ZONING REGULATIONS

TOWN OF POMFRET, CONNECTICUT

NOVEMBER 1, 2012

POMFRET PLANNING AND ZONING COMMISSION

Effective Date: February 27, 2003
Latest Revision: November 1, 2012

ZONING HISTORY:

REGULATIONS ADOPTED: *February 27, 2003* - EFFECTIVE DATE: *February 27, 2003*

AMENDED	EFFECTIVE DATE	SUBJECT
June 14, 2004	June 19, 2004	Pomfret Street and Non-Residential Districts added
January 24, 2005	February 18, 2005	Village District II added
June 13, 2005	July 11, 2005	Private Schools added to Pomfret Street District
August 28, 2006	October 1, 2006	Retreat Centers
May 21, 2007	June 1, 2007	Nature Centers
April 28, 2008	May 9, 2008	Historic Resources
April 28, 2008	May 9, 2008	In-law and Caretaker Apartments
June 16, 2008	June 24, 2008	Home Based Business
June 16, 2008	June 24, 2008	Home Occupations-Class I and Class II
June 16, 2008	June 24, 2008	Reconfiguration of Non-Conforming Commercial Structures
June 16, 2008	June 24, 2008	Private Occupational Education Institution
Sept. 22, 2008	October 1, 2008	Temporary Structures – alternative energy
Sept. 24, 2012	November 1, 2012	Accessory Buildings – size and permitting

TOWN OF POMFRET, CONNECTICUT

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SECTION 1 - TITLE, AUTHORITY, PURPOSE

1.1 **Title**. These Regulations shall be known and may be cited as the "Zoning Regulations, Town of Pomfret, Connecticut," and are referred to herein as "these Regulations."

1.2 **Authority**. These Regulations have been promulgated by the Pomfret Planning and Zoning Commission, hereinafter referred to as the Commission, in accordance with and under the authority prescribed by Chapter 124 of the General Statutes of the State of Connecticut.

1.3 **Purpose**. These Regulations are intended to further the goals and objectives of the Plan of Conservation and Development and 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; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to preserve the character of the various parts of the Town; to conserve the value of buildings; to protect historic factors; to control soil erosion and sedimentation; to encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation; and to encourage the most appropriate use of land throughout the Town of Pomfret. Further, these regulations, and subsequent amendments thereto, are enacted to carry out the purposes set forth in Chapter 124, and particularly Section 8-2, of the Connecticut General Statutes, as those statutes may be amended.

SECTION 2 - ENFORCEMENT AND ADMINISTRATION

2.1 **Interpretation of Regulations**. The provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the 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 or ordinances, except those specifically repealed by these Regulations, or with private restrictions placed upon property. Where these Regulations pose a greater restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law or ordinance, these Regulations shall apply. Where two differing standards are provided herein, the more stringent shall apply.

2.2 **Enforcement of Regulations:** These Regulations shall be enforced by the Zoning Commission, acting by and through the Zoning Enforcement Officer. The Zoning Enforcement Officer may cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of these Regulations. The owner or agent of a building or premises where a violation of any provision of such Regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or exists, shall be subject to fines, civil penalties, and other remedies in accordance with the General Statutes of the State of Connecticut.
The Zoning Commission and/or the Zoning Enforcement Officer in addition to other remedies may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building or land, or to restrain, correct, or abate such violation, or to prevent the unlawful occupation of buildings, structures, or land, or to prevent any illegal act, conduct, business, or use in or about such premises, as to remedy, correct, abate, or prohibit any violations of these regulations.

2.3 **Zoning Permit.** No building shall be erected, moved, or structurally altered and no use shall be established or changed in the Town of Pomfret without a zoning permit from the Zoning Enforcement Officer (ZEO) or Commission, issued in conformance with the provisions of these Regulations.

2.3.1 **Application.** Every application for a zoning permit shall be made on a form provided for that purpose and obtainable from the Zoning Enforcement Officer or Commission, or at the offices of the Commission, and shall be accompanied by such information and exhibits, e.g. site plan, soils data, topography, drainage computations, etc., as are required herein or may be reasonably required by the ZEO and/or Commission in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these regulations.

2.3.2 **Contents of Application.** All applications shall set forth such information as may be required by the form described in Section 2.3.1 in order to allow the Zoning Enforcement Officer or Commission to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The Zoning Enforcement Officer may require submission of additional information (e.g. site plan, soils data, topography, drainage computations, etc.), and documents including a plot plan prepared, signed, and sealed by a licensed land surveyor to insure compliance with these Regulations. The Zoning Enforcement Officer or Commission may further require that location markers for the building foundation be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit.

2.3.3 **Jurisdiction.** Applications for all permitted uses that do not require site plan review may be approved by the Zoning Enforcement Officer provided such uses meet all other applicable requirements of these Regulations. Applications for all other uses shall be reviewed by the

Commission and shall be submitted, together with a site plan as prescribed in Section 14 of these Regulations, to the Zoning Enforcement Officer, and shall be reviewed by the Commission. Upon approval of such application and site plan by the Commission, the Zoning Enforcement Officer may issue a zoning permit. A permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.

2.3.4 **Zoning Certification.** The Zoning Enforcement Officer shall issue a zoning permit only when he or she determines that the proposed use is in conformance with these Regulations and the requirements of any applicable special permit, site plan approval, or variance. The property owner shall submit a plan showing all property lines, setback lines, easements, location of new construction, septic and well locations, driveway, wetlands and watercourses, and any other information required to demonstrate compliance with these Regulations and with any applicable permit conditions. For new dwellings, commercial/business, and industrial construction, such plan shall be prepared by a Connecticut licensed surveyor. The Zoning Enforcement Officer may require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance. The Zoning Enforcement Officer may also require the plans to be prepared by a Connecticut licensed engineer.

2.3.5 **Prohibitions.** Any structure or other use not specifically permitted by these Regulations is prohibited in the Town of Pomfret. No activity shall be engaged in and no zoning permit or variance shall be issued for any use which creates, or may reasonably be expected to create, a hazardous or unwholesome condition; noxious or objectionable vibrations, noise, smoke, dust, gas, odor or fumes; or a discharge or dispersal of liquid or solid wastes in a manner or amount as to cause damage to surface or groundwater, either on or off site. Without limiting the generality of the foregoing provisions, the following uses are expressly prohibited in the Town of Pomfret:

a. Landfills, waste-to-energy, resource recovery facilities, transfer stations, resource reduction facilities, and recycling facilities.
b. Junk yards, private dumps, and the dumping or incineration of toxic substances, effluent, garbage, or rubbish.
c. Uses that involve any activity, or the use of any material, defined as “obscene” or “obscene as to minors” pursuant to Section 53a-193 of the Connecticut General Statutes, as amended.
d. Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are not affixed to a permanent (i.e., non-movable) foundation, when such shelters are used as permanent dwellings.
e. Removal of topsoil (A and B soil horizons) from a lot, except by special permit. See Section The excavation of trap-rock or other quarry-type stone and rock crushing are also prohibited.
f. Artificial lighting with light sources that are visible from beyond the lot boundaries.
g. Circuses and amusement parks.
h. The distillation of bones, commercial animal slaughter, and tanneries.
i. Coal or petroleum distillation or derivation of byproducts; blast furnaces or smelting of ores or metal, manufacture of explosives; manufacture of cement, asphalt, bituminous, lime, gypsum, or plaster of Paris, or chlorine, or carbolic, hydrochloric, nitric, picric or sulphuric acid; fat rendering in the manufacture of tallow, grease, or oil; refining and recovery of products from fish or animal refuse; composting in excess of 100 cubic yards per year; fuel manufacture and storage by other than a public utility company except for on-site use.
j. Mini Storage/self-storage facilities.
k. Automated carwashes and self-service carwashes, except for town sponsored events for a temporary period only, not to exceed two (2) consecutive days or 6 days in any one calendar year.
l. Truck washes and self-service truck washes.

m. The use, for storage outside of a building, of trailers and all other cargo containers customarily used for road or sea transportation.

n. No structure shall be used, erected or expanded for the sale of alcoholic beverages if the center of any entrance of the portion of the structure that is used for the sale of alcoholic beverages is situated within a five-hundred (500) foot radius of any other parcel of land that is used for a public or private school, public park, place of worship, charitable institution, hospital, or library.

2.4 **Certificate of Zoning Compliance.** It shall be unlawful for any newly erected building or any structural addition for which a zoning permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a Certificate of Compliance has been issued by the Zoning Enforcement Officer. The Certificate of Compliance shall be issued within ten (10) days after a written request is made to the Zoning Enforcement Officer, provided that any building, structure, or alteration for which the Certificate is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any zoning permit or approval for such building, structure, or use have been fulfilled. The Zoning Enforcement Officer may require an as-built site plan to facilitate this review. In the absence of the Zoning Enforcement Officer, the Chairman or other designated agent of the Commission may issue a Certificate of Compliance. A Certificate of Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. No building permit shall be issued by the Building Official for a building, use, or structure subject to these Regulations without certification in writing from the Zoning Enforcement Officer that such building, use, or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations

2.5 **Changes of Business/Commercial or Industrial Uses of Buildings and Properties.** Any proposed change in use, enlargement, or reconfiguration, of or to a business, commercial or industrial use and/or building, parking, access drives, structure, or developed site shall require completion of a Change of Use application and review by the Commission. If the Commission finds that a proposed use or modification to an existing use or structure would involve no significant or material change in the nature, scope, location, or size of the existing use or structure and would have no impact on the parking, circulation, drainage, sewage disposal requirements, or traffic flow/circulation, it may, at its discretion, direct the Zoning Enforcement
Officer to issue a Zoning Permit. All other proposed changes shall be deemed to require Site Plan or Special Permit review and approval by the Commission per the Regulations.

2.6 **Inland Wetlands.** If an application for a special permit or site plan approval involves an activity regulated under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application for a permit to the Pomfret Inland Wetlands Commission no later than the day such application is filed with the Pomfret Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered until the Pomfret Inland Wetlands Commission has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Pomfret Inland Wetlands Commission.

2.7 **Other Permits Required.** A zoning permit indicates that the application complies with the provisions of these Regulations. However, other local, state, and federal permits may be required before the applicant can begin the related building or use, such as those concerned with driveways, wetlands, water and sewer facilities, fire protection, water quality, air quality, traffic conditions, solid waste, building code, and health code. Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.

2.8 **Other Referrals**. The Commission may forward a copy of the development proposal/zoning application to the Conservation Commission or any other agency, department, group, or consultant for review and comment.

2.9 **Recording.** No variance or special permit shall become effective until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such variance or special permit, including the zoning provision which is varied in its application or under which a special permit is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

2.10 **Expiration of Permits.**

2.10.1 **Zoning Permits.** Zoning permits issued by the Zoning Enforcement Officer for construction, Erection, or alteration of a building or structure are valid for one year from the approval date of such permit, or for such longer time as may be allowed under Section 2.10.2 or by state law.

2.10.2 **Special permits and other permits issued by the Zoning Commission.** Except as provided elsewhere in these Regulations, a zoning permit issued by the Commission shall be valid for a period of five years after the date of approval. Failure to complete all work or initiate any new use allowed by the zoning permit within such five-year period shall result in automatic expiration of the permit unless the Commission grants an extension of time to complete the work or commence the use. Pursuant to Sections 2.10.2a, b, and c of these Regulations, the Commission may grant one or more extensions of the time to complete the work or commence the use; provided, however, that the expiration date of the approval shall not be extended to a date more than ten years from the date of approval. An application to extend the expiration date of a permit must be filed with the Commission no fewer than sixty days before the date of expiration. All zoning permits shall contain a notation referencing the five-year expiration provisions.

a. **Extension for Appeal to Court.** If an appeal is taken from any approval for a special permit or variance, the expiration date shall be extended by the number of days between the date the decision of the Commission is published and the date a judicial resolution of the appeal becomes final.
b. **Extensions for Permit Delays.** If the Commission required that the applicant obtain permits from other governmental agencies before construction commenced, the expiration date may be further extended for up to an additional two years if the applicant certifies by documentation delivered to the Zoning Enforcement Officer that: specific permits were required in order to commence construction; the applicant applied for those required permits; and, despite the applicant's best efforts to secure those permits, the permits have not been issued to the applicant as of the date of the certification.
c. **Discretionary Extensions.** For good cause shown by the applicant, the Commission may extend the expiration date of an approval for additional periods of one year each.
d. **Maximum Period of Extension.** Under no circumstances shall the period of approval exceed ten years from the date of original approval.
e. **Completion of Construction.** For any special permit or zoning permit issued by the Zoning Commission, the applicant must complete construction or establishment of use and a Certificate of Zoning Compliance must be issued within two years of commencement of construction. After two years has elapsed, the Commission may use any posted performance bond to complete approved site work.
f. **Compliance with Time Limits.** Any permit not commenced within the time limits herein established may be declared void by the Commission, with notice thereof to be filed in the office of the Town Clerk.

2.11 **Fees.** The purpose of the fee is to defray the costs of notices associated with the application for any required public hearing and the cost associated with the review and processing of an application. Fees shall be charged according to the Town of Pomfret Ordinance (Planning and Zoning Commission Land Use Application Fee Schedule) as amended.

2.12 **Notice to Neighboring Municipalities.** The Commission shall notify the clerk of any adjoining municipality of the pendency of any special permit or site plan concerning any project on any site when: (1) any part of the property affected by the proposal is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer within the adjoining municipality; or (4) water runoff from theimproved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail within seven (7) days of the date of receipt of the application. A representative of the adjoining municipality may submit correspondence and be heard at the hearing on the application.

2.13 **Soil Erosion and Sediment Control Plan.** A soil erosion and sediment control plan shall be submitted pursuant to Section 12.12 of these Regulations with any application for development, or before the commencement or continuance of any activity, in which the disturbed area of such development or activity is or would be cumulatively more than one-half acre. For purposes of this section, the term "disturbed area" shall mean an area on which the cover is removed or destroyed, leaving the land subject to accelerated erosion. The Commission shall make the final determination of the size of the disturbed area. A soil erosion and sediment control plan shall not be required for the construction or alteration of a single-family dwelling that is not part of a subdivision of land; however, the Zoning Enforcement Officer or Commission may issue an order to correct or remediate any conditions that are found to be causing, or likely to cause, unreasonable erosion or sedimentation.

SECTION 3 - ZONING DISTRICTS AND MAP

3.1 **List of Districts.** The Town of Pomfret is hereby divided into the following Zoning Districts:

3.1.1 (RR) Rural Residential District.
3.1.2 (PSR) Pomfret Street Residential District
3.1.3 (V) Village District.
3.1.4 (V-II) Village District II.
3.1.5 (BV) Business Village District.
3.1.6 (CV) Commercial Village District.
3.1.7 (CB) Commercial Business District.

3.2 **Zoning Map.** The boundaries of the various Zoning Districts are as shown on the "Pomfret, Connecticut, Zoning Map" which accompanies, and which, with all explanatory matters thereon, is a part of these Regulations. A copy of the Zoning Map, indicating the latest amendments, shall be kept up-to-date in the offices of the Town Clerk for the use and benefit of the public.

3.3 **District Boundaries.** In determining the boundaries of Zoning Districts shown on the Zoning Map, the following rules shall apply:

3.3.1 Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be the boundaries.

3.3.2 Where district boundaries are not indicated as approximately following the center lines of streets, highways, waterways, or railroad rights-of-way or such lines extended, the boundaries shall be determined in accordance with the following rules:

a. Where district boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
b. In all cases where a district boundary line is located not farther than fifteen (15) feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
c. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.

3.3.3 The Commission shall determine the location of a district boundary where such boundary is in question.

3.3.4 Except as provided hereafter, if a lot of record is located within two or more zoning districts, the regulations to be applied to any proposed or existing use, building or structure shall be those of the district in which such use, building, or structure is, or is proposed to be, located. However, if the area of the portion of the lot that is located in any one zoning district is less than the minimum lot area necessary to establish a principal building, structure, or use otherwise permitted in that district, the Commission may grant a special permit to allow, within that portion of the lot, a building, structure, or use that is permitted under the regulations applicable to any portion of the lot within another zoning district. A non-residential use in a non-residential district cannot utilize an existing access or establish a new access across a parcel located in a residential district.

