

# TOWN OF CANTERBURY ZONING REGULATIONS



Adopted by the Canterbury Planning & Zoning Commission  
Effective April 5, 1974  
Revised through December 1, 2022

## Town of Canterbury, CT Zoning Regulations

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## **1. TITLE, AUTHORITY AND PURPOSE**

### **1.1 Title**

These regulations shall be known as the "Zoning Regulations of the Town of Canterbury, Connecticut", and are herein referred to as "these Regulations".

### **1.2 Authority**

These Regulations are enacted pursuant to the provision of Chapter 124, Connecticut General Statutes, Revision of 1977, as amended.

### **1.3 Purpose**

The purpose of these Regulations includes, but is not limited to the following: To promote the health, safety, general welfare and convenience of the community; to lessen congestion in the streets; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of building; to encourage energy efficient patterns of development through the use of solar and other renewable forms of energy and energy conservation; to encourage the most appropriate use of land throughout the Town of Canterbury; and to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and the height, size and location of advertising signs and billboards within the Town of Canterbury.

### **1.4 Interpretation**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety, and welfare. It is not intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, regulations, or ordinances, except those specifically repealed by these Regulations, or with private restrictions placed upon property by covenants running with the land (to which the Town is a party). Where these Regulations pose greater restrictions upon land, buildings or structures than is imposed or required by such existing provisions of regulations, ordinances, contracts or deeds, the provisions of these Regulations shall control.

## 2. **DEFINITIONS**

### ***General Rules of Construction:***

The following general rules of construction shall apply to the provisions of this Regulation:

The singular number includes the plural and the plural, the singular, unless the context clearly indicates the contrary.

Words used in the present tense include the past and future tenses, and the future, the present.

The word "shall" is mandatory; the word "may" is permissive

The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".

The word "lot" includes the words "plot" or "parcel" or "tract".

The words "used" or "occupied" include the words "intended", "designed" or "arranged" to be used or occupied.

### **2.1 *Terms Defined***

*For the purpose of this Regulation, certain terms and words are hereby defined.*

**Accessory Apartment** - a second dwelling unit contained on the same lot as a single-family residence, and which is clearly subordinate to the principal dwelling unit.

**Accessory Building** - a detached subordinate building (or portion thereof), the size and use of which is subordinate and customarily incidental to that of the principal building and located on the same lot therewith.

**Adult Oriented Store** - An establishment having a substantial or significant portion of its stock in trade, books, magazines, movies, films, and other items of an adult nature for sale or viewing on premises by uses of motion picture devices or any coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical area".

**Adult Entertainment Cabaret** - A public or private establishment which is licensed to serve food and/or alcoholic beverages, which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specified Anatomical Area", for observation by patrons therein.

**Adult Mini-Motion Picture Theater** - An enclosed building with a capacity for less than fifty (50) persons used regularly and routinely for material having a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or Specified Anatomical Area", for observation by patrons therein.

**Adult Motion Picture Theater**- An enclosed building with a capacity for more than fifty (50) persons used regularly and routinely for material having a dominant theme material

distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Area”, for observation by patrons therein.

**Agriculture**— The growing of crops, raising of livestock, and the storing, processing, and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statutes Section 1-1q as amended, as Accessory to a Farm.

**Agricultural Buildings and Structures** - Buildings or Structures used in connection with agriculture, Accessory to a Farm including shelter for livestock and storage for farm machinery, equipment, and supplies, but excluding Seasonal Farm Stands and Farm Stores.

**Altered, to make an Alteration** - As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume, or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

**Bed & Breakfast** - A building, or group of buildings, a portion of which is occupied by the owner and or agent, thereof as a permanent residence, and which building(s) is/are designed or used for the short-term rental of no more than six (6) rooms to transients, and capable of including, as an accessory use, the serving of breakfast only, and exclusively to persons occupying the facility. See Section 9.3 of these Regulations. Compare to Rooming House.

**Building** - any structure having a roof and intended for the shelter, housing or enclosure of persons, motor vehicles, boats, animals, materials, or equipment.

**Building Line** - a line parallel to the abutting street at a distance equal to or greater than the setback requirements for the front yard in the subject district

**Building, Principal or Main** - a building in which the principal use of the lot on which it is located is conducted or is intended to be conducted.

**Building Area** - the ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

**Building Height** - the vertical distance between a horizontal plane running through the highest point of the roof and the finished grade. See grade, finished.

**Co-location**- The location of wireless communication facilities of more than one provider on a single site.

**Commercial Recreation Facility** - any building or structure used to accommodate indoor or outdoor recreation uses including bowling alley, tennis courts, handball courts, squash or racquetball courts, swimming pools, whirlpools, gymnastic or exercise equipment, baseball batting cages, miniature golf courses, golf driving ranges and water slides where such uses are conducted as a business for profit but excluding game arcades and massage parlors.

**Commercial Vehicle** – A vehicle registered as a Commercial Vehicle in Connecticut, or elsewhere, or used for commercial purposes regardless of vehicle registration

**Commission** - the Town of Canterbury Planning and Zoning Commission.

**Convalescent Home, Rest Home, Nursing Home** - a dwelling where persons are housed or lodged and furnished meals and nursing care for hire.

**Director of Health**- That official of the Town of Canterbury, or a health district which Canterbury is a participant, exercising authority over the Town of Canterbury under the Regulation of the Connecticut Department of Public Health.

**Dwelling** - a building containing one (1) or more dwelling units permanently attached to a permanent frost-proof foundation, the same as for a stick-built house.

**Dwelling, Multi-Family** - a dwelling containing separate living units for three (3) or more families having separate or joint entrances, services, and facilities.

**Dwelling, One-Family Detached** - a house accommodating but a single dwelling unit and having no party wall or walls in common with an adjacent house or houses.

**Dwelling, Two-Family** - a detached building accommodating two (2) dwelling units, designed for occupancy by not more than two (2) families.

**Dwelling Unit** - a room, or group of rooms, occupied or intended to be occupied as separate living quarters by one (1) family, and containing independent cooking facilities, sleeping facilities, sanitary facilities, and a minimum seven-hundred-fifty (750) square feet of floor area.

**Enlargement, or to Enlarge**- Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

**Extend, or to Make an Extension**- An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, non-residential use of land, buildings, or structures.

**Family** - a single person keeping house separately or any number of individuals related by blood, marriage, or adoption, living, and cooking together as a single housekeeping unit, provided that a group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, is considered a family for the purpose of these Regulations. A roomer or boarder to whom rooms are rented shall not be considered a member of a family.

**Farm** - A parcel, or parcels, of land under single ownership or leasehold and used for which the Principal or Secondary Use is Agriculture.

**Farm Store** - A permanent Structure used by a farm business for the year-round sale of raw and/or processed agricultural and horticultural products, services, and activities.

**Floor Area, Gross** - the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of exterior walls. Habitable floor area for residential use also includes: 1) basement or cellar which is finished to allow year-round living accommodations, 2) stairways, 3) closets, 4) halls, 5) top half-stories provided that the height shall not be less than seven and one-third ( $7 \frac{1}{3}$ ) feet, such areas are connected by a permanent inside stairway and not less than one-third ( $\frac{1}{3}$ ) of the area is used for sleeping, study, or similar active use.

**Frontage** - a lot line that is also a street line.

**Garage - Private** - an accessory building used for the storage of motor vehicles and not used for the making of repairs for profit.

**Grade, Finished**- the average level of the finished ground adjoining the walls of a building.

**Guest House** - An accessory dwelling unit for the non-commercial temporary occupancy by non-paying guests of the occupants of the principal dwelling unit. See Section 10.5 of these Regulations.

**Home Occupation, Customary** - any home industry or service occupation conducted for gain within a dwelling unit and carried on by the resident thereof with the employment of no more than two (2) non-habitants, which use is clearly incidental and secondary to the residential structure and does not change the character or appearance thereof including: the office of a physician, surgeon or dentist provided no patient is hospitalized or housed overnight; the office of an architect, lawyer, engineer, accountant or other recognized professional person or trade person, dressmaking, millinery and similar domestic homemaking activities that are a customary adjunct to housekeeping; beauty shop or barber shop; handicraft, art, needlework and similar arts and crafts type occupations and internet based businesses carried on by the residents of the premises and clearly secondary to the residential use. Such uses as restaurants, taverns, massage parlors (not including licensed massage therapist), tourist homes, nursing homes, funeral homes, vehicle and boat repair shops, animal hospitals, martial arts schools and dancing schools shall not be deemed to be home occupations. See Section 10 of these Regulations. No use for which a Special Exception is required as per Section 2.1, Section 5.4, and Section 8 of these Regulations can be considered a Home Occupation.

**Industry** - a productive enterprise, the principal activities of which are the processing, manufacturing, fabricating, assembling or construction of goods including associated administration, management, research, freight handling, storage, and distribution.

**Junk**- discarded material, wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof which may or may not be used or useful in some form with or without dismantling, processing, salvage, sale or other use or disposition of the same.

**Junk Yard**- An area of land, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of more than 3 cubic yards of used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing, salvage, sale or other use or disposition of the same. Items shall not be deemed to be junk if they are itemized on a Personal Property Declaration with the Town Assessor with a stated value in excess of

\$500.00 provided, they are not leaking fluids. Unless part of a permitted repair facility, a deposit, or the outdoor storage on a lot of two (2) or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two (2) or more such vehicles, shall be deemed a junk yard.

**Kennel** - any structure or premises on which five (5) or more dogs over four (4) months of age are kept for commercial purposes. Commercial purposes shall include the housing of any dog not owned and licensed in the Town of Canterbury by an occupant of the home and kept for any purpose where a fee is charged to release, adopt, or purchase the dog.

**Laboratory** - a building or group of buildings in which are located the facilities for scientific research, investigation, testing, and experimenting, but not including the manufacture of products for sale.

**Lot** - a lot is defined as a parcel of land which is owned separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the land records of the Town of Canterbury or which is shown as a building lot on a subdivision map approved by the Town of Canterbury Planning and Zoning Commission, and recorded in the land records of the Town of Canterbury and which conforms in all respects to the requirements of these Regulations and any amendment hereto.

**Lot Corner** - a lot situated at the intersection of two (2) or more streets whether public or private.

**Lot Interior** - a parcel of land situated generally behind a lot fronting on a street accessible to the street only over an access strip and having a lot width less than required.

**Lot Lines** - the property lines bounding the lot.

**Lot Line, Front** - all lot lines between a street and the lot shall be considered front lot lines.

**Lot Line, Rear** - the lot line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** - the lot line or lines bounding a lot which extend from the front lot line towards the rear lot line in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

**Lot, Through** - a lot having both front and rear yards abutting on a street.

**Lot, Width** - the shortest distance between the side lines of a lot measured at any point between the lot lines.

**Motel, Motor Court** - a building or group of buildings containing one (1) or more guest rooms having common (hallway) entrances or separate outside entrances for each room or suite of rooms and for each of which rooms, automobile parking space is provided on the premises and in which lodging is provided compensation.

**Multi-Use or Multi-Occupancy Center** - a lot with an area of not less than 2.0 acres on which is situated one or more buildings that will contain individual spaces in which a mix of retail, service, restaurant, or banking services for the general public are provided.



**Permit Premises, Excavations** - The lot or adjacent lots for which a Special Exception is required in accordance with Section 18 of these Regulations

**Private Club**- A facility whose principal use is to provide a home base/headquarters/meeting site/official operating address to a specific organization and its duly instituted membership.

**Professional Offices** - rooms or buildings used for office purposes by members of any recognized profession including, but not limited to, the following occupations: accountancy, architecture, art, chiropody, chiropractic, city planning, dentistry, electrologist, engineering and surveying, healing arts, industrial design, insurance, law, medicine, music, optometry, osteopathy, pharmacy, real estate, science, teaching, and theology.

**Recreational Campground**- a facility designed, intended, and used for outdoor camping and recreation for temporary periods of time by trailers, tents, or other recreational camping vehicles or equipment. See Section 9.1 of these Regulations

**Regulated Areas, Wetland or Watercourse** - Wetlands or watercourses as defined in the Canterbury Inland Wetlands and Watercourses Regulations.

**Retail Commercial Establishment** - any building or structure in which one (1) or more articles of merchandise or commerce are sold to the ultimate consumer for direct consumption and not for resale, including, but not limited to, grocery store, tire store, hardware stores, farm equipment and machinery sales, ceramics, hobby stores, drug stores, antique stores, plant stores, and meat markets.

**Rooming House**- a building with no more than five (5) bedrooms where lodging and meals are provided for compensation to persons other than members of the family of the proprietor.

**Seasonal Farm Stand** - A Building or Structure used by a Farm business for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services, and activities. See Section 9.7 Agriculture Regulations

**Service Establishment** - any building or structure which is used for the performance of a service, including but not limited to the following: banking and bank-related functions, insurance carriers, agents, brokers and services, real estate and related services, personal services such as laundering, dry cleaning, photographic services, beauty and barber services, funeral and crematory services, restaurant, apparel repair, alteration and cleaning pick-up services, shoe repair services, repair services including automobile repair and service including the sale of gasoline and automobiles; the sale of appliances, machine parts and products; furniture repair services; construction services; a slaughterhouse; a saw mill and a lumber yard.

**Sign**- Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors

or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises. See Section 14 Signs.

**Sign, Advertising** - A sign, including that type of sign commonly known as a "billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other Use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the Lot upon which such sign is displayed, or only incidentally occurring upon such lot.

**Sign, Agricultural Directional Sign** - A permanent directional sign approved by the Connecticut Department of Agriculture.

**Sign, Agricultural Sign** - A permanent ground, wall, or overhanging sign on a Seasonal Farm Stand or Farm Store with an area no larger than twelve (12) square feet per side, limited to two sides.

**Sign Area or Face** - The plane defined by one continuous perimeter of that rectangle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18) inches apart and parallel, shall be considered to have only one (1) sign face. See Section 14 Signs.

**Sign, Directly Illuminated** - Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign; but not including a "channel" letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.

**Sign, Ground** - Any Sign supported by upright structural components, placed, or located upon the ground and not attached to any part of any Building.

**Sign, Indirectly Illuminated** - A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays there from are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign.

**Sign, Information** - A sign showing text or symbols on a LED, LCD or similar display that can scroll, flash, or otherwise change via computer or similar control.

**Sign, Flashing** - Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times and specifically including signs that scroll, alternate,

or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind; excluding time, temperature, or information signs approved in accordance with Section 14 of these Regulations.

**Sign, Moving** - Any Sign or any portion of any Sign, which is not fixed or stationary, or which is capable of any movement whatsoever, excluding barber poles and clocks.

**Sign, Outdoor Advertising and/or Off-Premises** - See Sign, Advertising

**Sign, Overhanging** - Any Sign extending at an angle from a Building which is its sole or principal support.

**Sign, Pole** - See Sign, Ground

**Sign, Roof** - Any Sign erected, constructed, or maintained upon the roof of a Building.

**Sign, Seasonal Agricultural Sign** - A temporary ground, wall, or overhanging sign on a farm, associated with a farm stand store, seasonal farm stand, or agriculturally related uses, whose content may change per available goods, services, or activities. Such signs shall not have an area larger than 32 square feet per side, with a maximum of two sides.

**Sign, Sky** - Any Sign suspended in the air by means of a balloon or other lighter-than-air device.

**Sign, Temporary** - Any Sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, including Seasonal Agricultural Signs, and erected on a temporary basis.

**Sign, Trespass** - Any Sign on a Premises restricting the right to enter such Premises and indicating the private nature of such Premises.

**Sign, Wall** - Any Sign painted, posted, or otherwise affixed to any portion of a vertical surface or plane that forms the wall of a Building.

**Solar Energy System, Ground Mounted** - A solar collection system that is installed upon the ground, including any paved surface, deck, balcony, or other surface; pole, rack, or foundation; but excluding any solar collection system included in the definition of "Solar Energy System, Roof Mounted."

**Solar Energy System, Large** - A solar energy collection system, which is interconnected to the local utility electrical grid and generates electricity that can be sold directly into the wholesale electricity market through a regional transmission organization, and/or that can be used to serve all or part of the electric load at more than one property or consumer.

**Solar Energy System, Roof Mounted** - A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports, and covered parking structures shall also be included in the definition of Roof-Mounted Solar Energy Systems.

**Solar Energy System, Small** - An accessory solar energy collection system which may be interconnected to the local utility electrical grid on the customer's side of the electric meter (grid tied) and generates electricity for direct consumption on the subject property and/or to

offset electricity purchased from the local electric distribution company, and, if grid tied, performs in accordance with current state net-metering laws (systems may or may not be grid tied).

**Special Exception** - a Special Exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning district as Special Exceptions if specific provision for such Special Exceptions is made in this Zoning Regulation. See Section 13 of these Regulations

**Specified Anatomical Areas** - are defined as a less than completely and opaquely covered: i.) human genitals, pubic region; ii) buttock, and iii) female breasts below a point immediately above the top of the areola; iv) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** - are defined as a) human genitals in a state of sexual stimulation arousal; b) acts of human masturbation, sexual intercourse, or sodomy; or c) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Street** - an improved right-of-way accepted for public use by lawful procedure and suitable for travel; or a proposed street shown on a subdivision plan approved by the Commission.

**Structure** - anything constructed, or which is located on, above or beneath the ground including electric line poles, bridges and anything located on, above or beneath the water, which is not primarily used or intended for navigation, but excluding driveways, sidewalks, parking areas, curbing and fences which are less than eight (8) feet in height.

**Swimming Pools**- a structure designed or intended to hold water for swimming purpose with the surface area of one hundred (100) square feet or more and a depth in excess of two (2) feet.

**Towers**- A structure, whether freestanding or attached to a building or another structure, that is used to support equipment used to collect, transmit and/or receive telecommunications or radio signals.

**Use** - Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

**Use, Accessory**--a subordinate use which is subordinate and customarily incidental to the principal use of a building and located on the same lot with such main building or use.

**Use, Principal** - the principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained. Special Exception Uses or, in zones where they are permitted, commercial and industrial uses, that were established before a residential structure existed, shall be considered a Principal Use. Agricultural Activities can be considered Principal Uses.

**Use, Secondary** - a secondary, non-Principal Use, carried out on a lot, other than an Accessory Use (see Section 4.4 of these regulations). Special Exception Uses or, in zones where they are permitted, commercial and industrial uses, that are approved on a lot with a residential structure, can be considered a Secondary Use if the physical size, as determined by the Commission, of the non-residential use is smaller than the physical size of the residential use. Home Offices / Occupations as defined in 10.2 shall be considered Secondary Uses. Agricultural Activities can be considered Secondary Uses.

**Variance** - a variance is a relaxation of the terms of the Zoning Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these Regulations would result in unnecessary and undue hardship.

**Watercourses** - See Regulated Areas, Wetland or Watercourse

**Wetland** - See Regulated Areas, Wetland or Watercourse

**Wireless Telecommunication Facility**- The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

**Wireless Telecommunication Services**- Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services specialized mobilized radio and paging.

**Yard, Front** - an open unoccupied space extending across the full width of the lot between the front wall of a building and the front lot line.

**Yard, Rear** - an open unoccupied space extending across the full width of the lot between the most rear building and the rear lot line.

**Yard, Side** - an open unoccupied space between a building and the side lot line extending from the front yard to the rear yard.

**Zoning Districts**- Those zoning districts into which the Town of Canterbury is divided under these Regulations. Zoning districts may be of defined locations depicted on the Town Zoning map, such as the Rural District and the Village Commercial District; or may be floating zones, such as the Industrial District.

### **3. ZONING DISTRICTS**

#### **3.1     *Zones***

Section 8-2 of the General Statutes allows towns to create zones or districts within their communities to lessen congestion in the streets; to secure safety from fire, panic, flood, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

Using the Plan of Conservation and Development as a guide, the Planning and Zoning Commission has divided the Town into districts, or zones, to carry out the above-mentioned goals. Applicants may petition the Commission to further adjust these zones, add new zones, or change any regulations relating to zones with an application to change a zone or amend the regulations, or both. These changes must, however, be in general harmony with the Plan of Conservation and Development to be approved.

#### **3.2     *Land Under Water***

The boundary of each district shall include any land under any lake, pond, or stream lying therein, and shall also include any land extends under navigable waters as far as the ownership thereof extends under other provisions of law.

## **4. GENERAL PROVISIONS**

### **4.1 Compliance with Regulations**

No land, building, or part thereof shall hereafter be used, and no building or part thereof or other structure shall be constructed, reconstructed, extended, enlarged, moved, or altered except in conformity with these Regulations. Every lot shall have an area, width, and front, side, and rear yards at least as large as set forth in the applicable paragraphs hereof, except as otherwise specifically provided in these Regulations. No building or buildings shall occupy in the aggregate a greater percentage of the lot area nor be greater in height, than as set forth in the applicable paragraph hereof, except as otherwise specifically provided in these Regulations.

### **4.2 Reduction of Lot Area or Dimensions**

No lot shall be diminished, nor shall any yard, court or other open space be reduced except in conformity with these Regulations.

### **4.3 Open Spaces Required for Each Building**

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

### **4.4 Use on a Lot- Principal, Accessory, and Secondary**

Not more than one (1) Principal Use shall be permitted on any single lot. Accessory buildings are permitted on a lot upon the issuance of a zoning permit in accordance with Section 20.2 of these regulations. A Secondary use or building may be permitted on a single lot upon the issuance of a Special Exception, for those uses requiring a Special Exception, in accordance with Section 13 of these regulations, or by Site Plan Review for those uses requiring Site Plan Review, in accordance with Section 12 of these regulations and where the Commission finds that the secondary use is subordinate to the principal use or building in terms of its physical size, level of projected activity, parking requirement, traffic flows, location of the land, and proposed mitigation of adverse impacts on the neighborhood. Secondary uses may include home occupations, agriculture, or commercial or industrial uses permitted in the subject zone.

### **4.5 Agricultural Uses**

Nothing in these Regulations shall prohibit the construction or use of any building or buildings for agricultural purposes as defined in Section of these Regulations, provided that such building meets the requirements of Section 9.7 of these Regulations.

### **4.6 Height Limitation**

No building shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to be in excess of thirty-five (35) feet in height above the average finished grade. Antennas, windmills, and non-occupied steeples or spires are exempt from the height calculation; and also, water tanks, agricultural structures and approved industrial structures all not to exceed one hundred (100) feet in height.

#### **4.7     *Storage of Waste Material***

Except for outside storage or display of good as depicted on a site plan approved by the Commission in accordance with these Regulations, no waste or scrap material, debris, abandoned machinery, junk or similar unsightly material, shall be stored or allowed to accumulate in any open space not screened from public view by either a fence, wall, or evergreen hedge or outside a completely enclosed building on any lot within the Town of Canterbury, but this provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises.

#### **4.8     *Fuel Tank Storage***

All gasoline or diesel storage tanks with a capacity greater than five hundred (500) gallons, require approval by the Fire Marshal. All permanently installed propane and oil tanks require building permits.

#### **4.9     *Driveways***

Driveways shall be suitably paved ten (10) feet or more in from the street and shall be constructed so as to prevent material from eroding into the street. All driveways shall be constructed in accordance with Canterbury Public Improvement Specifications.

#### **4.10    *Construction Adjacent to Bodies of Water and Wetland Areas***

##### **A.       Zoning Permits, Special Exception, Site Plan Reviews**

No zoning permit, Special Exceptions and/or site plan review shall be approved until adequate evidence is provided to the Town of Canterbury Planning and Zoning Commission that approval of such permit, Special Exception and/or Site Plan will not adversely affect any designated watercourse or inland wetland areas. Adequate evidence shall be defined for the purpose of this section to be a written record of action by the Town of Canterbury Inland Wetlands Agency indicating that the activities proposed in said site plan or Special Exception will not adversely affect any inland wetland area or that such designation of wetlands on the subject property is incorrect and that wetlands do not, in fact, exist on the subject site.

#### **4.11    *Prohibited Uses***

The following uses are expressly prohibited within the Town of Canterbury:

- 4.11.1 Oil refining
- 4.11.2 Manufacture or storage of explosives, or highly flammable products.
- 4.11.3 Commercial distillation of bones, rendering of fat or reduction of animal matter.
- 4.11.4 Junk yard, refuse disposal area, other than the official town refuse disposal facility.
- 4.11.5 Industrial waste disposal or processing areas other than at the official town refuse disposal facility.



- 4.11.6 Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects considered objectionable to the residents of the area.

#### **4.12 Soil Erosion and Sediment Control**

##### **4.12.1 Activities Requiring an Erosion and Sediment Control Plan:**

- A. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.
- B. A single-family dwelling that is not part of a subdivision of land shall be exempt from these Soil Erosion and Control Regulations

##### **4.12.2 Erosion and Sediment Control Plan**

- A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods, and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
- B. Said plan shall contain, but not limited to:
  - A narrative describing:
    - 1. The development
    - 2. The schedule for grading and construction activities including:
      - start and completion dates
      - sequence of grading and construction activities
      - sequence for installation and/or application of soil erosion and sediment control measures
      - sequence for final stabilization of the project site
    - 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities and storm water management facilities.
    - 4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
    - 5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities
- C. The operations and maintenance program for proposed soil and erosion and sediment control measures and storm water management facilities

1. A site plan map at a sufficient scale to show:

- the location of the proposed development and adjacent properties
- the existing and proposed topography including soil types, wetlands, watercourses, and water bodies
- the existing structures on the project site if any
- the proposed area alterations including cleared, excavated, filled, or graded areas and proposed structures, utilities, streets and, if applicable, new property lines
- the location of and design details for all proposed soil and erosion and sediment control measures and storm water management facilities
- the sequence of grading and construction activities
- the sequence for installation and/or application of soil erosion and sediment control measures
- the sequence for final stabilization of the development site

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

4.12.3 Minimum Acceptable Standards

- A. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C. Standard engineering practices shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved or required by the Commission or Town Engineer.

4.12.4 Issuance or Denial of Certification

- A. The Canterbury Planning and Zoning Commission (or the Windham County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation, or deny certification when the development proposal does not comply with these Regulations.

- B. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- C. Prior to certification, any plan submitted to the municipality may be reviewed by the Windham County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of receipt of such plan.
- D. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

#### 4.12.5 Conditions Relating to Soil Erosion and Sediment Control

- A. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- B. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- C. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

#### 4.12.6 Inspection

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

### **4.13 *Recreational Vehicles or Trailers (RVs)***

- 4.13.1 One (1) RV, registered in the State of Connecticut, may be stored on a residential lot provided the RV is owned by the owner of the property or a resident family member, or legal tenant. A non-owner or non-resident family member may store one (1) RV on a residential property in lieu of the owner or resident family member or tenant for a period of no more than 4 months per calendar year.
- 4.13.2 No person or family shall utilize an RV as a residence. Temporary stays by the owner or a guest are permissible for a total period not to exceed one (1) month annually. Longer periods, of up to six (6) total months annually shall be allowable by zoning permit which will state the only dates the RV can be

occupied. If the RV is going to utilize its water facilities, appropriate hookups must be provided and approved by the Department of Health.

- 4.13.3 Longer periods of occupancy may be allowed by a zoning permit, provided the primary residence has been deemed uninhabitable by the Building Official for reasons of fire or other calamity, or because of major renovations, for a period of no more than six (6) months, renewable once.

