing, the Commission may require that the owner(s)/operator(s) merge the excavation areas to provide a continuous, common grade.
- L. Where "leveling off" is the intent of the operation, the Commission may permit grading in the "setbacks" and "buffer" areas as part of the restoration or closure to be undertaken after the conclusion of the mining and excavation operation, provided other relevant permits are obtained, such as an Inland Wetlands Permit.
- M. At no time shall overhand or slopes steeper than 1:3 (vertical to horizontal) be present at any excavation area except during active excavation of a slope.
- N. Truck access to the excavation shall be arranged and scheduled so as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road in the area of operation shall be treated to minimize dust. The Commission may require a hard-surface or other measures to control dust.
- O. The owner and/or operator subject to the permit obtained in accordance with these regulations shall, at its own expense, repair any damage to any public street, highway, natural resources, or other property arising out of, or resulting from, its acts or omissions, or the acts or omissions of its agents, employees or contractors pursuant to such permit, and shall indemnify, hold harmless and defend the Commission and the Town of Hartland from and against any and all claims, demands, losses, damages, liability, fines, penalties, injuries, costs and expenses, including reasonable attorney's fees and disbursements, arising out of or resulting from said acts or omissions.
- P. The Commission may require other appropriate safeguards necessary to protect the public health, safety, convenience and property values. These may include, but are not limited to, special police, flag men, barricades and fences.
- Q. On-site refueling of vehicles and equipment is prohibited, except for on-site refueling by wheeled tank unit. Any on-site fueling station must be designed, installed, constructed, operated and maintained in compliance with applicable state and federal environmental laws and regulations, including spill prevention, leak detection, containment and emergency response requirements. If a mobile tank unit is utilized, fueling must take place on an impermeable surface only, such as asphalt or cement, which is free of cracks and storm drains.
- R. A fee of fifty dollars (\$50.00) must accompany the application.

Section VIII-6 Permit Approval and Renewal - If the owner and operator of the area subject to these permitting procedures are separate persons or organizations, permit approval may be granted in two (2) stages by the Commission. Permit approval to the OWNER may be granted only after the submission of all required documents and requested information and a public hearing; permit approval may be granted to the OPERATOR only after his furnishing to the Commission evidence of proper bonding, as specified below, and insurance.

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Before an Earth Excavation Permit is issued, the owner and, if the applicant is a separate person or entity, the applicant or his operator shall each, unless the Commission specifically waives this requirement, post a performance bond in a form and amount satisfactory to the Commission, with a bonding company licensed to do business in the State of Connecticut, and acceptable to the Commission, as surety for carrying out the above conditions and any other safeguards imposed; providing that, in the case of default or noncompliance with these regulations, the Commission/Town may use these funds to take any and all steps to comply with said conditions. The Commission, as it deems fit, may require, in addition to or in lieu of a surety bond, a cash bond, letter of credit, or a combination thereof acceptable to the Commission.

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Any permit issued pursuant to these regulations shall expire two (2) years from the date of issuance. A review to access compliance shall be performed annually by the Commission, the Zoning Enforcement Officer or other duly authorized representative of the Commission. Permits may be renewed for two-year periods upon application to the Commission and payment of the application fee, provided that the Commission finds that the permittee has fully complied with these regulations and the terms and conditions of the expiring permit. The Commission may require updated contour maps and other documents as it deems necessary to determine compliance prior to renewal of the permit.

The Commission, or its representative, may require an "As Is" Contour Map at any time during the excavation and removal operations.

The Commission may require the owner/operator to submit a satisfactory "As Built" Contour Map prepared by a surveyor, licensed in the State of Connecticut, showing conformity with the requirements of restoration, closure or final grading as a condition to releasing any bonds.

Section VIII.7 Preexisting non-conforming earth excavation operations - Any bona fide earth excavation operation (not including activities that qualify under the "Subdivision Provisions") shall be permitted to continue, subject to the following: The landowner shall submit to the Planning and Zoning Commission an application conforming to the requirements of Section VIII of these regulations. The Commission shall review this application and no non-conforming earth excavation and removal activities shall continue unless the commission grants a permit pursuant to these regulations. Such permit shall be limited to the continuation of the operation within the area of the lot that existed at the time of adoption of these regulations and under the standards set forth in these regulations. Such permit shall have a two (2) year term, and may be renewed by the owner/operator, pursuant to the provisions of these regulations.