SECTION 4 – RURAL RESIDENTIAL DISTRICT REQUIREMENTS (RR)

4.1 **Permitted Uses.** The following uses are permitted in an RR District. Uses for which site plan review is required by these Regulations must be approved by the Commission pursuant to Section 14 before the Zoning Enforcement Officer may issue a permit. Uses that do not require site plan review shall be subject to the issuance of a zoning permit from the Zoning Enforcement Officer. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

4.1.1 Single-family dwelling not to exceed one such dwelling per lot, but excluding the use of Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are not affixed to a permanent (i.e., non-movable) foundation.

4.1.2 Agriculture, forestry, conservation activities, tree and nursery gardening, greenhouses, livestock and poultry raising, dairy farming and buildings used for the storing and processing of agricultural and forestry products accessory to the farm. When horses are kept or to be kept on any lot or parcel of land, the lot or parcel must meet the greater of (1) the minimum lot size required for a principal use in the underlying zone; or (2) three acres (130,680 square feet), including at least one acre (43,560 square feet) of land usable for grazing, for one horse and at least one additional half-acre (21,780 square feet) of land usable for grazing for each additional horse.

4.1.3 Roadside stands for the seasonal sale of farm produce and agricultural products, excluding nursery stock, grown on site, provided such stands shall be not more than two hundred (200) square feet in area. Such stand shall be not less than twenty-five (25) feet from the traveled portion (whether paved or unpaved) of any road, not less than ten (10) feet from the entire road right-of-way, not less than fifty (50) feet from any road intersections, and not less than twenty-five feet (25) from any side property boundary. No fewer than two off street parking spaces shall be provided for customers. Such spaces must allow for adequate sightlines for drivers traveling on the adjacent road and entering and exiting such spaces for such road, with due consideration being given to the posted speed limit and other pertinent factors.

4.1.4 Trailer, mobile home, or other temporary units to be used on a lot by the lot owner only during construction or repair of a dwelling (building permit must be issued for construction of dwelling), for a period not to exceed 12 months. A new application may be submitted for an extension not to exceed six (6) additional months. Such temporary units must be removed from the lot prior to issuance of a Certificate of Occupancy (C.O.) for the permanent dwelling. The maximum permit approval is limited to an eighteen (18) month period and cannot be extended beyond eighteen (18) months.

4.1.5 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing non-residential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 12.13 of these Regulations are met. Site plan review is required for these uses.

4.1.6 Signs in accordance with Section 17 of these Regulations.

4.1.7 Buildings and structures having a footprint of 800 square feet or less, and uses that are accessory to principal uses permitted under Section 4.1 of these Regulations.

4.1.8 Home Occupations. Site plan review is required for these uses.

a. Class I

4.2 **Special Permits.** The following uses are permitted by special permit in RR Districts, provided the applicable requirements of Section 13 of these Regulations are met.

4.2.1 Churches and schools.

4.2.2 Police stations, fire stations, or other municipal buildings.

4.2.3 Establishments for the excavation, removal, or filling of earth materials.

4.2.4 Interior lots.

4.2.5 Commercial agricultural buildings.

4.2.6 Retail outlets for agricultural/horticultural products, where 50% of such products are grown on site.

4.2.7 Wireless telecommunication facilities not permitted under Section 4.1 of these Regulations.

4.2.8 Non-motorized public parks.

4.2.9 Golf courses.

4.2.10 Bed and breakfast establishments.

4.2.11 Cemeteries.

4.2.12 Farm Wineries and Farm Winery Restaurants.

4.2.13 Country Inns.

4.2.14 Buildings and structures having a footprint greater than 800 square feet, and uses that are accessory to principal uses permitted under Section 4.2 of these Regulations.

4.2.15 Retreat Center.

4.2.16 Accessory Apartments.
a. In-Law Apartments (attached)
b. Caretaker Apartments (attached or detached)

4.2.17 Home Based Business.

4.2.18 Home Occupations. Class II

4.2.19 Temporary Structures for testing the feasibility of alternative energy sources.

SECTION 5 – POMFRET STREET RESIDENTIAL DISTRICT (PSR)

Purpose. The purpose of this district is to foster development that is compatible with the design and historic character of the existing development and to encourage the continuation of school and agricultural uses that exist in the district.

5.1 **Permitted Uses.** The following uses are permitted in a PSR District. Uses for which site plan review is required by these Regulations must be approved by the Commission pursuant to Section 14 before the Zoning Enforcement Officer may issue a permit. Uses that do not require site plan review shall be subject to the issuance of a zoning permit from the Zoning Enforcement Officer. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

5.1.1 Single-family dwelling not to exceed one such dwelling per lot, but excluding the use of Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are not affixed to a permanent (i.e., non-movable) foundation.

5.1.2 Agriculture, forestry, conservation activities, tree and nursery gardening, greenhouses, livestock and poultry raising, dairy farming, and buildings used for the storing and processing of agricultural and forestry products accessory to the farm. When horses are kept or to be kept on any lot or parcel of land, the lot or parcel must meet the greater of (1) the minimum lot size required for a principal use in the underlying zone; or (2) three acres (130,680 square feet), including at least one acre (43,560 square feet) of land usable for grazing, for one horse and at least one additional half-acre (21,780 square feet) of land usable for grazing for each additional horse.

5.1.3 Roadside stands for the seasonal sale of farm produce and agricultural products, excluding nursery stock, grown on site, provided such stands shall be not more than two hundred (200) square feet in area. Such stand shall be not less than twenty-five (25) feet from the traveled portion (whether paved or unpaved) of any road, not less than ten (10) feet from the entire road right-of-way, not less than fifty (50) feet from any road intersections, and not less than twenty-five feet (25) from any side property boundary. No fewer than two off street parking spaces shall be provided for customers. Such spaces must allow for adequate sightlines for drivers traveling on the adjacent road and entering and exiting such spaces for such road, with due consideration being given to the posted speed limit and other pertinent factors.

5.1.4 Trailer, mobile home, or other temporary units to be used on a lot by the lot owner only during construction or repair of a dwelling (building permit must be issued for construction of dwelling), for a period not to exceed 12 months. A new application may be submitted for an extension not to exceed six (6) additional months. Such temporary units must be removed from the lot prior to issuance of a Certificate of Occupancy (C.O.) for the permanent dwelling. Permit approval is limited to one 12 month period and cannot be extended or renewed beyond the original 12 month period.

5.1.5 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing non-residential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 12.13 of these Regulations are met. Site plan review is required for these uses.

5.1.6 Signs in accordance with Section 17 of these Regulations.

5.1.7 Buildings and structures having a footprint of 800 square feet or less, and uses that are accessory to principal uses permitted under Section 5.1 of these Regulations. Incidental uses associated with the educational function of the school and their maintenance.

5.1.8 Home Occupations. Site plan review is required for these uses.
a. Class I

5.1.9 Private Schools, except as detailed below:

1. Private school facilities under the following conditions shall require a special permit per Section 13:
   a. A building(s) with of footprint larger than 72,000 square feet, or a group of buildings constructed as indoor athletic facilities with more than three interconnected structures with a footprint larger than 127,800 square feet if such activity, except if the proposed activity is located more than 300 feet from an abutting property that contains a residential use, then only a site plan per Section 14 is required.
   b. Lighting of outdoor athletic facility(s) for non-private school use.
   c. The construction of more than 20 parking spaces not associated with the permitting of a new facility(s).
   d. The expansion, construction (this term is not to include renovation or reconstruction on the same footprint nor any interior renovation), or exterior enlargement of any building or the establishment or expansion of egress or access for facilities which do not require a special permit) within 100 feet of Route 169 and/or 50 feet from an abutting property line, except if the proposed activity is located more than 300 feet from an abutting property that contains a residential use, then only a site plan per Section 14 is required.
2. Private school facilities under the following conditions shall require site plan review per Section 14:
   a. Building(s) and/or use(s) in excess of a footprint of 500 square feet and less than a footprint of 72,000 square feet.
   b. Private school facilities under a footprint of 500 square feet are not subject to special permits and/or site plan review.

5.2 **<u>Special Permits</u>.** The following uses are permitted by special permit in PSR Districts, provided the applicable requirements of Section 13 of these Regulations are met.

5.2.1 **C**hurches.

5.2.2 Those private school facilities that are referenced in Section 5.1.9

5.2.3 Police stations, fire stations, or other municipal buildings.

5.2.4 Establishments for the excavation, removal or filling of earth materials.

5.2.5 Interior lots.

5.2.6 Commercial agricultural buildings.

5.2.7 Retail outlets for agricultural/horticultural products, where 50% of such products are grown on site.

5.2.8 Wireless telecommunication facilities not permitted under Section 5.1 of these Regulations.

5.2.9 Non-motorized public parks.

5.2.10 Golf courses.

5.2.11 Bed and breakfast establishments.

5.2.12 Cemeteries.

5.2.13 Country Inns.

5.2.14 Buildings and structures having a footprint greater than 800 square feet, and uses that are accessory to principal uses permitted under Section 5.2 of these Regulations. Incidental uses associated with the educational function of the school and their maintenance.

5.2.15 Nature Center

5.2.16 Accessory Apartments
a. In-Law Apartments (attached)
b. Caretaker Apartments (attached or detached)

5.2.17 Home Based Business

5.2.18 Home Occupations
a. Class II

5.2.19 Private Occupational Education Institution
a. The expansion construction (this term is not to include reconstruction on the same footprint nor any interior renovation), or exterior enlargement of any building or the establishment or expansion of egress or access for facilities.

5.2.20 Temporary structures for testing the feasibility of alternative energy sources.

SECTION 6 - VILLAGE DISTRICT (V)

The purpose of this District is to encourage small scale development that is both appropriate for Pomfret and consistent with the historical character of the area.

6.1 **Permitted Uses Subject to Site Plan Review.** The following uses are permitted in the V District subject to the approval of a site plan by the Commission and issuance of a zoning permit by the Zoning Enforcement Officer. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

6.1.1 Single-family dwelling not to exceed one such dwelling per lot, but excluding the use of Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are not affixed to a permanent (i.e., non-movable) foundation and home occupations.

6.1.2 Buildings and structures having a footprint of 800 square feet or less and uses that are accessory to principal uses permitted under Section 6.1 of these Regulations.

6.1.3 Signs in accordance with Section 17 of these Regulations.

6.2 **Special Permits.** The following uses are permitted by special permit in V District, provided the applicable requirements of Section 13 of these Regulations are met.

6.2.1 Retail stores selling goods other than live animals, liquid and gaseous fuels (including, but not limited to, kerosene, gasoline, and diesel fuel), and automobiles (new or used).

6.2.2 Business services, such as banks, credit unions, loan companies, and other financial institutions; accounting, legal, real estate and insurance agencies; utility offices; and business and professional offices.

6.2.3 Government offices.

6.2.4 Personal services such as medical offices, clinical offices, hair care, fitness center/gym, beauty salons, photographic studios, tailor, dress-making, and millinery.

6.2.5 Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops, but excluding vehicular repair and/or installation services.

6.2.6 Restaurants. Liquor may be served in restaurants, provided the total floor area of any bar, together with its associated seating and service areas, does not exceed 25% of the gross floor area of the restaurant, excluding kitchen and storage areas. For purposes of this section, “associated seating shall include any seating area that is not distinctly separated from the bar by a wall, aisle or other physical separation. At least seventy-five percent (75%) of the food service area must be distinctly separated from the bar area.

6.2.7 Assembling, converting, altering, finishing, cleaning or any other processing of products that is clearly incidental to a retail or service business and where goods so produced and/or processed are to be sold exclusively on the lot provided that:

a. The area used for such purposes shall be fully concealed from any street, and shall not be greater in area than 20% of the square feet devoted to retail sales or service;

b. Not more than four (4) employees are engaged in such production or processing.

6.2.8 Multiple use commercial developments. Developments with more than one proposed use listed under Sections 6.1 and/or 6.2 shall require a special permit

6.2.9 Buildings and structures having a footprint greater than 800 square feet, and uses that are accessory to principal uses permitted under Section 6.2 of these Regulations.

6.2.10 Drive-through windows as accessory uses to financial institutions, minimum stack ten (10) spaces.

6.2.11 Temporary structures for testing the feasibility of alternative energy sources.

SECTION 6a - VILLAGE DISTRICT II (V-II)

The purpose of this District is to encourage small scale development that is both appropriate for Pomfret and consistent with the historical character of the area.

6a.1 **Permitted Uses Subject to Site Plan Review**. The following uses are permitted in the V-II District subject to the approval of a site plan by the Commission and issuance of a zoning permit by the Zoning Enforcement Officer. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

6a.1.1 Single-family dwelling not to exceed one such dwelling per lot, but excluding the use of Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are not affixed to a permanent (i.e., non-movable) foundation and home occupations.

6a.1.2 Buildings and structures having a footprint of 800 square feet or less and uses that are accessory to principal uses permitted under Section 6a.1 of these Regulations.

6a.1.3 Signs in accordance with Section 17 of these Regulations.

6a.2 **Special Permits.** The following uses are permitted by special permit in V District, provided the applicable requirements of Section 13 of these Regulations are met.

6a.2.1 Retail stores selling goods other than live animals. For the purposes of this section retail shall not include the sale of liquid and gaseous fuels (including, but not limited to, kerosene, gasoline, and diesel fuel), and automobiles (new or used).

6a.2.2 Business services, such as banks, credit unions, loan companies, and other financial institutions; accounting, legal, real estate and insurance agencies; utility offices; and business and professional offices.

6a.2.3 Government offices.

6a.2.4 Personal services such as medical offices, clinical offices, hair care, fitness center/gym, beauty salons, photographic studios, tailor, dress-making, and millinery.

6a.2.5 Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops, but excluding vehicular repair and/or installation services.

6a.2.6 Assembling, converting, altering, finishing, cleaning, or any other processing of products that is clearly incidental to a retail or service business and where goods so produced and/or processed are to be sold exclusively on the lot provided that:

a. The area used for such purposes shall be fully concealed from any street, and shall not be greater in area than 20% of the square feet devoted to retail sales or service;
b. Not more than four (4) employees are engaged in such production or processing.

6a.2.7 Multiple use commercial developments. Developments with more than one proposed use listed under Sections 6a.1 and/or 6a.2 shall require a special permit.

6a.2.8 Buildings and structures having a footprint greater than 800 square feet, and uses that are accessory to principal uses permitted under Section 6a.2 of these Regulations.

6a.2.9 Age Restricted Housing.

6a.2.10 Artist studios and artist galleries.

6a.2.11 Temporary structures for testing the feasibility of alternative energy sources.

SECTION 7 - BUSINESS VILLAGE DISTRICT (BV)

7.1 **Permitted Uses Subject to Site Plan Review.** The following uses are permitted in the BV District subject to the approval of a site plan by the Commission and issuance of a zoning permit by the Zoning Enforcement Officer. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

7.1.1 All uses listed under Section 6.1.

7.1.2 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 12.13 of these Regulations are met.

7.2 **Special Permits.** The following uses are permitted by special permit in BV Districts, provided the applicable requirements of Section 13 of these Regulations are met.

7.2.1 All uses listed under Section 6.2.

7.2.2 Drive-through windows as accessory uses to financial institutions, minimum stack ten (10) spaces.

7.2.3 Wireless telecommunication facility where a tower is to be located on property occupied by one or more existing towers, provided the requirements of Section 12.13 of these Regulations are met.

7.2.4 Temporary structures for testing the feasibility of alternative energy sources

SECTION 8 – COMMERCIAL VILLAGE DISTRICT (CV)

8.1 **Permitted Uses Subject to Site Plan Review.** The following uses are permitted in the CV District subject to the approval of a site plan by the Commission and issuance of a zoning permit by the Zoning Enforcement Officer. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

8.1.1 All uses listed under Section 7.1.

8.1.2 Assembling, converting, altering, finishing, cleaning or any other processing of products that is clearly incidental to a retail or service business and where goods so produced and/or processed are to be sold exclusively on the lot provided that:

a. The area used for such purposes shall be fully concealed from any street, and shall not be greater in area than 20% of the square feet devoted to retail sales or service;
b. Not more than eight (8) employees are engaged in such production or processing.