#### **4.14 *Minimum Yard Exceptions***

- 4.14.1 Front porches and balconies (covered) that are un-enclosed other than a required railing or balustrade and attached to the house can extend into the front yard ten (10) feet, but in no case shall the front yard be less than fifteen (15) feet. Decks shall not be considered porches.
- 4.14.2 Handicap ramps, stoops and steps can extend into the front, side, or rear yard ten (10) feet, but in no case shall such structures be less than fifteen (15) feet from the lot line.
- 4.14.3 A wall of a building which is nonconforming under these regulations as to required yards, may be extended horizontally or vertically, up to an increase of an additional fifty (50) feet horizontally, but shall not increase the degree of the non-conformity. Example: A fifty (50) foot long home twenty (20) feet from the street line with a wall parallel to the street, where the minimum front yard is fifty (50) feet, can extend the front wall up to an additional fifty (50) feet horizontally as long as it remains twenty (20) feet from the street line. It may not be constructed any closer than twenty (20) feet to the street line in any case.
- 4.14.4 Chimneys, cornices, eaves, architectural trim, and similar items may extend into the required yards by no more than twenty-four (24) inches.

#### **4.15 *Hot Dog Carts, and Similar Temporary Retail Uses***

These are allowed in Town via Zoning permit by the ZEO as long as they are self-contained, are removed each night, do not cause a disruption of the traffic flows, have adequate space for parking and do not cause undue hardship to residents living nearby. All necessary permits from the State or Health Department and written permission from the property owner are all required before sales can commence. One temporary sign is allowed, to be only used while the business is actually operating (must be removed with business each night), that is no larger than six (6) square feet per side.

## **5. RURAL DISTRICT**

### **5.1 General**

The majority of the Town of Canterbury is in the Rural District. This zone is primarily a residential and agricultural zone, with other uses allowed via Special Exception.

### **5.2 Permitted Uses**

The following uses are permitted by right in this district:

- 5.2.1 One-family detached dwelling
- 5.2.2 Two-family dwelling
- 5.2.3 Agricultural and forestry activities
- 5.2.4 Customary home occupations as defined in Section 2.1 and in compliance with the conditions enumerated in Section 10.2 of these Regulations. A zoning permit must be obtained from the Zoning Enforcement Officer prior to the establishment of a customary home occupation.
- 5.2.5 Temporary stands for the display and sale of fruits, vegetables, flowers, honey, or other agriculture products, provided such stand shall be located at least twenty-five (25) feet from any side lot line, at least ten (10) feet from the edge of the pavement and at least fifty (50) feet from any street intersection.
- 5.2.6 Temporary gatherings such as festivals, horse shows, bazaars or fairs when sponsored by non-profit organizations only.
- 5.2.7 Accessory apartments subject to the conditions specified in Section 10.3. A zoning permit must be obtained from the Zoning Enforcement Officer prior to building an accessory apartment or converting part of a single-family house into an accessory apartment.
- 5.2.8 Seasonal Farm stands under 750 square feet as an accessory use to a farm, per Section 9.7.5.
- 5.2.9 The parking of **no more** than two work trucks with **no more** than two axles not owned or leased by an occupant or an occupant's business.

### **5.3 Site Plan Review**

- 5.3.1 Seasonal Farm Stands over 750 square feet as an accessory use to a farm, per Section 9.7.5.
- 5.3.2 The parking of **no more** than two work trucks having **more** than two axles not owned by occupant or an occupant's business.

#### **5.4 Special Exceptions**

The following uses may be permitted as a Special Exception subject to site plan review in accordance with Section 13 of these Regulations:

- 5.4.1 Professional offices as defined in Section 2.1
- 5.4.2 Private Schools
- 5.4.3 Private Clubs, subject to Section 9.4
- 5.4.4 Commercial sand and gravel removal and/or processing operations for which compensation is received, subject to Section 18 of these Regulations.
- 5.4.4 Museums
- 5.4.6 Retail Commercial Establishment as defined Section 2.1
- 5.4.7 Service Establishment as defined in Section 2.1
- 5.4.8 Dwellings of three (3) or more dwelling units provided not more than six (6) dwelling units are contained within any one (1) building.
- 5.4.9 Kennels as defined in Section 2.1 of these Regulations.
- 5.4.10 Laboratories as defined in Section 2.1 of these Regulations.
- 5.4.11 Official town refuse disposal facility
- 5.4.12 Recreational campgrounds as defined in Section 2.1 of these Regulations.
- 5.4.13 Any of the uses permitted under Section 6.4 or 6.5 of these Regulations.
- 5.4.14 Commercial Recreation Facility
- 5.4.15 Commercial Fuel Storage Facilities
- 5.4.16 Religious or governmental uses
- 5.4.17 Special events, festivals, fairs, sales, and similar gatherings other than those sponsored by non-profit organizations.
- 5.4.18 Bed and Breakfast Establishments, subject to Section 9.3
- 5.4.19 The parking of *more* than 2 commercial trucks on a lot not owned by the occupant or the occupant's business.
- 5.4.20 Commercial Outdoor Motocross or ATV Tracks subject to Section 9.5

#### **5.5 Minimum Yards**

No building shall be located closer than fifty (50) feet from any front lot line nor twenty-five (25) feet from any side lot line or rear lot line, except in Section 5.2.5 and Section 4.14 of these regulations. The front lot line may be reduced to as little as twenty-five (25) feet by the

Commission via a Site Plan Review if it is found that this exception will allow the building to better fit in with neighboring structures that are at a similar setback in a village setting.

**5.6 Off-Street Parking**

Off-Street parking shall be provided in accordance with the requirements of Section 11.

**5.7 Minimum Lot Size**

Minimum Lot Size shall be two (2) acres.

Within this lot shall be a minimum contiguous area of at least forty-five thousand (45,000) square feet, exclusive of Regulated Areas, areas within the "Area of Special Flood Hazard" as defined in a Town Ordinance entitled, "An Ordinance Amending (Replacing) an Ordinance Instituting Flood Plain Management for Designated Flood Prone Areas" Adopted September 30, 1977, rights-of-way, and easements. The forty-five thousand (45,000) square foot contiguous buildable area shall be in the shape of a convex polygon where the aspect ratio of any bounding rectangle shall not exceed 4:1. The minimum contiguous buildable area may be depicted on the site plan as larger than forty-five thousand (45,000) square feet where the performance criteria of this section are met. Within the contiguous buildable area as depicted on the site plan shall be constructed any proposed residential building and sewage disposal system, other accessory structures, fixtures, and supportive services such as a water supply well may be located outside of the contiguous buildable area.

**5.8 Minimum Lot Width and Frontage**

Minimum lot width and frontage: Each lot shall have at least two hundred (200) feet frontage along any accepted town street and/or state highway existing prior to February 1, 1976, or any street shown on an approved subdivision or resubdivision plan.

**5.9 Interior Lots**

Interior lots have a minimum of fifty (50) feet frontage and shall be twice the size required in the zone; the access strip from the street from which the lot obtains its access must be at least fifty (50) wide at all points and shall not be included in calculation of the lot area. Any access strip shall be located at least four hundred (400) feet, measured along the street line, from any other access strip serving an interior lot, as defined in these regulations, where such interior lots are located on land which was a single parcel of land on the effective date of these regulations (April 5, 1974).

Interior Lots of Record: Interior lots of record shall not be divided or diminished in area or in dimension except in conformance with these regulations.

## **6. VILLAGE COMMERCIAL DISTRICT**

### **6.1 General**

To encourage the development of commercial areas within the Town of Canterbury there is herein created the zonal designation of VILLAGE COMMERCIAL ("VC"). Areas of the Town may be rezoned to this designation subject to the requirements of this Section 6. Areas designated VC are intended to encourage the centralization of permitted commercial uses in said zone so as to provide for the orderly and controlled growth of the Town with due regard to traffic congestion, property values and environmental concerns.

### **6.2 Bulk Requirements**

Minimum	Village Commercial District (VC)
Lot Area	1.38 Acres (60,000 square feet)
Contiguous Buildable Area	45,000 square feet
Width/Frontage	150 feet
Front Yard	25 feet
Side Yard (1)	25 feet
Rear Yard	25 Feet
Maximum	
Height	35 Feet
Building Size (per building)	20,000 Square Feet

#### **6.2.1. Build to line**

New buildings shall be a minimum of twenty-five (25) feet and a maximum of thirty-five (35) feet from a front lot line. Exceptions: For properties with 2 front lot lines, the front lot line shall be established along the State Highway.

### **6.3 Authorized Uses, No Permit Required**

#### **6.3.1. Agricultural and forestry activities**

#### **6.3.2 Open space and passive recreation**

#### **6.3.3 New uses that are in the same category as the old use, for example one form of retail to another, service to service, etc., provided no changes in the exterior of the building or site plan are requested or required or other changes exist that require a review by the Commission.**



**6.4 Authorized Uses: Site Plan Review by Commission Required**

- 6.4.1 Retail commercial establishments in which articles of merchandise are sold to the ultimate consumer for direct consumption and not for resale, including, but not limited to grocery store, drug store, hardware store, clothing store, tire store, farm equipment store, florist, plant store, meat markets. Also included are adult uses as specified in the definitions and regulated under Section 9.5.
- 6.4.2 Service establishments involving the delivery or performance of a service for a consumer or customer, including, but not limited to banks and financial institutions, insurance offices, personal service shops such as barbers, beauty parlors, shoe repair, garment repair, restaurant for on-site food consumption, electronic repair shops, car dealers, gasoline, and repair stations. These are excluded from service establishments in a VC zone uses such as sawmills, lumber yards other than garden and home accessory shops, slaughterhouses.
- 6.4.3 Professional offices including, but not limited to medicine, dental, optometry, chiropody, legal, accounting, engineering, surveying, real estate, financial planning.
- 6.4.4 Indoor Commercial recreation including bowling alleys, tennis, squash, or racquetball courts, swimming pools, gyms, miniature golf, but excluding golf courses, riding rinks and game arcades.
- 6.4.5 Adult Uses
- 6.4.6 Hotels, Motels / Motor Courts
- 6.4.7 Special events, festivals, fairs, sales, and similar gatherings other than those sponsored by non-profit organizations.

**6.5 Authorized Uses: Special Exception Approval by Commission Required Subject to Section 13 and Site Plan Review Section 12 in Accordance with these Regulations**

- 6.5.1 Religious, governmental, private school, and museums
- 6.5.2 Multi-Use or Multi Occupancy Center as defined in Section 2.1 of these Regulations.
  - A. A Multi-Use or Multi Occupancy Center shall be a lot of not less than two (2) acres on which is situated a building that may contain two (2) or more of the uses enumerated in Section 6.4 and Section 6.5 of these regulations.
  - B. A Multi-Use or Multi Occupancy Center shall have two hundred and fifty (250) feet of frontage on a public highway and access shall be via a State Highway. If the Commission determines there will be no negative effects, secondary access may be to a Town street. Proposed access streets that will feed the subject development may become a primary access point, provided they are designed and approved to handle such use.
- 6.5.3 Outdoor Commercial Recreation
- 6.5.4 Elderly Housing Developments in accordance with Section 6.6 below

## 6.6 *Elderly Housing Developments*

The purpose of this subsection is to provide opportunities for the establishment of housing specifically designed and intended for use by the elderly in a VC zone with consideration of the special health, safety and general welfare needs of this element of the population. For the purposes of this Section, housing for elderly persons is defined as dwelling units containing a minimum of kitchen, bathroom, and sleeping facilities for each unit. Persons using such housing shall be restricted to individuals and couples of which one is aged 55 years or older at the time they move in, or in the case of a town run elderly program, those persons as defined by State Statute. Non-qualifying (under 55) spouse surviving the death of the qualifying (over 55) spouse may continue to occupy the unit provided they jointly occupied it at the time of the death. Housing for the elderly shall be permitted in a VC zone by Special Exception provided it meets the following conditions:

- 6.6.1 Special Bulk Requirements: The following bulk requirements are in addition to, or in lieu of the bulk requirements established in the zone.

Minimum	Elderly Housing Developments
Lot Area	10 Acres
Lot Area Per Dwelling Unit	5,000 Square feet
Contiguous Buildable Area	As Required in the Zone
Width/Frontage	As Required in the Zone
Front Yard (1)	50Feet
Side Yard	50 Feet
Rear Yard	50 Feet
Maximum	
Height	35 Feet
Ration of Building to Lot Area	30 Percent

- 6.6.2 Building may be clustered, but no building shall be located closer than twenty-five (25) feet to another building.
- 6.6.3 A building or buildings containing elderly housing may be of one or two stories provided the following standards are satisfied:
- A single-story building shall not contain more than twenty-four (24) elderly units but may contain recreation facilities as provided in below.
  - An elderly housing development may be in a two-story building provided no building shall contain more than ten (10) units.
  - Access streets serving the project shall be built to the standards of the Town Street Ordinance.
  - A minimum of one and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. Such areas shall be paved and curbed.

- F. Adequate lighting of all parking areas shall be provided.
- G. Ramps shall be provided to permit easy movement of wheelchairs and all codes relating to the handicapped shall be satisfied.
- H. All units shall be connected to parking areas, recreation facilities and sidewalks by paved walkways wide enough to accommodate wheelchairs; they shall be a minimum of five (5) feet in width.
- I. All main entrances shall be constructed wide enough to accommodate wheelchairs; they shall be a minimum of three (3) feet in width.
- J. All main entrances shall maintain in a central location a register of the names and ages of all residents. Such register shall be open for inspection by the Zoning Enforcement Officer at any reasonable time. Age verification shall be by Birth Certificate or Baptismal Certificate.
- K. All such projects shall be suitably landscaped, all disturbed areas graded, seeded, and all required streets, driveways and walkways paved prior to occupancy.
- L. All streets, walks, sidewalks, and parking areas within the development shall be maintained by the owner of the facility.
- M. A recreation building, and facilities shall be provided.
- N. All utilities shall be installed underground.

**6.7 Authorized Uses: Mixed-Use Development Approved via Site Plan Review**

Residential units, located in a building above any use Authorized by Site Plan Review (Section 6.4), or Special Exception (Section 6.5) in the VC Zone, provided the following standards have been met:

- A. Maximum number of Dwelling Units per Acre: two (2)
- B. Dwelling Unit Equivalency Factor. To promote housing diversity in mixed-use developments, the applicant shall use the Density Equivalence Factor when determining the maximum number of units allowed to the site.

Dwelling Unit Type	Density Equivalent Factor (DEF)
Studio- 1 bedroom	1.5
2 bedrooms	1.25
3 bedrooms	0.75
4 or more bedrooms	0.5

All units to be built to and remain in full compliance with the Dwelling Unit Equivalency Factor. Calculated Units that result in decimals are rounded down.

How to calculate the Density allowed using the Density Equivalency Factor:

Base Acres X Base Density= Base Units	X	DEF of Proposed Units	=	Number of Units Allowed
7 Acres x 2 = 14	X	.5 (For 4 bedroom units)	=	7
7 Acres x 2 = 14	X	1.25 (for 2 bedroom units)	=	17

Base Acres X Base Density= Base Units	X	DEF of Proposed Units	=	Number of Units Allowed
7 Acres x 2 = 14	X	12 AC x 1.25 (2 bedroom units)	=	15
		2 x .75 (3 bedroom units)		<u>1</u>
				16

- 6.7.3 Open Space: A dedicated undisturbed area of 3,000 square feet shall be reserved per dwelling unit. The Commission may allow this area to be improved for non-commercial recreational purposes.
- 6.7.4 Accessory Uses: Garages, occupant storage and service facilities are permitted as accessory uses.
- 6.7.5 The Commission may allow residential units in an accessory structure.

## **6.8 Design Objectives for all development in the VC District**

For specific examples of desirable architectural and site plan design features, applicants are referred to "Design Guidelines, Town of Canterbury" included as appendix A in the rear of these regulations and made a part hereof. In reviewing applications, the Planning and Zoning Commission shall take these design guidelines into consideration as well as the following criteria:

- A. Logic of design
- B. Exterior space utilization
- C. Architectural character
- D. Attractiveness
- E. Material selection
- F. Harmony and compatibility
- G. Circulation – both vehicular and pedestrian

#### H. Other requirements

- (a) All utilities shall be underground
- (b) Refuse containers shall be of the dumpster type and located on paved platforms, screened from view. Refuse material shall be the responsibility of the owner of the property.

#### **6.9     *Application Process***

The application process and approval shall be in compliance with Section 12 (for site plan review uses) or Section 13 (for Special Exception uses) of these regulations.

#### **6.10    *Minimum Area and Location for a New Village Commercial District***

No Village Commercial District shall be permitted unless it meets the following requirements:

- A.       Located on a State-owned highway with a minimum of two hundred (200) feet frontage.
- B.       Has a minimum of ten (10) acres of which a minimum of five (5) acres of the land must contain soils classified as either well drained or moderately well drained by the Soil Conservation Service of the U.S. Department of Agriculture.
- C.       Minimum requirement of ten (10) acres may be waived provided the parcel is abutting or directly across the street from an existing Village Commercial District and the parcel must have at least sixty-thousand square feet of contiguous area which is buildable unless the land is to be merged with an existing VCD parcel.

### **7.   *Reserved***

## **8. INDUSTRIAL DISTRICT**

### **8.1 General**

To encourage the orderly and centralized development of industrial areas within the Town of Canterbury, floating industrial districts shall be created to provide suitable areas for the operation of industrial uses with minimal negative impact to other types of neighboring land uses.

### **8.2 Establishment of Industrial Districts**

The establishment of an industrial district shall require a minimum of fifty (50) acres and its location shall be consistent with the Town of Canterbury Plan of Conservation and Development. Such land may be comprised of a single parcel or an assemblage of parcels, but it shall be contiguous. Such land may span across a state or Town Street, but the area of the street shall not be used in the calculation of the fifty (50) acres. Any applicant submitting a zone change for an industrial zone, with the exception of the Commission, must have the consent of all landowners within the proposed district. In addition, the Commission shall not establish any industrial district without first considering the following:

- 8.2.1 Traffic
- 8.2.2 Availability or potential availability of public utilities
- 8.2.3 Impact on neighborhood property values
- 8.2.4 Physical suitability of the subject land area for development
- 8.2.5 Environmental impacts
- 8.2.6 The employment and tax base needs of the Town
- 8.2.7 Health and welfare of the town's residents; and
- 8.2.8 Impacts on historic and cultural features of the community.

In order to evaluate these criteria, any applicant, other than the Commission, shall provide a master plan for the Industrial District indicating the division of the property, street locations and widths, preliminary grading plans, preliminary storm water management plans, architectural controls, building locations and intended sizes, areas to be left in their natural state or dedicated as open space, and such other information as the Commission may require.

### **8.3 Permitted Uses by right**

None

### **8.4 Site Plan Review Uses**

The following uses are permitted within industrial districts provided that they do not:

- emit dust, ash, smoke, odors, gasses, or fumes into the air.
- transmit noise, vibration, or heat beyond the boundaries of the subject lot; or
- create dangers of radiation or hazardous waste in violation of accepted State and Federal regulations and standards

A site plan shall be submitted to the Commission for any proposed industrial use pursuant to this Section 8.4. No building, structure, parking lot, or outdoor use of land, except those proposed for use with an existing one-family dwelling, shall be used, altered, constructed, enlarged, extended, or moved prior to site plan approval by the Commission.

The Commission may request additional information, including technical documents and studies, related to any proposed use, to better ascertain the potential impacts associated with particular industrial processes or activities.

- 8.4.1 Manufacturing, including accessory retail sales of products manufactured on the premises
- 8.4.2 Processing and assembling
- 8.4.3 Warehousing and storage
- 8.4.4 Wholesaling and distributing
- 8.4.5 Trucking and rail terminals
- 8.4.6 Professional and research offices; and

## **8.5 *Special Exceptions***

The following uses may be permitted by Special Exception pursuant to Section 13 Special Exception uses are subject to site plan review and all other applicable requirements of this section.

- 8.5.1 Commercial uses
- 8.5.2 Commercial recreational uses
- 8.5.3 Municipal facilities; and
- 8.5.4 Official town refuse disposal facilities

## **8.6 *General Standards***

In addition to all other applicable requirements of this section and these regulations, each lot developed within an industrial district shall be required to comply with the following provisions:

### **8.6.1 Parking Areas**

Employee parking shall be located in the rear and side yards only. No parking shall be located within twenty (20) feet of a property line. When deemed appropriate by the Commission, a twenty (20) foot wide strip, consisting of natural vegetation or six (6) foot

tall evergreen trees and/or shrubs, shall buffer any parking area from a property line. A parking area over twenty thousand (20,000) square feet in size shall contain planted islands located in such a way as to visually break up the expanses of pavement and to assist in defining the circulation pattern therein.

#### 8.6.2 Buffers to Residential Districts

Where an industrial district adjoins any residential district, a strip of land at least fifty (50) feet wide shall be left naturally wooded or planted with two (2) rows of six (6) foot tall evergreen trees and/or shrubs or landscaped in some other approved fashion so as to constitute appropriate buffering and screening. Such buffer strip shall contain no buildings, structures, or parking areas.

#### 8.6.3 Loading Areas

All loading and unloading platforms and operations shall be located in the rear and side yards only. Areas used for loading and unloading shall be screened from adjacent streets and properties by appropriate buffering and screening. Such buffer strip shall contain no buildings, structures, or parking areas.

#### 8.6.4 Outside Storage

All materials, merchandise, supplies, work in progress, finished or unfinished products, waste materials, commercial vehicles, or construction equipment stored outside shall be located in rear and side yards only. Such outside storage shall be screened from adjacent streets and properties by appropriate landscaping or fencing to be approved by the Commission.

#### 8.6.5 Traffic

The Commission may require the applicant to provide a traffic study conducted by a qualified traffic engineer evaluating the impact of the proposed use on the safety and congestion of traffic engineer evaluating the impact of the proposed use on the safety and congestion of traffic flow on neighboring streets and on pedestrian traffic in the surrounding area. Additionally, such a study may be required to demonstrate the impact of any proposed truck traffic on town streetways utilized by the proposed use. The Commission may require such measures as deemed appropriate to ensure pedestrian and vehicular safety, ease of travel, and streetway integrity. Such measures may include but are not limited to placing restrictions on the number, size, and frequency of trucks, or other vehicles servicing a proposed use; and, requiring additional site design measures to enhance visibility and safety for pedestrians and other vehicles. Nothing within this regulation shall be construed to interfere with the jurisdiction of the Town of Canterbury Board of Selectmen over town streets and driveways.

#### 8.6.6 Town Engineer Review

All site designs shall be subject to review by the Town Engineer.



#### 8.6.7 Interior Lots

Interior lots may be permitted in industrial districts subject to the following requirements:

##### A. Access

Interior lots shall be served by an access way not less than fifty (50) feet wide at all points having frontage on an approved state or town street. The driveway located within such an access way shall have a maximum grade of eight percent (8%). For driveway in excess of two hundred (200) feet in length, the Commission may require pull off areas that will allow two vehicles to pass or for other safety reasons. No driveway shall be over one thousand (1,000) feet in length unless this condition is waived by a  $\frac{3}{4}$  vote of the Commission. Any access way to an interior lot shall be at least four hundred (400) feet from any other access way. No driveway for an interior lot shall be located within four hundred (400) feet of an existing residential use or within one hundred (100) feet of a residential district.

##### B. Lot Size

Interior lots shall consist of at least twice the required size of a minimum lot. The access way to the interior lot shall not be used in any calculation of lot size.

#### 8.6.8 Building Coverage

The aggregated building coverage on any lot in this district shall not exceed thirty percent (30%) of the total area of said lot.

#### 8.6.9 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with Section 11.

#### 8.6.10 Signs

All signs are subject to the approval of the Commission and shall be constructed in accordance with Section 14 where applicable.

#### 8.6.11 Rail Spurs and Sidings

Rail spurs and sidings shall be located no closer than two hundred fifty (250) feet from a residential district; four hundred (400) feet from an existing residential use; and are prohibited within the buffer areas outlined in Section 8.6.2. The Commission may waive this requirement where appropriate. The Commission may require special screening and/or noise abatement measures for rail spurs and sidings.

### **8.7 Dimensional Requirements**

Minimum Lot Acreage:	Three (3) Acres
Public Street Frontage:	Two Hundred (200) Feet
Lot Width at the Building Line:	Two Hundred (200) Feet
Maximum Building Height:	Thirty-Five (35) Feet
Front Yard Setback:	Fifty (50) Feet
Side Yard Setback:	Fifty (50) Feet
Side Yard Setback Abutting an Existing Residential Use:	One Hundred-Fifty (150) Feet
Rear Yard:	Fifty (50) Feet
Rear Yard Setback Abutting an Existing Use:	One Hundred Fifty (150) Feet

### **8.8 Prohibited Uses**

Prohibited uses include, but are not limited to:

- A. Industrial uses involving primary production and/or primary storage of the following products: asphalt, charcoal, fuel briquettes, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, potash, hazardous plastics, and resins, pyroxylin, rayon yarn, acids, coal, coke and tar products, petroleum and petroleum products, explosives and highly flammable products, fertilizer, gelatin. Storage of explosives, except under license from the appropriate government agency.
- B. Industrial uses involving the following processes: nitrating of cotton or other materials; milling or processing of flour or grain, reduction or refining of petroleum or petroleum products, incineration of garbage or refuse, rendering of fat or reduction of animal matter, and the distillation of wood or bones
- C. Industrial uses involving slag piles
- D. Junkyards, scrap yards, automobile salvage yards, refuse disposal areas, and industrial waste disposal/processing areas
- E. The Commission may prohibit uses which are similar in character or impact to the preceding listed uses.

### **8.9 Action on Industrial District Application**

The Commission may approve, approve in part, deny, or approve with modifications any application for Industrial District. Any such approval shall be based on the master plan submitted with the application, as modified or conditioned, and any change to the master plan shall require a zone change amendment as provided in these Regulations.

## **9. SPECIAL REGULATIONS**

### Special Exception Uses

#### **9.1 Commercial Recreation - General**

- A. Commercial recreation shall be allowed within the Town of Canterbury as a Special Exception in accordance with Section 13 of these Regulations and the following requirements.
- B. The minimum tract area shall be five (5) acres or more as required by the Commission to assure adequate separation from the neighboring properties for the particular use proposed.
- C. Evidence of adequate potable water supply and sanitary sewage disposal to provide for the maximum requirements of the proposed uses shall be submitted for approval by the Director of Health, and by state agencies having jurisdiction.
- D. No structure except a single-family dwelling shall be less than one hundred (100) feet from the nearest street or less than five hundred (500) feet from the nearest dwelling located on land under other ownership.
- E. Off-street parking shall be provided as required in Section 11 of these Regulations. No parking areas shall be located less than forty (40) feet from a public highway and located less than one hundred (100) feet from any other property line shall be protected by a landscaped buffer strip not less than forty (40) feet wide.
- F. The volume of sound from music and public address systems shall be so controlled as to meet the regulations of Connecticut State Agencies Sec. 221-69-1 et. Se 22a-69-1 et.seq.
- G. Outdoor barbecue activities shall terminate at ten o'clock (10:00) p.m., and all other outdoor activities shall terminate at midnight.