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Section VIII.8 Penalties •;

The Zoning Enforcement Officer designated by the Commission shall be the administrative officer for the enforcement of this regulation.

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If the Zoning Enforcement Officer finds that any provisions of this regulation are being violated, he shall notify, in writing, the person responsible for said violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal excavation and removal of earth materials and other illegal use of land, buildings or structures or removal of any machinery, equipment, buildings or additions thereto, or take any action authorized by this regulation to ensure compliance with, or prevent violation of, its provision. Penalties for illegal acts shall be as provided in the General Statutes and Special Acts of the State of Connecticut, for the maximum amount authorized therein.

## ARTICLE IX - WIRELESS COMMUNICATION FACILITIES

Section IX-1 Purpose - The purpose of this regulation is to provide the Town with the information needed to determine the impact of a proposed tower site in the Town of Hartland, and its valuable, natural, scenic and cultural resources, and to establish locations for these facilities, especially towers, that are least disruptive to the resources and the public health, safety and welfare of the Town of Hartland.

The Hartland Planning and Zoning Commission has identified areas recommended for conservation and preservation. Applicants should avoid proposing locating a communication tower in these areas. The following areas are considered to be particularly important natural resource, scenic and/or historic areas which need to be protected:

- The view in one half (1/2) mile radius from the intersection of Route 179 and Route 20.
- The view in one half (1/2) mile radius from the intersection of Route 20 and West Street.
- The view in one half (1/2) mile radius from the Farmington River.

### Section IX-2 Definitions

Section IX-2-1 Antenna - The surface from which wireless radio signals are sent and received by a personal wireless service facility.

IX-2-2 Adequate Capacity - Capacity is considered to be "adequate" if the Grade of Service (COS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in Question. The COS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this ordinance shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Services Facility in Question, Adequate Capacity shall be determined on the basis of a twenty percent (20%) busy hour, (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

IX-2-3 Adequate Coverage - Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -95dbm for at least seventy-five percent (75%) of the intended coverage area. It is acceptable for there to be "holes" within the area of Adequate Coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -95dbm.

IX-2-4 Camouflaged - A wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered "camouflaged".

IX-2-5 Carrier - A company that provides wireless services.

IX-2-6 Collocation - The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

IX-2-7 Commission - The Planning and Zoning Commission of the Town of Hartland.

IX-2-8 Elevation - The elevation at grade or ground level may be given in many ways, usually Above Mean Sea Level (AMSL). The height of a wireless service facility is often given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The Total elevation of the wireless service facility is AGL plus AMSL.

IX-2-9 Environmental Assessment (EA) - An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

Section IX-2 Definitions (continued)

IX-2-10 Equipment Shelter - An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

IX-2-11 Fall Zone - The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

IX-2-12 Guyed Tower - A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

IX-2-13 Lattice Tower - A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

IX-2-14 Licensed Carrier - A company authorized by the FCC to construct and operate a wireless communication facility.

IX-2-15 Monopole Tower - The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

IX-2-16 Mount - The structure or surface upon which antennas are mounted, including the following four types of mounts:

IX-2-17 Roof mounted - Mounted on the roof of a building.

IX-2-18 Side-mounted - Mounted on the side of a building.

IX-2-19 Ground-mounted Tower - Mounted on the ground.

IX-2-20 Structure-mounted - Mounted on a structure other than a building.

IX-2-21 Omni-directional (whip) Antenna - A thin rod that beams and receives a signal in all directions.

IX-2-22 Panel Antenna - A flat surface antenna usually developed in multiples.

IX-2-23 Radiofrequency (RF) Engineer - An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

IX-2-24 Radiofrequency Radiation (RFR) - The emissions from wireless communication facilities.

IX-2-25 Regulated Facility, Service and/or Site - All facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.

IX-2-26 Security Barrier - A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

IX-2-27 Separation - The distance between one carrier's array of antennas and another carrier's array.