8.2 **Special Permits.** The following uses are permitted by special permit in CV Districts, provided the applicable requirements of Section 13 of these Regulations are met.

8.2.1 All uses listed under Section 7.2.

SECTION 9- COMMERCIAL/BUSINESS DISTRICT (CB)

9.1 **Purpose.** The purpose of this zone is to foster development in an open and park-like setting with suitable landscaping and preservation of natural features and open space.

9.2 **Minimum Size.** A Commercial Business District (CB) shall contain a minimum of twenty-five (25) contiguous acres.

9.3 **Permitted Uses Subject to Site Plan Review.** The following uses are permitted in the CB District subject to the approval of a site plan by the Commission and issuance of a zoning permit by the Zoning Enforcement Officer: Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

9.3.1 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 12.13 of these Regulations are met.

9.3.2 Wireless telecommunication facility where a tower is to be located on property occupied by one or more existing towers, provided the requirements of Section 12.13 of these Regulations are met and the proposed tower is with 500 feet of an existing tower.

9.4 **Special Permits**. The following uses are permitted by special permit in the CB District, provided the applicable requirements of Section 13 are met.

9.4.1 The manufacture, processing, assembly or packaging of food, candy, pharmaceuticals, textiles, cosmetics, toiletries, pottery and ceramic products, furniture, clothing, electronic apparatus, woodworking, wood products, optical equipment, glass, hardware, tools and dies, toys, novelties, sporting goods, musical instruments, and signs.

9.4.2 Printing and publishing establishments.

9.4.3 Research facilities and business offices.

9.4.4 Stone polishing, engraving, cutting, or carving.

9.4.5 Sheet metal and light metal fabrication, including the manufacturing of light machinery.

9.4.6 Distribution, wholesaling, and warehousing, including building contractors, farming supply and building material yards, but excluding the storage of vehicles and bulk fuel. Combined retail and wholesale operations shall be permitted in the same building only in those cases where the products offered for sale on a retail or wholesale basis are the same. This section shall not be deemed to allow self-storage or mini-storage facilities prohibited under Section 2.3.5.

9.4.7 Studios for motion picture, recording, television and radio production, including transmitters and other related equipment.

9.4.8 Trade and technical schools and facilities of higher learning.

9.4.9 Public and private recreation facilities (non-motorized) such as parks, play yards, country clubs, tennis courts, racquetball-tennis clubs, health spas, gymnasiums, skating rinks, and sports arenas.

9.4.10 Golf courses.

9.4.11 Public utility buildings, substations.

9.4.12 Animal hospitals, veterinary hospitals, and kennels.

9.4.13 Wireless telecommunication facilities not permitted under Section 9.3 of these Regulations, provided the requirements of Section 12.13 of these Regulations are met.

9.4.14 Excavation, filling, and removal of earth materials.

9.4.15 Buildings, structures, and uses that are accessory to principal uses permitted under Section 9.4 of these Regulations.

9.4.16 Temporary structures for testing the feasibility of alternative energy sources.

SECTION 10 - DIMENSIONAL REQUIREMENTS

10.1 Minimum Lot Sizes.

RR	87,120 square feet (2 acres)
PSR	174,240 square feet (4 acres)
V	43,560 square feet (1 acre)
V-II	43,560 square feet (1 acre)
BV	87,120 square feet (2 acres)
CV	87,120 square feet (2 acres)
CB	87,120 square feet (2 acres)

10.2 Minimum Street Frontage.

RR	200 feet
PSR	250 feet
V	150 feet
V-II	150 feet
BV	200 feet
CV	200 feet
CB	200 feet

10.2.1 The frontage requirement may be reduced by no more than 25 percent for lots on the circular turnaround at the end of a dead-end street, provided the minimum buildable area required by Section 10.3.2, below, is maintained.

10.2.2 Interior lots may be permitted by the Commission pursuant to a Special Permit under the provisions of Section 13 of these Regulations.

10.2.3 The proposed frontage must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting the Pomfret Driveway Ordinance requirements. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage. At the time of application, the applicant must demonstrate that the frontage can accommodate a permitable driveway per the Town's regulations and ordinances. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee. by the same person or persons who own the remainder of the lot) unless the Planning and Zoning Commission expressly allows a common driveway per Section 12.1.

10.3 Minimum Buildable Area.

10.3.1 Buildable Area Defined.

The term "buildable area" shall mean a contiguous area that, at the time of application for a proposed use, excludes the following categories of land:

a) inland wetlands and watercourses, as defined by Conn. Gen. Stat. Sec. 22a-38;
b) storm water retention or detention areas;
c) floodplain soils or areas within the 100 year flood boundary;
d) rights of ways or easements and utility and drainage easements;
e) required front yard, side yard, and rear yard setbacks;
f) areas with slope equal to or greater than 20% and;

g) exposed ledge;
h) conservation easement areas in which the disturbance of land and/or building of structures is prohibited.

10.3.2 Minimum Buildable Area Required.

RR	37,500 sq. ft.
PSR	37,500 sq. ft.
V	25,000 sq. ft.
V-II	25,000 sq. ft.
BV	37,500 sq. ft.
CV	37,500 sq. ft.
CB	7,500 sq. ft.

10.3.3 Shape and Location of Minimum Buildable Area.

The intent of the minimum buildable area requirement is to provide adequate contiguous area on each lot in which to locate the principal building, accessory uses, and on-site water and sewer facilities without major physical alterations of the land. The buildable area must exist and must be physically accessible from a street at the time of application. For lots requiring a minimum buildable area of 25,000 square feet, a rectangle having dimensions of 125 feet by 100 feet must be capable of fitting within the designated buildable area. For lots requiring a minimum buildable area of 37,500 square feet, a rectangle having dimensions of 125 feet by 175 feet must be capable of fitting within the designated buildable area.

10.4 Yard Requirements. No building, structure, or use shall be located within the following required yard areas, except as expressly provided elsewhere in these Regulations:

10.4.1 Dimensions

District	Front Yard Setback	Side and rear yard setbacks
RR	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
PSR	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
V	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
V-II	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
BV	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
CB	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet

10.4.2 Notwithstanding the provisions of Section 10.4, if a lot is abutted on both sides by lots containing a principal structure that is 200 feet or less from the center lot, the minimum front yard setback for the center lot may be reduced to the average of the actual front yard setbacks of the existing, adjacent principal structures.

10.4.3 Except as provided hereafter, parking areas, parking spaces, and internal access drives may not be located within the required front, side, and rear yard setbacks.

a. In a Residential District, driveways shall not be located within 10 feet of a side and/or rear property line.
b. In non-residential districts, parking areas, parking spaces, and internal access drives may, by Special Permit, be located within that half of the required setback area that is farthest from the property line, when appropriately screened from the street and/or abutting property with landscape materials including trees, shrubs, and/or an earthen berm.

10.4.4 Notwithstanding the provisions of Section 10.4.1, a non-engineered septic system may be located within that half of a front, side, or rear yard setback area furthest from the property line, and an engineered septic system may be located within that half of a front yard setback area (but not within a side or rear yard setback area) furthest from the property line. For purposes of this Section 10.4.4, the term "engineered septic system" shall mean any septic system for which fill must be placed on the lot in order to construct the system.

10.4.5 Notwithstanding the provisions of Section 10.4, no water-supply well may be located closer than 75 feet to any property line, unless the well is on a lot of record legally filed with the Town clerk and contained within the land records of the Town prior to month day, 2004 (effective date of this revision) and the Commission determines that there is no feasible and prudent method of maintaining such separation distance.

10.4.6 Cornices, belt courses, sills, cantilevered roofs, and other incidental or decorative architectural features may project not more than three (3) feet into a required yard.

10.4.7 Rear yard setbacks may be reduced by a 3/4 vote of the entire Commission as part of a special permit application for Age Restricted Housing in a Village District II under the following circumstances:

1. The reduction does not conflict with abutting property use and an adequate buffer is provided between proposed use and abutting use of property as determined by the Commission and:
2. The Town of Pomfret Fire Marshall determines in writing that the proposed reduction does not conflict with emergency access to any of the proposed buildings and/or structures.

10.4.8 Side and rear yards setbacks may be reduced by a ¾ vote of the entire Commission for accessory uses associated with Section 4.1.2 provided that the reduction does not conflict with abutting property use and an adequate buffer is provided between the proposed use and abutting use of property as determined by the Commission.

10.5 **Buffers.** When a lot in any district other than the Rural Residential District (RR) and Pomfret Street Residential District (PSR) is proposed for any use other than a single-family dwelling, and the lot abuts (i) property in the Rural Residential District (RR), (ii) property in the Pomfret Street Residential District (PSR) or (iii) any parcel on which a single-family dwelling already exists, a buffer strip, as described in this Section 10.5, must be provided within the lot proposed for the new use along the full length of the abutting areas. The width of the required buffer strip shall be twenty-five (25) feet in the Village District (V), ten-five (10) feet in the Village District II (V-II), fifty (50) feet in the Business Village (BV) and Commercial Village (CV) Districts, and one hundred (100) feet in the Commercial/Business Districts (CB). Unless the Commission makes a finding that existing vegetation on the lot proposed for the new use will provide an effective, year-round visual barrier (i.e., complete visual screening) between the affected parcels, the buffer strip shall be planted with a sufficient number of additional evergreen trees and shrubs to create such a barrier. No zoning permit or special permit may be issued for the proposed use unless a landscape plan showing the work to be done and species to be planted, and a plan describing proposed maintenance procedures, have been filed with and approved by the Commission. The Commission may require that the developer post a surety for such planting. Failure to maintain such strip in good condition shall constitute a violation of these Regulations by the owner of such lot or portion thereof. The planting standards of Section 16 shall apply. Additional buffer requirements for developments in the CB Zones are enumerated in Section 16 of these Regulations.

10.6 Maximum Lot Coverage.

10.6.1 Building Coverage. The following is the maximum portion of the lot that may be covered by buildings:

RR	20%
PSR	10%
V	50%
V-II	50%
BV	40%
CV	40%
CB	40%

10.6.2 Impervious Surface Coverage. The following is the maximum portion of the lot that may be covered by imperious surfaces, including buildings

RR	35%
PSR	30%
V	60%
V-II	60%
BV	60%
CV	60%
CB	60%

10.7 Maximum Building Height. No building shall exceed the height specified for its zoning district, as follows:

10.7.1 Principal Building/Structure.

RR	40 feet
PSR	45 feet
V	40 feet
V-II	40 feet
BV	45 feet
CV	45 feet
CB	45 feet

The Commission may grant a special permit to allow a school building or other agricultural building to have a greater height, not to exceed 100 feet.

10.7.2 Accessory Building/Structure.

RR	25 feet
PSR	40 feet
V	25 feet
V-II	25 feet
BV	30 feet
CV	30 feet
CB	30 feet

10.7.3 **Exemptions.**
Structures such as chimneys, flues, spires, and radio and TV antennas, and other wireless telecommunications antennas may extend an additional 10 feet in height as measured from the highest point of a building's/structure's existing and/or proposed roof line.

10.8 **Multiple Uses and Buildings.** Unless expressly allowed elsewhere in these Regulations, no more than one principal use may be established on any lot, and no more than one principal building may be established on the lot in connection with such principal use. When the principal use of a lot is related to the provision of wireless telecommunications facilities, more than one building may be established on such lot in connection with such use, provided all such buildings are planned as a unit, with integrated access, building design and landscaping, and further provided that all other relevant provisions of these Regulations are met.

10.9 **Outdoor Storage and Activities.** Except as expressly provided hereafter, all material, merchandise, supplies, work in progress, finished or semi-finished products, waste materials, commercial vehicles, construction or earth-moving equipment located on any lot used or permitted to be used for an industrial or commercial purpose must be stored within a building. Such materials, except merchandise, displays, and waste products, may, however, be stored in the rear portion of the lot (i.e., behind the principal building or buildings), provided that the storage area is screened by landscaping, fencing, or both, which is in harmony with the principal structures and which has been approved by the Commission. There shall be no outside retail sales and/or display associated with such uses, except that the retail sale of gasoline at a dispensing mechanism (gas pump) shall be allowed at a gas station as part of an approved site plan and special permit. This section shall not be deemed to apply to commercial vehicles that are parked on the site for purposes of site work (excavating, grading or filling); building construction, renovation or repair; or loading or unloading of materials and supplies delivered to or removed from the site for business purposes.

11 NON-CONFORMING USES, BUILDINGS AND LOTS

11.1 **Applicability.** A non-conforming use, building or lot is one that existed lawfully prior to the date these Regulations, or any applicable amendment thereto, became effective, and that fails to conform to one or more of the current requirements of these Regulations. Such non-conforming use, building, or lot may be continued according to the requirements of these Regulations.

11.2 **Non-Conforming Uses.**

11.2.1 Except as provided in Section 11.2.7, no non-conforming use shall be enlarged or expanded. No non-conforming use of an existing building shall be extended to occupy land outside such building or space in another building. No non-conforming use shall be changed to another non-conforming use.

11.2.2 No non-conforming use of land shall be moved to another part of a lot or to an adjoining lot. No non-conforming use of a building shall be moved to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. No building containing a non-conforming use shall be moved unless the use is changed to a conforming use and all zoning requirements are met.

11.2.3 No non-conforming use of land or of a building shall be changed to any use that is substantially different in nature and purpose from the former non-conforming use, unless the use is changed to a conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.

11 2.4 When a building in which there is a non-conforming use is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, and the owner intends to reconstruct the building to continue the non-conforming use, the building may be reconstructed, repaired, or rebuilt only to its previous floor area and cubical content provided such reconstruction or rebuilding is commenced within one year of such damage.

11 2.5 When a non-conforming use is abandoned or discontinued for a period of twelve (12) consecutive months, it shall thereafter be used in conformity with the regulations for the district in which it is located.

11.2.6 Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use are permitted provided that such work does not increase or expand the non-conforming use.

11.2.7 A non-conforming use that existed on the effective date of these Regulations may be expanded by up to twenty-five percent (25%) of the floor area existing on such effective date.

11.3 **Non-Conforming Buildings and Structures.**

11.3.1 Non-conforming buildings and structures may be expanded or enlarged provided no increased encroachment, including any vertical or horizontal expansion within a setback area, or further violation of the requirements of these Regulations occurs for such enlargement, and further square footage of the first floor foot print encompassing the enclosed portion of a dwelling having a finished ceiling to floor height of not less than seven (7) feet, excluding any porches and garages, unless the entire building is made to conform to these Regulations. No such expansion shall be allowed to be used for any non-conforming use.

11.3.2 Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature may be reconstructed, repaired, or rebuilt in the same location, but only to its previous floor area and cubical content. Any expansion proposed as part of a reconstruction or rebuilding shall meet the requirements of these Regulations. Any reconstruction or rebuilding shall be commenced within one year of the date of damage.

11.3.3 Normal maintenance and repair to a non-conforming building or structure is permitted provided such work does not further violate the requirements of these Regulations.

11.3.4 Notwithstanding the provisions of Section 11.3.1, a non-conforming building that existed on the effective date of these Regulations may be expanded within a setback area by up to 25% of the floor area existing on such effective date, provided the expanded portion of the building may not be closer to any property line with respect to which the building is non-conforming.

11.4 **Non-Conforming Lots.** Nothing in these Regulations shall prevent the construction of a permitted building or structure or the establishment of a permitted use in the relevant zoning district on a lot which does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, but which, as of the date of initial adoption of these Regulations and continuously thereafter, was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the Land Records of the Town of Pomfret. A previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement. Any such right-of-way or easement serving more than two previously existing lots and exceeding 400 feet in length shall contain a road built to Town road specifications.