#### **9.2 Permitted uses**

- A. Outdoor athletic activities, including, but not limited to, facilities for skating, skiing, sledding, swimming, squash, and tennis
- B. Golf courses, Mini Golf, Frisbee golf, putting greens and driving ranges
- C. Fish and game or rifle clubs where a membership is required, or admission fee is charged provided it is on a lot of at least fifty (50) acres and it is shown that such activities will be done in a safe manner and will not unreasonably affect neighboring residents. Any firing range shall meet the most recent technical standards published by the National Rifle Association and meet all State and Federal requirements. The applicant shall show that the range was reviewed for safety by a competent third party, such as the National Rifle Association's Range Technical Team. Except for hunting purposes, any firearm use shall be limited to the hours or 9 a.m. to 5 p.m.

### **9.3 *Bed and Breakfast Establishments***

Bed and Breakfast establishments provide overnight accommodations to guests with the only meal provided being breakfast and then only to those same (overnight) guests. The owner and/or agent, of the business must reside on the subject property during all times that the Bed and Breakfast is operating. There shall be no more than three (3) non-inhabitants employed.

9.3.1 Bed and Breakfast establishments are approved by Special Exception approval from the Commission subject to the requirements of Section 13 other applicable sections of the Zoning Regulations and as established below.

9.3.2 The Special Exception will be approved only if the Commission determines that the application meets the following standards:

- A. The applicable Health Agency shall certify that applicable Health Codes are met, (kitchen, potable water supply and septic system).
- B. The Town Fire Marshall has certified or otherwise indicated that all applicable fire codes are met.
- C. A site plan shall be submitted and shall provide information regarding parking. In addition to standard residential requirements, one parking space shall be provided for each rental bedroom. Parking areas shall be separated from property lines by a suitable landscaped buffer at least ten (10) feet wide.
- D. The operation shall not alter the residential nature of the neighborhood nor the character of the dwelling as a single-family residence.
- E. The refuse area shall be screened from view. This area shall be no closer than twenty (20) feet to any property line and fifty (50) feet to any dwelling on an adjacent lot.
- F. No more than six (6) bedrooms shall be used for rental purposes.
- G. Occupancy by any guest(s) shall not exceed fourteen (14) consecutive nights, nor more than sixty (60) nights per calendar year.

### **9.4 *Outdoor Motocross or ATV Tracks***

Outdoor motocross or ATV tracks for use by persons not living with or directly related to the owners of the property or where any fee is charged or accepted, or membership is required for use. Outdoor motocross or ATV Tracks require Special Exception approval in accordance with Section 13 of these Regulations. A minimum of fifty (50) acres is required and it must be shown that noise and other effects of this activity will not unreasonably affect neighboring residents. Ample parking shall be provided, and supervision provided during hours of operation. Hours of operation shall be 9 a.m. to 5 p.m.

## **9.5 Private Clubs**

A private club is a facility whose primary purpose is to provide a home base/headquarters/meeting site/official operating address to a specific organization and its duly constituted membership. This same facility, however, may be rented to various outside groups for single events on a sponsorship basis only as an accessory use. Typical events for which the facility may be rented for are weddings, anniversaries, receptions, business meetings, retirement parties, etc. The rental of these facilities may include serving alcoholic beverages and food. Examples of a private club include the following: American Legion, Elks Club, VFW, Knights of Columbus, and other similar fraternal organizations. Private Clubs shall be allowed in the Town of Canterbury as a Special Exception in accordance with Section 13 of these Regulations and all other applicable sections of these Regulations. In addition, the proposed project shall be approved only if it meets the following standard:

- A. Minimum Area and Frontage  
The minimum lot area for a proposed Private Club shall be at least three (3) acres. Frontage at the street line shall be a minimum of two hundred (200) feet.
- B. Access/Location  
No Private Club shall be permitted unless access to such facility is from a state highway (State Route 169, Route 14, and Route 668) or provided in such a way so as not to create any dangerous or hazardous conditions on any existing Town street. If it is found that a dangerous or hazardous condition may be created on an existing Town street, the applicant shall be required by the Town to undertake such improvements at the applicant's expense as are deemed necessary to eliminate such conditions. This determination shall be made jointly by the Public Works Director and the Town Engineer.
- C. Setbacks  
No building or related structures shall be constructed closer than one hundred fifty (150) feet from the front lot line nor thirty (30) feet from any side or rear lot line.
- D. Parking and Buffer Requirements  
Off street parking shall be provided at restaurant standards as follows: Twenty (20) parking spaces per 1000 square feet of Gross Leasable Floor Area (GLA). The dimensions of each individual space shall be as described in Section 11 of these Regulations. All parking areas shall be separated from lot lines by a natural or suitably landscaped buffer area of at least forty (40) feet wide.
- E. Health Code Requirements  
Evidence satisfactory to the Commission shall be provided to show that there is adequate potable water supply and on-site sanitary sewage disposal capacity for the maximum use requirements (22 persons). The kitchen, food storage and

food preparation area shall be designed as per Section B-24 of the State Health Code, which covers restaurant quality and capacity. Approval of the plans for said facility shall be provided prior to zoning approval.

F. Noise Control

Any noise generated by outside activities such as picnic, barbecues, games, music, etc. shall be addressed through berms, sound barriers, or other measures to minimize annoyance to surrounding residential neighbors and in any case such noise shall be stopped no later than 10:00 p.m.

Approved: November 9, 1995

## **9.6 Adult Uses**

The intent of this section is to regulate uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated could have a deleterious effect upon the adjacent areas. Allowing the uses by Site Plan Review is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a proliferation of these uses in any one area.

### **9.6.1 Regulated Uses**

Regulated uses include all Adult Uses which include, but are not limited to, the following:

- A. Adult Oriented Store
- B. Adult Entertainment Cabaret
- C. Adult Mini-Motion Picture Theater
- D. Adult Motion Picture Theater

9.6.2 Retail stores carrying a small selection (less than 10 SKUs) of books or periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical area" shall not be regulated by this Section, but they shall display these in a manner where minors cannot view the covers, that is, they must be out of reach of small children and their covers wrapped to obscure any graphic images.

9.6.3 Retail stores or video rental shops carrying a small selection (less than five (5) percent of the total videos offered or two hundred (200), whichever is smaller) of videos, DVD's or other similar recordings which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical area" shall not be regulated by this Section, but they may only display this

material in a separate location not accessible by any minors or individuals not wishing to see such material.

9.6.4 Adult use shall be allowed by Site Plan Review and subject to the following restrictions:

- A. No such Adult use shall be allowed within two-hundred fifty (250) feet of another existing Adult Use. The two-hundred fifty (250) feet shall be the straight horizontal distance from any part of a building housing Adult Use to any part of the other building housing Adult Use, as measured by the Commission.
- B. No such Adult Use shall be located within two-hundred fifty (250) feet of the boundary of any residential dwelling. The two-hundred fifty (250) feet shall be the straight horizontal distance, as measured by the Commission, from any part of a building housing Adult Use to any boundary of a residential dwelling, as measured by the Commission.
- C. No such Adult Use shall be located within two-hundred fifty (250) feet of a pre-existing school, cemetery, park, library, museum, or place of worship.

The provisions above shall not be deemed to be retroactive.

9.6.5 Exterior Display

No Adult uses shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to “special Sexual Activities” or “Specified Anatomical Areas”, from any public way or from any property not registered as Adult Use. The provision shall apply to any display, decoration, sign, show window or other opening.

Adopted: July 8, 1999

## 9.7

### **AGRICULTURE REGULATIONS**

#### *9.7.1 Purpose and Authority*

These regulations have been developed to substantiate, promote, protect, retain, and encourage Canterbury's rural character. This rural character has its roots in the tradition of New England Agriculture: the small farm, the fruit orchards, and the dairies.

#### *9.7.2 Definitions and Terms*

See Section 2.1 of these Regulations.

#### *9.7.3 Farm Buildings and Structures*

Agricultural buildings and Structures on a farm are allowed by right via a zoning permit from the ZEO, subject to the limitations below and all applicable building codes and other applicable regulations:

- A. All agricultural buildings and structures, except farm stores and seasonal farm stands, shall follow the guidelines of Section 10.6.2 of the regulations.
- B. The Commission may reduce these front lot line setback requirements via Site Plan Review when the building's location will not cause any safety issues on the street/street. The Commission may also waive side or rear lot line requirements if the Commission finds that the use will be compatible with the existing use(s) on abutting properties.
- C. Agricultural buildings and Structures with footprints totaling greater than six thousand (6,000) square feet on a farm parcel of less than three (3) acres require Special Exception approval unless adjacent to another parcel in common ownership where both lots in total size, equals greater than three acres.
- D. Buildings housing livestock and/or animal waste and refuse on any parcel shall be located at least one hundred (100) feet from any school, library, museum, church, government building, park or dwelling other than that of the owner.
- E. Agricultural buildings and Structures shall have a one hundred (100) foot height limit.
- F. Any food service facilities shall comply with state and municipal health codes.
- G. Temporary Structures, such as hoop houses, run in sheds, birthing sheds, and similar Structures easily moved and not permanently mounted to the ground are allowed by-right and no zoning permits are required provided they meet the setback requirements in



#### 9.7.4 *Farm Stores*

Farm stores are allowed by Special Exception only on farms, provided they meet the Special Exception requirements of Section 13 and the following:

- A. The footprint of the farm store and all retail areas is compatible in size and scale with neighboring uses. A farm store may, if compatible, contain up to 100 square feet of indoor display area for each acre of land in the farm parcel, or adjacent parcels commonly owned. If the farm parcel is reduced after the establishment of the farm store, the farm store must be reduced to remain in compliance with this provision. Greenhouses used to sell nursery stock are not counted in this maximum size requirement.
- B. At least fifty (50) percent of the gross value of the products available on site for sale shall be from agricultural goods produced on the owner's farm, or processed products made from raw material that were produced on the owner's farm.
- C. To ensure public safety, farm stores are required to have off-street parking with adequate ingress and egress.
- D. Farm Stores shall be no less than fifty (50) feet from the front lot line and 25' from the side, and rear lot lines.

#### 9.7.5 *Seasonal Farm Stand*

- A. Seasonal Farm Stands are allowed on farms by right if less than seven hundred and fifty (750) square feet. Larger operation may be approved by the Commission via Site Plan Review. Greenhouses used to sell nursery stock are not counted in this maximum size requirement.
- B. At least seventy (70) percent of the gross value of the products available on site for sale shall be from agricultural goods produced on the owner's farm.
- C. The seasonal farm stand must cease operations at least six (6) weeks in one year, unless primary product(s) are produced year-round, such as dairy products.
- D. Seasonal Farm Stands must provide for adequate off-street parking on site.
- E. The Seasonal Farm Stand must be placed at least ten (10) feet from the front lot line, at least fifty (50) feet from any street intersection and at least twenty-five (25) feet from any side or rear lot line.

9.7.6 *Parking of agriculturally related vehicles*

These are allowed either on the farm or on the farm owner's contiguous property.

9.7.7 *Temporary Agriculturally Related Uses*

Events of limited duration on a farm, which are accessory to agricultural uses are permitted by right with Zoning Permit from the Zoning Enforcement Officer required as follows:

- A. These include events such as corn mazes, pick-your-own, harvest festivals, educational demonstrations, hayrides, petting zoos, or other accessory agricultural uses shall be held no more than twelve (12) times per calendar year.
- B. Temporary agriculturally related uses are allowed on farms provided adequate off-street parking is provided for guests/customers.

9.7.8 *Permanent Agriculturally Related Uses*

Events on a farm, which are accessory to agricultural uses, which occur regularly are permitted upon the issuance of a Zoning permit by the Zoning Enforcement Officer, as follows:

- A. Permanent Agriculturally Related Uses include uses such as horseback riding and/or lessons for pay, horse or animal boarding (other than cat and dog boarding), processing of farm products or similar activities.
- B. Adequate off-street parking shall be provided for the anticipated number of guests/customers.

9.7.9 *Non-Agriculturally Related Uses*

Fee-based activities that are part of a farm operation's total offerings, but are not accessory to agricultural, or tied to agricultural buildings, structures, equipment, and fields are allowed only by Special Exception and shall meet all requirements of Section 13 of these Regulations.

- A. Such uses include but are not limited to, fee based outdoor recreation, such as cross-country skiing and mountain biking and event hosting, such as banquets, weddings, etc.
- B. Loud uses, such as truck, car, motorcycle, or all-terrain vehicle racing, riding, or amplified music, where neighbors may be disturbed by noise or fumes are not allowed under this section.

9.7.10 *Agricultural Sign Regulations*

A. *Agricultural Sign*

One (1) agricultural sign per farm or farm stand, farm store, or seasonal farm stand is allowed. Agricultural signs shall meet all other applicable performance standards, including setbacks, illumination standards, and others.

B. *Seasonal Agricultural Sign*

Such signs shall not have a combined area larger than thirty-two (32) square feet per side total with a maximum of two (2) sides.

C. *Agricultural Directional Sign*

A permanent directional sign approved by the State Department of Agriculture. Farms are encouraged to provide agricultural directional signs in addition to agricultural and seasonal agricultural signs.

9.7.11 *Temporary Directional Signs*

One (1) directional sign that is temporary in use to direct traffic to a seasonal farm stand or store for periods not to exceed three (3) months annually. These shall be allowed by Zoning Permit issued by the Zoning Enforcement Officer and shall expire on January 1st of the following year. Such signs are not to exceed four (4) square feet per side and shall only be installed on private property with the permission of the owner or Town property with the written permission of the First Selectman. Such signs shall also not block any sightlines or cause any disturbance to vehicular, bicycle or pedestrian traffic.

Adopted: June 10, 2010

Effective: June 18, 2010

## **9.8 Commercial Vehicle Requirements**

These regulations have been developed to allow residents to bring home commercially registered or used vehicles while providing minimum requirements to protect neighborhood residents. See chart below for guide to requirements:

Use Type	Max # of Axles	Max # of Trucks	Ownership	See Section #
Accessory	2	1 or 2	Not Owner/ Occupant	5.2.9
Home Occupation	2	1 or 2	Owner/Occupant	10.2 G
Agricultural	Any	Any	Any	9.6.6
Site Plan Review	3+	1 or 2	Any	12
Special Exception	2+	3 or More	Any	13

### **9.8.1 Requirements for On Site Truck Parking**

- A. There shall be adequate room on the lot to store the vehicle(s) in addition to the required residential parking requirement.
- B. The lot shall be situated so that there is adequate room to maneuver any truck(s) and make safe access to the Street without backing out into the Street.
- C. Vehicles covered under this section with more than 2 axles, shall be adequately screened with fencing or vegetation from the view of the neighbors of the applicant or passersby on the Street.
- D. Vehicles shall not be allowed to leak any fluids or have any objectionable smells

## **9.9 Solar Systems**

The purpose of this Subsection is to provide for the regulation of the construction and operation of Solar Energy Facilities in the Town of Canterbury, subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

### **9.9.1 Small Scale Energy Systems**

- A. Small solar energy systems shall be permitted as an accessory use by right in all zoning districts subject to the requirements set forth in this Section. Solar energy systems include ground, pole, and roof mounted systems.
- B. The energy generated by the small solar energy system shall be used for direct consumption on the subject property and/or be interconnected to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.

C. The construction of the small solar energy system shall be in accordance with an approved building permit application. If the small solar energy system is to be interconnected to the local utility power grid, a copy of the notification from the local electric distribution company (EDC) that it has received a complete Interconnection Request (application).

D. Setback

1. In the Rural District, ground or pole mounted small-scale solar energy systems shall be placed so that no individual component is closer than twenty-five (25) feet from the rear and side lot lines. Ground or pole-mounted solar energy system shall only be allowed in the rear or the side yard behind the building line.
2. In other than the Rural District ground or pole-mounted small-scale solar energy systems shall be placed so that no individual component of the solar system may extend into the front, side, or rear setback for the district. Ground mounted small-scale solar systems shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center around the solar installation.

E. Appearance

1. The small-scale solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
2. Signs, other than the manufacturer's, or installer's identification, appropriate warning signs, or owner identification on a small solar energy system shall be prohibited. Installer and/or developer are limited to one (1) sign indicating their role in the system installation.

F. Code Compliance

A small-scale solar energy system shall comply with all applicable construction and electrical codes.

G. Removal

All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.

H. Violations

Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install, or operate a small-scale solar energy system that is not in compliance with this Section 9.9 or with any condition contained in a building permit issued pursuant to this Section 9.9.

### 9.9.2 *Types of Systems*

#### A. Ground-Mounted Small Solar Energy Systems:

1. The total height of the solar energy system, including any mounts shall not exceed twenty-five (25) feet above the ground at maximum height. If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected.
2. Panels shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
3. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
4. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
5. No ground-mounted small solar energy systems shall be affixed to a fence.
6. Ground-mounted small-scale solar energy systems in the Village Commercial or Industrial Districts shall be subject to Site Plan review pursuant to the provisions of Section 12 of these Regulations.

#### B. *Roof-Mounted Small Solar Energy Systems:*

Roof-mounted small-scale solar energy systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.

Separate flush or rack-mounted small solar energy systems installed on the roof of a building or structure shall not:

1. Project vertically more than four (4) inches above the peak of the sloped roof to which it is attached.
2. Project vertically more than five (5) feet above a flat roof installation.
3. It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.

4. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent street when it creates a nuisance or safety hazard.
5. Roof mounted panels shall be configured in a square or rectangular pattern.

#### **9.8.3 Large Scale Solar Energy System**

##### **A. Compliance with Laws, Ordinances and Regulations**

The construction and operation of all large-scale Solar Energy System shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.

##### **B. Building Permit and Building Inspection**

No large-scale Solar Energy System shall be constructed, installed, or modified as provided in this Section without first obtaining a building permit.

##### **C. Site Plan Review**

Ground-mounted large scale Solar Energy System with 250 KW or larger of rated nameplate capacity are allowed in Industrial Districts subject to site plan review by the Canterbury Planning and Zoning Commission prior to construction, installation or modification as provided in this Section.

###### **1. General**

All plans and maps shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Connecticut.

###### **2. Required Documents**

Pursuant to the site plan review process, the project proponent shall provide the following documents in addition to the Site Plan submission requirements of Section 12:

- (a) Blueprints or drawings of the Solar Energy System signed by a Professional Engineer licensed to practice in Connecticut showing the proposed layout of the system and any potential shading from nearby structures
- (b) Manufacturer's data sheets or similar documentation of the major system components to be used, including the PV panels, mounting system, and inverter
- (c) Full contact information, including name, address, phone number and e-mail address for proposed system installer
- (d) Name, address, phone number and signature of the project proponent, as well as all co- proponents or property owners, if any
- (e) Documentation of actual or prospective access and control of the project site

- (f) An operation and maintenance plan
- (g) Zoning district designation for the parcel(s) of land comprising the project site
- (h) of liability insurance.

The Commission may upon the request of the applicant determine that certain documentary requirements are unnecessary to determine compliance with these regulations, as it deems appropriate.

### 3. Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Solar Energy System.

#### D. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted Solar Energy System, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

#### E. Utility Notification

No large-scale ground-mounted Solar Energy System shall be constructed until evidence has been given to the Canterbury Planning and Zoning Commission that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Energy System owner or operator's intent to install an interconnected customer-owned solar energy system. Off- grid systems shall be exempt from this requirement.

#### F. Dimension and Density Requirements

1. Setbacks For large-scale ground-mounted Solar Energy System, front, side, and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least ten (10) feet; provided, however, where the lot is across from a Residential district, the front yard shall not be less than fifty (50) feet.
- (b) Side yard: Each side yard shall have a depth at least twenty-five (25) feet; provided, however, where the lot abuts a Residential district, the side yard shall not be less than 100 feet.
- (c) Rear yard: The rear yard depth shall be at least twenty (20) feet; provided, however, where the lot abuts a Residential district, the rear yard shall not be less than one hundred (100) feet.



## 2. Minimum Lot Size

The minimum lot size for any large-scale Solar Energy System shall be seven (7) acres.

## 3. Height

The total height of any large-scale Solar Energy System, including any mounts, shall not exceed twenty-five (25) feet above the finished grade.

### G. Accessory Structures

All accessory structures to large-scale ground-mounted Solar Energy Systems shall be subject to the underlying zoning requirements concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be buffered from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

### H. Design Standards

#### 1. Lighting

Lighting of large-scale Solar Energy System shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the Solar Energy System shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

#### 2. Signage

Signs on large-scale ground-mounted Solar Energy Systems shall comply with the Sign Regulations Section 14. A sign consistent with the Regulations shall be required to identify the owner and provide a 24-hour emergency contact phone number.

### I. Utility Connections

Reasonable efforts, as determined by the Commission, shall be made to place all wiring from the Solar Energy System underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers, inverters and switchgears for utility interconnections may be above ground.

### J. Screening

A ground mounted large solar energy system shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on

center located on the outside of the perimeter fence. The Commission may allow or require additional or alternative screening methods when it is determined that such alternatives are more appropriate for the particular site. The Commission may also allow fencing up to eight (8) feet in height where deemed appropriate.

K. Safety and Environmental Standards

A. Emergency Services

The large-scale Solar Energy System owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire marshal. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Energy System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

B. Land Clearing and Soil Erosion Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the large-scale ground-mounted Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws.

C. Monitoring and Maintenance

1. Solar Energy System Conditions

The large-scale ground-mounted Solar Energy System owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Marshal and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Energy System and any access street(s), unless accepted as a public way.

2. Modifications

All material modifications to a Solar Energy System made after issuance of the required building permit shall require approval by the Commission.

L. Abandonment or Decommissioning

A. Removal Requirements

Any large-scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Canterbury Planning and Zoning Commission by certified mail of the proposed date of discontinued operations and plans for removal.

**B. Decommissioning shall consist of:**

1. Physical removal of all large-scale ground-mounted Solar Energy System, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations. Stabilization or revegetation of the site as necessary to minimize erosion. The Canterbury Planning and Zoning Commission may allow the owner or operator to leave landscaping or designated below grade foundations in order to minimize erosion and disruption to vegetation.
3. A stabilization/revegetation plan shall be submitted along with the Site Plan application.

## **10. ACCESSORY USES, BUILDINGS, AND STRUCTURES**

### **10.1 Accessory Uses**

Accessory uses of buildings, structures, or land shall be permitted in all zones where such accessory use is customarily incidental to, and is subordinate and secondary to, the principal use of the lot, or the principal building or structure on the same lot, or adjacent lots under the same ownership.

### **10.2 Home Occupations**

Customary home occupations in dwelling units or accessory buildings shall conform to the following standards and conditions:

- A. The floor area used for the professional offices and home occupation in a dwelling unit, or any accessory building shall not exceed twenty-five percent (25) of the dwelling unit floor area.
- B. There shall be no evidence outside the dwelling except permitted signs and required off-street parking that the dwelling contains a professional office or home occupation.
- C. Such uses shall not create objectionable noise, odor, dust, smoke, fumes, vibrations, electrical interference, or unsightly conditions noticeable off the premises.
- D. Adequate off-street parking shall be provided as deemed necessary by the Commission. The Commission shall take into consideration the nature of the proposed customary home occupation in determining parking requirements.
- E. Trades persons may use up to one hundred (100) square feet of space in an accessory building to store tools, equipment and supplies necessary in their trade. They may also store tools, equipment and supplies necessary for their trade outdoors provided it occupies less than twenty (20) square feet of space and not located in the front yard, and the material is completely screened from view from the street or neighbors.
- F. Up to two (2) commercial vehicles or trailers used as part of the business with no more than two (2) axles may also be approved to be stored on the subject lot, provided they meet the requirements in Section 9.8.
- G. No use determined to be a Special Exception as per Sections 2.1, 5.3 and also 6.3 of the Regulations can be considered as a Customary Home Occupation.

### **10.3 Accessory Apartments**

- A. Accessory Apartments are allowed by zoning permit from the Zoning Enforcement Officer on any lot located in the Rural District containing a single-family dwelling.
- B. An Accessory Apartment shall not exceed 1,000 square feet or 30% of the size of the principal dwelling, whichever is smaller.
- C. Only one Accessory Apartment shall be permitted per residential lot.
- D. The Accessory Apartment shall have at least one (1) off-street parking space.
- E. Each Accessory Apartment must be self-contained and shall have at least three (3) rooms (a separate kitchen or kitchenette and bath plus one other room).
- F. Owner of the house must occupy one (1) dwelling unit.
- G. An Accessory Apartment shall be occupied by persons for whom it is their domicile, and the term of occupancy shall be not less than thirty (30) consecutive days.
- H. The Department of Health must determine that the septic system and well is adequate to serve the additional Accessory Apartment as well as the principal dwelling unit.
- I. If an Accessory Apartment is to be located within a single-family residence which does not conform to all Zoning requirements, the creation of the Accessory Apartment must not increase the nonconformity.
- J. Application for zoning permit for an Accessory Apartment shall be on a form approved by the Commission and must include the following:
  - 1. A site plan to scale showing existing and proposed structures, well, septic, driveway, and property boundaries as well as all separating distances between each these features.
  - 2. A floor plan of the existing level to which the Accessory Apartment is attached *or* in which it will be contained plus a floor plan of the proposed Accessory Apartment showing all internal dimensions.
  - 3. All aspects of these structures must meet all provisions of the Connecticut State Fire code as well as the Connecticut State Building Code (CABO) for one (1) and two (2) family dwelling units.

#### **10.4 Accessory Apartments on Commercial Properties**

The purpose of this Section is for the provision of security/management by the business owner, their manager, or agent. Accessory Apartments are allowed by Special Exception on all commercial properties subject to the following standards:

- A. An accessory apartment on a commercial property shall be of such a size and in such a location that its use is clearly subordinate to the principal commercial use. An accessory apartment shall be no more than one-half the square footage or 1,500 square feet, whichever is smaller of the building area occupied by the principal commercial use(s).
- B. Only one accessory apartment per lot is allowed.
- C. Two separate entrances are required for the accessory apartment.
- D. Two dedicated parking spaces per apartment are required.
- E. Adequate lighting of both pedestrian and parking areas must be provided.
- F. Evidence satisfactory to the Commission shall be provided to show that acoustic and thermal insulation (i.e., fire walls) will be provided between commercial and residential areas where appropriate and where required by law.
- G. Where dumpsters are proposed, their locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself). Appropriate waste removal services shall be provided by the owner(s) of the property.
- H. Evidence satisfactory to the Commission shall be provided to show that all health code and fire safety requirements for both the residential and commercial uses of the building will be met.
- I. For the purposed of this Section, commercial properties are limited to the following sections of the Zoning Regulations:
  - 1. Section 15.4.3 Existing Businesses
  - 2. Section 5.2.3 Permitted Uses (Agricultural and forestry activities)
  - 3. Section 5.4 Special Exception (permitted uses)
  - 4. All Commercial uses which are Nonconforming
- J. A comprehensive Site Plan shall be provided as per Section 12 of the Zoning Regulations.