Section IX-3 Use Regulations

IX-3-1 Exemptions - The following shall be exempt from this regulation:

- A. Repair and maintenance of towers and antennas.
- B. Antenna used solely for residential television and radio reception.
- C. Satellite antenna measuring two (2) meters or less in diameter and located in commercial districts, and satellite antenna measuring one (1) meter or less in diameter regardless of location.

IX-3-2 Permitted Uses - The following Regulated facilities located on existing structures or co-located shall be Permitted Uses in all districts subject to Site Plan approval:

- A. Camouflaged. A regulated facility which is completely camouflaged and not recognizable as part of a wireless facility, such as within a flagpole, steeple, chimney or similar structure.
- B. Existing Structure. A regulated facility on an existing structure (whether or not it is conforming in terms of height), including but not limited to, a guyed, lattice, or monopole tower, fire tower or water tower, provided it does not increase the height of the existing structure.
- C. Utility Structures. An antenna(s) located on an electric transmission and distribution tower, telephone pole or similar existing utility structure. The installation may increase the height of the existing structure by no more than twenty (20) feet or within one hundred and fifty (150) feet of the paved portion of a Town road or State highway proposed for or designated as a scenic road or highway.
- D. Building (roof or side) mounts, provided it does not project either above the building or the height limit of the zoning district by more than ten (10) feet.
- E. Building (roof or side) mounts, may located on a building or structure legally nonconforming with respect to height, provided it does not project above the existing building or structure height, or more than ten (10) feet above the height limit of the zoning district.
- F. Police and Emergency Services. A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A Tower may be erected as a Permitted Use for these purposes unless it is to be shared by a commercial wireless service carrier which shall require a Special Permit.

IX-3-3 Special Permit Use - The following co-located regulated facilities and ground mounted towers shall be Special Permit Uses in all districts subject, to Site Plan approval:

- A. Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in 3-2 above.
- B. All Ground Mounted Towers.

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## Section IX-4 General Standards and Requirements for Permitted and Special Permit Uses

IX-4-1 Location - Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to, buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.

A. Applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated facilities.

B. Adequate Coverage, Adequate Capacity, and Justification of Need for Ground Mounted Tower.

1. The applicant shall provide written documentation of all Facility Sites in Hartland and any Facility Sites outside of Hartland that are within three (3) miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Hartland.

The documentation shall include, for each Facility Site listed, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of Antennas, Antenna gain, height of Antennas on Tower or structure, output frequency, number of channels, power input and proposed maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application.

2. The applicant shall demonstrate with written documentation that it has examined all Facility Sites located in Hartland and all Facility Sites outside of Hartland that are within three (3) miles of the proposed site, in which the applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Hartland. The documentation shall include, for each Facility Site examined, the exact location in latitude and longitude/ to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of antennas proposed, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these Facility Sites, as proposed, shall be provided as part of the Application.

3. Distance from Existing Tower: the applicant must certify that existing towers within one thousand (1000) feet of the proposed new tower do not meet the applicant's structural specifications or technical requirements, or that a collocation agreement could not be obtained at reasonable terms and conditions, including price.

4. The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters in conjunction with all facility Sites listed in compliance with subsection A (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Hartland. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall also be provided as part of the application.

IX-4-2 Visibility-Camouflage and Color - The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

A. Requirements for Existing Buildings or Structures.

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

2. Side Mount. Side mounts shall blend with the existing architecture, and, if over five (5) square feet, shall be painted or shielded with material consistent with the design features and materials of the building.