11.5 **Reconfiguration of Non-Conforming Commercial Structures and Uses.** Notwithstanding any other provisions of Section 11 of the Regulations, a property owner shall be permitted to reconfigure a nonconforming commercial use or structure provided the following requirements are met:

a. The reconfiguration is in compliance with site plan requirements.
b. Any set-back or nonconformity shall not be increased beyond that of the existing building.
c. The total area of the sum of the square footage of the non-conforming building or buildings shall not be increased.
d. The use to which the reconfigured building or buildings shall be put shall be limited to those non-conforming uses established as of the effective date of zoning.
e. The footprint of an existing building shall not be increased by more than 100%
f. The square footage of building dedicated to a specific nonconforming use shall not be increased by more than 100%.
g. In the case of two or more non-conforming structures being combined into a single structure no addition to any structure shall exceed 1,000 square feet.

SECTION 12 - SUPPLEMENTARY REGULATIONS

The requirements of this Section apply to more than one zoning district, or they are concerned with specific uses or conditions regardless of where they occur.

12.1 **Common Driveways.** The Planning and Zoning Commission may allow a common or shared driveway in the following circumstances and with the following conditions and limitations:

a. No common or shared driveway shall serve more than two (2) lots.
b. The land on which the common or shared driveway is to be located must be an undivided part of one of the parcels to be served.
c. A common or shared driveway may be allowed if one or more of the following circumstances exist:
    1. The Inland Wetlands Commission recommends the use of such a driveway in order to diminish the adverse impact on a wetland or watercourse
    2. The Planning and Zoning Commission deems such a driveway to be the only prudent and feasible access to one of the adjoining parcels.
    3. The Planning and Zoning Commission finds that such a driveway would help to minimize adverse environmental impacts of development, reduce the need for new driveway cuts, and provide access to developable land which is otherwise inaccessible due to topographic conditions
d. All shared driveways shall be provided with a right-of-way at least 25 feet in width, and with a usable width of at least 20 feet.
e. The driveway shall not exceed twelve percent (12%) grade at any point.
f. On any section of such driveway where the grade is eight percent (8%) or greater, the surface shall be paved with all-weather materials subject to approval by the Town Engineer, so as to permit reasonable access by fire apparatus or other emergency vehicles.
g. The deeds for any lots which utilize a shared driveway shall include all appropriate easements to pass and repass, to install utilities as necessary, and to grade, drain, and maintain; and shall provide slope easements where required by the Town Engineer. Such deeds shall also contain a provision that the driveway shall not be used for access to any other property except for agricultural purposes, and an acknowledgment that the Town of Pomfret shall have no responsibility to construct, maintain, repair, or replace the driveway or to provide any service on or along the driveway that is not generally provided by the Town on or along other individual driveways within the Town.

12.2 **Development in PSR, V, BV and CV Districts.**

In considering any application for a Special Permit in the PSR, V, BV and CB Districts, the Commission shall require that the applicant demonstrate, to the extent applicable:

a. The preservation of historically significant structures.
b. Architecture that is harmonious in style, size, and proportion with traditional architecture typical elsewhere in the District and in the Town.
c. The use of building materials that is harmonious in appearance with those typical elsewhere in the District and in the Town.
d. Appropriate consideration of building size and site design, possibly including submission of architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships.
e. Site planning and landscaping that:
    1. enhance the attractiveness of the proposed development
    2. screen unsightly elements such as parking lots, utilities, and unattractive accessory structures, from public view

3. help to visually or physically integrate the proposed development into the District and the Town.
4. establish and maintain landscape buffers satisfactory to the Commission.

f. The design of curb cuts, driveways, and parking lots that help to improve traffic patterns or limit additional congestion on all local and state roads.

g. Buildings set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.

12.3 Excavation, Removal and Filling of Earth Materials (Special Permit Required).

12.3.1 **Intent.** The intent of this section is to manage excavation or other removal or filling of earth materials so as to minimize environmental damage, disruption of traffic flow, and disturbance of the surrounding neighborhood, and to ensure adequate restoration of the site for future use when the activity is completed. This Section applies only to earth materials other than trap-rock and other quarry type stone, the excavation of which is prohibited.

12.3.2 **Exemptions.** The following activities are exempt from these Regulations:

a. Excavation operations or filling within the legal highway rights-of-way conducted by either the State of Connecticut or the Town.
b. Operations approved by the Town as a part of an approved subdivision, site plan, or municipal improvement project.
c. Excavations or filling as a result of bona-fide landscaping, agricultural, or construction operations, provided that no such activity results in the removal of more than 200 cubic yards of earth products or filling more than 100 cubic yards of earth products for each parcel.

12.3.3 **Applications.** Applications shall include information as listed below. Requirement for the submission of any of the listed items may be waived by a 3/4 vote of the members of the Commission present and voting when it is demonstrated that such information is not necessary to determine compliance with these Regulations.

a. Location Map at a scale of 1" = 200', certified by a Connecticut licensed surveyor, showing:

1. Parcel boundaries and the owner of record
2. Boundaries and record owners of all adjacent parcels.
3. Topography, as shown by ten foot contour intervals, of the area of activity and all land within 400 feet of such area.
4. Existing land and water uses on the premises and within 500 feet of the premises, including sewage disposal features and water supplies, to the extent these can be determined.
5. Watercourses, wetlands, soil types, and flood boundaries on and within 200 feet of the premises to the extent that these can be determined.
6. Public and private roads providing access to the property.
7. All utilities and easements on the premises.

b. Detailed Site Map at a scale of no less than 1 inch = 40 feet, certified by a Connecticut professional engineer, with boundaries at an A-2 survey level of accuracy as certified by a licensed surveyor, showing:

1. Boundaries and acreage of the premises.

2. Topography: existing and final grades, as well as any interim grades to be established at the completion of specified phases, for all areas to be excavated, graded, or filled and within 100 feet of each such area, at two-foot contour intervals.
3. Location of all proposed roads, utilities, structures, fixed equipment, processing areas.
4. Wetlands and watercourses.
5. Delineation of areas of disturbance and of active operations and their acreage; show phasing as planned.
6. Locations of stockpiles, including stripped topsoil, overburden, and reserve stock materials.
7. A sediment and erosion control plan for use throughout the duration of the operation.
8. Location of soil borings/test holes.
9. Other information as requested by the Commission to determine compliance with these regulations.
10. Typical cross-sections of the area to be excavated, showing both existing and proposed grades.

c. Other Information, provided in narrative form:

1. Total amount of earth materials to be removed or placed, measured in cubic yards. Where phasing is proposed, amounts should be given per phase.
2. Estimate of the number and type of trucks and equipment to be kept and used on the site.
3. Estimate of the number of truckloads per day and week leaving site.
4. Plans and information to assure that the property will be physically capable of future, active use following completion of operations.
5. Boring data, prepared by appropriate professional, taken to four feet beyond the depth of the proposed excavation, indicating the depths, compositions and type of earth materials, and depth to water table.
6. Other information as requested by the Commission to determine compliance.

d. Restoration Plan, such plan to include:

1. Final grades at 2 foot contour intervals.
2. Final drainage patterns and plans.
3. Source and type of cover material to be used, to six inch depth.
4. Detailed specifications for plantings, including species, showing rates/planting distances, and the timing of such re-vegetation.
5. A schedule for such restoration through monitoring of re-vegetation over the first two years following final re-vegetation.

12.3.4 **General Considerations.** Applications for permits shall be evaluated according to the following criteria, in addition to the criteria set forth in Section 2 of these Regulations.

a. Appropriateness of Location: the compatibility of the proposed activity with the Town's Plan of Development; the compatibility of the proposed activity with current and potential uses of surrounding land; the impact of the activity on the use and quality of adjacent watercourses; and the creation of potential nuisances such as noise, traffic, odors, dust, visual blight, degradation of natural resources, erosion and sedimentation, and flooding.
b. Conformance: conformance of the proposed activity with Building and Health Codes, Wetlands Regulations, and any applicable Town Ordinances and Regulations in addition to these Zoning Regulations.

c. Public Health and Safety: accessibility by emergency vehicles, impact on Town roads and infrastructure, potential for groundwater contamination, increased fire hazards, and creation of hazardous grades.
d. Protection of Resources: potential for detriment to historic, cultural, scenic, or natural resources in the surrounding neighborhood and the Town as a whole.

12.3.5 **Permit Standards.** The following are minimum standards to be applied to permits for excavation and filling of earth materials:

a. Site Size. No excavation operation shall encompass more than five acres of active operations at any one time. Operations of more than five acres must be phased, with a comprehensive plan for phasing and restoration submitted and approved as part of the application.
b. Buffer. No feature of the operation shall take place within 100 feet of the property boundary, watercourse, or public road. Native vegetation shall be maintained on this buffer. If such vegetation is inadequate for screening, the Commission may impose additional screening requirements. Clearly visible boundary markers shall be maintained throughout the operation.
c. Access Road. A non-erodible, dustless access road shall be provided for a distance of 100 feet from any public road. Such road shall have a functioning anti-tracking surface for a distance of 50 feet from the road.
d. Building, Structures, Machinery and Equipment. No structures or fixed machinery or equipment shall be located within 100 feet of any residential district. No processing equipment, such as a crusher or grader, shall be permitted.
e. Operating hours. Operating hours for processing shall be limited to Monday through Friday, 8 AM to 5 PM. Operating hours for removal shall be limited to 7 AM to 5 PM, Monday through Saturday. No activities generating noise that is perceptible outside of the premises shall be allowed during any other hours. Municipal operations shall be exempt from these hours.
f. Erosion and Sedimentation. Erosion by wind and water shall be controlled at all stages of operation throughout the disturbed area. Provision for proper drainage shall be planned for the off site, at all times.
g. Separating Distance from Water Table. No excavation shall remove earth materials closer than four feet to the spring high water table. This distance shall be maintained throughout the excavation.
h. Topsoil and Overburden Stockpiling. All topsoil, defined herein as A and B soil horizons, shall be stripped from the operation area and stockpiled for use in restoration of the site. No topsoil shall be removed from the site. Topsoil and overburden stockpiles shall be maintained separately and such locations shall be shown on the site map.
i. Safety. A permanent gate must be maintained at each accessway to the site. Fencing of hazardous areas may be required for protection of pedestrian or vehicular traffic.
j. Impact on Drainage. No excavation or filling shall be allowed which will cause standing water to accumulate except as required for approved retention and detention basins.
k. Phased Operations. Work on a subsequent phase shall not commence prior to reclamation of the previous phase according to the approved plan and approval of such reclamation by the Commission or its Agent. Prior to commencement of activity on any subsequent phase, the bond shall be adjusted to ensure performance on that phase. The bond shall not be fully released for any phase until it has been determined that such area is permanently stabilized
l. Bonding Requirements.
    1. Before a special permit authorizing the activity provided for under this Section is signed and delivered to the applicant , the applicant shall deliver to the Commission, or its delegated representative, a bond in an amount and with surety satisfactory to the

Commission, and in form satisfactory to Town counsel, assuring the completion of all improvements shown on said plan and provided for in said special permit.

2. The improvements shown on said plan and provided for in said special permit shall include erosion and sedimentation control; restoration of the site according to the approved plan, including and not limited to grading, filling, and revegetation; and the preparation and submission of a final (i.e., post-restoration) "as-built" survey, in the same form required for a detailed site plan pursuant to Section 12.3.3b of these Regulations.
3. The applicant shall submit to the Commission with its application for the special permit an estimate of the costs of the improvements as defined in subparagraph 2, above, which estimate shall contain a separate inflation factor for estimated improvement period. The Commission may refer such estimate to its own engineer for the estimate of costs, and the amount of the final cost estimate as determined solely by the Commission shall be amount of the bond.
4. The bond as posted shall name as principal both the applicant and the record owner of the premises. Said bond may be in the form of a savings passbook of an FDIC-insured bank with an office in Connecticut, with the Town being named as the sole owner of said account; an irrevocable letter of credit issued by an FDIC-insured bank with offices in Connecticut which provides for presentment in Connecticut; or a bond with surety by an insurance company authorized by the Connecticut Insurance Department to do business in Connecticut, and issue bonds in Connecticut.
5. As a condition of granting of the special permit, the Commission may provide for the reduction of the bond as improvements are completed to the satisfaction of the Commission. The amount of any reduction shall be in the sole discretion of the Commission.

12.3.6 <u>Restoration Standards</u>.

a. <u>Final Grades</u>. Within 30 days of depletion of an area of one acre or more, final grading shall occur, with such grades no steeper than three feet horizontal to one foot vertical rise.
b. <u>Final Surface Treatment</u>. All stockpiled topsoil (A and B soil horizons) shall be spread evenly over the surface of the disturbed area. Minimum depth of topsoil shall be four inches.
c. <u>Revegetation</u>. A revegetation plan shall be provided that will produce permanent, maintenance free cover. Species selected shall be those most appropriate to site conditions. Such specifications shall be approved by the Natural Resources Conservation District office assigned to the Town of Pomfret. The submitted plan shall include a chronology of revegetation that includes proper documentation to the Town regarding seeding/planting sources and quantities, chronology of installation, and inspection and maintenance until permanent stabilization is achieved. Any area inactive for more than 12 months shall be graded and revegetated.
d. <u>Debris Disposal</u>. Debris such as boulders and stumps shall be disposed of without causing environmental degradation or visual blight. Plans for disposal shall be a part of the application.

12.3.7 <u>Completion of Operations</u>. If no renewal request has been received, the request has been denied, the operation has been abandoned for more than 12 months, or the permit has been revoked, the Commission shall, following a hearing, act to declare the operation complete. Upon such action, site restoration shall commence. Final grading and revegetation shall be completed within 90 days unless the Commission expressly allows a longer period. A final detailed site plan ("as-built" plan), in the form required for a detailed site plan pursuant to Section 12.3.3.b, showing final grading and depth to groundwater, and prepared and certified by a professional engineer, shall be submitted, except that such as-built requirement may be waived by a three-quarters vote of the entire Commission when deemed unnecessary to determine compliance with these Regulations.

12.3.8 **Permit Duration.** A permit for excavation or filling shall be valid for two years from approval, except that the Commission may limit the permit period to a shorter period where there are special concerns for the impact of the operation on the surrounding area.

12.3.9 **Permit Renewal.** An application for renewal of the excavation/fill permit must be received at least 30 days prior to expiration of the permit. The renewal application shall contain information as required in these regulations and shall show the nature and extent of excavation/filling and restoration work which has been completed. No permit shall be renewed if it is determined that there are substantial, outstanding violations of any condition of the permit for which the renewal is sought. The Commission may require that a professionally prepared certification of compliance of the operation with the approved plan be submitted as a part of the renewal application. The bond amount may be adjusted by the Commission, based on an itemized cost estimate of permit compliance and site restoration submitted by the applicant and reviewed by Town Staff, as a condition of approval of a permit renewal.

12.3.10 **Revocation of Permit.** Following a public hearing, the Commission may revoke the permit if it is determined that the terms of such permit have been violated.

12.4 Bed and Breakfast Establishments (Special Permit Required).

12.4.1 **Intent.** Bed and breakfast establishments are intended solely to provide lodging and breakfast to overnight guests. Lunch and dinner shall not be served on the premises. The preparation, catering, and serving of food for breakfast shall be limited to overnight guests booked at the bed and breakfast establishment. Special events shall not be allowed on the premises (i.e. weddings, corporate parties, tea, etc.). Such facility shall be open to overnight guests only.

12.4.2 **Standards**. Bed and breakfast establishments may be approved only by special permit, subject to the requirements of the applicable sections of the Zoning Regulations and as established below.

a. The owner of the business must reside on the subject property. There shall be no more than one nonresident employee.
b. The applicant shall submit the written request to the Pomfret Director of Health for comment on the compliance of the proposed use with all pertinent provisions of the Public Health Code. A copy of such written request shall be submitted to the Commission as part of the special permit application.
c. The applicant shall submit a written request to the Pomfret Fire Marshal for comment on the suitability of any emergency access and fire protection provisions that are to be established in connection with the proposed use. A copy of such written request shall be submitted to the Commission as part of the special permit application.
d. The operation shall be subject to applicable building codes and approval by the Town Building Official.
e. The operation shall not alter the residential nature of the neighborhood and/or the character of the dwelling as a residence.
f. The refuse area shall be screened from view. The area shall be no closer than 20 feet from any property line and 100 feet from any dwelling on an adjacent lot.
g. No more than five bedrooms shall be used for overnight guests.
h. Occupancy by any one guest shall not exceed 14 consecutive nights.
i. If use is abandoned for more than one year, the permit may be voided following a public hearing of the Commission and filing notice of such action in the Land Records
j. If ownership of the property changes, the original applicant and/or new owner shall notify the ZEO within 30 days of transfer of title to the property.