Approved: 12/8/94

### **10.5. Guest Houses**

The purpose of this section is to allow residents to have one (1) small guest house for temporary accessory use. Guest Houses are allowed by zoning permit by the Zoning Enforcement Officer in the Rural District subject to the following standards:

- A. They shall be self-contained (having a kitchen and a bath) and be no larger than one thousand (1,000) square feet in floor area.
- B. They shall meet all requirements of the zone (setbacks).
- C. The lot must have a minimum of three (3) acres.
- D. The owner of the property must occupy the principal dwelling.
- E. They shall not be used for more than thirty (30) days in a calendar year. Longer periods, of up to six (6) total months annually shall be allowable by zoning permit which shall state the only dates the Guest House can be occupied.
- F. They must have at least one (1) additional parking space
- G. They must be one hundred (100) feet from the principal dwelling.
- H. Applications for a guest house must have all the standard elements of a home including provisions for adequate water and septic service, adequate driveway. Submitted site plan must show both the accessory guest house and principal dwelling.

The owner of the lot shall keep records of the occupants of the guest house and shall provide this record upon request of the Zoning Enforcement Official.

No exceptions or variances shall be given to the occupancy requirements of this Section.

### **10.6. Accessory Buildings**

#### **10.6.1. Use of Accessory Buildings**

Except as expressly provided in these Regulations, accessory buildings shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal nonconforming uses as described in Section 15 (Nonconforming Lots, Uses, Buildings and/or Structures and Lots) of these Regulations. Such accessory uses may include, for example, the storage of the resident's noncommercial motor vehicles or goods and permitted home occupations. No accessory building shall be used for residence purposes except as allowed in these regulations.

#### **10.6.2. Location and Size of Accessory Buildings**

For accessory buildings other than those associated with a farm:

- A. An accessory building attached or connected to the principal building by walls or roofs shall be considered a part of the principal building and limited by minimum yard requirements of the principal building.

- B. All accessory buildings shall be built on the same lot as the principal building or use to which they are accessory.
- C. Except as provided in Paragraph D below, sheds, storage buildings, greenhouses, hoop houses, and similar buildings used for non-commercial purposes shall have the following minimum side and rear setback from property lines and, if proposed to be less than seventy-five (75) feet from the front property line, be located in the side or rear yards of the principal dwelling.

<b>Building Size</b>	<b>Minimum Side and Rear Setback</b>
Less than 400 square feet	5 feet
400-800 square feet	10 feet
Greater than 800 square feet	25 feet

- D. Buildings for Agricultural use may be built in the front yard and may, by Site Plan Review, be constructed as close as fifteen (15) feet from the front property line as long as issues of health, safety, and general welfare are satisfactorily addressed as determined by the Commission.
- E. Commercial Accessory Buildings may also follow the guidelines in the table above provided the indicated setback is from another parcel with a commercial use, otherwise they shall have a minimum twenty-five (25) foot side and rear setback.
- F. Buildings less than one hundred (100) square feet need not obtain a zoning permit, but still must meet the minimum requirements and may require other permits.



## **11. OFF-STREET PARKING**

### **11.1 Parking Facilities Required**

Parking facilities off the street or highway right-of way shall be provided to serve all buildings and uses erected, moved, altered, expanded, or enlarged and all premises otherwise developed after the adoption of these Regulations.

Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time and shall be provided in accordance with the following requirements:

- A. For dwelling units - two (2) spaces for each dwelling unit. For permitted home occupations, spaces shall be provided as required for the occupational uses specified herein in addition to the spaces required for the dwelling.
- B. For business or professional offices –a minimum of three (3) spaces or one (1) space for each three hundred (300) square feet of gross floor area.
- C. For medical or dental offices -minimum of five (5) spaces or one (1) space per two hundred fifty (250) square feet of gross treatment area.
- D. For beauty salons, nail salons, barber shops and massage parlors – three (3) spaces per chair or workstation.
- E. For retail stores, personal services, shops, and similar commercial uses – minimum of four (4) spaces or one (1) space for each one hundred (100) square feet of gross sales or display area.
- F. For restaurants - one (1) space for each seventy-five (75) square feet of gross floor area or one (1) per fifty (50) square feet of public floor area.
- G. For churches and other places of public assembly – one (1) space for every three (3) people allowed under the fire code.
- H. For libraries, schools, museums, and non-commercial art galleries - one (1) space for each five hundred (500) square feet of gross floor area.
- I. For industrial plants, wholesale establishments, warehouses, and similar buildings one (1) space for each seven hundred fifty (750) square feet of floor area, as per the Institute of Transportation Engineers (ITE) ratings for the proposed use, as published, whichever is larger.
- J. For truck parking adequate provision as determined by the Commission shall be provided for the loading and unloading of trucks serving any commercial establishments.

- K. Motor Court - at least one (1) parking space for each guest room plus one (1) additional for each employee.
- L. Uses not listed – as per the Planning and Zoning Commission which may be guided by the current edition of “Parking Generation” as published by the Institute of Transportation Engineers.

#### 11.1.2 Location of Required Parking Facilities

Required parking facilities shall be located on the same lot as the building or use which they serve, or on other property not more than two hundred (200) feet distant from the building or use being served which is under control or the individual operating the building or use being served, provided that an all-weather, illuminated pedestrian walkway is constructed to connect the parking area to the building or use being served.

#### 11.1.3 Interior Driveways

Interior driveways shall be of adequate width to serve a particular design arrangement of parking spaces. Ninety-degree (90) parking shall be used unless there is positive control of traffic directions.

The minimum width of interior driveways shall be as follows:

PARKING SPACE ANGLE	MINIMUM INTERIOR AISLE WIDTH
90°	24 FEET
60°	20 FEET
45°	20 FEET
30°	11 FEET

### 11.2 Parking Space Held on Reserve

- A. The Commission may permit a twenty-five (25) percent reduction in the construction of the required on-site parking where the applicant can demonstrate the proposed uses will not require the utilization of all the parking spaces otherwise required. If a reduction is granted the site plan shall delineate reserved parking spaces for future parking if it becomes necessary. Such reserve parking areas shall be assumed to be constructed for purposes of designing and constructing any storm water management systems.
- B. In a phased development plan, areas designated as reserve parking or future parking areas based on phasing must be clearly depicted on the phased development site plan. The terms and conditions of the construction phasing of the buildings and park

- C. Such reserve parking areas must be kept planted and maintained rather than surfaced for parking until such time as the additional parking space is necessary.
- D. Further, no above ground improvements shall be placed or constructed upon such reserve parking areas.

### **11.3 *Change in Use or Modification to Existing Structures***

When the use of any building, structure, or premises is altered, changed, or expanded, resulting in an increase of more than ten (10) percent in the required number of off-street parking spaces, additional off-street parking shall be provided consistent with the parking requirements and standards of these Regulations

### **11.4 *Spaces Near Obstructions***

When the side of a parking space abuts a wall, column, or other obstruction that is taller than six (6) inches, the width of the parking space shall be increased by two (2) feet on the obstructed side.

### **11.5 *Stacking Lane Requirements***

The use of drive through facilities is limited to banks and car washes and the drive through lane shall not be located between the building and the street.

- A. Stacking spaces shall be required for any use having drive-through or drive-in facilities.
- B. Stacking spaces shall be a minimum of ten (10) feet in width and eighteen (18) feet in length and shall be designed so as not to impede on- and off-site traffic movements and sight distances at intersections.
- C. Stacking lanes shall be separated from other on-site parking and circulation lanes by a raised median or other acceptable method to ensure the adequate channeling and safety of traffic movements.
- D. The principal pedestrian access to the building shall not cross the drive-through lane.
- E. The following minimum stacking space requirements shall be provided in accordance with the following schedule:
  - Auto Uses/Car Washes: Three (3) stacking spaces per car wash bay.
  - Financial institutions: Six (6) stacking spaces for the first drive through window and two (2) stacking spaces for each additional window.

### **11.6 *Landscaping Requirements***

See Section 12.39

### **11.7 *Shared Parking***

The Commission encourages abutting property owners to share parking lots and access driveways for different structures or uses, or for mixed uses, in any zoning district. At the applicant's request, or where required by the Commission, shared parking or access may be provided, subject to the following provisions:

- A. A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking or access driveways, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.
- B. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision making on a shared parking agreement. This information includes but is not limited to a) the type and hours of operation and parking demand for each use, b) a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot, c) a description of the character of land use and parking patterns of adjacent land uses, and d) an estimate of anticipated turnover in parking space use over the course of twelve (12) to twenty-four (24) hours at the site.
- C. Parking spaces to be shared must not be reserved for individuals or groups on a twenty-four (24) hour basis.
- D. Uses sharing the parking facility do not need to be contained on the same lot but shall be a maximum of seven hundred fifty (750) feet from the parking space which is to be used and must provide an improved pedestrian connection to all buildings the parking lot is servicing to allow for safe, convenient walking for parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the proposed use to the parking area may be approved by the Commission with written justification and supporting information provided by the applicant.
- E. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Commission and Zoning Enforcement Official and, within sixty (60) days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.

#### **11.8 *Reduction in Parking Space for Mixed Use Development***

For a mixed-use development of land, the Commission may allow the following parking space reductions, at the applicant's request:

- A. Up to thirty (30) percent of the parking spaces required for the predominant use on a site may be shared with other uses not operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.

- B. Up to seventy-five (75) percent of parking spaces required for uses such as theaters (Movie and Live), public auditoriums, bowling alleys, nightclubs, and similar predominately evening uses may be shared with such uses such as banks, offices, and similar predominately daytime uses.
- C. Up to seventy-five (75) percent of the parking spaces required for such uses such as Houses of Worship and other uses exclusively or predominantly in operation during the evening or weekend may be shared with such uses as medical offices, banks, and other similar uses predominately in operation on weekdays.
- D. Up to fifty (50) percent of parking spaces required where there is a duly executed and recorded shared parking agreement in accordance with Section 11.7 above.

## **12. SITE PLAN APPROVALS**

### **12.1 Site Plan Requirement**

Unless a Special Exception is required by these Regulations, or the use is allowed by zoning permit, no building, structure, or site used by a business shall be altered, enlarged, or expanded, or moved until a site plan has been approved by the Planning and Zoning Commission. Changes to parking lots, vehicular access, drainage, or site utilities, other than maintenance, shall also require a site plan review. Such plan shall be prepared in accordance with the requirements of this Section 12.

The provisions which follow establish the Site Plan Review submission requirements and the general standards and special standards for site development. The provisions which follow also establish the procedures for Commission administrative approval of Site Plan Reviews for uses, other than Special Exception uses, for which such a plan is required to be submitted and approved.

### **12.2. Procedure for Site Plan Review**

#### **12.2.1 Preliminary Consideration**

Prior to filing of an application for approval of a Site Plan Review, the future applicant is invited to prepare and present for informal discussion with the Commission, or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than 1" = 40', and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and watercourses, test holes and percolation tests and data therefore, and significant natural and manmade features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.

#### **12.2.2 Application**

Application for approval of the Site Plan Review shall be submitted in writing to the Zoning Enforcement officer, and shall be accompanied by the following:

A. The following persons may apply for a Site Plan Review: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

B. Site Plan Review submission documents as specified in Section 12.13.

### **12.3 Application Review**

When received, the Commission shall review the application and Site Plan Review submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 12. Incompleteness of a Site Plan Review submission is cause for disapproval. The Commission shall consider, first, whether a Site Plan Review meets the General and Special Standards of Section 12; and second, the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town.

### **12.4 Notices of Consideration**

#### **12.4.1 Notices Mandated by Statute**

The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan Review application in accordance with Conn. Gen. Stats. § 8-3h.

In accordance with Conn. Gen. Stats. §8-3i, in any Site Plan Review application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of the Department of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

#### **12.4.2. Posting of Sign**

If a public hearing is set for a Site Plan Review, no less than seven (7) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application. The face of such sign shall be as prescribed, by resolution, by the Commission, and shall set forth the date, time and place of the public hearing, the agency (the Commission or the Board) hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest Street, and to maintain the sign until the opening of the public hearing or meeting of consideration. No sign need be posted for the continuation of a public hearing once it has opened.

#### **12.5 Public Hearing**

The Commission may hold a public hearing regarding any Site Plan Review submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Exceptions. (Conn. Gen. Stats. §8-3c.) In the event that public hearing is scheduled, the applicant shall also notify all abutting landowners of record of the date, time, and place of the public hearing of the Commission at which said Site Plan Review is to be considered no less than ten (10) days preceding the date of said hearing and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

#### **12.6. Action and Notice**

- A. The Commission shall review the application for conformance with the criteria of Section 12. The Commission may approve, modify, and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.
- B. The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (non-structural uses such as tag sales, outdoor events, and the like),



the Commission may grant a Site Plan Review which is temporary and will be effective only commencing on, or terminating on, specified dates.

- C. The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action. A copy of the decision shall also be transmitted by the Zoning Commission to the Zoning Enforcement Officer.

#### **12.7 Filing of Site Plan**

A copy of the site plan element of an approved Site Plan Review, and as such plan may have been required by the Commission to be modified, shall be made on translucent polyester film .003 mil thick or better and presented to the Commission for endorsement of its approval within sixty-five (65) days of such approval. The following are applicable to endorsement and filing of the site plan:

- A. Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Section 12.9, the Chairman, Vice Chairman, or Secretary of the Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Section 12.8, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its clerk.
- B. The applicant shall then file in the office of the Canterbury Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within ninety (90) days from the date of the endorsement approving such site plan; provided, however, that the Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of ninety (90) days, during which periods the approved site plan shall remain valid.
- C. Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Commission's clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No Zoning Permit shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.

#### **12.8 Commencement and Completion of Work**

For any Site Plan involving non-residential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within two (2) years of the effective date of such approval, and the Commission may extend such period for an additional one (1) year upon the request of the applicant; said construction or establishment shall be completed by the applicant, and a Zoning Permit and Certificate of Occupancy, where required, shall be issued, within five (5) years of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, such approval shall be void within the time limits prescribed for non-residential property, but any reapplication for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval.

**12.9 Conditions and Bonding**

See Section 12.48 below.

**12.10 Minor Changes to Site Plans**

The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan as approved, and such changes are in conformity to the requirements of these Regulations.

**12.11 Major Changes to Site Plan Reviews**

If the Zoning Enforcement Officer determines that changes in the Site Plan, or any change of Use within a Building or Structure or on a Lot, may alter the overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan as approved, said modification shall be made only after approval thereof by the permitting agency. The permitting agency may determine that the modifications are so substantial as to require a new application.

**12.12 Violation of Site Plan Approvals**

Whenever the Commission shall find, in the case of any Special Exception heretofore or hereafter granted pursuant to the provisions of this Section, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of a Site Plan approval or its supporting documentation shall constitute a violation of the Zoning Regulations.

**12.13. Submission Requirements**

The Site Plan Review submission shall consist of the following:

A. Application Form and Fee

The completed Site Plan Review application form as adopted by the

Commission, and the payment of the application fee as provided by Town Ordinance.

**B. Statement of Use**

A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; six (6) copies shall be submitted.

**C. A detailed narrative description as to the nature and extent of the proposed use or occupancy.**

**D. Provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage, and other utilities.**

**E. The number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use, provisions for pedestrian access within and into the site, where appropriate.**

**F. An estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours.**

**G. The equipment or other methods to be established to comply with required performance standards; and**

**H. Disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.**

**12.14 Site Plan**

A site plan prepared in accordance with the specifications and showing the information hereinafter required. Six (6) copies shall be submitted.

**A. Preparation**

The site plan shall be clearly and legibly drawn on good quality fixed line mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of

the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.

B. Size and Scale

The site plan shall be drawn to a scale of not less than 1" = 40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Canterbury Town Clerk shall be prepared on sheet sizes 36"x24", 24"x18" or 18"x12", and shall be printed on material acceptable for such filing.

C. Information on Plans

The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with Section 12 of these Regulations, unless, in accordance with Section 12.25, a determination is made by the Commission or other agency responsible for review of the site plan that the particular information is not required or is deferred. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.

1. General Information, as follows:

- a. Title of development
- b. Name and address of applicant and owner
- c. North arrow, numerical and graphic scale
- d. Date of plan and revision dates with each revision identified
- e. A location map showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
- f. A schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor; the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed Land Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of

required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.

2.

Property information, as follows:

- a. The boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a "Class A-2" survey as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. 20-300b, as amended.
- b. The names of all abutting lot owners, as disclosed in the records of the Town Assessor.
- c. Any line delimiting the portion of the lot to be used under the application and any zoning district boundary on the lot.
- d. Location, width and purpose of all existing and proposed easements and other encumbrance lines.
- e. Existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on mean sea level, including identification of a benchmark at the site.
- f. Location of all Wetlands as determined by a Certified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor, watercourses, rock outcrops, wooded areas, high tide line (HTL), floodway and flood hazard area boundaries, established encroachment or Building lines, and other significant physical features.
- g. U.S.D.A. Natural Resources Conservation Service soils type boundaries and identification symbols.
- h. The Commission or other agency reviewing the Site Plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and groundwater levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas.

3. Location of Existing and Proposed Buildings and Uses, as follows:
  - a. The height, bulk, use and location of all Buildings and Structures; typical floor plans or other plans for the use of interior spaces of proposed Buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the building
  - b. Signs
  - c. Fences, walls including retaining walls, including construction details.
  - d. Outside storage areas
  - e. Supporting or Accessory Uses, including underground and overhead services and utilities, as well as any associated aboveground equipment.
4. Location, design, and dimensions for existing and proposed parking, loading and circulation, as follows:
  - a. Include all information necessary to establish conformance with the requirements of Section 11 of these Regulations, Off-Street Parking Space, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
  - b. Depict and dimension all access aisles and circulation driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the storm water management plan for the site.
  - c. For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain storm

water runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.

- d. The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.
- e. Sidewalks and other pedestrian ways
- f. Fire access lanes
- g. Specifications for parking, loading and circulation improvements
- h. Off-site streetway improvement and traffic management facilities

5. Signs and Outdoor Illumination, as follows:

- a. Location, size, height, character, and illumination of project signs
- b. Location, size, and message of traffic management signs
- c. Location, height, intensity, and design of outdoor luminaries, including manufacturer's specifications

6. Landscaping and Open Spaces, as follows:

- a. Location of existing trees of 6" caliper or more excepting densely wooded areas shown under the requirements of Section 12.39
- b. Location, arrangement, type, and size of planting for all landscaped areas
- c. Trees required for parking areas and landscape strip along street lines
- d. Lines delimiting areas not to be disturbed and the top and toe of graded slopes
- e. Materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment

- f. Ornamental paved areas, plazas, and courts
  - g. A schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity
  - h. Methods of planting
  - i. Provision to preserve existing trees, vegetation, wetlands and water courses
  - j. Methods to protect plantings from vehicles
- 7. Special natural features identified for preservation under Section 12.41 and Lot requirement modification therefor
- 8. Significant archeological sites identified under Section 12.42
- 9. Irrigation system(s) to be installed, including source of water and coverage
- 10. Existing and proposed drainage, utilities and related facilities and services, as follows:
  - a. Electric, telephone and cable television lines (underground and aboveground).
  - b. Storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications, and inverts therefor. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
  - c. Facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.
  - d. Well locations and facilities for water supply
  - e. Underground/aboveground storage for fuel or other liquids and fill facilities and connecting lines
  - f. Base flood elevation and floor elevation data, as specified in The Ordinances of the Town, based



on the datum identified in The Ordinances of the Town of Canterbury

- g. Measures for soil erosion and sediment control in accordance with Section 4.12 of these Regulations
- h. A signature block for approval by the Commission or other agency responsible for review of the site plan and date of signing
- i. The following legend below the signature block:  
"The statutory five-year period for completion of all physical improvements expires on \_\_\_\_\_, 20 \_\_."

**12.15 Sanitary Waste Disposal Plan**

If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided. Where on-site effluent disposal is to be used, the applicant shall provide a report from the Northeast District Department of Health indicating that all requirements of the Public Health Code have been satisfied.

**12.16 Protection of Surface and Ground Water Supply**

Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for Site Plan Review shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- A. A statement describing the nature of the Use of any Buildings or areas of the site and their method of solid and sanitary waste disposal.
- B. The nature of any discharges anticipated
- C. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site
- D. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Energy and Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

- E. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
- F. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.
- G. The information described in subsections D, E and F need only be provided when the information set forth in paragraphs A, B and C indicates the presence of materials or processes which have the potential to adversely impact groundwater.

#### **12.17**

##### ***Water Supply***

- A. Certificate for Community Well(s) shall be issued by the Connecticut Department of Public Health. The location and design of the proposed water supply system(s), including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures shall be provided with said certificate.
- B. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan Review involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Canterbury Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.
- C. The Commission may approve a Site Plan subject to the condition that a Certificate of Public Convenience and Necessity be issued in the future, provided that a Phase I Certificate has been issued.

#### **12.18**

##### ***Covenants and Restrictions***

The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.

**12.19*****Architectural Plans***

Architectural plans of all proposed buildings and structures, drawn to scale, and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general character and the interior uses of the floor area, and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and features on the interior of the building designed to be capable of being seen from the exterior all prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut. Six (6) copies shall be submitted.

**12.20*****Soil Erosion and Sediment Control Plan***

Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 4.12 of these Regulations, which Plan may be combined with the site plan submitted under Section 12.14. Six (6) copies shall be submitted.

**12.21*****Wetlands, Water Courses and Coastal Areas***

If any part of the lot affected by the Site Plan Review is within the jurisdiction of the Inland Wetlands and Watercourses Regulations of the Town of Canterbury, the report and action of the Inland Wetlands and Watercourses Commission of the Town of Canterbury concerning any regulated activity on the lot shall be submitted with the plan. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Agency as the same were approved, or modified and approved, by said Inland Wetlands and Watercourses Commission.

**12.22*****Technical Reports*****A. Traffic Impact Report**

For Site Plan Reviews involving fifty (50) or more new parking spaces or proposed uses projected to generate either more than two hundred (200) vehicle trips per day or more than one hundred (100) vehicle trips per day per one thousand (1,000) square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, the turning radii for anticipated truck traffic both within the site and into or out of the site, the distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the streetway capacity and traffic management improvements needed to accommodate projected traffic. Six (6) copies shall be submitted.

**12.23*****Additional Reports***

The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut. Six (6) copies shall be submitted.

- A. Results of potable water supply analyses and tests required under Section 12.17
- B. Results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Section 12.15
- C. Storm drainage study and runoff computations for design of storm drainage systems
- D. Identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for firefighting purposes; the report shall include evidence that comments from the fire department have been solicited and considered as received. Fire protection shall be provided in accordance with the recommendations of the Insurance Service Organization, as the same may be amended from time to time.

**12.24*****Other***

- A. Other Permits: a list of Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits.
- B. Legal Documents: draft copies of all proposed easements and other legal documents pertaining to and/or required by the proposed use and site development.
- C. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.
- D. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 12.29 of these Regulations.

**12.25 *Review and Modification of Submission***

The Commission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information required under Section 12.13 through 12.24, except for Section 12.16 and 12.17 is not necessary in order to decide on the application and need not be submitted or b) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

**12.26 *Criteria for Review of Site Plan Reviews***

The Commission shall consider the following criteria in evaluating a Site Plan Review.

**12.27 *General Standards***

The proposed Use, Buildings, Structures, and site development shall conform to all of the requirements of these Regulations and shall be designed and arranged as follows:

- A. To protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (See Section 1 of these Regulations) and Chapter 124 of the Connecticut General Statutes.
- B. To conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site.
- C. To be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Canterbury.
- D. To protect nearby residential, historic, and environmentally fragile areas.

**12.28 *Complete Application***

The application shall contain all information required by this Section 12, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

**12.29 *Compliance with Regulations***

The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 15 of these Regulations. Further, the application shall conform to the Canterbury Subdivision Regulations; the Canterbury Inland Wetlands and

Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Canterbury Inland Wetlands and Watercourses Commission, where required, or a report from such agency indicating that it lacks jurisdiction over any proposed activity; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

**12.30**

***Plan of Conservation and Development***

The Site Plan Review shall be in conformance with the purpose and intent of any plan of conservation and development, or supplement or amendment thereto, adopted by the Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

- A. The provision or improvement of streets in the area of the site which the Use may require; the provision or improvement of frontage streets used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience, and level of service on streets, and avoidance of congestion.
- B. The setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots.
- C. The preservation of natural landform features, wetlands, and water courses.
- D. The provision, location, and character of landscaping.
- E. The location, character, and intensity of outdoor illumination; and
- F. The extent, character, purpose, and location of signs.

**12.31**

***Neighborhood***

The Use of Premises, Buildings and other Structures, the location and bulk of Buildings and other Structures and site development shall be of a character as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

**12.32**

***Access and Circulation***

Provision shall be made for vehicular access to the Premises and circulation upon the Premises in such a manner as to safeguard against hazards to traffic and pedestrians in the Street and upon the Lot, to avoid traffic congestion on any Street and to provide safe and convenient circulation upon the Lot and on the Street giving access to the Premises. Access and circulation shall also conform to the following:

- A. The street giving access to the lot shall have traffic carrying capacity and streetway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed Use, considering access to existing uses along the Street and existing traffic projected to the date the proposed Use will be in effect. Streetway, traffic management and other deficiencies in the Street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the street or other traveled way.
- B. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage street driveways and traffic controls within the street.
- C. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- D. Driveways into the lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient, and efficient access and shall meet the street Line and travel way of the Street in such a manner as to conform to the established cross section for the street as may be specified by the Town or State of Connecticut.
- E. Where a lot has frontage on two (2) or more streets, the entry and exit from the Street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- F. Where reasonable alternate access is available, the vehicular access to nonresidential use of a Premises shall be arranged to minimize traffic use of local residential streets and other traveled ways situated in or bordered by residential districts.
- G. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the Public Works Director in conjunction with the Town Engineer and Town Fire Marshal, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street.
- H. There shall be no more than one (1) driveway connecting from any lot to any street, except that 1) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and 2) additional driveway connections may be provided,

particularly for but not limited to large tracts and Uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed thirty (30) feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.

- I. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.
- J. Along an existing street where the lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the Street and in accordance with the pattern of development along the street. Provision shall be made for turning lanes and traffic controls within the street as necessary to provide the access specified in Section 12.32A.
- K. The site plan shall make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by 1) provision of walks and ramps of suitable width and grade, 2) inclined curb approaches or curbs cut flush with parking areas, 3) reserved, wide parking spaces, and d) ground level Building entrances.
- K. Off-street Parking and loading spaces shall be provided in number and with location and design as specified in Section 11 of these Regulations.

### **12.33 Lighting**

Outdoor illumination facilities shall be designed for safety, convenience and security while minimizing light pollution, safeguarding against discomfort glare and disability veiling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment, and value of property and upon the appearance and beauty of the community. Building-mounted floodlights shall be discouraged. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this Section.

### **12.34 Sanitation**

Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:



- A. Demonstration of a suitable system of potable water supply to serve the proposed use shall include 1) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the Connecticut Department of Public Health and 2) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the Director of Health.
- B. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Energy and Environmental Protection (DEEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Commissioner of the Department of Public, and by DEEP when applicable, prior to approval of the Site Plan Review.
- C. Provision shall be made for collection, storage, and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Director of Health. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Director of Health. Waste management shall include control of litter by means of receptacles, fences, or other means.