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3. Mounts and antennas located on an historic structure shall be fully removable without diminishing the historic quality of the structure.
  4. Regulated facilities in an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.
- B. Requirements for proposed Ground Mounted Towers. Proposed ground-mounted towers shall provide a vegetated buffer of sufficient height and a depth of not less than fifty (50) feet to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut Licensed Landscape Architect. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character.
- C. Scenic Roads and Areas:
1. The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area or residential development only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a collocation.
- D. Tree Cover and Sight Line Information. Where the Commission determines that tree cover and/or sight line information, including viewpoints (points from which view is taken) and visible points (points being viewed), are necessary to determine compliance with the standards in this section, it shall require the following:
1. Tree cover on the subject property and adjacent properties within three hundred (300) feet, by dominant species and average height, as measured by or available from a verifiable source.
  2. Sight lines and photographs. A sight line representation shall be drawn from any public road within three hundred (300) feet and the closest facade of each residential building (viewpoint) within three hundred (300) feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one (1) inch equals forty (40) feet. The profiles shall show all intervening trees and buildings. In the event there is only one (1) (or more) residential building within three hundred (300) feet there shall be at least two (2) sight lines from the closest habitable structures or public roads, if any. Existing (before) condition photographs. Each sight line shall be illustrated by one four (4) inch by six (6) inch color photograph of what can currently be seen from any public road within three hundred (300) feet. Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.
  3. Sight elevations. Sighting elevations, or views at-grade from the north, south, east and west for a fifty (50) foot radius around the proposed regulated facility, plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter (1/4) inch equals one (1) foot or one-eighth (1/8) inch equals one (1) foot scale and show the following:
    - a. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
    - b. Security barrier. If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier.
    - c. Any and all structures on the subject property.

- d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two (2) foot contours above mean sea level.

#### IX-4-3 Environmental and Safety Standards

- A. Regulated Facilities shall not be located in wetlands. Locating of facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
- B. No hazardous waste shall be discharged on the site of any Regulated Facility. If hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten (110%) percent of the volume of the hazardous materials stored or used on the site.
- C. Storm water run-off shall be contained on-site.
- D. Ground-mounted, roof mounted or side mounted equipment for regulated service facilities shall not generate noise in excess of the dB level allowed according to the Farmington Valley Health District.
- E. Radiofrequency Radiation (RFR) Standards and Requirements. The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effect of Radiofrequency Radiation (FCC Guidelines) or its successor publication.

#### Section IX-5 Additional Standards and Requirements for Ground Mounted Tower Special Permit Uses

- A. Lot Size. All ground mounted towers and their equipment shelters shall require a lot of not less than required for the district zone in which the site is located. In addition, the following setbacks shall be required.
- B. Setback. In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted tower to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the tower including any antennas or other appurtenances.
- C. Setback Reduction. In its consideration of the visual and safety impacts of a proposed ground mounted tower, the Commission may reduce the required setback area (as required above) by not more than fifty percent (50%) or allow the setback to be measured into a neighboring property where:
  1. Monopole tower is proposed.
  2. Such reduction permits a tower site plan with better camouflage and overall design than alternative sites.
  3. The setback area within a neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

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Section IX-6 Application Filing Requirements - The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may not require one or more of the following for a Permitted Use Site Plan application:

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IX-6-1 General Filing Requirements

- A. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- B. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the Regulated Facility.
- C. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier".
- D. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo-reproductions of signatures will not be accepted.

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IX-6-2 Location Filing Requirements

- A. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- B. Tax map and parcel number of subject property.
- C. Zoning district designation for the subject parcel (submit copy of Town Zoning Map with parcel identified).
- D. A line map to scale showing the lot lines of the subject property and all properties within three hundred (300) feet and the location of all buildings, including accessory structures, on all properties shown.
- E. A town-wide map showing the other existing non-residential wireless service facilities in the Town and outside the Town within three (3) miles of its boundary.
- F. The proposed locations of all existing and future wireless service facilities in the Town on a Town-wide map for this carrier.

IX-6-3 Site Plan Requirements - A one (1) inch equals forty (40) feet vicinity plan shall be submitted showing the following:

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- A. Property lines for the subject property.
- B. Property lines of all properties adjacent to the subject property within three hundred (300) feet.
- C. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet. •
- D. Proposed location of antenna, mount and equipment shelter(s).
- E. Proposed security barrier, indicating type and extent as well as point of controlled entry.
- F. Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet including driveways proposed to serve the regulated facility.
- G. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.
- H. Contours at each two (2) feet AMSL (see definition section) for the subject property and adjacent properties within three hundred (300) feet.
- I. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
- J. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
- K. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.

IX-6-4 Design Filing Requirements

- A. Equipment brochures for the proposed Regulated Facility, such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well

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as cable runs, and security barrier, if any.