12.5 Country Inn (Special Permit Required).

12.5.1 **Intent.** To provide for the short term rental of not more than twenty (20) guest rooms, with the serving of meals. It is the intent of this section to allow for these rentals while still keeping the rural character of the Town intact.

12.5.2 **Standards.**

a. The applicant shall provide written confirmation from the Town's health official, building official, and fire marshal that all requirements of the applicable health, building and fire codes, as they apply can be met.
b. Maximum length of stay shall be thirty (30) days.
c. Country Inns shall be owner occupied and managed.
d. No more than fourteen (14) guest rooms shall be permitted unless the Commission, by the affirmative vote of at least ¾ all of the members of the Commission, determines that additional rooms may reasonably be added without detriment to the character of the neighborhood or the use of nearby properties; provided, however, that the Commission may not permit more than twenty (20) guest rooms.
e. There shall be a maximum of four (4) guests per room.
f. Complete bathrooms shall be provided at a rate of one per guest room for residential dwellings built after June 19, 2004. For residential dwellings built before June 19, 2004, bathrooms shall be provided at a rate of one per every two guest rooms. All other structures shall provide bathrooms at a rate of one per guest room.
g. Access to each guest room shall be via a main entrance or foyer within the residence. Except as provided in this subsection or as may be required by fire or building code, no guest room(s) shall have a separate exterior access. The Commission may, by the affirmative vote of at least ¾ of all of the members of the Commission, allow other access points if it finds that such accesses will not detract from the overall character of the structure as a country inn and that the size and appearance of the facility will not impair the character of the neighborhood or the use of nearby properties.
h. The owner of the country inn shall maintain a guest book and make the book available to the Town, at the request of the Zoning Enforcement Officer within ten (10) days of written receipt of request. The guest book shall record the names of the individuals staying at the Country Inn and the length of stay.
i. The lot shall be adequate size and shape to provide one parking space for each guest room, screened from public view and/or an abutting residential property. Driveways and parking areas shall be separated from property lines by suitable landscaped buffer at least twenty (20) feet wide. The Commission may require additional fencing, earth berms, evergreen vegetation or other buffers to reduce visual conflicts with abutting residential properties.
j. No guest parking shall be allowed to be located on a town and/or state road.
k. No facilities shall be allowed for cooking in rooms, but meals may be served by the owner to guests.
l. Meals for dinner and Sunday brunch can be offered to the general public as an accessory use. Such facilities shall be designed so that normal access is from a central point and comply with all parking and road standards.
m. Review shall include but not be limited to appropriateness to the neighborhood, architectural character, and historic preservation.
n. The refuse area shall be screened from view. The area shall be no closer than twenty (20) feet from any property line and one hundred (100) feet from any dwelling on an adjacent lot.

o. The Commission may, by Special Permit, approve the holding of special events at a country inn, provided that the total occupancy of any event does not exceed 100 people. Any Special Permit issued for such events shall specify, and may limit and restrict, the date(s) and time(s) during which the event shall be permitted, as well as the specific locations and areas of the property to be used for such events.

12.6 Commercial Agricultural Buildings (Special Permit Required).

12.6.1 **Intent.** The intent of this section is to minimize the adverse impacts that certain large-scale agricultural buildings and associated activities have on the neighborhood with respect to public health, welfare, and property values. Such adverse impact may include odors, flies and other vectors, and contamination of surface and groundwater, among others.

12.6.2 A commercial agricultural building is defined in Section 22.

12.6.3 **Standards.** The Commission shall approve a permit for a commercial agricultural building only upon finding that:

a. The building(s) shall be designed to resemble traditional New England style farming structures and adequately screened from view from surrounding properties. The size of the building/structure shall be limited to a 10,000 square foot, foot print and a gross floor area of 20,000 square feet.
b. Roads and intersections providing access to the building and associated parking and loading will be adequate to provide safe and uncongested movement of traffic.
c. Parking and driveways will be set back from side and rear lot lines by a minimum of 50 feet. Parking areas shall be designed and screened so as to minimize impact on the surrounding area.
d. The applicant is required to submit its plans for storage and disposal of wastes to the Pomfret Director of Health and the Inland Wetlands Commission for any comments either may wish to make. It is the responsibility of the applicant to obtain any applicable State and Federal permits.
e. No such building or any waste storage or treatment area shall be located closer than 200 feet from a street center line or 300 feet from any other property line. The Commission may reduce the distance to 100 feet if it determines that the adjacent property is public open space, or physically unsuitable for building purposes, and if there is no offsite dwelling within 300 feet of the property line.
f. Any noxious or offensive emissions (i.e., odors, smells) emanating and/or resulting from the proposed use shall be properly treated and eliminated. (i.e., bio-filters, etc.).

12.7 Golf Courses (Special Permit Required). The purpose of this subsection is to provide for the development of well-planned and environmentally sensitive, public, semi-private or private golf courses, and related accessory uses, provided such uses would accomplish the following objectives:

a. Be designed, constructed, and operated to be in harmony with Pomfret's rural character and residential neighborhoods.
b. Preserve and protect Pomfret's historic resources such as historic sites and stone walls.
c. Protect natural resources such as prominent geological features, scenic views, wetlands, watercourses, and important habitat including wildlife species of critical federal, state, and/or regional concern.
d. Provide local recreational opportunities.
e. Contribute to the economic development of Pomfret.

12.7.1 **Accessory Uses.** The following uses may be included as accessory to and part of a golf course provided they are designed, maintained, and operated in accordance with these regulations.

a. Clubhouse with locker room and shower accommodations, limited to 4,000 square feet of public area per 9 holes.
b. Restaurant and/or snack bar with sale of alcoholic beverages be limited to 1,500 square feet of public area per 9 holes.
c. Pro shop with retail sales of golf related merchandise, limited to 1,000 square feet of public area per 9 holes.
d. Maintenance, operations, and storage buildings, including golf cart maintenance and storage buildings, including golf car maintenance and storage, limited to 3,000 square feet per 9 holes.
e. Golf practice facilities, including a practice range and putting greens. Practice ranges shall be limited to 20 tee boxes per nine holes.
f. Gate house or entrance structure.
g. Golf carts.

12.7.2 **Land Requirements.** Golf courses shall comply with the following requirements

a. Property Size. The minimum contiguous acreage of a golf course property shall be 50 acres for each 9 hole golf course. The acreage shall be considered to be contiguous even if separated by public road.
b. Minimum yardage for a nine hole golf course shall be 2,400 yards.
c. Impervious Surface. Total impervious surface shall not exceed 35% of the land area of the golf course property.
d. Setbacks. No buildings, except open shelters, utility sheds or entrance structures, shall be constructed within 80 feet of the golf course property boundary line, except that the Commission may allow a lesser setback by special permit if it finds that the abutting property is not being used for a residential dwelling and that the physical conditions of the abutting property make it unlikely that a residential dwelling would be located within 50 feet of the property line in the foreseeable future.
e. General Buffers. A minimum 50-foot natural deep buffer area of undisturbed vegetation and trees or a minimum 15 foot planted buffer shall be retained along property boundary lines and public roads.
f. Residential Buffers. Where the abutting lot contains a residential dwelling at the time of application for the golf course, the depth of the buffer area shall be a minimum of 100 feet along the boundary of that abutting lot.

12.7.3 **Roadways and Parking Lots.**

a. Roadways and parking lots within the golf course property shall be privately owned and privately maintained.
b. Roadways and parking lots shall be designed and constructed in accordance with Section 10 and 15.

12.7.4 **Parking Requirements.** Six parking spaces shall be provided for each golf course hole. The applicant shall also demonstrate that sufficient additional parking spaces are provided for all accessory uses.

12.7.5 **Future Development.** The applicant may designate and segregate areas within the golf course property for future improvements or expansion. Any such future development shall comply with these Regulations.

12.7.6 **Outdoor Lighting.** All outdoor lighting within the golf course property shall comply with Section 14.6.9 and shall be shown on the site plan.

12.7.7 **Golf Course Operations.** Hours of operation shall not exceed the following:

a. Golf course and practice range - 6:00 a.m. to 9:00 p.m.
b. Maintenance operations - 5:00 a.m. to 7:00 p.m.
c. Clubhouse with snack bar - 6:00 a.m. to 12:00 midnight.
d. Restaurant - 11:00 a.m. to 12:00 midnight.
e. Pro Shop - 5:00 a.m. to 10:00 p.m.

12.7.8 **Environmental Management.** A Best Management Practices Document for the overall management of the facility should be submitted and reviewed as part of the application process. A copy of this document shall be kept on file at the Town of Pomfret Building Department, and at the golf course.

12.8 Farm Wineries (Special Permit Required).

12.8. **Definitions and Standards.** A farm winery shall be any place or premises in which wine is manufactured and sold and which is located on a farm that includes at least five acres dedicated to vineyards or to the growing of other fruits used on site for creating wine. For purposes of these Regulations, the term "wine" shall include any alcoholic beverage, including brandy, obtained by the fermentation of the natural sugar content of fruits, such as grapes or apples. A farm winery permit issued pursuant hereto shall authorize the permittee (1) to sell wine in bulk from the premises where the wine is manufactured pursuant to such permit; (2) to sell wine manufactured on the farm winery premises to a retailer in original sealed containers of not more than fifteen gallons per container; (3) to sell or deliver such wine to persons outside the state; (4) to offer free samples of such wine to visitors and prospective retail customers for tasting and consumption on the premises; (5) to sell at retail from the premises sealed bottles or other sealed containers of such wine for consumption off the premises; and (6) to sell at retail from the premises wine by the glass and bottle to visitors for consumption on the premises. No farm winery permitted hereunder may sell any such wine not manufactured in such winery. The farm winery permittee shall produce within the state an average crop of fruit equal to not less than fifty-one per cent of the fruit used in the manufacture of the farm winery permittee's wine. An average crop shall be defined each year as the average yield of the farm winery permittee's two largest annual crops out of the preceding five years, except that during the first seven years from the date of issuance of a farm winery permit hereunder, an average crop shall be defined as three tons of grapes for each acre of vineyard farmed by the farm winery permittee.

12.9 Farm Winery Restaurants (Special Permit Required).

12.9.1 **Intent.** To allow the sale and service of food prepared and consumed at a farm winery, as well as the accommodation of special group events such as weddings to be held at a farm winery. Such activities are to be a complement and secondary to a farm winery use.

12.9.2 **Definition.** A Farm Winery Restaurant shall be a use incidental, complementary, and secondary to a Farm Winery permitted by or legally existing prior to the adoption of Section 11.20 of these Regulations. A Farm Winery Café shall be conducted in a permanent building in which hot and cold food can be prepared and served to members of the public seated indoors and/or on a patio area adjoining the building. A Farm Winery Restaurant shall accommodate a maximum of one-hundred (100) persons seated or standing indoors and one-hundred (100) persons seated or standing outdoors on a patio area at any one time (for a total of 200persons seated or standing). Under no circumstances shall space be occupied by more than two-hundred (200) persons, with

the exception of staff allowed by these Regulations. A Farm Winery Café may also conduct special events, such as dinners, luncheons, weddings, corporate parties, and/or teas, provided that the service of food and/or wine at such special events shall occur solely on the indoor and/or outdoor seating area described herein. The restaurant (both the indoors and the patio portion) shall be closed to the general public while any such special event is going on.

12.9.3 Standards.

a. The Farm Winery Restaurant must be located on a single parcel of land on which the Farm Winery is also located and the parcel must be a minimum of ten (10) acres.
b. The maximum hours of operation of a Farm Winery Restaurant shall be 10:00 a.m. to 10:00 p.m..
c The Applicant shall submit a written request to the Pomfret Fire Marshal for comment on the suitability of any emergency access and fire protection provisions that are to be established in connection with the proposed use. A copy of such written requests shall be submitted to the Commission as part of the special permit application.
d. The structure in which food shall be prepared and served indoors shall not exceed 2,500 square feet, including space for entrances, egress, storage, and cooking facilities. The associated outdoor patio space shall not exceed an additional 1,200 square feet. Any such patio shall be designed as an integral part of the indoor restaurant space and it shall be consistent in appearance with the indoor structures and facilities. Such a patio may have an overhead covering such as an awning provided the covering is shown as part of the permit application approved by the Commission. Such covering shall be retracted, stored, and/or removed whenever the patio is not being used.
e. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.
f. All refuse areas shall be screened from view from offsite and shall be no closer than twenty fee to any property line or one hundred feet from any dwelling on an adjacent lot. There shall be one parking space per three restaurant seats.
g. There shall be no more than one sign associated with non-residential use of the property.
h. Sound systems to be used at special events shall not exceed 86 decibels. No outdoor music shall be played before 10:00 a.m. or after 10:00 p.m. Tuesday-Saturday and no outdoor music shall be played before 11:00 a.m. or after 10:00 p.m. on Sunday.

12.10 Interior Lots (Special Permit Required).

12.10.1 No interior lots shall be created or used for the construction of a new residence or other principal building, nor shall any interior lot containing an existing residence or other principal building be created by the division of land or lot line adjustment, except, as follows:

a. The interior lot must have access to a state highway or accepted town road by means of an unobstructed and unencumbered accessway.
b. The accessway shall be at least twenty five (25) feet in width along its entire length, including its frontage on the state highway or town road. The accessway shall be located within the proposed frontage for the interior lot. The required 25’ frontage shall met the requirements of Section 10.2.3.
c. No accessway may be created less than five hundred (500) feet from another accessway along the highway or street line.
d. An interior lot shall conform to all requirements of the zone in which it is located, except as set forth in subsections e and f.

e. The minimum lot-area requirement for an interior lot shall be one hundred and fifty percent (150%) of the minimum lot area otherwise required in the zone in which the lot is located. The area of the accessway shall not be included as part of the area of the lot in determining whether the lot satisfies this requirement.
f. The minimum side and rear yards for all interior lots shall be twenty-five (25) feet
.

12.11 <u>Water Supply and Sanitary Requirements</u>.

12.11.1 <u>Evidence of Suitability</u>. It is the responsibility of the applicant to prove that adequate provision has been made for water supply and sewage disposal for each lot and its proposed use.

a. Water supply and sewage disposal shall conform to all applicable state and federal regulations, including but not limited to the Connecticut Public Health Code.
b. Development should not be proposed in a manner or density to cause degradation of the ground water quality below drinking water standards based upon the normally expected wastewater dilution.
c. The Town's Director of Health must approve all septic and water supply systems prior to issuance of a zoning permit. The Director shall be asked to confirm that the test pits as numbered correspond to testing in the field. If a site plan is changed after initial approval, the Commission may require re-approval by the Director.

12.11.2 <u>Water Supply</u>. Where water supply is proposed from a public water supply system or where the lot is within 200 feet of an existing public water supply system, the applicant shall submit a letter, from the Town's Director of Health, State Department of Public Health, or other authorized agency or official, approving the use of the public water supply. Where private water supply is proposed the following shall apply:

a. Prior to zoning permit approval and prior to the drilling of any wells, the applicant shall submit a letter from the Director of Health or other authorized official certifying that the proposed well(s) would meet the appropriate separating distances and would be otherwise satisfactory and in conformance with applicable laws and regulations.
b. Each private well shall be drilled and tested for adequate quantity and quality of water prior to issuance of a certificate of compliance.
c. In areas of groundwater contamination or where previous land use may cause well water problems as determined by the Commission, the Commission may require the drilling of test wells prior to the issuance of a zoning permit to prove that adequate quantity and quality of water are available.
d. Wells shall be located a minimum of seventy-five (75') feet from all lot lines.