#### **12.35**

#### ***Storm Drainage***

Provision shall be made on the lot for the management of storm water, including collection and disposal thereof, in the following manner:

- A. To assure the usability of off-street parking and loading spaces.
- B. To avoid hazards to pedestrians and vehicular traffic on the lot and in any Street.
- C. To avoid storm water flow across sidewalks and other pedestrian ways.
- D. To protect Watercourses and Wetlands from pollution, erosion, and sedimentation.
- E. To avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels.
- F. To avoid downstream flooding

Provision shall also be made for the protection or improvement of existing water courses, channels, and other drainage systems, on the Lot or downstream from the Lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located.

Provision shall also be made on the Site Plan Review for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, unless an alternative method is approved by the Commission or other responsible agency. The 100-year frequency, 24-hour duration, Type III distribution storms shall be used for runoff calculations unless the Town Engineer requires another method of calculation.

#### **12.36 Utilities**

Electric, telephone and cable television lines on the Lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the Site Plan Review. Lines when necessary to be installed aboveground shall be located, landscaped, or screened in a manner to harmonize with the design of the Premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of buildings being served and screened from view; and if on rooftops, shall be screened in a manner which compliments the architectural style of the building.

#### **12.37 Emergency Services**

Suitable provision shall be made on the lot for access to sots, buildings and other structures by fire, police, and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.

#### **12.38 Outside Storage**

Outside storage includes the following when not located within an enclosed building: sales, storage and/or display of merchandise, supplies, equipment, or machinery; storage of wastes; and manufacture, processing or assembling of goods; but not including the parking of registered motor vehicles in daily use. Outside storage provided in connection with a use for which a Site Plan Review or Special Exception is required to be submitted under these Regulations shall be located in areas on the lot as shown on such the approved site plan and shall be limited and screened as follows:

- A. No outside storage area shall extend into the area required for building setback from a street line, property line or residential district boundary line.
- B. All outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot, from any street and from any portion of a Rural District, provided, however, that the Commission, in connection with approval of a Site Development Plan or Special Exception under its jurisdiction, may determine that such enclosure is not necessary for all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

#### **12.39 Landscaping**

Landscaping shall be provided and permanently maintained on the lot to conform to the following:

- A. Landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion to control erosion of soil and excessive runoff of storm water, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.
- B. All portions of the Lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the premises.
- C. Any parking area accommodating twenty (20) or more cars shall 1) be provided with interior landscaping within the paved portion of the parking area and 2) have a landscaped area along its perimeter of at least twenty (20) feet in width, except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent lot. Landscaped areas within the interior of the Parking area shall have a minimum size of one hundred (100) square feet and a minimum dimension of at least eight (8) feet. Parking areas shall contain no more than 15 spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and

shall be planted with grass or shrubs and with at least one (1) tree for every 50 feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and ten (10) feet in height when planted. Landscaping required under the following paragraph (E) may, if appropriately located, be counted to satisfy this requirement. Islands within the parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Commission or other agency responsible for approval of a Site Plan Review may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this Section for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this paragraph.

- D. A strip of land on the lot along and adjacent to the street line and not less than twenty (20) feet in width shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the Site Plan Review. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.
- E. All off-street loading bays or docks visible from any District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- F. Landscaping, including trees and shrubs, shall be selected, located, and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- G. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences, or other devices. Planting islands in paved areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Commission.
- H. Landscaping, including trees, shrubs, fences, walls, and other landscape features, provided in connection with an approved site plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such

maintenance and replacement are a continuing requirement for compliance with these Regulations.

#### **12.40 Signs**

All Signs shall conform to the standards of Section 14 of these Regulations. The following are also applicable to Signs:

- A. Signs installed on or at the Lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.
- B. The Commission, in connection with approval of a Site Plan Review under its jurisdiction, may 1) approve an overall sign design program for the premises establishing, in advance, the area, location and character of signs and avoiding need to submit in the future each sign for individual review and approval, and/or 2) approve a sign program for additional signs attached to buildings and designed to be read only by persons who are pedestrians on the lot, as such signs may be needed to identify the location of particular stores, offices or other occupancies.

#### **12.41 Preservation of Natural Features**

The Site Plan Review, including proposals for the location and arrangement of buildings, structures, driveways, landscaping, drainage, wetlands protection, paved areas, and other development, shall be prepared with consideration for preservation of the natural assets of the lot and to minimize changes in the elevation of existing topography. When the Commission finds that there exist on the Lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, such Commission may, after due notice and public hearing as required by law, grant a Special Exception reducing by not more than 25% the minimum lot characteristics and/or the building setbacks specified in these Regulations, or modifying the required location of the buildable area rectangle on the lot, provided that the following requirements are met:

- A. The reduction or modification shall be only to the degree necessary to achieve such preservation.

- B. The features to be preserved shall be clearly and accurately shown on the site plan element of the Plan and their significance described in writing as part of the Plan submission.
- C. The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition.
- D. The reduced lot shape and/or building setback requirements and modified location of square shall be shown on such site plan and reference made to this Section of the Regulations by notation thereon; and
- E. The total lot area required by the Zoning Regulations remains the same.

**12.42      *Significant Archeological Sites:***

When a lot or premises for which a Site Plan Review is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the Site Plan Review submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.

**12.43      *Soil Erosion and Sediment Control***

Provision shall be made in the Site Plan Review for installation, maintenance, and completion of measures for soil erosion and sediment control in accordance with Section 4.12 of these Regulations.

**12.44      *Surface and Groundwater Protection***

In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the Site Plan Review.

**12.45      *Water Supply***

No Site Plan Review depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Canterbury Board of Selectmen, has been obtained in accordance with Section 12.17.

**12.46      *Buildings and Structures***

The overall architectural character of the premises and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of

scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and Building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any Building on the site or from abutting lots or streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town. In particular:

- A. Buildings and other structures shall have an exterior design, including finish and color that conforms Section 12.24 and 12.24. The exterior walls of any buildings that are visible from any street or any other lot shall present a finished appearance by means of materials consistent with the design of the building as a whole.
- B. No mechanical equipment shall be located on the roof of a building, or on the ground, if visible from any street or from any residential district unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.

**12.47**

***Violation of Site Plans***

Whenever the Commission shall find, in the case of any Site Plan heretofore or hereafter granted pursuant to the provisions of this Section, that any of the terms, conditions, restrictions or any of the plans or other documents submitted in connection with it, upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of a Site Plan shall constitute a violation of the Zoning Regulations.

**12.48**

***Conditions and Bonding***

Whenever the Commission finds it necessary to protect the interests of the Town or its residents, or when additional controls need to be placed on an approval that are not indicated in the proposal, the Commission may require additional conditions or bonding. Except as provided below, bonding for site plans shall only be required for improvements that are to be conveyed to or controlled by the Town; or for erosion and sedimentation control measures (hereinafter, "completion bond"). The bonding shall be deposited with the Town before the approval is filed on the land records and be in a form acceptable to the Town.

- A. Term and Form of Bond: Such completion bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Commission. The form of the bond shall be satisfactory to legal counsel for the Commission. The amount of the bond shall not exceed the actual

costs for the completion of such site improvements or the implementation of erosion and sedimentation controls, plus a contingency not to exceed ten (10%) percent of such costs.

- B. Continuing Effectiveness: Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Commission. The site plan element filed in the office of the Canterbury Town Clerk shall so state. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the Site Plan Review have been met.
- C. Application for Certificate of Zoning Compliance. In accordance with Section 20.13 of these Regulations, bonding may be accepted by the Zoning Enforcement Officer where an application for a Certificate of Zoning Compliance is filed for a site which is not in compliance with its Site Plan approval and the conditions thereof.
- D. Prerequisite to Field Work: No field work implementing an approved Site Plan Review shall commence until the required completion bond in content and form acceptable to the Commission shall have been filed with the Town Treasurer.



### **13. SPECIAL EXCEPTIONS**

#### **13.1 Purpose**

As stated in Section 3 of these Regulations, Canterbury's Zoning Regulations are based on performance rather than district. The entire town has been placed into a single district, and various uses are permitted by right. However, certain uses and features, because of the unique characteristics and impact, must be treated on a case-by-case basis. Consideration of each application for uses listed under Section 5.4 of these Regulations must be reviewed individually to determine their particular impact upon neighboring uses and the surrounding area as compared with the public need for them in particular locations. Such uses and features are, therefore, treated as Special Exceptions.

#### **13.2 Application for Special Exceptions and Waiver**

##### **A. Contents of Application**

Applications for the approval of a Special Exception shall be filed with the Secretary or Chairman of the Commission at least ten (10) days prior to the Commission's next regularly scheduled meeting and shall be determined by a fee schedule adopted by the Commission of the Town of Canterbury adequate to cover the cost of advertising the application. The Commission shall not act on a Special Exception until after a public hearing has been held in accordance with the requirements of Section 8-3c of the Connecticut General Statutes. Such hearing shall be held within sixty-five (65) days after the date of receipt, as defined by the Connecticut General Statutes.

An application for Special Exception shall include all information required for a Site Plan Review in accordance with Section 12 of these Regulations.

##### **B. Waiver**

In any instance involving a Use or Uses requiring a Special Exception as set forth in these Regulations, no land or water areas shall be Used, nor Uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a Special Exception in accordance with this Section 13, or amend a previously granted Special Exception. However, the Commission may determine that a new Special Exception is not necessary where finds that: (a) One Special Exception Use is being substituted for another similar Use on the same Lot which was previously granted a Special Exception by the Commission; (b) The new Use will require no greater parking or loading than the original, as set forth in Section 11 of these Regulations; (c) The new use shall entail no exterior change to the Building or Premises; and (d) the new Use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 13.4 of these Regulations.

### **13.3 Application Procedure**

#### **A. Informal Discussion**

Any proponent of a use permitted by Special Exception may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Exception.

#### **B. Who May Apply**

The following persons may apply for a Special Exception: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

### **13.4 Application**

Application for a Special Exception shall be submitted in writing to the Zoning Enforcement Officer, and shall also be accompanied by the following:

#### **A. Application and Fee**

An application for approval of a Special Exception on forms approved by the Commission and signed by the applicant and by the owner if different from the applicant, and an application fee as set by such Commission pursuant to Town Ordinance.

#### **B. Site Development Plan**

A site plan and other documentation consisting of the Statement of use, Site Plan, Architectural Plans, Soil Erosion and Sediment Control Plan, Traffic Impact Report and other reports and lists as specified in Section 12 of these Regulations for Site Development Plans. Six (6) copies shall be submitted.

C. Review and Modification of Submission

The Commission, upon written request by the applicant, may by resolution 1) determine that the required submission of all or part of the information required under Section 13 is not necessary in order to decide on the application and need not be submitted or 2) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

D. Complete Application

A complete application shall consist of the application form and fee, together with the required information set forth in this Section 13. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or thirty-five (35) days following the submission of such application, whichever shall first occur.

E. Notices Mandated by Statute

The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Exception in accordance with Conn. Gen. Stats. 8-3h.

In accordance with Conn. Gen. Stats. 8-3i, in any Special Exception application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. 16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of the Department of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

F. Notification of Adjacent Property Owners

After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties adjacent to the subject property, all as shown on the latest grand list of the Town of Canterbury in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notifications of said pending application to at least one (1) owner of each such property not more than thirty (30) days or less than ten (10) days before the date set for the public hearing, by transmitting the text of the application, including the scheduled date, time, and place of the public hearing. Evidence of such mailing shall be submitted, with the aforementioned list, in the form of United States Postal Service Certificates of Mailing, to the Secretary of the Commission not less than seven (7) days prior to the hearing date.

The Commission shall review the application for conformance with the criteria of this Section 13. The Commission may approve, modify, and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 13. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Exception which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

#### G. Endorsement and Filing

Within sixty-five (65) days of the Commission approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and two (2) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 13.8 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Exception shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Exception site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a Zoning permit for the proposed Use. The Commission may establish an effective date for the Special Exception, which shall be on or after the date of such filing

with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk.

### **13.5 Findings**

A Special Exception shall not be granted until the Planning and Zoning Commission has determined any application for Special Exception, at a minimum, conforms to all of the Standards for Site Plans of Section 12. Those standards and criteria are considered the basic ones for all Uses and Premises in Canterbury, other than Uses permitted as of right, with the criteria of this Section 13 being over and above those of Section 12. In addition, the Commission shall find that all of the following conditions have been satisfied.

- A. Compliance with the Plan of Development for the Town of Canterbury  
The proposed use is consistent with the objectives of the Plan of Development for the Town of Canterbury, and the intent and requirements of the Zoning Regulations on any amendment thereto adopted by the Town of Canterbury's Planning and Zoning Commission.
- B. Adverse Effects  
The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be unreasonably detrimental to the use or development of adjacent properties or the general neighborhood.
- C. Traffic Movement  
The proposed use will not impair the movement of through- traffic along the adjoining thoroughfare by creating congestion or reducing street capacities.
- D. Orderly Development  
The proposed use will not result in a fragmentation of the area's development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and adversely affecting the orderly development of surrounding properties.
- E. Property Values and Character  
The proposed use will not unreasonably depreciate adjacent property values and the character, and the extent of the proposed development will be in harmony with the existing use of adjoining properties.
- F. Parking and Loading  
The proposed use will provide off-street parking and loading facilities in accordance with Section 11 of the Zoning Regulations.
- G. Landscaping  
The Premises will be suitably landscaped to be in harmony with adjacent Lots and the character of the neighborhood.

H. Traffic Generation

The traffic to be generated by the Use and the provision to be made for vehicular access to the lot shall assure safety and convenience on the Street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the Use, Buildings, Structures, and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5) feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.

I. Traffic Access

All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths, and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any street or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed thirty (30) feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100) feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and sight lines shall comply with State standards, where applicable.

J. Water Supply

No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity; or the waiver thereof by the Canterbury Board of Selectmen, has been obtained in accordance with Section 17 of these Regulations; or such Permit is a condition of approval following the issuance of a Phase I Certificate.

K. Public Health, Safety and Environmental Protection

The site and Building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: adequate access for emergency vehicles and equipment; adequate water

supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town; avoidance of glare visible from Streets or adjacent properties.

**L. Appropriateness of Use**

The proposed Use shall be appropriate for the designated location with regard to: the size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, storm water disposal systems, and other special burdens on utilities which the Use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

**M. Architectural Character, Historic Preservation, and Site Design**

The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of Buildings and Structures, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and buildings which are visible from the exterior of any Building on the site or from adjoining properties or Streets, or which may impact the character or quality of life on Abutting properties, in the neighborhood, or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations. In addition, site and architectural design

shall be guided by the Canterbury Design Guidelines, attached to these Regulations as Appendix A and made a part hereof.

In multi-building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

**N. Uses In, Adjacent to, or Impacting Residential Areas**

In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a Rural District or other area of residential uses, the Commission shall find that:

1. The location and size of such Use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the Use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs, and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.
2. Where any Lot, or part thereof, adjoins or is separated by a street from a residential zone, the Commission may require additional setbacks or buffers for Uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.
3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the Premises shall be such that the Use will not hinder or discourage the appropriate development and Use of adjacent land and Buildings or impair the value thereof.
4. No use shall be permitted which does not meet the requirements of Section 4 (General Regulations) dealing with Environmental Performance Standards of these Regulations.
5. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require.
6. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
7. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

**O. Specific Recommendations and Requirements for Sites and Buildings**



The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Exception, and the preferred or required features, as the case may be:

1.      **Mechanicals**

All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

2.      **Lighting**

Lighting shall be limited to that required for basic security and protection of the Premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one-half foot-candle per square foot. Lighting standards in most parking areas should not exceed sixteen (16) feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. No lighting shall create glare, and the light source shall be recessed into the body of the luminaire and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low level lighting standards with shielded light sources. All loading areas, rear entries, and other potential high crime areas shall be illuminated to the level of parking areas. Building mounted lighting shall utilize shielded light sources and shall be of a style and character which is in harmony with the character of the Town. Building mounted flood-lights, and ornamental Building lighting are discouraged.

3.      **Walkways**

The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along streets may also be required.

4.      **Landscaping and Screening**

All Parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce

the visual impact of large, paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 ½), all evergreen trees shall have a minimum height of six (6) feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

P. Complete Application

The application shall contain all information required by this Section 13, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

**13.6 *Recording of Commission's Actions***

The Commission shall cause the decision to be published as required in State Statute, and the applicant shall file the official notice, along with endorsed plans, on the land records of the Town of Canterbury before developing or commencing the use authorized under the Special Exception.

**13.7 *Commencement of Construction***

Unless construction is significantly begun within one (1) year from the date of approval of a site plan, no building permit is to be issued until a new site plan is approved and the original approval shall become null and void. However, approval may be extended for a period not to exceed one (1) year at the discretion of the Commission.

**13.8 *Violation of Special Exceptions***

Whenever the Commission shall find, in the case of any Special Exception heretofore or hereafter granted pursuant to the provisions of this Section, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of a Special Exception, or any of the plans or other documents submitted in connection with it, shall constitute a violation of the Zoning Regulations.

**13.9 *Conditions and Bonding***

Whenever the Commission finds it necessary to protect the interests of the Town or its residents, or when additional controls need to be placed on an approval that are not indicated in the proposal, the Commission may require additional conditions or bonding. Except as provided below, bonding for Special Exceptions shall only be required for improvements that are to be conveyed to or controlled by the Town; or for erosion and sedimentation control

measures (hereinafter, "completion bond"). The bonding shall be deposited with the Town before the approval is filed on the land records and be in a form acceptable to the Town.

A. Term and Form of Bond

Such completion bond shall refer to and identify the various Special Exception site plan sheets or other conditions of approval, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Commission. The form of the bond shall be satisfactory to legal counsel for the Commission. The amount of the bond shall not exceed the actual costs for the completion of such site improvements or the implementation of erosion and sedimentation controls, plus a contingency not to exceed ten (10) percent of such costs.

B. Continuing Effectiveness

Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Commission or its agent. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the Special Exception have been met.

C. Application for Certificate of Zoning Compliance

In accordance with Section 20.13 of these Regulations, bonding may be accepted by the Zoning Enforcement Officer where an application for a Certificate of Zoning Compliance is filed for a site which is not in compliance with its Special Exception approval and the conditions thereof.

D. Prerequisite to Field Work

No field work implementing an approved Special Exception shall commence until the required completion bond in content and form acceptable to the Commission shall have been filed with the Town Treasurer.

## **14. SIGNS**

### **14.1 General**

Signs shall announce only the name of the business and type of goods or specific brand of merchandise or product sold, services rendered or type of commercial establishment or home occupation which is being operated within the premises on which the sign is located. All signs shall be designed so as to compliment the village character of the Town of Canterbury. No sign shall make use of any kind of flashing, rotating, or moving light. No existing sign of a nonresidential nature shall be enlarged or altered, and no new sign of a nonresidential nature shall be erected or created unless it is in accordance with these Regulations.

### **14.2 Permanent Signs**

No permanent sign shall be permitted unless it meets the requirements listed below. A zoning permit is required for any newly installed permanent sign or replacement sign that is changing in dimension, method of illumination, or location. Signs are allowed only for approved retail, professional, or commercial uses.

#### **14.2.1 Rural District**

- A. One ground sign may be provided per property for business uses which shall not exceed twelve (12) square feet, per side, nor the height exceed six (6) feet.
- B. Residential uses may be two (2) square feet in size. Sign shall be installed on the subject property and shall not cross the property line in any way. Sign may be Indirectly Illuminated.
- C. One wall sign shall be allowed for each individual retail, professional, or commercial space within a building, excluding home occupations or kiosks, at a uniform height and style up to thirty-two (32) square feet per sign. Sign(s) may be Indirectly Illuminated.
- D. As an alternative to the size restrictions in paragraph C above, for commercial uses, a sign budget can be established and filed with the Zoning Enforcement Officer that shall equal one (1) square foot of signage for each linear foot of building frontage facing a street. Such budget shall then become the total allotment of allowable fascia or siding mounted signage for that building, provided no individual space's sign is over fifty (50) square feet. Signs may be indirectly illuminated.
- E. A second separate logo or stylized element may be utilized as part of the sign, and measured separately, however the total square footage for both signs shall not exceed the limits given. Sign may be Indirectly Illuminated.

- F. One hanging sign, mounted perpendicular to the face of the building (excluding the roof) shall be allowed per retail space within the building frontage. Signs shall not project out from the building more than three (3) feet, nor exceed four (4) square feet in size and shall not protrude into any area that would cause a safety issue such as a driveway or walkway where it could be hit. Sign may be indirectly illuminated.

#### 14.2.2 Village Commercial and Industrial District

- A. One ground sign shall be provided for all uses on the property which shall not exceed sixty-four (64) square feet, per side, nor the height exceed twelve (12) feet. Sign shall be installed at least five (5) feet from any property line and shall not encroach into this setback in any way. Sign may be indirectly or directly illuminated.
- B. One wall sign shall be allowed for each individual retail, professional or commercial space within a building, excluding home occupations or kiosks, on each side having frontage, at a uniform height and style, up to thirty-two (32) square feet per sign. Sign(s) may be Indirectly Illuminated.
- C. Signs consisting of channel or pin letters, that are individual, separate letters or a symbol placed directly on the face of the building or on the backing that is an integral part of the sign, may be internally illuminated only if lighting coming from the sign is enclosed entirely with the body of the letter and such illumination is generated by from light emitting diodes or other subdued light sources encased within each individual translucent or opaque letters. The backplane of the sign may not be lit in conjunction with the letters in this case. Can or box type signs that consist of an internally lit box covered with a replaceable translucent sign element are not allowed.
- D. Alternatively, a sign budget can be established and filed with the Zoning Enforcement Officer that shall equal one (1) square foot of signage for each linear foot of building frontage facing a street. Such budget shall then become the total allotment of allowable fascia or siding mounted signage for that building frontage, provided no individual space's sign is over fifty (50) square feet. Signs may be Indirectly Illuminated.
- E. A second separate logo or stylized element may be utilized as part of the sign, and measured separately, however the total square footage for both signs shall not exceed the limits given. Sign may be Indirectly Illuminated.
- F. One hanging sign, mounted perpendicular to the face of the building (excluding the roof) shall be allowed per retail space within the building frontage. Signs shall not project out from the building more than three

(3) feet, nor exceed four (4) square feet in size and shall not protrude into any area that would cause a safety issue such as a driveway or walkway where it could be hit. Sign may be Indirectly Illuminated.

- G. Gasoline price signs located above the individual pumps may be posted in accordance with applicable State law, but no larger than required by such State law. A separate sign advertising products other than the price of the fuel, may also be installed above the pump, for example as an integral part of the price signage, provided it is no larger than two (2) square feet in size. A separate ground mounted sign, indicating the brand and price of the fuels, is also allowed provided it is no larger than twelve (12) square feet per side in size and no higher than ten (10) feet.

#### **14.3 Temporary Signs**

The following signs shall be permitted anywhere within the Town of Canterbury and shall not require a permit except as provided otherwise below:

- A. Construction signs

Which identify the architects, engineers, contractors and other individuals or firms involved with the construction, and do not include any advertisement of any products, and signs announcing the character of the building enterprise or the purpose for which the building is intended may be erected during the construction period. However, the total sign area on a given lot shall not exceed twenty (20) square feet. The signs shall be confined to the site of the construction only and shall be removed within fourteen (14) days after the completion of the project.

- B. Real estate

Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of five (5) square feet. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease of the subject property.

- C. Window signs

Signs displayed within the window of a commercial establishment announcing an event or advertising merchandise sold within such establishment. Such signs shall contain no flashing lights nor be illuminated by any flashing lights. Window signs will also be interpreted to include a display of merchandise within the window of the establishment in which it is sold.

- D. Grand Opening Signs

Businesses opening, or expanding to a new or larger location, may install one (1) banner on the face of the building of no more than forty (40) square feet, one

temporary sandwich or freestanding sign that is within the size limits for that district, and associated flags or balloons for thirty (30) contiguous days.

E. Flags

One (1) flag is permitted to be mounted per separate storefront or building.

F. Outdoor Display Signs

Signs advertising merchandise that is stored outside, such as greenhouse stock or used cars, may have one sign for each type of merchandise or per car, displayed on or in a glass surface, for sale for a car lot, not larger than two (2) square feet in size provided the outdoor merchandise is specifically allowed by the Commission and the sign is mounted on or directly in front, above or beside the merchandise or for vehicles, in or on a window surface.

H. Seasonal Displays

Displays celebrating holidays or seasons are allowed provided they do not constitute a "sign" as defined in these Regulations. One (1) display is allowed per building or store front limited to fifty (50) cubic feet for a display.

I. Temporary Signs for Retail, Commercial or Professional Use

Temporary Signs are allowed, by zoning permit issued by the Zoning Enforcement Officer to expire each January 1st of the following year, to be displayed by legally operating businesses, excluding Home Occupations. They must be less than eight (8) square feet in size, removed each night, on the subject property and at least ten (10) feet off the street pavement. They also shall not block any sight lines or cause any other safety issues. Such signs may be in the form of a sandwich board, wire frame, or similar designs and may indicate the name of the store, specials, or other messages. One such sign is allowed per lot and is in addition to the permanent sign, as allowed. This section shall not be used in conjunction with Seasonal Agricultural Signs, as this is a similar allowance.

In the case of a parcel with multiple uses, such as a mall or office building, one temporary sign as described above in section 14.3 I, shall be allowed along each street the property fronts, for each one hundred (100) feet of frontage along that street/street.

J. Information Signs

Information signs may be incorporated into traditional ground signs provided the area of the display is no larger than eight (8) square feet and shall, to prevent driver distraction, not change or flash more than one (1) time in any given minute.

#### **14.4 Exemptions**

The following types of signs are exempted from the provisions of this Regulation, except for construction and safety regulations and the following requirements:

**A. Public Signs**

Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, traffic signs, memorial plaques, signs of historical interest and the like, institutional signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty (20) square feet. Such signs may be illuminated in accordance with the Regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than ten (10) feet above ground level.

**B. Integral**

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of wood, bronze, aluminum, or other permanent type construction and made an integral part of the Structure.

**C. Private Traffic Direction**

Signs directing traffic movement onto a premise or within a premise, not exceeding two (2) square feet in area for each sign, provided the sign is on the subject property. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs painted on and flush with paved areas are exempt from these standards.

**D. Vehicles**

Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle; and that the vehicle is registered with the State of Connecticut; and that the vehicle is in motion or parked in an approved parking or loading space at the business location and capable of movement, and in fact, used for transport purposes in the business.

**E. Warning Signs**

Signs posted on private property warning a visitor or passer-by of imminent danger which one might incur if one entered onto the property or indicating directions to non-residents of property as to a method or speed of access on to



or around the property or a sign prohibiting a given activity on a lot. Such signs shall not exceed two (2) square feet.

F. Mailboxes or Street numbers

Serving the Principal Use or Structure on a lot, or sign indicating the name of the party in residence. Such signs shall not exceed two (2) square feet.

G. Signs of Civic Support

Signs advertising a sponsoring commercial concern installed by the Town and in support of a Town sponsored team, field, or event. Examples would include signs on the outfield fence on a ball field or on a concession stand. Such signs shall not exceed thirty-two (32) square feet.

H. Trespass Signs

Signs that indicate no trespassing, no hunting, and similar signs. Such signs shall not exceed two (2) square feet.