- B. Materials of the proposed Regulated Facility specified by generic type and specific treatment (e.g. anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- C. Colors of the proposed Regulated Facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- D. Dimensions of the Regulated Facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- E. Appearance shown by at least two photographic super-impositions of the Regulated Facility within the subject property. The photographic super-impositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth. The Commission may determine that this information is not needed for a Permitted Use.
- F. Landscape plan prepared by a Connecticut licensed landscape architect including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- G. Within twenty one (21) days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least fifteen (15) days, but not more that twenty one (10) days, prior to the test.
- H. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty five (25) feet beyond the property lines. The printout shall indicate the locations and typed of luminaries proposed.

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IX-6-5 Noise - Filing Requirements - The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Regulated Facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- A. Existing or ambient: the measurements of existing noise.
- B. Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment. Such statement shall be certified and signed by an acoustical engineer, stating that noise, measurements are accurate and meet the Noise Standards of this regulation.

IX-6-6 Radiofrequency Radiation (RFR) Filing Requirements

- A. Existing or ambient: the measurements of existing RFR
- B. Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
- C. Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards subsection of this regulation.

Section IX-6 Application Filing Requirements (continued)

IX-6-7 Federal Environmental Filing Requirements

- A. The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (47 CRF Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication facility proposed in or involving any of the following:
  - 1. Wilderness areas.
  - 2. Wildlife preserves.
  - 3. Endangered species habitat.
  - 4. Historical site.
  - 5. Indian religious site.
  - 6. Flood plain.
  - 7. Wetlands.
  - 8. High intensity white lights in residential neighborhoods.
  - 9. Excessive radiofrequency radiation exposure.
- B. At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility site that requires such an environmental assessment to be submitted to the FCC.
- C. For all Special Permit uses, the applicant shall identify and assess the impact of the proposed facility on areas recommended for conservation in Section IX - 1.
- D. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

IX-6-8 - A fee of one hundred dollars (\$100.00) shall accompany the application.

Section IX-7 Collocation

IX-7-1 - Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are standalone. All applicants for a Special Permit for a Regulated Facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- A. In the event that collocation is found not to be feasible, a written statement of the reasons for the unfeasibility shall be submitted to the Commission. The Commission may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.
- B. If the applicant does intend to co-locate or to permit collocation, the Commission shall request drawings and studies which show the ultimate appearance and operation of the Regulated Facility at full build-out.
- C. If the Commission approves collocation for a Regulated Facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit. Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

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Section IX-8 Modifications

IX-8-1 - A modification of a Regulated Facility may require a Special Permit application where the following events apply:

- A. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the Regulated Facility in one or more of the following ways:
  1. Change in the number of facilities permitted on the site;
  2. Change in technology used for the Regulated Facility.
- B. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

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- A. After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Regulation.
- B. After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within ninety (90) days of the issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of these Regulation.
- C. The applicant and co-applicant shall maintain the Regulated Facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

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IX-10-1 - At such time that a licensed carrier plans to abandon or discontinue operation of a Regulated Facility, such carrier will notify the Commission by certified US mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the Regulated Facility shall be considered abandoned upon such discontinuation of operations.

IX-10-2 - Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within ninety (90) days from the date\* of abandonment or discontinuation of use. Physically removed shall include, but not be limited to;

- A. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- C. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

IX-10-3 - If a carrier fails to remove a Regulated Facility in accordance with this section of this Regulation, the Town shall have the authority to enter the subject property and physically remove the facility. The Commission may require the applicant to post a bond at the time of construction to cover costs for the removal of the Regulated Facility in the event the Town must remove the facility.

Section IX-11 Reconstruction or Replacement of Existing Towers and Monopoles - Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for collocation, improvements in public safety, and/or reduction in visual and environmental impacts.

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Section IX-12 Term of Special Permit - A Special Permit issued for any ground mounted tower over fifty (50) feet in height shall be valid for fifteen (15) years. At the end of that time period, the Regulated Facility shall be removed by the carrier or a new Special Permit shall be required.

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**ARTICLE X - AMENDMENTS, VALIDITY, EFFECTIVE DATE**

Section X-1 Amendments - These regulations may from time to time be amended, changed or repealed by the Commission. Public hearings shall be required in accordance with the General Statutes.

Section X-2 Validity - If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

Section X-3 Effective Date - The effective date of these regulations, as amended and revised herein, shall be February 1, 2009.

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