12.11.3 <u>Sewage Disposal</u>. For building/structures with on-site sewage disposal the following shall apply:

a. The zoning application shall state the number of proposed bedrooms and/or proposed use.
b. The applicant shall have the Town's Director of Health, or such other agency or official as may be authorized by the Town, review the application and submit a letter of approval indicating that the proposal meets the current Connecticut Public Health Code. The letter of approval shall include the following

    1. Clear reference to the septic system plans including the last revision date.
    2. Description of the lot as presented on the septic system plans, noting any additional requirements or reevaluations that need to be conducted.
    3. Structural size and layout of the system and the number of bedrooms proposed.
    4. Other information as may be necessary to protect the public health and safety.

12.12 **Soil Erosion and Sediment Control Plans.** A soil erosion and sediment control plan shall be submitted with any application for development, or before any activity is undertaken on a lot or parcel, when the disturbed area of such development or activity is or would be cumulatively more than one half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control storm water runoff on the site based on the best available technology. Such principles, methods, and practices are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002 and as amended), available from the Natural Resources Center of the Connecticut Department of Environmental Protection. Alternative principles, methods and practices may be used with prior approval of the Commission.

12.12. **Requirements of the Plan.** Such plan shall include, at a minimum:

a. A narrative description, including:

1. A sequence of all proposed activities, with reference to all areas to be disturbed and their temporary and final stabilization. Such sequence shall commence with an on-site pre-activity meeting between operator or contractor and Staff and shall conclude with maintenance of final stabilized surfaces.
2. Detail of the methods by which erosion will be controlled at all stages of the proposed development or activity.
3. The design specifications, including construction details and installation and/or application procedures for erosion control and storm water management.
4. Detailed specifications for final surface stabilization, whether vegetative or other.
5. Methods by which the implementation of such plan will be verified to the Town. Such verification shall commence in the planning stage, prior to commencement of activity on site, and conclude with final maintenance.

b. A map, with scale of no more than forty feet to one inch (40 ft. = 1 inch) showing:

1. Location of boundaries.
2. Existing and proposed topography, with contour intervals not to exceed two feet. The Commission may permit a different contour interval to be used for any portion of the property that it determines is unlikely to be physically altered or affected by development activities.
3. Soil types, wetlands and watercourses, existing and proposed drainage, including identification of storm water discharges from site and receiving water bodies or discharge areas, even if such water bodies or areas are offsite.
4. Existing and proposed structures, utilities, roads.
5. Limits of proposed disturbance.
6. Location and design details of all proposed soil erosion and storm water management controls.
7. Any other information deemed necessary by the applicant or requested by the Commission or its agent.

12.12.2 **Presentation of Plan.** The narrative may be included on the map if room allows it without affecting the readability of the map. Such plan may be included on a site plan as required in Section 12 as long as the readability of the site plan is not affected.

12.12.3 **Preparation of Plan.** The sediment and erosion control plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

12.12.4 **Certification of Plan.** The Planning and Zoning Commission shall vote to certify or modify and certify such plan if it determines that the plan complies with the requirements and objectives of these Regulations for soil erosion and sediment control. Prior to such certification, any plan submitted to the Commission may be sent for review by the New London County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

12.12.5 **Surety.** The estimated costs of measures required to control erosion and sedimentation, as specified in the certified plan, shall be submitted in detailed form by the applicant. Such estimate shall include the cost of materials and labor, including the cost of ongoing maintenance during the activity and of inspection of such controls. The cost estimate is subject to review and approval by Town staff. The approved estimate shall be the basis for establishment of a performance surety. Such surety shall be at least partly or wholly in the form of cash, as determined by the Commission or its agent. Such surety shall be posted prior to any disturbance of the site.

12.12.6 **Compliance with Plan.** Municipal inspections throughout the period of activity shall ensure compliance with the certified plan, that the control measures are adequately installed and maintained, and that such measures are effective. The Commission or its Agent may require the applicant to submit soil and erosion control reports verifying that control measures are functioning adequately. The Commission may establish a schedule for submission of such reports and shall reserve the right to require that a professional engineer prepare such reports.

12.12.7 **Modification of Plan.** Such certified plan shall be implemented as approved. However, where field conditions warrant, modifications may be made upon prior approval of the Zoning Enforcement Officer. The Zoning Enforcement Officer or other designated agent of the Commission shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate. The Commission or its Agent may require such modification be prepared by a Professional Engineer.

12.13 **Wireless Telecommunication Facilities - General Requirements.** The purpose of this Section is 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. More specifically, the purposes are:

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

12.13.1 The Commission encourages the use of municipally owned sites and facilities. The general order of preference for alternative wireless telecommunication facility locations shall range from (a.) as the most preferred to (f.) the least preferred:

a. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, chimneys, bridges, and silos.

b. On existing or approved towers.
c. On new towers located on property occupied by one or more existing towers.
d. On new towers located in industrial zones.
e. On new towers in commercial-industrial or commercial zones.
f. On new towers located in residential zones.

12.13.2 All applications to develop a wireless telecommunications facility as a permitted use or special permit shall meet the site plan requirements listed in Section 14 of these Regulations. In addition, 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.

a. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the providers's existing, if any, and planned coverage within Pomfret, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site. For purposes of this section, "tall structures" are structures that are fifty (50) or more in height.
b. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
c. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
d. Details of all proposed antenna and mounting equipment including size and color.
e. Elevations of all proposed shielding and details of material including color.
f. Elevations of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
g. Tower base elevation and height of tower.
h. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
i. 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.
j. All proposed landscaping, if appropriate, with a list of plant materials.
k. Proposed access to the site.

12.13.3 All wireless telecommunication facilities where the antenna is mounted to an existing nonresidential building or structure shall meet these standards:

a. Panel antennas shall not exceed sixty inches in height by twenty-four inches in width; whip antennas shall not exceed forty-eight inches in height; and dish antennas shall not exceed thirty-six inches in diameter.
b. Equipment cabinets and sheds shall meet the requirements of Section 12.13.7 of these Regulations.
c. Telecommunications facilities, as well as any changes made to the existing structure to accommodate the facilities, shall be of materials, colors, and designs that, to the extent possible, match the exterior of the building or structure and blend into the existing architecture to the extent possible.
d. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
e. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten feet.

f. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.
g. Roof mounted antennas shall not occupy more than 25 percent of the roof area in residential zones and 50 percent in all other zones.

12.13.4 All wireless telecommunication facilities where a tower is to be located on property occupied by one or more existing towers shall meet the following standards:

a. If the applicant is proposing a new tower, the applicant must demonstrate that reasonable efforts were made to secure a suitable location on an existing tower but that no such location could reasonably be secured.
b. Equipment cabinets and sheds shall meet the requirements of Section 12.13.7 of these Regulations.

12.13.5 All wireless telecommunication facilities shall meet the following standards where applicable

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 telecommunication systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.
b. Towers must be set back from all property lines a distance equal to or greater than the height of the tower plus 50 feet. If the tower will be located on an area of the lot that is being leased, it must be set back from all boundaries of the leased area a distance equal to or greater than its height plus 50 feet. All utilities to and from such a facility shall be installed underground.
c. A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for 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 requirements 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 deeded easement presented to the Commission.
d. All towers in residential zones shall be a monopole design unless the tower is contained within and/or attached to an existing structure. 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 form/sculpture as determined by the Commission.
e. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.
f. No lights or illumination shall be permitted unless required by the FAA. No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning, and ownership signs are permitted at ground level.
g. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically infeasible based upon information submitted by the applicant and verified by the Commission. These users may include other wireless communication companies, and local police, fire, and ambulance companies.
h. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
i. For any zoning or special permit issued for a telecommunications facility, the permit holder shall exercise good faith in allowing future providers to co-locate or share space on the site, provided that such shared use does not impair the technical level or quality of service.

12.13.6 In addition to other appropriate review standards found in these Regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

a. 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 12.13.1 of these Regulations.
b. Detailed propagation and antenna separation analysis relative to tower height.
c. Owner sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers.
d. Assessment of tower structure type.
e. Assessment of design characteristics/architectural treatments that mitigate, reduce, or eliminate visual impacts on adjacent areas.
f. 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.
g. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

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

a. Each building shall not contain more than 150 square feet of gross floor area or be more than eight 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 a structure is to be located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible.
d. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and shall be surrounded by a buffer area 15 feet in width satisfying the landscaping/planting material requirements of Section 16 of these Regulations.

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

12.14 **Wireless Telecommunication Facilities – Special Criteria for Review.** In addition to other standards set forth in these Regulations, the Commission shall consider the following criteria in evaluating a proposed telecommunications facility:

12.14.1 Impacts on scenic and residential views. The applicant shall supply a view shed analysis for all new towers, showing all areas from which the tower would be visible. The Commission may require the applicant to submit a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.

12.14.2 Availability of alternative locations. The applicant may be required to submit documentation, prepared by a licensed telecommunications systems engineer, showing that no existing or planned tower or other structure can accommodate the applicant's antenna. If any tall structures (i.e., structures equal to or greater than fifty (50) feet in height) are located within a one-quarter mile radius of the proposed site, the applicant must submit documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures. If such permission was denied for economic reasons, the applicant must show that the financial request made by the owner of the tall structure was unreasonable.

12.14.3 Proximity of the tower to residential structures.

12.14.4 Nature of uses on properties within 1,000 feet.

12.14.5 Surrounding topography within 1,000 feet at contour intervals not exceeding ten feet.

12.14.6 Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

12.15 <u>Home Occupations (Class I)</u>:

Since home occupations are, by definition, activities conducted by the occupants of a dwelling, any permit issued for a home occupation shall be personal to the recipient and may not be transferred with the property upon change in ownership. A new occupant may establish a similar home occupation or a different home occupation upon approval by the Commission pursuant to these Regulations. Class I Home Occupations are subject to the requirements of Section 14 (Site Plan Requirements). The Commission shall approve home occupation permits and their renewal only under the following conditions:

12.15.1 The activity shall be clearly secondary to the use of the premises for dwelling purposes. Class I Home Occupations must be conducted within a dwelling and shall occupy no more than twenty-five percent of the floor area of the dwelling, exclusive of any attic, garage, or basement. The home occupation shall be deemed to be a component of the overall residential use and shall not be deemed to be a separate non-residential use. No permanent dedication of the residential structure to nonresidential uses shall result from such accessory use(s).

12.15.2 The proposed activity shall be conducted by a resident with no more than two non-resident employees. If the resident is not the owner, a letter identifying and approving the proposed home occupation shall be submitted as part of the permit application.

12.15.3 The activity shall not result in noise levels, frequencies, or qualities, or in odors, vibrations, illumination, pollution, television or radio interference, or other nuisance conditions that are perceptibly different at the property line from those that may reasonably be expected from residential uses, except as may be expressly allowed by the Commission.

12.15.4 The activity shall not unreasonably alter the existing residential character of the neighborhood. Parking area(s) shall be subject to the review and approval of the Planning and Zoning Commission, in accordance with the procedures set forth in Section 14 as being of adequate size for the particular use, suitably screened throughout the year with evergreen planting, walls or fences, or combinations thereof, properly designed to avoid any sanitation or drainage problems, and with entrance and exit drives designed so as to minimize traffic hazards. There shall be no material change of traffic characteristics in the neighborhood. The home occupation shall not generate more than an average of one (1) truck delivery per week day.

12.15.5 The activity shall not create an unreasonable health or safety hazard.

a. Hazardous and/or toxic materials may not be stored on site. For the purposes of this section, toxic or hazardous materials are any substance of mixture of physical, chemical, or infectious characteristics posing a significant actual or potential hazard to water supplies or other hazards to human health if such substances or mixtures were discharged to land or water of the Town of Pomfret. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under state statute, and also include such products and solvents and thinners in quantities greater than normal household use.
b. No solid waste shall be generated, placed, used, stored, or sold on the property in conjunction with the home occupation.

c. There shall be no storage of bulk fuel on the property. Bulk fuel shall be defined as the storage of fuel in excess of 25 gallons.

12.15.6 The activity shall not change the residential character of the property or neighborhood in any substantial manner, except as may be expressly allowed by the Commission. There shall be no mechanical or structural fabrication or assembly of any products or items (other than art works or cabinetry), except that which is incidental to the provision of a permitted service.

12.15.7 There shall be no outside storage of materials associated with the home occupation.

12.15.8 Only one (1) commercial vehicle, not to exceed 10,000 pounds gross vehicle weight, may be used in connection with a home occupation. Such commercial vehicle shall be garaged or otherwise screened and hidden from view of the road(s) and adjoining properties when not in use. Privately owned pick-up trucks and vans are exempt from this definition.

12.15a <u>Home Occupations (Class II)</u>:

Class II Home Occupations allow a slight increase in activity beyond a Class I Home Occupations and therefore require an application under Section 13 (Special Permit). The Commission may approve a Class II Home Occupation permit and/or their renewal only under the following conditions:

Class II home occupations shall meet the requirements contained within Section 12.15.1 through 12.15.8 unless otherwise permitted under the following:

12.15a.1 Retail Sales: retail sales of goods produced/manufactured on site by the proprietor and or their employees from raw materials as part of the home occupation may be sold on the site. Retail display shall be limited to 50 square feet within the building that houses the home occupation (there shall be not outdoor retail display or storage). Finished items shall not be purchased off site for resale.

12.15a.2 A Class II Home Occupation may alter or add on to an existing structure, but shall not occupy more than twenty-five percent of the floor area of the existing dwelling at the time of application, exclusive of any attic, garage or basement

12.15a.3 The activity may be located in an accessory building. The square footage of the home occupation in an accessory building shall occupy no more than twenty-five (25) percent of the floor area of the dwelling, exclusive of any garage, attic, or basement. Except, the Commission may by a ¾ vote of the Commission's entire membership, allow additional square feet, beyond the 25% as detailed above when additional square footage is designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood.

12.15a.4 The proposed activity shall be conducted by a resident with no more than two non-resident employees. If the resident is not the owner, a letter identifying and approving the proposed home occupation shall be submitted as part of the permit application.

12.15a.5 The activity will involve the use of more than one commercial vehicle, or a vehicle in excess of 10,000 pounds gross vehicle weight. In no case will more than three vehicles (includes on or off road equipment and/or trailers) be permitted, with a maximum of 18,000 pounds gross vehicle weight. The term shall include equipment that is motorized or non-motorized, stationary, or self-propelled. Hand held tools and/or tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as equipment for the purposes of this section.

a. the owner of the commercial vehicle(s), trailer(s) and/or equipment must reside on the premises;
b. the vehicle(s) and trailer(s) must have a current Connecticut DMV registration and registration must be within the Town Of Pomfret. All other equipment must be registered with the Tax assessor in the Town of Pomfret.
c. No engines vehicle and/or equipment shall be idled for more than three (3) minutes at any time of day.
d. trailers, open or enclosed shall not to exceed 20 feet;

12.15.a6 A Class II Home Occupation shall have no more than 5 trips per day.

12.16 <u>Age Restricted Housing</u>.

12.16.1 <u>Intent</u>. The intent of this use is to provide opportunities for the establishment, by special permit of housing specifically designed and intended for use by the elderly in locations and under conditions that consider the special health, safety, and general welfare needs of this group. 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. The application shall include documentation to demonstrate that the occupancy is restricted to the elderly. Housing for the elderly shall be permitted in Village District II provided it meets the following standards:

12.16.2 <u>Site Area</u>. Minimum site area of five (*5)* acres is required. The Commission may permit a smaller area if it can be demonstrated that such area has adequate septic capability or public sewerage, that a potable water supply can be provided, and that there will be no adverse impact to the neighborhood.

12.16.3 <u>Coverage</u>. Total coverage of all buildings shall not exceed *50%* of area. Coverage of all structures and impervious surfaces shall be limited to 60% of the total area.