#### **14.5 Nonconforming Signs**

Signs existing at the time of the enactment of this Regulation and not conforming to its provisions, but which were constructed in compliance with previous Regulations shall be regarded as nonconforming signs and may be continued.

#### **14.6 Prohibited Signs**

Prohibited signs are signs which:

- A. Contain or are in imitation of an official traffic sign or signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.
- B. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal.
- C. Advertise any activity, business, product, or service no longer conducted on the premises upon which the sign is located.
- D. Moving signs or signs that mechanically move in any manner or have a major moving part.
- F. Contain or consist of posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similarly moving devices.
- G. Swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment in such a way as to cause a potential hazard to public safety.

#### **14.7 *Illumination of Signs***

Except for illuminated signs in the Village Commercial and Industrial Districts specified in Section 14.2.2 of these Regulations, all signs shall meet the following requirements:

- A. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- B. No signs shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color, except such as indicate the local time and/or weather or as allowed for information signs.
- C. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- D. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- E. No exposed reflective-type bulbs or incandescent lamp which exceeds fifteen (15) incandescent watts shall be used on the exterior surface on any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

#### **14.8 *Structural Requirements***

All signs shall comply with the requirements of Article 14 of the State Building Code.

#### **14.9 *Special Events and Signage***

No more than twice per calendar year, businesses may apply to the Zoning Enforcement Officer for a special event permit which will allow the installation of one (1) banner on the face of their building of no more than forty (40) square feet, one additional temporary sandwich or freestanding sign that is within the size limits for that district, and associated flags, streamers or balloons for a period of no more than fifteen (15) days. The applicant may also install a tent up to two hundred (200) square feet, or hold a sidewalk sale under this permit, provided that the ZEO finds there will be no safety concerns as a result of the event.

#### **14.10 *Town Erected Business Directional Signs***

Signs installed by the Town, on behalf of the Economic Development Commission, showing directions and distances to businesses installed at key cross streets around town, are allowed with the authority of the Zoning Enforcement Officer, Public Works Director, and First Selectman. Signs shall not exceed thirty-two (32) square feet in size and shall be complimentary to the Town's character. Signs shall be updated as needed and the design of the sign should allow for this updating (with removal panels, for example). Location of sign must be approved.

Revised: May 13, 2010

Effective: June 1, 2010

## **15. *Nonconforming Use, Building, or Structures and Nonconforming Lots***

### **15.1 *General***

Section 8-2 of the General Statutes was amended by Public Act No. 661 at the 1959 session of the General Assembly to provide that zoning regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of adoption of such regulations.

Any nonconforming use, building or structure legally existing at the time of the adoption of these regulations, or of any amendments thereto, may be continued but may not be moved, expanded, or extended except as provided below.

Nonconforming is defined as a use, structure or building which lawfully existed prior to the enactment of these regulations, as amended, and which is maintained after the effective date of these regulations, although it does not comply with the regulations applicable to the area in which it is situated.

### **15.2 *Nonconforming Building or Structures***

#### **15.2.1 Requirements for Nonconforming Buildings or Structures**

For a building or structure to be considered nonconforming, that building, or structure must possess two characteristics: 1) the use must be lawful when constructed; and, 2) it must be in existence at the time the Regulations were enacted, making the use nonconforming.

- A. Any legally existing nonconforming building or structure that has been damaged or destroyed by fire, flood, explosion, act of God or the public enemy, collapse or other unintentional cause, including wear and tear, deterioration or depreciation, may be improved, reestablished, restored, reconstructed, repaired or rebuilt to the area, volume, occupation, and use it had at the time of the damage or destruction, provided such reestablishment, restoration, reconstruction, repair or rebuilding is completed within two years of the damage or destruction. The Zoning Enforcement Officer or the Commission may grant an extension of the two-year period for up to one additional year if the work has been at least fifty percent (50) completed during the two-year period.
- B. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- C. No part of a nonconforming building or structure, if changed to conformance with these regulations may be changed back to nonconformance.

- D. A legally existing building or structure nonconforming as to the front, side and/or rear setback requirements or minimum lot size requirements of these regulations may be expanded, extended, or enlarged, provided any such expansion, extension or enlargement is no closer to the property line than the existing building or structure; does not create a public safety problem or health hazard, including but not limited to sight lines for the motoring public; and, is in conformity with all other requirements of these regulations. The right to expand, extend or enlarge shall not apply to any nonconforming use expressly listed as a prohibited use under these regulations.
- E. Any building or structure which is deemed nonconforming because of the location of the building in relation to the boundaries of the lot, must comply with all other existing zoning regulations, including use.

#### 15.2.2. Restoration of Existing Buildings or Structures

Nothing in these Regulations shall prevent the restoration or reconstruction within one (1) year of a building damaged or destroyed by fire, explosion, or accident, subsequent to the adoption of these Regulations, to its condition prior to such damage or destruction nor prevent the restoration of an unsafe wall or structural member.

### **15.3 Nonconforming Lots**

#### 15.3.1 Existing Lots – Conformance with Yard Requirements

The provisions of these Regulations relative to required lot area, required lot width and required frontage shall not prevent the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot which, at the time of the adoption of these Regulations (April 5, 1974) and continuously thereafter, was owned separately from any adjoining lot, as evidenced by deed recorded in the Land Records of the Town of Canterbury. However, if the building to be constructed and/or used cannot meet the front, side or rear yard requirements of these Regulations, a variance shall be secured from the Zoning Board of Appeals.

#### 15.3.2 No Increase in Nonconformity

No lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any structure or building thereon, shall fail to comply with these Regulations or shall increase the extent of any nonconformity.

#### 15.3.3 Lots in Approved Subdivisions

In accordance with Conn. Gen. Stats. §8-26a(b), any lot located within a subdivision approved by the Commission in accordance with the Canterbury Subdivision Regulations shall be a legal nonconforming lot under these Regulations, and such lot shall not be required to conform to the area, frontage, or other lot dimensional requirements of these Regulations. Construction of any improvement on any such lot shall conform to the bulk requirements of these Regulations (yard, building coverage, etc.) as of the date that such lot becomes an improved lot. If such lot is vacant, the bulk requirements to be applied to such vacant lot are those in effect as of the date of approval of the subdivision in which such lot is located. For purposes of this Section 15.3.3, a lot shall be deemed "vacant" until the date that a building permit is issued with respect to such lot and a foundation has been completed in accordance with such building permit, after which such lot shall be deemed "improved;" provided, however, that any lot which is improved shall not thereafter be deemed vacant if any structures on such lot are subsequently demolished.

#### 15.3.4 Use of Legal Nonconforming Lots Not in Approved Subdivisions

Residential lots not addressed in the preceding Section 15.3.3, and that are legally nonconforming, in that they have a lot size that is smaller than required in these regulations, may have a single dwelling unit constructed thereon, subject to all of the following:

- A. A zoning permit indicating conformity with these regulations as to front, side and rear setbacks must first be obtained.
- B. Written approval from the Northeast District Department of Health indicating the suitability of the lot for a proposed sewage disposal system and well must be obtained.
- C. If applicable, approval for the proposed activity from the Inland Wetlands and Watercourses Commission must first be obtained.
- D. The lot must be a lot of record that was owned separately and distinctly from any adjoining lot prior to June 6, 1968, as evidenced by a deed or maps legally recorded in the office of the Town Clerk of the Town of Canterbury and that has since remained in separate ownership; or the lot must be in a subdivision approved by the Canterbury Planning & Zoning Commission and legally recorded in the office of the Canterbury Town Clerk. See Section 15.3.1 above.

The foregoing provisions notwithstanding, on the date these regulations or any amendment thereto became effective, any lot of record that:

- 1. Has a lot size smaller than required in these regulations.

2. Is not part of a valid subdivision plan approved under the Town of Canterbury Regulations and filed or recorded with the Canterbury Town Clerk and
3. Does not have a dwelling or other principal structure legally constructed thereon, shall be deemed to be combined (merged) with any adjacent lot held in common ownership, such that the combined lot shall conform or more nearly conform to the lot size requirements of these regulations, as amended.

#### **15.4 Nonconforming Uses**

15.4.1 For a use to be considered nonconforming, that building, or structure must possess two characteristics:

1. The use must be lawful when established; and 2) It must be in existence at the time the Regulations making the use nonconforming were enacted. Also, the use must be actual and not merely intended.
  - A. No part of a nonconforming use, if changed to conformance with these Regulations may be changed back to nonconformance.
  - B. A legally existing nonconforming use may be changed to a conforming use, provided a zoning permit has been issued for such change upon proper application. In no case shall any use be changed to a use that is prohibited by the Town of Canterbury Zoning Regulations, regardless of district and including, but not limited to Section 4.11 Prohibited Uses and Section 8.8 Industrial District Prohibited Uses.
  - C. All nonconforming uses shall be subject to the same regulations for building arrangement and operation as those that apply to conforming uses in the district which they are located.
  - D. Where a nonconforming use abuts a residential lot, no outside storage of goods or refuse shall be established.
  - E. Such use shall not be enlarged or extended (see Section 2.1, Definitions); provided, however, that a nonconforming use may be extended by not more than fifty (50) percent of the nonconforming floor area, or the nonconforming land area occupied upon the issuance of a special exception by the Zoning Board of Appeals.
  - F. Except as provided in the preceding paragraph, such use shall not be altered in such manner as to increase the nonconformity of such use.
  - G. Except as provided in paragraph (E), no nonconforming use shall be moved to any portion of a building, structure, or any part of a parcel of land where such use did not previously exist.

#### 15.4.2 Abandonment of Nonconforming Uses

The abandonment of a nonconforming use requires the concurrence of two factors:

1) An intention to abandon and 2) An overt act, or failure to act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.

Any nonconforming use which has been abandoned shall not thereafter be reestablished. Any structure or land, or structure and land in combination, which was formerly devoted to a nonconforming use which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination is located.

#### 15.4.3 Existing Businesses

Any business which was in existence prior to February 1, 1976, which may be permitted as a Special Exception under Section 13 of these Regulations shall be recognized as and considered a permitted use if a statement was submitted to the Commission by December 31, 1985; a list of such businesses are attached to these regulations Appendix B.

Revised: October 10, 2002

Effective: October 21, 2002

## **16. Communication Towers and Antenna**

### **16.1 Purpose**

To provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing the adverse visual and operational effects through careful design, siting and screening consistent with the provisions of the Telecommunications Act of 1996. This section of the Zoning Regulations is consistent with the with the Act in that it does not discriminate among providers of functionally equivalent services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC Regulations concerning such emissions. Other specific wireless telecommunication purposes as follows:

- A. To encourage use of nonresidential buildings and structures, such as water storage tanks.
- B. To encourage joint use of new or existing towers and facilities.
- C. To avoid potential damage to adjacent properties from tower failure through engineering and careful locating of towers.
- D. To accommodate the need for wireless communication towers and antennas while regulating their location and number.
- E. To protect historic and residential areas from potential adverse impacts of wireless communication facilities.
- F. To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.
- G. To reduce the number of towers and/or antennas needed for the future.

### **16.2 Sitting Preferences**

The general order of preference for alternative facility locations shall range for "1" as the most preferred to "5" as the least preferred.

- 1. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain, elevators, and silos.
- 2. On exiting or approved towers.
- 3. On new towers located on property occupied by one or more existing towers. This recognizes and already proven good site and implies that clustering or tower "farming" is more desirable than scattering or dispersal. However, with lower power PCS, which can require more antennas for coverage, clustering may not necessarily provide seamless coverage.



4. On new towers located in commercial or industrial zones.
5. On new towers located in residential zones.

**16.3 Permitted and Special Exception/Site Plan Review Uses**

The following uses generally pose a minimum adverse visual effect and shall be deemed permitted uses in all zoning districts subject to the standards in these Regulations.

- A. Wireless telecommunications facilities where the antenna is mounted on the rooftop or façade of a nonresidential building, provided the following standards are met:
  1. No change is made to the height of the building.
  2. Panel antennas shall not exceed sixty (60) inches in height by twenty-four (24) inches in width; whip antennas shall not exceed forty-eight (48) inches in height; and dish antennas shall not exceed thirty-six (36) inches in diameter.
  3. Equipment cabinets and sheds shall meet the requirements of these regulations.
  4. Facilities shall be of materials or color that matches the exterior of the building and shall blend into the existing architecture to the extent possible.
  5. Façade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or façade.
  6. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten (10) feet.
  7. Roof mounted antennas shall not occupy more than twenty-five percent (25) of the roof areas in residential zones, and fifty percent (50) in all other zones.
- B. Wireless telecommunication facilities where the antenna is mounted on existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys bridges, grain elevators, and silos, provided the following standards are met:
  1. No change is made to the height of the structure.
  2. Panel antennas shall not exceed sixty (60) inches in height by twenty-four (24) inches in width; whip antennas shall not exceed forty-eight (48) inches in height and dish antennas shall not exceed thirty-six (36) inches in diameter.

3. Equipment cabinets and sheds shall meet the requirements of these Regulations.
  4. Facilities shall be of a material or color that matches the exterior of the structure and shall blends into the exiting architecture of these structures to the extent possible.
- C. Wireless telecommunications facilities where a tower is located on property occupied by one or more towers erected prior to the effective date of these telecommunication zoning amendments (July 29, 1999) provided the following standards are met:
1. The height of the tower to be erected shall not exceed the height of the tallest tower on the property.
  2. All attempts are made to co-locate the antenna on existing towers.
  3. Equipment cabinets and sheds shall meet the requirements of these regulations.
- D. All other placement of wireless communication facilities shall require a Special Exception and the following requirements:
1. All of the plans and information required for a permitted use wireless telecommunications facility can be found in Section 12 of these Regulations.
  2. A view shed analysis showing all areas from which the tower would be visible and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.
  3. Documentation prepared by a licensed telecommunications systems engineer that no exiting or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within one-quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures other than economic reasons.
  4. Proximity of the tower to residential structures.
  5. Nature of uses on adjacent and nearby properties within 1,000 feet.
  6. Surrounding topography within 1,000 feet at contour intervals not exceeding ten (10) feet.
  7. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

#### **16.4 Site Plan Requirements**

All applicants to develop a wireless telecommunications facility, as a permitted use of Special Exception shall meeting the following site plan requirements in addition to those set forth in Section 12 of these Regulations:

**A. Review Criteria for Wireless Telecommunications Facilities**

In addition to other appropriate review standards found in these regulations, the Commission, in reviewing application for wireless telecommunications facilities, shall consider:

1. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 16.2. #2 of these Regulations.
2. Detailed propagation and antenna separation analysis relative to tower height.
3. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the Connecticut General Statutes to achieve tower sharing.
4. Assessment of tower structure type.
5. Assessments of design characteristics/architectural treatments that mitigate, reduce, or eliminate visual impacts on adjacent areas.
6. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
7. Consideration of future use or reuse of the site, with provisions for facility and site restoration.

**B. Additionally, the following information shall be submitted for each application where applicable. The commission may require independent engineering/technical review of submitted materials at the applicant's expense:**

1. A map indicating the service area of the proposed wireless telecommunications site, a map indicating the extent of the provider's existing, and planned coverage within the Town of Canterbury, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within on quarter mile of the proposed site.

2. A report from licensed telecommunications systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
3. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
4. Details of all proposed antenna and mounting equipment including size and color.
5. Elevations of all proposed shielding and details of material including color.
6. An elevation of all proposed equipment buildings, boxes, or cabinets. Details of all proposed fencing including color.
7. Tower base elevation and height of tower.
8. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number of type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
9. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
10. All proposed landscaping, if appropriate, with a list of plant materials.
11. Proposed access to the site.

#### **16.6 General Standards**

The wireless telecommunication facility standards enumerated below shall be followed:

- A. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunications systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.
- B. A tower must comply with the setback requirements of the zone in which it is located or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
- C. A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area of the construction of a new tower shall be that of the zone in

which it is located. More than one tower on a lot may be permitted if all setbacks, design and landscape requirement are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.

- D. All towers in residential zones shall be a monopole design unless otherwise modified and approved by the Commission. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art for/sculpture as determined by Commission.
- E. Towers not requiring FAA painting or markings shall be painted in a non-contrasting blue, gray or other neutral colors.
- F. No lights or illuminations shall be permitted unless required by the FAA.
- G. No signs or advertising shall be permitted on any tower or antenna, except "No Trespassing", warning, and ownership signs are permitted at ground level.
- H. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies.
- I. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- J. The Commission may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

#### **16.7 Ancillary Buildings**

All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:

- A. Each building shall not contain more than one hundred fifty (150) square feet of gross floor area or be more than eight (8) feet in height.
- B. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.
- C. If located on the roof of a building, it shall be designed to blend with the color and design of the buildings to the extent possible.
- D. All ground level buildings, boxes or cabinets shall be surrounded by a chain link or comparable fence and be landscaped.

#### **16.8    *Abandonment***

A wireless telecommunication facility not in use for twelve (12) consecutive months shall be removed by the facility owner(s) at their expense. This removal shall occur within 90 days of the end of such twelve-month (12) period. The Commission may require a bond or other surety satisfactory to the Town of Canterbury to guarantee removal, which shall be reviewed and renewed every two years. If these are two (2) or more of a single tower, this provision shall not become effective until all users cease utilizing the tower.

Adopted:        June 10, 1999

Effective:       July 15, 1999

#### **17.    RESERVED**

## **18. EXCAVATION AND FILLING OF EARTH PRODUCTS**

### **18.1 Purpose and Authority**

The purpose of these Regulations is to regulate the filling, processing and removal from land of earth, sand, stone, ledge, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances, so as to prevent conditions in the Town of Canterbury detrimental to the public safety, health, and general welfare, including, but not limited to, erosion, depletion of natural resources, dangerous open pits, lowering of property values, stagnant water bodies, nuisances, traffic hazards, and unsightly operations. This Section is enacted pursuant to Connecticut General Statutes §7-148.

### **18.2 Definitions**

For the purposes of this Section 18 only, terms used herein shall be defined as follows:

- A.     **Excavation or Excavation Operations**  
The terms "Excavation" or "Excavation Operations" shall include (1) Any operations involving excavating, grading, filling or removal of earth, sand, stone i.e. stone walls and ledge, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of Canterbury, or the transportation of such products from such operations across private property located in the Town, regardless of whether the operation itself is within the Town or in an adjacent Town.
- B.     **Permit Premises**  
Any premises (as defined in these Regulations) upon which a Special Exception in accordance with this Section 18 has been issued, or upon which premises any such Special Exception would be required pursuant to the provisions of this Section 18.

### **18.3 Permit Required**

Except as provided in the following Section, there shall be no Excavation Operations on any premises except upon the issuance of a Special Exception in accordance with this Section 18. Upon the issuance of such Special Exception, Excavation Operations shall be permitted in all zones.

### **18.4 Exempt Operations**

This Section 18 shall not apply to the following provided the excavation does not substantially alter the existing topography or drainage patterns and the affected area(s) are re-vegetated as required in the 2002 CT Erosion and Sedimentation Control Guidelines, as amended:

- A.     Excavation (placing or removing material) of less than one hundred (100) cubic yards of material over a twelve (12) month period from a lot.
- B.     An activity that is clearly incidental to a residential use which will require the importation or exportation of one hundred (100) to five hundred (500) cubic yards of

material over any twelve (12) month period of time, may, be approved via a zoning permit issued by the Zoning Enforcement Officer provided that the operation is non-commercial in nature, utilizes adequate erosion and sedimentation controls, and will have no significant impact on local drainage patterns, inland wetlands or watercourses or the surrounding neighborhood. The receipt of a zoning permit for an activity covered under this paragraph exempts the activity from the requirement to obtain a Special Exception under this Section 18.

- C. The necessary excavation for the construction of a wall, sewer or water line, septic system, swimming pool, fence, sidewalk, driveway or parking area accessory to either to an existing building or to a building for which a Zoning Permit and a Building Permit (where required by the Building Code) have been issued; or any work incidental to landscaping or gardening on the property (expanding lawn areas, filling in depressions, removing or building interior walls, etc.)
- D. Excavation involving the movement of earth products from one part of the premises to another part of the same premises, when such removal/filling is made for agricultural purposes or landscaping.
- E. Necessary excavation, graveling, removal or filling incidental to the construction or alteration of a building or structure for which a Zoning Permit and, where required, a Building Permit has been issued.
- F. Necessary excavation, graveling, removal or filling incidental to the construction or alteration of a public highway, or a street in a subdivision approved by the Commission and filed in the Office of the Town Clerk in accordance with the Canterbury Subdivision Regulations.
- G. Activities on a farm that are directly related to the agricultural activity such as installing streets, preparing fields, or preparing for construction activities related to the farm.

#### **18.5 Special Exception Application Requirements**

The Commission may grant a Special Exception in accordance with this Section (in lieu of the submission provisions of Section 13, Special Exception, of these Regulations) for the removal or filling of soil, loam, sand or gravel, stone, or clay, under the following conditions:

- A. The owner of the land, or his agent, shall submit a plan of the permit premises prepared by a professional engineer and a land surveyor licensed in the State of Connecticut which shall:
  - 1. Show the boundaries of the entire parcel of land owned by the applicant, with the permit premises delineated. On large parcels, areas which will not be affected under this permit, or have been affected by excavation activities in the past and have been adequately reclaimed, need only be shown at Class D accuracy. Areas to be excavated or areas previously excavated but not yet reclaimed need to be shown to the Class A-2 standard of accuracy.



2. All plans showing excavation activities shall be drawn to 1" = 40' scale. Overall plans or plans showing larger parcels (or sections of parcels) that will not be affected by this permit may be drawn at any of the following scales: 1" = 50', 1" = 60' or 1" = 100', subject to the Commission's approval.
3. Indicate existing contour lines and proposed final contour lines of the project area, as well as all area within five hundred (500) feet thereof. Elevation data for areas not excavated in the past or excavated and restored may be from available sources (USGS maps, state flyovers, etc.), new surveys are not necessary, but the source must be identified. Any unrestored areas, or areas proposed to be excavated, shall be shown to the Class T-2 standard of accuracy based on field surveys. Said plan shall also indicate the location of surface and subsurface rock and the seasonal high groundwater table, if known. Cross-sections shall be also included for the widest part of the excavation and additional slices perpendicular to it in a number sufficient to adequately show the existing and proposed grades. These cross-section locations shall be located to best show all wetlands, waterbodies, and any proposed or existing test pits.
4. Indicate benchmarks (2) established from U.S.G.S. monumentation or by a benchmark established on site. In addition, to aid in the operation and inspection of the pit, permanent or semi-permanent markers or signs shall be proposed and installed in the pit area, where they will not be disturbed, to mark excavation limits, wetlands and watercourses, and the maximum excavation depth (a post where maximum depth can be five (5) feet lower than the top, for example).
5. Show the location and elevation of all existing and proposed streets, streets, or highways on and within one thousand (1,000) feet of the permit premises. Existing street data can be from available sources, new surveys are not necessary.
6. Indicate the existing and proposed drainage of the permit premises including drainage provisions during the excavation or filling phases, as well as an erosion and sedimentation control plan in accordance with current standards of the Natural Resources Conservation District.
7. Show all adjacent property owners and indicate the names and mailing addresses of all property owners adjacent to the permit premises, as such names and mailing addresses are shown on the current records of the Assessor.
8. Location of all structures, wetlands, watercourses, FEMA Special Flood Hazard Areas, utilities, rights-of-way, and easements on the permit premises, and areas which are wooded or open field.

9. For the wetland and watercourse delineation of areas within two-hundred feet (200) of a current or proposed excavation, or a previous excavation which has not been restored, the delineation shall be completed by a licensed Soil Scientist and a signed statement by this individual shall be on the plans indicating that they completed the delineation and that all wetlands and watercourses in the affected area are correctly depicted on the plan. Areas outside this two-hundred-foot (200) area can be identified through the use of available data such as the USDA Wetlands Survey, but the source must be identified on the plans.
  10. Details of regrading and revegetation of the permit premises, including the number, size at planting, and location of all landscaping material and the mix of grass seed for all restored area.
  11. Show the results of any test borings or pits including soil types and seasonal high water table levels over time in the form of a table or chart. This data shall be produced over a minimum of one year at intervals, or as necessary to properly determine water tables. Until this data is obtained, the Commission may require that the excavation remain at a higher level until the exact levels of the seasonal high water table levels can be determined.
  12. Show the location of any stockpiles and their anticipated size.
- B. A statement and map describing the stages of operation by area and time sequence.
  - C. A list of the number and types of machinery to be used on the premises and for hauling; the proposed hours of operation, and the location and type of any storage building existing or to be erected on the permit premises.
  - D. All applications shall include a sedimentation and erosion control plan in accordance with Section 4.12 of these Regulations, and also including: Routes water will follow both during and after work is completed; temporary measures, both mechanical and vegetative, for erosion control; measures planned for keeping sediment on the site; and any permanent mechanical measures needed to control water runoff and thus erosion and sediment.
  - E. The applicant shall submit a reuse plan which will indicate the final land configuration of the parcel. In order to encourage land aesthetics, final slopes may consist of variations of 3:1 and 4:1 ratio unless the Commission finds that the ultimate reuse shows the necessity of a steeper slope, but shall not, in any event, exceed 2:1. Said plan, subject to approval of the Commission, shall also include provision for ground cover, including topsoil, reforestation and/or seeding. Said reuse plan shall indicate: a) Proposed final condition of the land and its usefulness for development in accordance with the zoning of the premises, based on the remaining natural resource conditions after restoration; b) Improvements to the land resulting from the excavation operation; and c) Evidence (such as borings) that adequate cover will remain over bedrock to permit development of the premises in accordance with its zoning, including adequate depth for drainage,

septic systems, and other utility installations. This cover shall be no less than five (5) feet above the water table or 6 feet above any ledge.

- F. The applicant shall submit the anticipated haul pattern over Town of Canterbury streets or State streets within the Town of Canterbury for the operations, which shall be approved or modified and approved by the Commission. If such haul pattern creates traffic safety hazards, and cannot be modified to remove such conditions, the Commission may deny the application. Since the Commission has no power to ensure any needed improvement(s) are completed, the Commission may not condition an approval on the completion of said improvement(s). Such work must be completed before the ultimate approval and start of operations.

Such submission shall include a map showing the anticipated haul route(s) indicating:

1. The condition of the pavement
  2. The average width of the street pavement surface
  3. A list or indication of the narrowest sections, showing the width
  4. A list of all intersections with the site lines indicated
  5. Any improvements necessary to ensure safe passage and an indication of how this work will be completed and by whom.
- G. A statement of the total cubic yards of material to be removed from, or brought into, the site, not the net of removal and deposition; the number of truck loads required to move such a volume of material, based on the types of trucks to be used in the excavation operation; and the approximate number of trips per day, based on the probable seasons of operation and the proposed days and hours of operation.
- H. Evidence of the approval of the Excavation Operation, where required, by the Canterbury Inland Wetlands and Watercourses Commission, and the final report of that Commission, as required by Connecticut General Statutes §8-3c.
- I. An application fee in accordance with Town Ordinances.
- J. All applications shall include the owner's (or other persons who are in charge of the operation on a daily basis) 24 Hour contact information for emergencies and other requests. This information will be kept on file in the Land Use Office and forwarded to the Canterbury Fire Department.
- K. Proof, in the form of a certificate of insurance, that the applicant carries sufficient liability insurance to hold the Town of Canterbury harmless from any liability resulting from the applicants' operations as approved by the Town.
- L. The Commission may, by a two-thirds vote, determine that some of the engineered plan submission requirements are not required when it is found that the operation will be limited in scope and that a full engineering review is not necessary. However, this will

not be applicable for operations where more than 15,000 yards are proposed to be removed or imported.

#### **18.6 Requirements for Excavations**

All excavations shall comply with the following minimum requirements:

- A. At no time shall more than five (5) acres be left in an unrestored condition, unless expressly authorized by the Commission due to special circumstances such as topography, weather, or unique site conditions.
- B. The use of any unpermitted proposed buildings on the permit premises shall be limited to sanitary facilities and the storage of tools, equipment, and materials essential to the operation, and without human habitation.
- C. All aspects of the excavation operation shall strictly comply with the plans and other supporting information submitted, as the same may be modified by the Commission, and shall comply at all times with the provisions of these Regulations. Failure to follow said plans may result in permit revocation, subject to written notice to the permit holder and property owner (if different) and the opportunity to be heard before the Commission.
- D. Removal of material shall not result in a finished grade steeper than three to one (3:1), except for areas of ledge outcrop unless the Commission finds by two-thirds majority that the ultimate reuse plan shows the necessity of a steeper slope, but shall not exceed 2:1. There shall be no excavation operations within fifty (50) feet of any property line or of a street line, unless the Commission determines via a two-thirds majority that the reuse plan indicates that excavation closer to the property line would facilitate a valid ultimate use of the property, or where excavation on an adjacent parcel would match the finished grades on the subject parcel. This buffer shall remain vegetated unless otherwise approved under this permit. Work to create permitted berms or other buffer improvements is allowable under this Section. Where the use of an abutting property is similar or compatible to the proposed use, or where the topography of the property is appropriate, grades may be as steep as two to one (2:1), and material may be removed to the property line to conform to existing or proposed grades. All slopes shall be protected both during and after disturbance by cut off ditches or other erosion control devices or measures. At the end of each day, no temporary working slopes shall be left with more than a 2:1 slope unless approved by the Commission and protected with an adequate access barrier.
- E. Excavation operations, including loading and delivery of material, shall not commence before 7:00 a.m., E.S.T. or D.S.T. (as the case may be) and terminate not later than 4:30 p.m., E.S.T. or D.S.T. (as the case may be), Monday through Friday; and shall not commence before 8:00 a.m., E.S.T. or D.S.T. (as the case may be) and terminate not later than 1:00 p.m., E.S.T. or D.S.T. (as the case may be) on Saturdays. No operations are permitted on Sunday or holidays (Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and New Year's Day). The foregoing shall be deemed to be the

standard maximum days and hours of operation in the absence of any condition in the Special Exception to the contrary. The Commission may require or permit greater or lesser days or hours of operation depending on the use of adjoining or nearby properties and of properties along the streets of the anticipated haul pattern; the pattern and character of traffic on the streets of the anticipated haul pattern, including times of commuter traffic, school buses, and truck or other traffic from other land uses in the area; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the Excavation Operation.

If a Town or State Government requires materials in the event of an emergency, the operation may supply the needed materials outside the normal allowed hours provided the owner/operator notifies the Land Use Office within 24 Hours or on the next business day, whichever comes first, and if requested by the office, provides written orders or invoices for the material showing the government that received the material and the reason for the emergency.

- F. No proposed on-site processing of material or use of explosive devices may be permitted unless such use is expressly requested in the application and approved by the Commission as part of the Special Exception issued hereunder. The plan submitted in support of the Special Exception shall depict the proposed location of such activities. In any event, no rock crushing or other processing of material shall occur within five hundred (500') feet of any property line or of any street. No permanent equipment shall be installed closer than two hundred (200) of any street or property line.

The Commission may increase or decrease these minimum setbacks by a two-thirds vote depending on the projected lifespan of the Excavation Operation; the character and use of adjacent or nearby properties; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the Excavation Operation. No stumps shall be buried on site and grinding of stumps shall only occur only when and where expressly authorized by the Commission.

- G. During the period of excavation, provision shall be made for proper drainage. The drainage system shall include sedimentation basins designed in accordance with Natural Resources Conservation Service standard practices. The drainage system shall, where recommended by the Town Engineer, include detention basins designed to prevent any increased rate of discharge due to the additional runoff caused by the excavation. The effectiveness of the drainage facilities, including vegetative cover, shall be assured for a twelve (12) month period following completion of each stage of the operation, and no bonds for such stage shall be released until the expiration of such time. The Commission may extend such twelve (12) month period for good cause, such as the failure of the vegetative cover to become established, unusual weather conditions, failure of the drainage design, and similar factors.

- H. In any area where the Commission reasonably finds that there is a need to minimize the nuisance of noise, flying dust and rock, or the accumulation of ground or surface water, the Commission may require any or all of the following measures:
1. Limitations on the height of stockpiles.
  2. Provisions for watering/wetting of stockpiles, haul streets, working surfaces/areas; or covering or temporary mulching of stockpiles.
  3. Construction of visual and/or noise buffers by fencing, earth mounding, vegetative screening, a particular orientation for working faces of the excavation, or other similar measures.
- I. Where necessary to protect the safety of persons entering the permit premises, the Commission may require fences, gates, or barricades to control or prevent such access.
- J. The sale of earth products to the general public on the premises is permitted where and as designated in the application and approved by the Commission.
- K. Truck access streets to and within the permit premises shall be so arranged as to eliminate danger to traffic and to minimize the nuisance to surrounding property owners. Such access streets shall have a dustless surface for the first five hundred (500) feet from the public street, which is to be maintained in good condition at all times. There shall be an anti-tracking pad adjacent to the street or at the end of any paved entranceway, and such other measures as may be necessary to prevent the tracking, washing, spillage or other deposition of material on the street.
- L. All access streets shall be on State Highway except as allowed in Section 18.7K. Streets used for the transport of material to or from the permitted parcel shall be adequate to handle said trips. They shall be of adequate strength, width and have adequate sight lines. There shall be adequate room or provisions for bicyclist and pedestrians to be able to continue to use the route. The applicant shall work with the Town to assure that any deficiencies found are corrected before the operation commences.
- M. The applicant shall make provision for such highway warning signs as are reasonably required by the Commission and authorized by the State Traffic Commission or the Board of Selectmen, as the case may be.
- N. Where more than twenty (20) truck passages occur daily (in either direction) on an entrance or haul street, such shall be located more than four hundred (400) feet of any residence (actual footprint of structure(s)) not owned by the applicant, unless that resident submits a notarized statement that they approve of the application and are aware of its potential impacts.
- O. The Commission shall consider the impacts to the neighborhood, including but not limited to, the values of the neighboring properties, the abilities of neighbors to continue to use

their residential property without detrimental effects, and the ability of pedestrians and cyclists to continue to safely enjoy the streets in the area of the operation.

- P. As each stage of the excavation operation is completed, that portion of the permit premises shall be graded to its final contour lines as shown on the plans, as approved by the Commission, and a layer of arable topsoil or a combination of subsoil and topsoil on flat areas, of a quality approved by the Zoning Enforcement Officer, shall be spread over the previously excavated areas, except exposed rock surfaces, to a minimum depth of four (4) inches. The areas shall be mulched and seeded in accordance with current recommendations of the Natural Resources Conservation Service. The cover vegetation shall be stabilized and maintained for a period of twenty-four (24) months following seeding. The Commission may authorize different restoration vegetation for areas which are to be used for recreation or agriculture. This work shall occur within thirty (30) days of completion of the phase or as weather permits, whichever is sooner.
- Q. No loam shall be sold from any permit premises unless the applicant can conclusively establish that the required four (4) inches of loam would remain to provide the cover specified in the preceding paragraph for all disturbed areas.
- R. Removal or disturbance of any material below that elevation shown on the final approved plan is prohibited (i.e., no mining permitted).
- S. The applicant shall pay, as an additional application fee, the estimated expenses related to this application and any ongoing inspections during the permit period including, but not limited to, engineering, legal, or consultant fees. Fee estimates shall be provided by those consultants which the Commission feels may be required and shall be paid within thirty (30) days of the time that such estimates are provided to the applicant. Failure to pay these shall be considered reason for denial of the application. A refund may be given, upon successful completion of the project, on the portion of fees collected under the estimate that are not spent on behalf of the application by the Town.
- T. No fuel is to be stored on site without express permission from the Commission. When and where authorized, fueling and minor maintenance where spills are possible shall only be performed on an impervious surface.
- U. A sign indicating the name of the pit, its address, and emergency contacts shall remain conspicuously posted near each entrance to the site. The Land Use Office shall also have on file this information at all times. If any contact information changes, the owner/operator shall notify the Land Use Office and change the signs within 48 Hours.

#### **18.7 Criteria for Decision**

In passing on applications for Special Exceptions pursuant to this Section 18, the Commission shall consider the following criteria in lieu of those in Section 13 of these Regulations:

- A. The application shall contain all information required by this Section 18, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and

professionalism to permit the Commission to understand it and determine compliance with these Regulations. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

- B. The application shall conform with applicable provisions of these Regulations. Further, the application shall conform to the Canterbury Subdivision Regulations; the Canterbury Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Canterbury Inland Wetlands and Watercourses Commission, where required; 2002 CT Erosion and Sedimentation Guidelines, as amended, and the CT DEEP Stormwater Permit Standards and all relevant provisions of the United States Code and the Connecticut General Statutes and regulations adopted pursuant to them (such as water diversion permits from the Connecticut Department of Energy and Environmental Protection or wetlands permits from the U.S. Army Corps of Engineers), whether or not cited in these Regulations.
- C. No excavation operation shall be approved where there is evidence, on the record, that such operation poses a risk of degradation of surface or groundwater supplies arising out of any element of the proposed use or site plan.
- D. The effect of such removal or filling on the surrounding property and the future usefulness of the premises when the operation is completed.
- E. The traffic and safety impacts of the haul pattern.
- F. The impact of noise, dust, erosion, blasting, and other proposed activities on residential uses and property values in the neighborhood.
- G. The environmental impact of the use, including impacts on ground and surface water quality and quantity, wildlife habitat, aquifer protection, and similar considerations.
- H. The visual impact of the use both during and following the excavation operation.
- I. The adequacy of the provisions for a dustless surface on access streets, and the minimization of the nuisance from noise, flying dust and rock.
- K. No permit shall be approved under this Section for any operation having its main entrance on a Town street unless it is shown by the applicant that:
  - 1. The streets that will be used to transport the material are adequate in strength and condition to safely handle the anticipated load count and weight.
  - 2. The streets width is adequate to allow two trucks to safely pass at traveling speeds.
  - 3. Sightlines at all intersections are adequate to allow the trucks to safely maneuver into the intersection.



4. Pedestrians and cyclists can also enjoy the street safely while the activity is progressing.
  5. Any needed improvements are to be completed before the start of excavations, whether completed by the Town or another party.
- J. No access street or haul street used for the transport of gravel, where more than 20 truck passages occur daily (in either direction), shall be located within four hundred (400) feet of any residence (actual footprint of structure(s)) not owned by the applicant, unless that resident submits a notarized statement that they approve of the application and are aware of its potential impacts.
  - K. The Commission shall consider the impacts to the neighborhood, including but not limited to, the values of the neighboring properties, the abilities of neighbors to continue to use their residential property without detrimental effects, and the ability of pedestrians and cyclists to continue to safely enjoy the streets in the area of the operation.
  - L. Provision for adequate vegetative screening, fencing, earth mounding for safety, visual and noise buffers along the property and street lines may be required, as determined by the Commission.

#### **18.8 Application Procedure**

The application procedure set forth in Section 13 of these Regulations (concerning Special Exceptions) shall apply to applications under this Section 18, except as modified in this Section 18.

#### **18.9 Permit Review, Expiration and Renewal**

##### **18.9.1 Inspection and Testing**

The Commission, Zoning Enforcement Officer or Town Engineer may, at any time, inspect the permit premises for compliance with these Regulations, the approved plans, and any conditions of the permit. The Commission or its Zoning Enforcement Officer may take water samples from appropriate locations and have them analyzed to determine the impact of the excavation operation on surface or subsurface water quality. Such monitoring shall not relieve the permit holder of its responsibility to assure effective water pollution control.

##### **18.9.2 Permit Review**

During the month of April and the month of August, or more often if conditions warrant, the Commission may require the permit holder to review the site, either in the field or before the Commission or both, to address permit compliance and to review progress toward restoration.

##### **18.9.3 Permit Expiration and Renewal**

Any permit or renewal thereof shall expire on March 1 of the year following its date of issuance except for those permits issued after July 1st, whereas the first required

renewal shall be the second occurring March 1st to avoid a renewal requirement eight (8) or fewer months after the initial approval. For example, a permit that was initially approved July 1, 2008, or later would not need to be renewed until March 1st, 2010. A permit issued prior to March 1, 2008, would need to be renewed March 1st, 2009.

The Commission may authorize renewal of any permit for additional periods of not more than one (1) year, without an additional public hearing if the excavation operation is proceeding in accordance with all these Regulations and any permit issued hereunder. The permit holder shall apply for such renewal no less than forty-five (45) days, nor more than ninety (90) days, prior to the expiration of the current permit.

Renewal applications shall include evidence of compliance herewith, including, but not limited to, an updated survey depicting the existing contours and/or existing spot elevations as accepted by the Town Engineer, as compared to the proposed contours, as required in Section 18.5; photographs of the site; water quality or noise test data (if requested by the Commission); and the like. Operations that have hauled less than 100 yards over the course of the year may submit a letter to the Commission from their engineer or surveyor indicating this fact in lieu of a new full survey. However, at the point where the operation hauls a total cumulative volume of 500 (five hundred) or more yards without filing a site plan, or upon the request of the Commission because of a particular concern, a new updated site plan shall then be required. The Commission may require additional information if the renewal will involve changes from the original permit. The Commission may also impose additional conditions on, or modifications to, the original permit which appear necessary or desirable in light of the history of the operation.

To minimize the necessity of operators or their professional representatives from attending the meeting where their renewal will be discussed, if no concerns are outstanding concerning the operation and the ZEO and Town Engineer are in concurrence that the operation is operating within the permit requirements, the ZEO may forward a report stating these facts to the Commission, which may accept this report as all the needed testimony to approve the renewal. If the Commission determines that testimony is required, the application shall be continued to allow for this to occur.

#### **18.10 Staging**

The Commission reserves the right to require project stages to limit the amount of land to be denuded and stripped at any one time. Such requirements shall be based upon the character of the neighborhood, the topography of the site, the potential for erosion by wind or water, and the recommendation of the Town Engineer or such other State or local agency, or special advisor, as may provide advice to the Commission.

#### **18.11 Bonding**

Before a permit or renewal is granted, the owner shall post a bond in the form of cash, a passbook assigned to the Town or an irrevocable letter of credit issued by a commercial bank

having offices in Windham County in the State of Connecticut, any of which shall be filed with the Treasurer of the Town of Canterbury. The amount of the bond, and the type of bond or combination of bonds (cash, passbook, letter of credit) shall be determined by the Commission and be sufficient to insure full and faithful compliance with the provisions of these Regulations, including the protection of Town streets, and final reseeding, regrading and site restoration as required by these Regulations and the permit. The amount of such bond shall be reviewed by the Town Engineer and/or the Natural Resources Conservation Service of the United States Department of Agriculture. The form of bonds shall be approved by the Commission's legal counsel and shall be on forms approved by the Town. Bonds may be reduced, in the Commission's sole discretion, as areas of the site are restored and the scope of the excavation operation is reduced; or the Commission may increase such bonds due to inflation, unforeseen restoration problems, correction of violations of these Regulations, and other similar factors.

#### **18.12 Enforcement**

Any permit issued hereunder may be enforced in accordance with the provisions of Section 20 of these Regulations.

#### **18.13 Pre-Existing Excavation Operations**

- A. Excavation Operations in existence as of the effective date of this Regulation
- Legal Excavation Operations, as defined below, shall submit Site Plan Review applications in accordance herewith within one hundred and twenty (120) days of the effective date of this Regulation Section 18, and shall be bound by all procedural requirements hereof; and shall conform to all operating requirements contained herein. However, this Section 18 shall not be construed to require any alteration of any area already restored in accordance with any past approval and as amended thereafter; nor shall renewal of such permit be denied for the reason that it does not comply with any criteria as to the location of the excavation (that is, its relationship to surrounding uses or zones) which are contained in this Section 18 but which were not contained in said predecessor approval. This permit shall also not be denied for an accessory use, which was previously approved, or existed at the time zoning was enacted (crushing or screening), but these uses may be reasonably regulated to protect the quality of life and safety of the residents and the protection of the environment. All existing excavation operations shall submit a plan depicting stage by which areas of active excavation either existing or approved, but which violate the restoration provisions of this Section 18, shall be brought into conformance herewith. Such plan shall provide for full conformance with this Section 18 no later than December 31, 2012. Failure to meet either of these dates will be a violation of this Section 18.
- B. Legal Excavation Operations which are not Active Excavation Operations (see definition below), shall not resume excavation activity except upon the issuance of a Special Exception as described in Section 18.3. However, no such Special Exception shall be denied for the reason that it does not comply with any criteria as to the location of the excavation (that is, its relationship to surrounding uses or zones) which are contained in this Section 18. This permit shall also not be denied for an accessory use, which was

previously approved or existed at the time zoning was enacted (i.e., crushing or screening), but these uses may be reasonably regulated to protect the quality of life and safety of the residents and the protection of the environment. The requirement for an application for Special Exception is to allow neighbors the opportunity to be made aware of, and to comment on, the pending application for activities they may not be aware are allowable on the parcel.

No excavation activities which would be otherwise regulated under this Section may start without this permit being filed on the land records.

An Active Excavation Operation is one which either is currently, or has been in the past five years, conducting activities that would be regulated under this Section.

A Legal Excavation Operation is one which either received a permit previously from the Planning and Zoning Commission, or one which has existed before zoning was established, with or without the statement of use described in Section 15.4.3 of these Regulations; provided, however, that any activity regulated under this Section 18 to be carried out by any entity, which will occur on an adjacent or other parcel(s) not covered under a separate permit or statement of use, or on any portion of the subject parcel which was not present in its current configuration as of the effective date of these Regulations or the date the Legal Nonconforming or Statement Use was created (such as the areas obtained under lot line revisions, mergers, splits, subdivisions, etc.), shall not be covered under the above clauses in this Section 18.13 and will require a new Special Exception as a new proposed operation.

#### **18.14 Revisions to Approved Plan**

Nothing herein shall prevent the Commission from approving a revised plan, without a public hearing, depicting minor modifications, or depicting reductions to the scope of work originally approved (but not expanding or extending it), provided that the bond required in Section 18.11 shall not be released until all required provisions of these Regulations have been met, and provided further that any significant modification, or any expansion or extension of the operation shall require a public hearing prior to approval.

Added 2/10/09

Effective 3/1/09

## **19. RESERVED**

## **20. ADMINISTRATION, ENFORCEMENT, FEES, PENALTIES**

### **20.1 Agent**

These Regulations shall be administered by the Commission or its appointed agent, who will be designated the Zoning Enforcement Officer.

### **20.2 Zoning Permit; Issuance and Requirement**

No building over one hundred (100) square feet shall be erected, moved, or structurally enlarged in area without a zoning permit, issued in conformity with the provisions of these Regulations, unless he or she receives a written decision from the Zoning Board of Appeals in the form of a variance. Application for a Zoning Permit shall be made on a form provided for that purpose and obtainable in the Canterbury Land Use Office.

### **20.3 Zoning Agent(s) Authority**

The Zoning Agent(s) is hereby authorized to issue a Zoning Permit for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Permit shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any variance, Site Plan, or Special Exception.

In addition, the Zoning Agent(s) is hereby authorized to issue a Zoning Permit for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these Regulations. Such Permit shall be evidence that such site, use, building, or structure is permitted as of right by these Regulations, or is a valid nonconforming use, building or structure, as defined in these Regulations. The Commission may provide for such Permits to be issued by any person or persons designated by it, including any member(s) of the Commission.

### **20.4 Zoning Permit Required**

Except for agricultural uses, and buildings less than 100 square feet as indicated above, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a pre-existing use or substitution of an identical use, without the issuance of a Zoning Permit.

### **20.5 Site Plans**

- A. Prior to the issuance of any Zoning Permit, the property owner shall provide two (2) complete sets of plans (for the Town and the Northeast District Department of Health, if required) prepared by a licensed land surveyor, professional engineer, architect, landscape architect, or certified soils scientist, as the case may be, licensed to practice in the State of Connecticut, which plan shall be drawn to a scale of not smaller than 1"= 40' and all information required by this Section shall be certified to the Class A-2 standard of accuracy, as defined in the

Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. (20-300b, as amended). Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, watercourses, flood plains, contours at two (2) foot intervals, erosion and sedimentation control measures, and other information required to determine compliance with these Regulations, the Canterbury Subdivision Regulations, or the Canterbury Inland Wetlands and Watercourses Regulations, or any permit issued thereunder. The Zoning Enforcement Officer may permit a survey of Class C standard of accuracy, or owner-drawn site plans, for buildings, structures, or uses occupying, in the aggregate, no more than five hundred (500) square feet, or where there is no reasonable difficulty in determining that adequate separations, and compliance with Canterbury Zoning Regulations and Canterbury Inland Wetland and Watercourses Regulations, can be achieved; provided, however, the applicant assumes the risk of any inaccuracy in a Class C or owner drawn site plan, and discovery of any undisclosed violation of these Regulations shall be grounds for enforcement action. Maps to be filed in the Office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to Connecticut General Statutes (11-8, et. seq., as amended).

**B. Building Plans**

In addition, the property owner shall provide two (2) sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure (for the Town and the Health Department, if required). The Zoning Agent may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.

**20.6 Application Fees**

Fees to be charged for the issuance of zoning permits shall be as determined by a fee schedule adopted by a Town Meeting of the Town of Canterbury.

**20.7 Compliance with Regulations**

No Zoning Permit shall be issued if it is determined that a violation of these Regulations, the Canterbury Subdivision Regulations, or the Canterbury Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed, or exists

**20.8 Expiration of Zoning Permit**

For any use for which the issuance of a Zoning Permit, is the only requirement under these Regulations (hereafter referred to simply as, "such Permit"), any such Permit shall be null and void unless the subject land use is not established, or the subject construction is not completed, within one (1) year from the date of issuance of such

Permit. Such Permit may be renewed for additional periods of one (1) year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall require the payment of the application fee prescribed by An Ordinance Establishing Fees for Planning and Zoning.

Notwithstanding the provisions herein for renewal of any Certificate, in accordance with Connecticut General Statutes (8-3(l), any such Permit issued under this Section 20.3 after October 1, 1984 shall become null and void unless all physical improvements required have been completed five (5) years from the date of the issuance of such Permit; provided, however, that, in accordance with (8-3(j) of the Connecticut General Statutes, for any such Permit issued after June 19, 1987 for a project consisting of four hundred (400) or more dwelling units shall become null and void unless all physical improvements required have been completed ten (10) years from the date of the issuance of such Permit.

#### **20.9 Compliance with Application; Revocation**

All work performed pursuant to a Zoning Permit issued by the Zoning Agent shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such Permit. No foundation walls for any building, building addition, or structure shall be constructed until the recipient of the Certificate has filed with the Zoning Agent a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Agent may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Canterbury Subdivision Regulations, or the Canterbury Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met.

In the event that the Zoning Agent shall discover that any work is being performed in violation of such Permit, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Agent discovers that, for any reason, the Certificate should not have been issued in the first instance, the Zoning Agent may revoke any Certificate issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut

#### **20.10 Building Permit**

In accordance with Connecticut General Statutes (8-3(f), no Building Permit of any kind (including, but not limited to, so-called Foundation Permits, or Permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior certification by the Zoning Agent that a Zoning Permit is either not required, or upon the issuance of a Zoning Permit indicating that the plans submitted to the Building Official conform to these Regulations and any Special Exception, Special Permit, or variance. During the course of construction, the Building Official and Zoning

Agent shall insure continued compliance with these Regulations, and any such Special Exception, Special Permit, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. The Building Official or Zoning Agent shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of the Zoning Permit, or any documents or representations submitted in support thereof, or of these Regulations or any Special Exception, Special Permit, or variance issued hereunder may be ordered to cease and desist by the Zoning Agent or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Canterbury free access to the site.

#### **20.11 Amendments**

Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which an application for a Building Permit has been filed prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 20.3.6.

#### **20.12 Certificate of Occupancy**

##### **Zoning Approval Prior to Use or Occupancy**

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes 8-3(f), no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without the prior signature of the Zoning Enforcement Officer on the original Zoning Permit indicating that the use, building, or structure, as actually established or constructed, conforms to these Regulations and any Special Exception, Special Permit, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as-built plan, to the Class A-2 standard of accuracy has been submitted to the Zoning Agent. Said plan shall certify that the designer of the septic system personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the original design and said plan shall be prepared and certified by a Connecticut Registered Professional Engineer as to the design of the system, and by a Connecticut Licensed Land Surveyor as to the location of the system. A survey of C-1 standard classification or the owner's written certification may be substituted where there is no reasonable difficulty in determining that adequate separations, and compliance with Canterbury Zoning Regulations and Canterbury Inland Wetland and Watercourses Regulations, can be achieved provided, however, the



applicant assumes the risk of any inaccuracy in a Class C standard site plan or owner certification, and discovery of any undisclosed violation of these Regulations shall be grounds for enforcement action.

#### **20.13 *Bonding for Incomplete Work***

In the event that certain improvements required by any approval, or condition of approval, granted under these Regulations, the Zoning Enforcement Officer may, upon the request of the applicant, issue a temporary Zoning Permit at the time of the application for a Certificate of Occupancy, provided that he/she shall be required to post a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover one hundred (100) percent of the construction cost, as estimated at the time of projected completion, plus a contingency amount not to exceed ten (10) percent, to insure the completion of such improvements not more than six (6) months following such occupancy. All public health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure, and may not be bonded. The Zoning Enforcement Officer may require a bond for landscaping to assure replacement of landscape material that dies or is otherwise removed where conditions indicate that such material is at risk (such as hot or dry conditions), and such bond may be kept in force for at least one growing season after planting, and for such greater period as the Zoning Enforcement Officer may require. In particular, the Zoning Enforcement Officer may require a long-term bond where landscaping is required under these Regulations for a visual buffer.

In the event that the improvements described hereinabove shall not be completed within the time limits contained herein, the Zoning Enforcement Officer shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.

#### **20.14 *Appeals of Decisions***

Any party or person aggrieved by a decision of the Zoning Agent shall have a period of thirty (30) days from the date of any action or decision of the Zoning Agent to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty- day period.

#### **20.15 *Enforcement and Penalties***

##### **Inspection and Orders**

The Zoning Enforcement Officer shall be empowered to cause any building, structure, place, or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists, or the agent, architect, builder,

contractor or any other person who commits, takes part, or assists in such violation, or who maintains any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission or the Zoning Agent may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations, and securing such remedies or penalties as are provided by law.