12.16.4 <u>Density</u>. Density shall not exceed 2.5 units per acre, exclusive of any areas with watercourses, water bodies, or wetlands soils. Such density limits are subject to other approval criteria which may decrease the permitted density of development. The Commission may permit higher densities in non-aquifer areas if the applicant can demonstrate that the area has adequate septic capability or public sewerage, that a potable water supply can be provided, and that there will be no adverse impact to the neighborhood.

12.16.5 <u>Frontage</u>. The site shall have frontage as required by Section 10.2 on a Town and/or State – approved road.

12.16.6 <u>Units per Building</u>. No building shall contain more than four (4) units.

12.16.7 <u>Building Layout</u>. Clustering of buildings on site is to be encouraged to allow efficient circulation, enhance historic New England village setting, and open space preservation while protecting emergency access. Minimum separating distance between buildings is 25 feet. Structures must be setback from the property lines as required by the zone.

12.16.8 <u>Building Height</u>. Building height shall not exceed the standard for the zone.

12.16.9 <u>Road and Driveway Standards</u>. All roads and driveways serving the project shall be constructed to the construction standards of the Town Road Ordinance. The Commission may approve private, internal roads of lesser widths if it determines that such widths are sufficient to accommodate traffic. No internal road or driveway serving such use shall be located nearer than 25 feet to a residentially zoned property.

12.16.10 Parking Areas. A minimum of one and one-half off-street parking spaces shall be provided for each dwelling unit. Such areas shall be paved and curbed. Requirements for siting and screening shall be as provided in Section 15 and Section 16 of these Regulations.

12.16.11 Approval by Health Director. The applicant shall submit the written request to the Pomfret Health Director for comment on the compliance of the proposed use with all pertinent provisions of the Public Health Code. A copy of such written request shall be submitted to the commission as part of the special permit application.

12.16.12 Lighting. Lighting of streets and walkways shall meet the standards of the American National Standards Institute for residential areas, unless waived by the Commission. 12.16.13 Walkways. All units shall be connected to parking areas, recreation facilities and sidewalks by concrete walkways of at least 5 feet in width.

12.16.14 Building Plans. All applications shall be accompanied by architectural plans for all structures, including community facilities and signs. Said plans shall include exterior elevations, preliminary floor plans, renderings of structures, and information on siding materials.

12.16.15 Emergency Access and Fire Protection. The applicant shall submit a written request to the Pomfret Fire Marshal for comment on the suitability of any emergency access and fire protection provisions that are to be established in connection with the proposed use. A copy of such written request shall be submitted to the commission as part of the special permit application.

12.16.16 Accessory Structures. The applicant may construct recreational facilities and storage buildings on the site to accommodate the needs of the resident population. Such additions shall be approved by site plan review, unless the Commission finds significant impact that requires an amended special permit with public hearing.

12.16.17 Landscape Plan. A landscape plan shall be submitted as part of this application per Section 16. The plan for elderly housing shall specifically: 1) Provide for the development and maintenance of landscaped and natural spaces to be enjoyed by the residents of such spaces; 2) show consideration of the outdoor recreational needs of the residents, including gardening opportunities. 3) protect the property values of adjacent properties by providing adequate screening, and 4) provide for harmony with the surrounding neighborhood landscape.

12.17 **Retreat Center.** The purpose of this subsection is to provide for the development of retreat facilities which would include lodging, recreational and educational activities, and which would accomplish the following objectives.

a. Be designed, constructed, and operated to be in harmony with Pomfret's rural character.
b. Preserve and protect Pomfret's historic resources such as historic sites and stonewalls.
c. Protect natural resources such as prominent geological features, scenic views, wetlands, watercourses, and important habitat including wildlife species of critical federal, state, and/or regional concern.

12.17.1 Accessory Uses. The following uses may be included as accessory to and part of a Retreat Center provided they are designed, maintained, and operated in accordance with these regulations.

a. Uses in accordance with Section 4.1.2
b. Lodging cabins and bathhouses.
c. Campsites.
d. Archery ranges.

e. Golf practice facilities.
f. Fitness facilities.
g. Swimming and non-motorized boating facilities.
h. Fishing facilities.

12.17.2 Land requirements. Retreat Centers shall comply with the following requirements:

a. Property Size. Minimum lot size shall be 100 acres.
b. Access. The primary access to each Retreat Center shall connect directly to and have 500 feet of frontage on a state highway. The access shall be owned in fee-simple title along with the minimum 100 acres.
c. Density. There shall be no more than 20 sleeping quarters/buildings. The maximum occupancy of a sleeping quarter/building is 12. The maximum overnight guests housed in sleeping quarters/buildings is 240.
d. No building or campsite shall be constructed or located within 50 feet of a side or rear yard property boundary or 75 feet from a front yard property boundary.
e. A minimum fifty foot natural deep buffer area of undisturbed vegetation and trees or a minimum fifty foot planted buffer shall be retained along property lines of all uses except those specified in Section 4.1.2, except as stated in 16.22b.

12.17.3 Sanitary Facilities. Sanitary facilities shall be provided in accordance with the requirements of the Public Health Code. Facilities shall be centrally located to serve the buildings and shall have flush systems connected to subsurface sewage disposal systems.

12.17.4 Parking. Parking areas shall be in accordance with Section 15 and 16. Parking shall be at a ratio of one space for every three guests. If busses are used, parking shall be in accordance with Section 15.12.1, 15.12.2 and 15.12.3.

12.17.5 Future Development. The applicant may designate and segregate areas within the property for future improvements or expansion. Any such future development shall comply with these Regulations.

12.17.6 Outdoor Lighting. All lighting within the property shall comply with Section 14.6.9 and shall be shown on the plans.

12.17.7 Environmental Management. A Best Management Practices Document of the overall management of the facility should be submitted and reviewed as part of the application process. A copy of the document shall be kept on file at the Town of Pomfret's Building Department and at the retreat.

12.17.8 Annual Renewal. A retreat center permit is subject to annual renewal on March 1. Renewal will be granted only upon satisfactory report of zoning compliance by the Zoning Enforcement Officer, confirmation of compliance with public health codes by the Sanitarian, and satisfactory inspection by the Fire Marshal. The Zoning Enforcement Officer shall confirm that no permanent structures, such as decks, sheds, and porches, have been erected on the parcel not approved by the Planning and Zoning Commission.

In addition to the above and as part of the annual renewal process, the permittee shall provide documentation that the items contained in 12.17.3 (sanitary facilities) conform to all pertinent current local, state, and federal regulations.

12.17.9 Registration. The owner/operator shall maintain a registry of each overnight guest, including a record of the name, permanent address, license plate numbe,r and vehicle make and model. Such records shall be available at all times to the Zoning Enforcement Officer and other officials whose duties would require examination.

12.17.10 Occupancy shall not exceed 14 consecutive nights.

12.17.11 Permanent Occupant. One single-family dwelling is allowed on the parcel. 12.17.12 Buildings/sleeping quarters shall have no heat and/or air conditioning within the unit (external or internal).

12.18 Nature Center (Special Permit Required)

12.18.1 Intent: To facilitate the use of and promote education about the ecology of the publicly accessible land on which the facility is sited.

12.18.2 Standards:

a. The Nature Center must be located within the PSR zone on a parcel of land which directly adjoins conservation trails which it serves and must be a minimum of 100 acres.
b. The Nature Center shall be designed and operated in a manner appropriate to the neighborhood, local architectural character, and historic resources. No single building shall have a ground floor area exceeding 6,000 square feet. If an existing building is replaced, the height of the new structure shall not exceed that of the previous building.
c. The Nature Center shall protect natural resources such as prominent geological features, scenic views, wetlands, water courses, and important habitat including wildlife species of critical federal, state, and/or regional concern.

d. The Nature Center shall provide local recreational opportunities.

e. The applicant shall submit a written request to Pomfret Fire Marshal for comment on the suitability of any emergency access and protection provision that are to be established in connection with the proposed use. A copy of such written requests shall be submitted to the Commission as part of the special permit application.
f. The refuse area shall be screened from view and shall be no closer than twenty-five feet to any property line or 100 ft. from any adjacent lot used for residential purposes**.**
g. The parking lot shall be adequate in size and shape to provide one parking space per 300 square feet of floor area. Overflow parking for special events will be accommodated in improved fields with surfaces and landscaping appropriate to the conservation principals of the Nature Center, such as porous paving systems.

12.18.3 Special Events: The Commission may, by Special Permit, approve the holding of special events such as but not limited to family festivals, fundraisers, art shows, farmers markets. Any such Special Permit shall specify and may restrict the date(s) and time(s) during which the event shall be permitted; the maximum allowable attendance; provision for parking and traffic management; provision for solid and sanitary waste disposal; and the locations on the site where such events may be held. The Commission may authorize such special events on an annual or other periodic basis, subject to a renewal without a public hearing or to additional safeguards or modifications as experience may indicate.

12.19 <u>Accessory Apartment</u>:

The Commission recognizes that many families need, on a temporary basis, to provide housing for members of their extended families (i.e. in-law apartment). In addition, families may need assistance to maintain a property and/or household, on a temporary basis or provide housing for a paid staff member (i.e. caretaker apartment). Accessory apartments may therefore be permitted as accessory uses to single-family dwellings and allowed by special permit provided:

12.19.1 Attached accessory apartments

a. Attached in-law apartment: The space devoted to the in-law apartment within a single-family dwelling must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the in-law apartment from an interior doorway serving the remainder of the house, and vice versa. Electric utilities shall run off of a single meter.
b. Attached caretaker apartment: The space devoted to the caretaker apartment within a single-family dwelling must contain a separate exterior entrance. Electric utilities shall run off of a single meter.

12.19.2 Detached accessory apartment – if an accessory apartment is located in a detached building
a. the lot area shall be at least double the minimum required by Section 10.1, and the exemption offered in Section 12.18.6 shall not apply
b. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the Connecticut Public Health Code.

12.19.3 Relationship to owners of property

a. In-law Apartment: may be occupied only by parents, siblings, grandparents, great grandparents, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, or first cousins of one or more persons who occupy the remainder of the principal dwelling.
b. Caretaker Apartment: may be occupied only by an employee of the property owner(s) employed to assist in the maintenance of the property and/or household. The owner of the property shall submit a sworn affidavit that the individuals(s) living in the caretaker apartment are employed by the owner of the property for the purpose of maintaining the property and/or household.
c. In-law and/or caretaker apartments shall not be rented for income.

12.19.4 Only one accessory dwelling unit shall be permitted for each lot.

12.19.5 No accessory dwelling unit shall be approved if accessory to a two-family dwelling or any multifamily use or a common interest community; and

12.19.6 The lot shall conform to the minimum lot area requirement for the zone in which the property is located. A parcel which existed prior to January 1, 2008 which contains a residential home shall be exempt from the minimum lot area requirement;

12.19.7 The owner of the property (who must be a natural person in whom the fee title of the subject premises is vested) shall certify by a sworn affidavit that he or she will occupy either the principal dwelling unit or the accessory dwelling unit; and such sworn affidavit shall be updated during each tax revaluation year and prior to any transfer of ownership indicating that an owner does or will occupy either the principal dwelling unit or the accessory dwelling unit. The sworn affidavit shall be sent via certified mail to the Town of Pomfret Planning and Zoning Commission by the property owner.

12.19.8 The accessory dwelling design:

a. In-law Apartment:
   1. be no less than 500 square feet and shall not exceed 700 square feet unless, in the opinion of the Commission (¾ vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and
   2. contain no more than one bedroom, one bath, and kitchen; and
   3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and
   4. have at least one side of the accessory dwelling unit be at or above grade; and
   5. No more than two individuals shall reside inside of the in-law apartment.

b. Caretaker Apartment:
   1. be no less than 500 square feet and shall not exceed 1,000 square feet unless, in the opinion of the Commission (¾ vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and
   2. contain no more than two bedrooms, one and one half bath(s), and one kitchen; and
   3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and
   4. have at least one side of the accessory dwelling unit be at or above grade; and
   5. no more than four individuals shall reside inside of the caretaker apartment.

12.19.9 The building shall, upon establishment of the accessory dwelling unit:

a. the building upon establishment of an accessory dwelling unit shall retain the exterior architectural style of the primary residence and shall "maintain" the appearance of a single family residence.
b. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
c. no stairs above the first floor shall be added to the outside of the building.

12.19.10 No additional curb cuts shall be created to serve an accessory dwelling unit and access from the public right-of-way shall serve both the principal and accessory units; and

a. at least four off-street parking spaces (which may include garage and driveway spaces) shall be provided to serve both the principal dwelling and the accessory dwelling unit and such parking shall not be located in the required front, side, or rear yard setback.
b. parking spaces shall be screened from abutting property lines by fences, vegetation, or earthen berms. Where existing topography, site conditions, property ownership, and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a ¾ vote of the entire commission.

12.19.11 A standard notice, approved by the Town Attorney, shall be filed on the land records of the Town stating that the property contains an in-law apartment or caretaker apartment and that it is not approved for use as a two-family dwelling.

12.20 Home Based Business

The use of a portion of a dwelling or out-building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling (such as a home office or a home occupation) involving no more than two non-resident employees or involving regular visitors and/or trips to and from the business. (This definition includes, but is not limited to, the office, studio, or workshop of an architect, artist, cabinet maker, contractor, computer or Internet based business, consultant, dentist, dressmaker, economist, engineer, insurance agent, lawyer, forest practitioner, musician, photographer with no chemical development on site , physician, psychologist, real estate broker, serviceman, or a dwelling used for preserving or cooking for compensation. Such uses as restaurants, tearooms, funeral homes, daycare centers, barbershops, beauty parlors, dancing schools, kennels, and animal hospital are not considered incidental and accessory to a residential use and shall not be deemed a home-based business).

The Commission shall approve home based business permits only under the following conditions:

12.20.1 The activity shall be clearly secondary to the use of the premises for dwelling purposes. When conducted within a dwelling, it shall occupy no more than twenty-five (25) percent of the floor area of the dwelling, exclusive of any garage, attic, or basement. The business shall be deemed to be a component of the overall residential use and shall not be deemed to be a separate non-residential use. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use(s). No significant alteration of or addition to a dwelling may be made to accommodate a business meeting the criteria of a special permit.

a. The activity may be located in an accessory building. The square footage of the business in an accessory building shall occupy no more than fifty (50) percent of the floor area of the dwelling, exclusive of any garage, attic, or basement and the total for such area shall not exceed 1,000 square feet. Except, the Commission may by a ¾ vote of the Commission's entire membership, allow up to an additional 500 square feet, beyond the 50% as detailed above, when additional square footage is designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood. However, the total square footage of a home business in an accessory building shall not exceed a total of 1,500 square feet per parcel of land.

12.20.2 The activity shall not change the residential character of the property or neighborhood in any substantial manner, except as may be expressly allowed by the Commission. There shall be no mechanical or structural fabrication or assembly of any products or items unless that operation occurs entirely within a building, except that which is incidental to the provision of a permitted service or as detailed in Section 12.17.8 below.

12.20.3 The activity shall not result in noise levels, frequencies, or qualities, or in odors, vibrations, illumination, pollution, television or radio interference, or other nuisance conditions that are perceptibly different at the property line from those that may reasonably be expected from residential uses, except as may be expressly allowed by the Commission.

12.20.4 The activity shall not unreasonably alter the existing residential character of the neighborhood. Parking area(s) shall be subject to the review and approval of the Planning and Zoning Commission, in accordance with the procedures set forth in Section 13 (Special Permits) and Section 14 (Site Plans) as being of adequate size for the particular use, suitably screened

throughout the year with evergreen planting, walls, structures or fences, or combinations thereof, properly designed to avoid any sanitation or drainage problems, and with entrance and exit drives designed so as to minimize traffic hazards. There shall be no material change of traffic characteristics of the neighborhood. The business shall not generate more than an average of five truck deliveries/trips per day.

12.20.5 The activity shall not create an unreasonable health or safety hazard.

a. Hazardous and/or toxic materials may not be stored on site. For the purposes of this Section, Toxic or Hazardous Material is any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Pomfret. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acid and alkalis, and all substances defined as Toxic or Hazardous under State Statute, and also include such products as solvents and thinners in quantities greater than normal household use, except as otherwise permitted in this Section.
b. No solid waste shall be generated, placed, used, stored, or sold on the property in conjunction with the home business.
c. There shall be no storage of bulk fuel on the property, except as otherwise permitted in this Section. Bulk fuel shall be defined as the storage of fuel in excess of 25 gallons.