#### **20.16 Civil Action Authorized**

The Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent the erection, alteration, reconstruction or to prevent the illegal occupation or use of buildings or land.

#### **20.17 Penalties**

The penalties for violation of these Regulations shall be: a fine of not less than ten dollars (10) nor more than one hundred dollars (100) for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred (100) dollars, nor more than one hundred fifty dollars (150) for each day such violation continues, or imprisoned not more than ten (10) days for each day such violation continues, or both; or, the penalties prescribed in the Connecticut General Statutes, as amended, whichever is more severe.

### **21. ZONING BOARD OF APPEALS**

#### **21.1 Powers and Duties**

There shall be a Zoning Board of Appeals established in accordance with the Statutes authorizing such Board. The Board shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these Regulations.
- B. To hear and decide all matters upon which it is required to pass by specific provisions of these Regulations.
- C. To determine and vary the application of these Regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not generally affecting the district in which it is situated, a literal enforcement of such Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and public safety and welfare secured. In accordance with Public Act 77-509 (Connecticut General Statutes Section 8-6), the Board is hereby prohibited from approving a variance

which has the effect of permitting a use in any zone which is not permitted by these Regulations, as follows:

1. In addition, in accordance with Connecticut case law, the Board is prohibited from varying any condition or requirement set forth in these Regulations for a Special Permit or Special Exception use, such uses being permitted in the subject zone only when all conditions or requirements contained here are satisfied.
2. Variances shall only be granted where such an action would be in harmony with the purposes of these Regulations, as set forth in Section 1 of these Regulations; and where the literal enforcement of these Regulations would result in unusual hardship, as the same has been defined by the courts of the State of Connecticut, which may be summarized as follows:
  - a. The hardship recognized by the law is that of the property, due to its unique shape, topography, or other inherent condition; the personal hardship of the owner, such as age or family condition, is not a legal hardship which would support the granting of a variance. The hardship must not be merely financial, such as that the owner would make more money or lose less money if the variance were granted, as financial hardship is personal, and not inherent in the property itself.
  - b. The hardship must be unique to the property, in the sense that it is a characteristic which is not exhibited by other properties in the area or in the zone, and which makes it appropriate for special treatment. Merely being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable use permitted in the subject zone.
  - c. The hardship must not be created by the owner or his/her predecessor in title, such as by dividing a parcel to create lots which cannot support the desired use; or creating a topographic condition by excavation, fill, or other measures which render the property unusable for its highest use without a variance; or by building a structure which, for whatever reason, violates a current zoning regulation.
3. The burden is on the applicant to demonstrate that the requirements for a variance have been met. Variances are to be granted sparingly, and only to the minimum extent necessary to allow property to be used for the least intense use which is permitted in the subject zone. Among other objectives, the Commission's purpose, and intent in the adoption of these Regulations is that variances from the requirements of Section 14 Signs, are rarely, if ever, to be granted since that Section provides adequate means for legitimately identifying uses of land in the Town of Canterbury.

- D. To act on requests concerning the location or construction of, or the relocation, conversion, reconstruction, alteration, or enlargement of any of the following:
  - 1. Gasoline stations or bulk oil storage facilities, pursuant to Connecticut General Statutes Section 14-321.
  - 2. Motor vehicle service or repair shops, pursuant to Connecticut General Statutes Section 14-54.
  - 3. New and used car dealerships including motorcycles and any other self-propelled vehicles used for transportation on public streets, pursuant to Connecticut General Statutes Section 14-54.
  - 4. Motor vehicle storage facilities, pursuant to Connecticut General Statutes Section 14-67.
- E. To act on any other applications as cited in these Regulations or in any other capacity as determined by the Connecticut General Statutes as amended.

## **21.2 Procedures**

- A. The Board shall hold a public hearing on all applications and appeals and shall publish a notice of said hearing as prescribed by these Regulations and the Connecticut General Statutes, as amended.
- B. In accordance with Connecticut General Statutes Section 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.
- C. The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by Section 8-7d of the Connecticut General Statutes. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement, or decision as in its opinion should be made. When acting on an appeal from a decision of the Zoning Enforcement Officer, the Board shall have all the powers of such Officer, but only in accordance with Connecticut General Statutes 8-7, and only to the extent that the Board's actions deal directly with the subject of such appeal. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to ensure that the granting of the application or petition shall be in harmony with the purposes of these Regulations, as set forth in the Preamble to these Regulations, and as set forth in Section 8-2 of the Connecticut General Statutes. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these Regulations.
- D. Any conditions or restrictions imposed upon the granting of any application or petition, as set forth in the preceding paragraph, shall be completed within ninety (90) days of

the granting thereof, unless the Board, upon the request of the applicant, grants a single extension of ninety (90) additional days, with the total extension not to exceed one hundred eighty (180) days.

- E. Any variance or exception in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of Canterbury by recording a copy of the variance or exception with the Town Clerk or as otherwise provided by the Connecticut General Statutes as amended.
- F. The Board shall adopt such procedure as may be necessary to carry out the provisions of this Section.

## **22. AMENDMENTS**

These Regulations may be amended by the Commission after proper public notice and public hearing in accordance with Section 8-3 of the General Statutes. Application for a zone change shall be made on the form supplied by the Commission and shall be submitted to either the Secretary or Chairman of the Commission at least 24 hours prior to the next regularly scheduled meeting and shall be accompanied by such fee as shall be determined by the Planning and Zoning Commission of the Town of Canterbury adequate to cover the cost of advertising and processing the application.

## **23. SEPARABILITY**

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

## **24. EFFECTIVE DATE**

These Regulations shall take effect on Friday, April 5, 1974, at twelve o'clock noon (12:00 pm) Eastern Standard Time.

And amended:

February 1, 1976

December 2, 1985

October 12, 2000

July 26, 2002 (Effective August 18, 2002)

October 10, 2002 (Effective October 30, 2002)

September 11, 2003 (Effective September 30, 2003)

February 14, 2008 (Effective March 4, 2008)

February 10, 2009 (Effective March 1, 2009)

May 13, 2010 (Effective June 1, 2009)

June 10, 2010 (Effective June 18, 2010)

September 12, 2013 (Effective October 8, 2013)

August 9, 2018 (Effective September 1, 2018)

September 9, 2022 (Effective October 1, 2022)

November 10, 2022 (Effective December 1, 2022)

# Canterbury Design Guidelines

## Canterbury Planning and Zoning Commission

Peter Kelly      Chair

Christopher Bergman

David Norell

Gretchen Drosch

James Clark

Kyle Green

Mark Weeks

Stephen Benson

Walter Moriarty

Thomas Lord      Alternate

Kyle Livingstone      Alternate

Vacant      Alternate

## Canterbury Land Use Office

Steven Sadlowski      Town Planner/  
Zoning Enforcement Officer/

Wetland Agent

Melissa Gil      Land Use Secretary

September 2010



# Preliminary Design Principles / Guidelines

## Purpose

These design principles / guidelines are prepared in order to guide the development of a mixed-use area herein referred to as Canterbury Village Center.

These design principles / guidelines are prepared as an advisory document in order to:

- express the design intent for Canterbury Village Center, and
- clarify the intended character and quality of the buildings and public spaces in Canterbury Village Center.

These design guidelines are intended to help establish and maintain:

- a distinctive character and historic ambience within Canterbury Village Center,
- an appropriate balance of buildings and uses within an overall environment that will help create the desired ambience and support the function of areas designated for different uses,
- reasonable expectations for the overall quality of the built environment, and
- the attractiveness of the street environment, the economic viability of businesses, and a hospitable atmosphere for residential occupants and visitors.

These design guidelines are intended to help establish and maintain criteria from which a property owner and the Canterbury Planning and Zoning Commission may make a reasonable determination of what may be permitted.

## As used in this document:

The word "shall" or "will" means that the relevant standard, criterion or action must be followed unless the applicant demonstrates that it would clearly be unreasonable or undesirable to do so under the circumstances;

The word "should" means that the relevant standard, criterion or action will generally be required, but the applicant may offer, and the Commission may approve, an alternative standard, criterion or action if the Commission finds that the alternative would better fulfill the overall goals set forth in these guidelines.

# Overall Design Principles

1. **New England Village Character** – The design for Canterbury Village Center is intended to support and complement an overall New England village center theme.
2. **Uses / Intensity** - Canterbury Village Center will strive to establish a critical mass, intensity, and variety of uses (retail, office, hospitality, residential, civic, cultural, open space, etc.) in order to create a focal point of activity.
3. **Focal Point/ Surrounding Area** - Canterbury Village Center will contain a compact core area as a focal point - a discernable center or core of higher intensity mixed uses, surrounded by lower intensity uses including office, residential, educational, open space, and other uses.
4. **Pedestrian Friendly** - Canterbury Village Center will strive to create an environment where all parts of the village contribute to a pedestrian friendly environment.
5. **Building Scale and Design** - Building scale and design will be appropriate for the use and setting. A variety of building forms and patterns will be encouraged within the overall concept of a "New England" village center to support the desired ambience and to promote visual interest.
6. **Materials and Details** - Building materials and designs will be harmonious with the overall concept of a "New England" village center and a high quality built environment. Vinyl and similar synthetic building materials will generally be discouraged at street level.
7. **Building / Street Relationship** – In the compact core area, buildings will be oriented to the sidewalk, rather than the street or the parking lot. In the compact core area, buildings should have as continuous a façade as possible along the street to maintain the rhythm of the streetscape.
8. **Streetscape Amenities** - Streetscape amenities (trees, planters, benches, lighting, display windows, outdoor dining, canopies) will be provided to help promote the village as a place to congregate.
9. **Street / Parking Systems** - Interconnected streets and a hierarchy of streets will be provided with a goal of a strong pedestrian focus. Provision will be made for bicycles. Within the compact core area, parking will be provided to the side and rear of buildings. Shared parking will be utilized to keep parking areas to only what is needed.



# Site Layout

1. **General** - The overall design of Canterbury Village Center will provide for places that promote pedestrian comfort, provide visual pleasure, and support outdoor social activity that reinforce community life.
2. **Building Alignment** - The width, height and spacing of buildings will respect the desired rhythm of the street on which they front. Sample guidelines include:
  - Providing a well-defined front facade with the main entrance clearly visible and identifiable from the public right-of-way or public vantage points.
  - Aligning buildings so that the dominant lines of their facades parallel the line of the street and create a sense of enclosure.
3. **Pedestrian Circulation** - The overall design of Canterbury Village Center will provide for a safe, logical approach and entry to all buildings and site use areas for pedestrians. Walkways on private property should connect to and extend the network of public pedestrian movement.
4. **Vehicular Circulation** - The overall design of Canterbury Village Center will provide a safe, logical approach and entry to all buildings and site use areas for vehicles. In the event of any conflict, circulation issues will tend to be resolved in favor of the pedestrian (minimizing curb cuts and width, maintaining continuity of sidewalk grades and surface materials, etc.).
5. **Site Parking** - The overall design of Canterbury Village Center will integrate parking into the site design providing a positive visual element rather than the dominating one. Within the compact core area, sample guidelines include:
  - Locating the majority of parking at the rear of buildings.
  - Screening parking areas from street view (with landscaping, berms, walls, fencing, etc.) without isolating the property or compromising security.
6. **Service / Utility Areas** - The overall design of Canterbury Village Center will minimize visual impacts of service equipment and supporting structures.
7. **Special Conditions** - Special attention will be devoted to:
  - Incorporating low impact development strategies.
  - Creating focal points at street corners.
  - Considering the use of alleys and passageways to extend the public space and commercial frontage of the sidewalk and provide access to rear parking areas.
  - Discouraging or prohibiting drive-in windows.



# Building Design

1. **Architectural Style** - "New England village" -type architecture will be strongly encouraged in order to establish and maintain a harmonious "New England village"-type architectural character. While other architectural forms and types may be permitted, the burden of proof of the overall appropriateness of such design rests with the applicant.

2. **Form and Space** - Building forms and surrounding spaces will reflect continuity of density, streetscape rhythm, yard setbacks, and community character. However, continuity will not mean conformity. In fact, diversity of building massing, eave / cornice heights, wall detailing, ground window heights, surface recesses, and projections is encouraged.

3. **Scale, Massing and Proportion** - The overall design statement will generally be consistent with the "New England village" -type setting. Visual variety and character will be created using architectural elements (e.g. roof overhangs, projections, reveals, rake boards, corner boards, fascia trim etc.). Within the compact core area, larger building volumes will generally be broken into smaller forms to lessen the total building mass. Outside of the core area, larger buildings will generally be appropriate.

4. **Facades, Rooflines, and Entrances** - The public face of the building should present a clear, well-defined, and balanced façade with a consistent composition between the roof mass and building façade. Rooflines should be simple, functional, and reflective of the "New England village"-type setting. Elements at sidewalk level (e.g. protective canopies, columns, stairs, roof projections, etc.) should be at a human scale to encourage pedestrian use.

5. **Materials, Color and Surface Texture** - Building materials should be durable and functional and the use of color and texture should be reflective of local style and character. Vinyl and other synthetic siding materials (such as EIFS) are strongly discouraged at street level. Materials should be used with appropriate detailing and expression.

6. **Equipment and Services** - Building utility, equipment, storage, and service areas (including garage doors and loading areas) should be integrated into the site plan and architectural composition in ways that minimize visibility and any potential adverse impacts.





## Building Design Elements

- 1 Architectural Style – “New England Village”-type.
- 2 Form and Space
- 3 Scale Massing and Proportion
- 4 Facades, Rooflines and Entrances
- 5 Materials, Color and Surface Texture
- 6 Equipment and Services



## Canterbury Design Guidelines Building Design Elements

## Site Enhancements

1. **Landscaping** - Planting material will be used in a logical, orderly manner to enhance the overall the "New England village"-type setting, help define the spatial organization of Canterbury Village Center, and relate to buildings and structures. Sample guidelines include:
  - Balance the quantity of landscaping with the scale of the development and the desired character of the area.
  - Choose plant materials that have year-round interest.

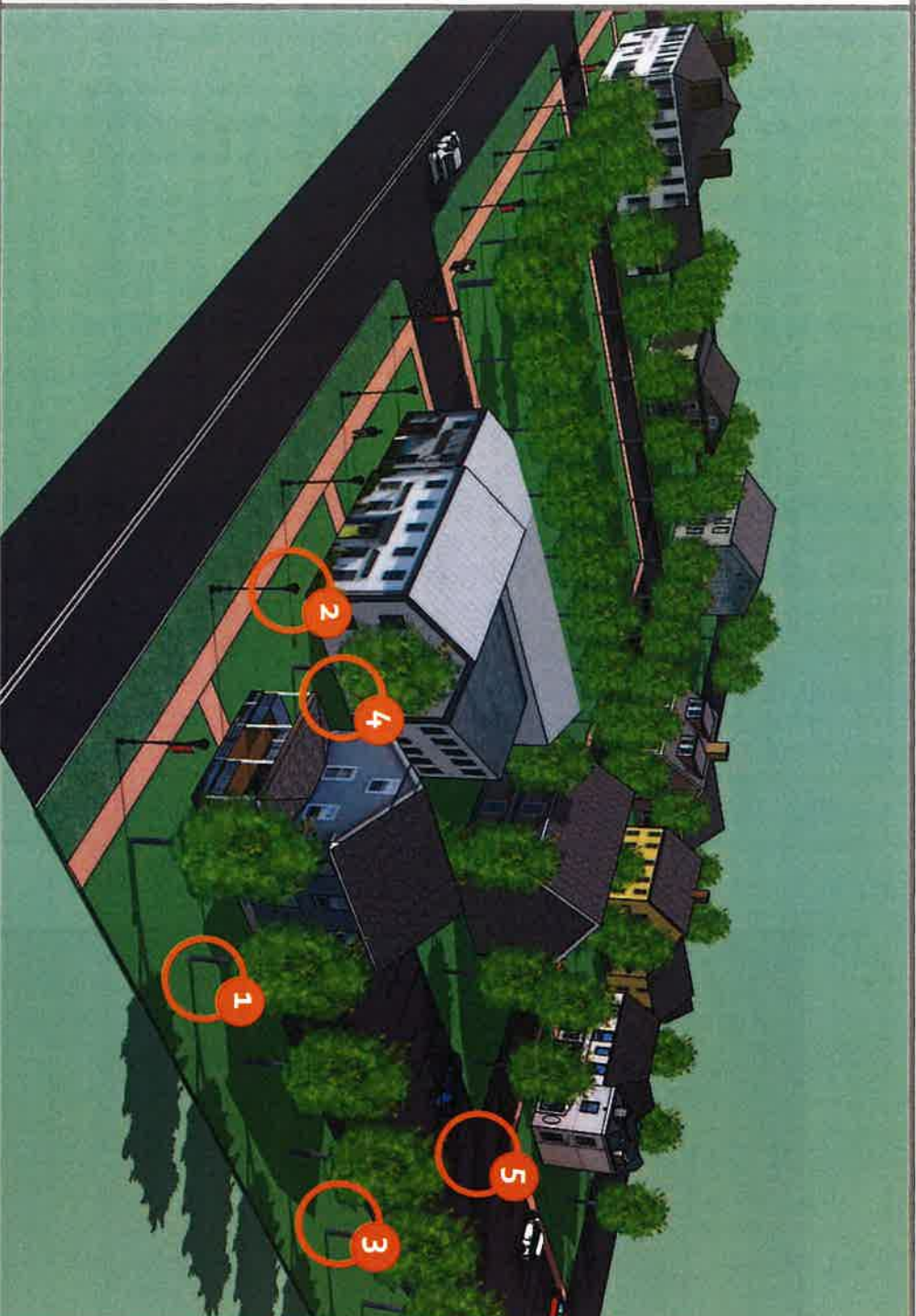
2. **Site Lighting** - Site lighting should provide the functional and esthetic benefits of exterior lighting while mitigating the potential for nuisance. Sample guidelines include:
  - Coordinate lighting fixture and standard details with the architecture or neighborhood character.
  - Minimizing light trespass and light pollution while providing adequate lighting for a pedestrian-friendly village.
  - Use white light lamps (e.g. metal halide) for site development illumination and avoid mixing light source colors.

3. **Fences, Walls, And Landscape Screens** - As appropriate, use open fences, low walls, and hedges to define walkways, help give pedestrian scale to the street, and create a transition between public and private spaces. Discourage the use of fences, walls, or hedges that separate a building from the street or try to make up for other design issues. Open fences, low walls, or landscape hedges may be appropriate where the continuity of buildings is interrupted by a vacant lot, a parking lot, or a building set back farther than the build-to line or setback zone.

4. **Site Drainage** - Site drainage should protect the health and safety of the public and promote ecologically sensitive approaches. Sample guidelines include:
  - Incorporate low impact development techniques to manage stormwater runoff (quantity and quality)
  - Consider using permeable surfaces, where appropriate.







## Site Design Elements

- 1 Landscaping
- 2 Site Lighting
- 3 Fences, Walls, and Landscape Screens

## Building Design Elements

- 4 Form and Space
- 5 Equipment and Services

# Canterbury Design Guidelines Site Design Standards

# Signage

1. **General** - Signage will be compatible with a "New England village"-type setting.

Sample guidelines include:

- Integrating the sign into the overall design ensuring that it complements its surroundings.
- Avoiding visual competition with other signs in the area and repetitious signage information on the same building frontage.
- Minimizing the number of building and directional signs to avoid repetition.

- 2.

**Sign Context** - Signage will be designed to reflect the character of a "New England village"-type setting without occurring at the expense of individual expression and creativity. Sample guidelines include:

- Signs will be designed as a natural part of the building façade in proportion to its location and the setback from the primary vantage point
- Roof-mounted signage, freestanding signs, and driveway directional signs will be discouraged unless needed in unusual situations.

- 3.

**Sign Design** - Signage will conform to the character of a "New England village"-type setting in terms of style, location, and size. Within the core area, guidelines include:

- Diversity in shape, color, and type of sign will be encouraged provided that the sign design will be coordinated with the architecture.
- Internal illumination will be discouraged.
- Visible sign appurtenances (raceways, transformers, etc.) will be avoided.

- 4.

**Sign Landscaping** – Outside of the core area, any detached signage will be integrated with the ground plane by using complementary plant materials as part of the overall planting plan. Sample guidelines include:

- Use durable and low maintenance plant materials with year round appeal.
- Utilize low walls to define plant beds when appropriate to the architecture.

- 5.

**Sign Lighting** - Sign lighting will be used judiciously and specifically to illuminate useful information. Sample guidelines include:

- Use only external sources when lighting.
- Illuminate only the sign surface and avoid light spill onto adjacent property.
- Screen any external spot or flood lighting from view by the passers-by.
- Screen low-level lighting from view with plant materials.





## Appendix B

Existing Business List as of 1974

Robert Carlson	Plainfield Road Map 57, Lot 24	poultry	
TG Dean & TW Dean	Cemetery Road Map 3, Lot 18	mobile home park	
Dwight A. Campbell Jr		contractor	
David B. Allyn	Route 169 Map 34, Lot 6	antique shop	
Kalervo J. Ruuskanen	Route 169 Map 59, Lot 8	poultry	
Dwight A. Campbell Jr		realtor	
Dwight A. Campbell Jr	Depot Road	Campbell Heights Apts	
John & Joy Kivela	Bingham Road	ag. construction and excavation	
Ed's Garage	Route 169	gravel, masonry, stone, concrete	
Ed's Garage Inc	Route 14	antique cars	
Ed's Garage Inc	Route 14 and Route 169	horse sales and breeding	
Ed's garage Inc	Route 14	fuel oil, gas station, sales, repairs, snowmobile sales	
Fed & Gloria Osterlund	Lovell Lane, Map 56, Lot 6	sales/service of all terrian vehicles, lawn mowers, roto,chain saws	
Anna R. Hart	Bennett Pond Road	antiques	
Anna R. Hart	Bennett Pond Road	Real Estate	
Anna R. Hart	Bennett Pond, Elmdale, Tracy Roads, Route 1	Breeding of farm animals, feed, produce	
Howard Hart	Elmdale Road Map 55, Lot 33	Beauty salon	
Martin V. & Christina A. Alloid	Water Street	art studio	
Martin V. & Christina A. Alloid	Water Street	income tax service; real estate	
Verkade's Nursery Inc.	Brooklyn Road Map 26, Lots 6-8	wholesale, retail nursery, landscaping service	
Canterbury Farms Partnership	Brooklyn Road Map 26, Lots 6-8	wholesale of all planting supplies, xmas trees	
Mr. & Mrs. Lewis J. Gray	Brooklyn Road Map 26, Lots 5	antique pulley collection & museum sold and traded	
Kenneth Lynch	Route 14 (thru Bingham Road)	industrial land; rent/develop for industry	
Kenneth Lynch	Kerr Road, Map 64, Lot 8	publishing;research development; architecture	
Kenneth Lynch	North Society Road, Map 47, Lot 5	manufacturing and storage of stone, bronze and iron	
Ruth E. Moore	Gooseneck Hill Road	kenneel, boarding and selling of dogs, cats	
	Route 14	Canterbury Motors, used car sales & repair	
Brawn & Penrice	Colburn Road, Map 14, Lot 8	farm and wood products; horse boarding	
William Rodman	Brooklyn Road	Excavtion; precast concrete; William L. Rodman& Sons	
Romanoff	Elmdale Road Map 55, Lot 33	wholesale growers & breeders of orchids	
William Dailey	Barstow Road	state production services	
Francis Strmiska Jr.	Route 14; Lovell Lane	Septic System insta/pumping; trucking; earth excavation	
Underhill	Butts Bridge Road, Map 53, Lot 8	beekeeping; honey; retail sales of honey	
Patricia Phillips	Route 169	Real Estate	

## Appendix B

Existing Business List as of 1974

Edward MacGlaflin	Rotue 169	Dairy Farm	
Martin & Carol Gluck	North Society Road, Map 39, Lot 20	general contractor; trucking	
Arlene Frybarger	Miller Road, Map 3, Lot 33	gift shop and antiques	
Clarence Kneeland	Route 14	antiques and collectibles	
Marc & Donna Ulasik	Bingham Road	gift shop and antiques	
Arthur & Elizabeth James	Barstow Road	real estate and notary public	
RH Glass	Route 169	antiques	
Richard & Sally Doyle	Rotue 14	Doyle's Auto Body	
Yaworski Inc., James & Rose	Packer Road Map 52, 53, 60, 62	Excavation of earth products; crushing; screening; washing; rubbish and refuse;disposal	
James, Jr. , Dennis Yaworski	Lots 1,3,5, 5, 6, 11, 12, 24, 24, 26, 29, 50	waste materials; trucking; equipment and truck maintenance & repair; logging; landfill; demolition; transfer station; resource recovery; real estate broker	
Michael & Georgette Pappas	Intersection of 160 & 14	grocery store	
Allen Hill	Route 169	Hill's Body Shop	
Fred & Lora Ayers	Lisbon Road, Map 18, Lot 38	construction; limited retail sales	
Gerald & Olga Desmaraid	Bates Pond/Water Street/Woodchuck Hill	Gerals's Auto Repair; agriculture	
P. Emile Becotte	Route 169, Map 55 Lot 36	Welding	
Maxwell Wibberley	Lisbon Road	tires; wholesale;auto repairs; auto service; forklift service	
Maurice & Adrienne Levesque	Gooseneck Hill Road	Maurice's Meat Market; slaughterhouse; meat market	
Maurice & Noela Harrington	John Brook Road	sawmill; pallets	
Edward & Frances Vaclavik	Lovell Lane, Map 56, Lot 6	excavation; construction; paving; septic tank instal; sawmill; woodworking shop	
Frank Swan	Route 169	Cermanic Studio; Nutmeg Ceramic	
Alfred C. Buntz	Barstow Road	Dairy Farm	
Burrough Brothers	Barstow Road	Dairy Farm	
Wheaton	Route 169	Farming; loam; gravel; fill	
Arthur Grab	Bennett Pond Road; Map 45, 6&20	excavation; construction; installation of septic systems; dozer work	
John Hamada	Barstow Road	Farm; poultry; veg; corn	
LaFramboise Brothers	Route 169	Dairy Farm	
Thomas & Pamela Waterman	Kerr Road	Goat Dairy Farm	
Stanley & David Wildowsky	Route 169	Dairy Farm	
Robert & Carolyn Davis	Route 14	Ceramics	
Oscar & Jeannette Turcotte	Lisbon Road	Ceramics	
Kenneth & Doris Veit	Woodchuck Hill Road	agriculture and related businesses	
Edwin & Kathryn Tetreault	Route 14	gymnastics and tennis club	
Wilfred Sauvageau Jr.	Route 169	furniture upholstering	

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Existing Business List as of 1974

PB Smith	Route 169	plumbing	
Robert Phillips	Woodchuck Hill Road	welding; portable	
Mr. & Mrs. William Koji	Cemetery Road	Gifts; antiques; Red Barn Art Gallery; auto parts	
Carpenter Agency	Route 169	office	
Vilis Freidenfilds	North Society Road	construction; remodeling	
TW Dean	Route 14	gravel bank	
Helen Waite	19 Water Street	antique books; antique firearms; jewelry	
Richard Allyn	Butts Bridge Road, Map 61, Lot 43	earth excavation	