12.20.6 The proposed home based business shall be conducted by the owner of the property. The property subject to the permit must be the primary residence of the owner/permittee (*An entity which does not own and reside, as their primary residence, on the parcel subject to the permit may not conduct a home based business*).

12.20.7 There shall be no outside display or storage of materials associated with the home based business.

12.20.8 There shall be no retail sales. Except, retail sales of goods produced/manufactured on site by the proprietor and or their employee's from raw materials as part of the home business may be sold on the site. Retail display shall be limited to 50 square feet with in the building that houses the home business. Items shall not be purchased off site for resale.

a. An additional two parking spaces shall be provided for retail sales. Parking spaces shall be screened from the street and abutting property lines by fences, walls, structures, vegetation, and/or earthen berms.
b. Where existing topography, site conditions, property ownership, and/or landscaping will effectively screen parking from an abutting property, the Planning and Zoning Commission may modify the above screening and setback requirements with a ¾ vote of the entire commission.

12.20.9 Storage of commercial and industrial vehicles or equipment. It is the intention of this sub-section to regulate the parking and/or storage of commercial and industrial vehicles and equipment within the Town's two residential zoning districts (Rural Residential and Pomfret Street Residential District) for the purpose of a home based business. It does not apply to vehicles and equipment for personal transportation or in nonbusiness related applications. Up to a total of 10 unique pieces of commercial and industrial, vehicles, trailers and equipment in any combination may be stored on any residential property of 20 acres or more. Unique being defined as not the

same size or type (i.e. two excavators, two dump trucks, two flatbed trailers etc. are permitted only if they are substantially different in size. One 40 foot flatbed trailer and one 40 foot box trailer would be permitted as they are a different type of trailer.)

a. the parcel of land where the home based business and associated storage is proposed shall contain an existing single family residential home where the primary operator/owner of the home based business must reside
b. the vehicles and trailers must have a current Connecticut DMV registration and registration must be within the Town of Pomfret all other equipment must be registered with the Tax assessor in the Town of Pomfret.
c. the use creates no more than 5 deliveries and/or customer trips per day.
d. there shall be no sale, storage, transferring, dumping, or processing of materials on site. (i.e. gravel, stone, wood, demolition debris, sand, etc.)
e. vehicles and equipment described in this section shall not be left with engines idling for more than three minutes at any time of day.
f. only fuels and lubricants associated with the maintenance of the vehicles/trailers/equipment stored on the property are allowed. Lubricants may not be stockpiled beyond a typical one-year supply. Diesel fuel may be stored in a quantity not to exceed 1,000 gallons in an above ground tank for the purposes of fueling the registered vehicles and equipment. All other registered motor vehicles shall be fueled elsewhere. Storage and use of all lubricants and fuel must comply with all Federal, State, and Local regulations and shall be inspected and approved by the Fire Marshal before a zoning permit may be granted. The applicant shall maintain appropriate emergency spill kit(s) on site at all times.
g. Maintenance and repair shall be limited to items contained within the provisions of this section and must be owned by the permit holder and identified as one of the items allowed to be stored on the property as part of the permit.
h. Vehicles/trailers/equipment may not be stored within 200 feet of a front, side and/or rear property line and shall be completely screened from the street and abutting property lines by fencing, structures, topography, or vegetation. Except, by a ¾ vote, the Planning and Zoning Commission may modify the setback distances to a greater or lesser amount where existing topography, site conditions, property ownership, and/or landscaping will or will not effectively screen the vehicles and/or equipment from abutting residentially zoned areas.
i. there shall be no outdoor lighting associated with the storage of vehicles/trailers/equipment beyond the customary lighting associated with a single family home.

12.21 Temporary Structures

Temporary structures to be used to test the feasibility of alternative energy sources (Special Permit Required).

12.21.1 Temporary structures to be used to test the feasibility of alternative energy sources shall be allowed in all zones. These structures may include temporary arrays to measure solar intensity and orientation; temporary meteorological towers to determine average wind speeds and directions; and other structures to assess the feasibility of alternative energy sources. These temporary structures may remain in place for no longer than 15 months from the date of original installation. A temporary structure (tower) may exceed 40 feet in height, but if so it must have a diameter of no more than 10 feet, and a height of no more than 197 feet (60 meters).

12.21.2 The Commission may require a bond or other surety satisfactory to the Town of Pomfret, to guarantee removal of the temporary structure by the end of the allowable 15-month period.

SECTION 13 - SPECIAL PERMITS

13.1 **Intent.** A special permit use is a use that has been identified in these Regulations as being potentially appropriate in a particular district, but only when the proposed structures and uses are found by the Commission to:

13.1.1 Be arranged and constructed in a manner that protects the health, safety, and welfare of the citizens of Pomfret;

13.1.2 Be of such character as to harmonize with the neighborhood;

13.1.3 Allow for free flowing traffic;

13.1.4 Preserve and protect natural resources, historic and culturally significant landscapes, and the appearance and beauty of the community.

13.1.5 Be consistent with future development as identified and envisioned in these Regulations and the Pomfret Plan of Conservation and Development.

13.2 **Applicability.** For any activity requiring a special permit 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 structures or premises erected, altered, enlarged, or used until the Commission grants a special permit or amends a previously granted special permit.

13.3 **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; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and any special traffic characteristics of the proposed use; the impact of the proposal on public access to light and air; the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions; the overall impact on neighborhood property values; the preservation of the character of the neighborhood in terms of scale, density, intensity of use, architectural character, and similar factors; the ability of existing municipal, state, or other services and infrastructure to provide for the needs of the proposed use, including but not limited to fire and police protection, transportation, water, sewerage, utilities, storm water drainage, schools, and open space.

13.4 **Uses in, Adjacent to, or Impacting Residential Areas.** Before granting any special permit, the Commission must find that the location, size, nature, and intensity of the proposed use will not be detrimental to the character of any residential district or conflict with the vehicular or traffic characteristics of the neighborhood; and that the location, size, and nature of structures and the extent of site development is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

13.5 **General Procedures.** Special permits are reviewed and approved by the Planning and Zoning Commission. Any application for a special permit must include a site plan in accordance with Section 13. After a special permit and accompanying site plan are approved, the Zoning Enforcement Officer shall be authorized to issue a zoning permit.

13.5.1 **Submission and Receipt of Application.**
An application, consisting of:

a. A completed application form.
b. Fee.
c. A plan that includes a 1:1000-scale location map, property and zone boundaries; the location and height of all existing and proposed buildings and uses; the location of all existing and proposed parking and loading areas; the location and description of all proposed open spaces,

screening and buffers; and the names of all owners of abutting parcels.

d. A site plan per Section 12 of the Regulations.
e. Renderings and elevations of proposed buildings [All side of building(s) and/or structure(s)].
f. Additional information as the Commission may require to demonstrate conformity to these Regulations.

Applications shall be submitted to the Zoning Enforcement Officer for receipt by the Planning and Zoning Commission. It is the responsibility of the applicant to provide a complete application, and incompleteness of an application may be grounds for denial.

The procedures specified in the Connecticut General Statutes shall govern the handling of such application with regard to time frames for submission, receipt, and action on such application.

Special permit applications may be submitted by the owner(s) of the subject property; the prospective purchasers of such property, provided consent of the current owner of record accompanies the application; or the lessee of the current owner of record, provided the consent of the owner accompanies the application.

13.5.2 **Review and Decision.** The Commission shall review each proposed special permit use according to the requirements of this section and other applicable regulations. The Commission shall seek to determine the impact of the proposed building or use on the site and surrounding areas, and it may establish any appropriate conditions of approval, including but not limited to modifications of the accompanying site plans, the Commission finds may be necessary to ensure compliance with the Regulations and to accomplish the purposes of this Section 12. The Commission shall consider the impact of the proposed use upon neighboring properties and the Town as a whole. Such uses shall be approved only if the applicant can demonstrate that the proposed activity will conform to these Regulations.

13.5.3 **Notification of Abutters by Applicant.** Before a public hearing is held on any application for a special permit, the applicant shall present proof that notice has been mailed to each of the property owners of abutting parcels, including parcels across the street. Such ownership and mailing addresses shall be based on current records of the Tax Assessor, and the notices shall be mailed by certified mail, return receipt requested, not less than 10 nor more than 30 days before the public hearing.

13.5.4 **Endorsement and Filing.** Within 90 days after the Commission's approval of a special permit and site plan, the applicant shall submit to the Zoning Enforcement Officer two sets of final plans, one on Mylar and one on paper. Such plans shall be identical to those approved by the Commission, except that they shall incorporate any conditions or modifications required in the Commission's approval. Such plans shall be signed and sealed by the surveyor, engineer or other professional who has participated in the preparation of such plans.

If such plans are found to be in accordance with the final approval, the Chairman shall endorse such plans. The endorsed Mylar plans shall be filed by the applicant in the land records no later than 90 days after the approval by the Commission, except that the Commission may act to extend this filing period for an additional 90 day period upon the request of the applicant.

No special permit shall be effective until a notice of approval, endorsed by the Chairman of the Commission, containing identification of the subject property and description of the approved activity, including conditions attached to such approval; the section of these Regulations authorizing such activity; and the name of the property owners of record has been filed in the land records of the Town of Pomfret. Prior to filing the notice, any legal documents required as a part of the approval shall be filed in the land records.

SECTION 14 - SITE PLAN REQUIREMENTS

14.1 **Intent.** A site plan is intended to provide the Commission with information necessary to determine that the proposed activity is in compliance with all applicable requirements of these Regulations. It is also intended to provide the Commission with information that will enable it to determine that the proposed buildings and uses shall be arranged in a manner that enhances the health, safety, and welfare of the citizens of Pomfret and shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between the areas of unlike character, to protect property values in the neighborhood, to preserve and protect natural resources and the appearance and beauty of the community, and to avoid undue traffic congestion.

14.2 **Applicability.** A site plan shall be submitted with any application for a zoning permit involving uses other than construction or expansion of single-family and two-family dwellings and accessory structures.

14.3 **Procedures for Submission, Receipt, Decisions**. Where a site plan is required, such plan shall be submitted to the Zoning Enforcement Officer for receipt by the Commission. The procedures specified in the Connecticut General Statutes shall govern the handling of such application except as otherwise provided in these Regulations.

14.4 Site Plan Requirements.

14.4.1 **Professional Preparation.** A site plan shall be prepared by a Connecticut registered professional surveyor, engineer, or other appropriate professional. Any site plan involving grading, paving, road construction and drainage work, and/or any municipal improvement shall require the seal of a Connecticut registered professional engineer. At the minimum, a scale plan shall be provided and is not subject to waiver.

14.4.2 **Standard Elements of the Site Plan.** Unless waived by the Commission upon written request of the applicant pursuant to Section 13.5 of these regulations, the following information shall be provided on a 24 x 36 inch plan, with scale of 1" = 40'.

a. Name and address of owner of record, address of property, name of applicant.
b. North arrow, scale, name(s) of person(s) preparing plan, date of drawing, and any revision dates with description of revisions.
c. Property boundaries, dimensions, and area.
d. Dimensions of all yards and buildable area, as required by these Regulations.
e. Existing and proposed contour lines. For all areas of the parcel within 100 feet of any proposed work (including construction, excavation, filling, grading, and clearing of vegetation), the contour interval shall be no greater than two feet (T-2 or T-3 accuracy). Topography taken from USGS Quadrangle interpolation shall not be acceptable for such areas, but may be used for other portions of the site. The Commission may require the applicant to submit design drawing(s), including cross sections and elevation, of all proposed activity. Additional spot elevations may be required where necessary to indicate drainage patterns.
f. Locations and specifications of all existing and proposed structures and uses including, but not limited to, buildings, stone walls, fences, sidewalks, driveways, parking and loading areas, exterior storage areas, signs, abutting streets, utility structures, and hydrants. A rendering of any proposed building shall be supplied, with siding materials specified (front, side, and rear elevations shall also be shown).
g. Locations and descriptions of water supply wells or other water sources and of all sewage disposal facilities, together with percolation and test pit data.

h. A storm drainage plan showing the location of existing and proposed drainage facilities on the site and those off-site that may be affected by the proposed activity, as well as any points of collected drainage discharges (i.e., discharges other than natural sheet flow) onto or off of the site. The plan must also include pre-development and post-development flow calculations.
i. Location of wetlands and watercourses and wetlands buffer, with the signature of the soil scientist who identified such features. All wetlands shall be field located. A signature block for the soil scientist certifying that all wetlands and watercourses have been delineated or that there are none on the property.
j. A landscape plan showing the planting, location and species to be used, the ground cover and surface treatments proposed, and identification of the types and location of existing vegetation to remain in place on the site. The number, location, and size of the landscaping material shall be as required by Section 16. The Commission may require such plans to be prepared by a professional landscape architect (i.e., American Association of Landscape Architects, ASLA).
k. Zone of site and of all property within 500 feet.
l. Names and addresses of current owners of property within five hundred feet of the parcel as shown in Assessor's records, including properties across from any street/road, river, and/or municipal boundary.
m. Identification of any easements and deed restrictions affecting the property.
n. Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA must be shown with a note saying "Limits of Flood Hazard Zone are approximate and are scaled from the Federal Flood Hazard maps". When a lot does not include land within the 100-year flood hazard area, the map shall include the following notation: "This lot does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area.
o. Sight line information at proposed driveway cut(s), and statement that plans have been submitted to DOT for review or that review is not required.
p. Lighting plan per Section 14.6.9.
q. Any other information deemed necessary by the Commission to determine compliance with these Regulations. The Commission may require evaluation reports by Commission-approved independent professionals and other experts, including and not limited to: traffic engineers, hydrologists, soil scientists, geologists.
r. Boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Environmental Protection.
s. Wooded areas, specimen trees exceeding 30 inches dbh (diameter at breast height, 5 feet above the ground), rock outcroppings, and any unique and fragile natural features.
t. Stonewalls and monuments, and other structures having historical significance.
u. Archaeological sites including those known to the State Archaeologist's Office. The Commission may require the Applicant to submit a report from the State Archaeologist's Office.
v. Historic buildings and sites listed on the National Register of Historic Places.
w. Location of existing and proposed buildings and structures and the number of bedrooms in each.
x. Location of proposed subsurface sewage disposal systems and reserve fields, showing distances to adjacent land, distances from all wells within 200' (on or off the tract), and distance from any manure handling systems.
y. Existing and proposed street and lot lines.
z. Areas proposed for preservation as open space.
aa. Identification of surface and groundwater resources on and around the site, including any public or private domestic users of such waters; the depth to groundwater and description of

adjacent soils, and an evaluation of the impact of the proposal on existing and potential surface and ground drinking water supplies. The Commission may require additional information necessary to ensure protection of water resources, and may require that the report be prepared by a hydro geologist or other qualified professional.

bb. Identification of any chemicals or potential contaminants to be used, stored or produced on site or discharged on or off the site, and a detailed description of methods and procedures by which any chemicals or potential contaminants on site will be stored, used, applied, discharged, and disposed .

cc. Any known and/or discovered; natural, scenic, historic, and unique resource areas and amenities, historic sites, cemetery(s), buildings, or structures of known and/or anticipated historic or archeological significance.

14.5 **Waiver of Requirements.** Upon written request of the applicant, the Commission may waive, by three quarters vote of members present and voting, one or more of the above requirements of Sections 14.4 if the applicant can demonstrate that the information is not needed to reach a decision on the application.

14.6 **Site Plan Standards.** In its review of a site plan, the Commission shall consider the following:

14.6.1 **Complete Application.** The submission shall contain an application including plans and information as required by this Section and all applicable Sections, as well as any requirements provided in the application form. Information shall be presented with sufficient clarity and detail to enable the Commission to understand it and determine compliance. It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application.

14.6.2 **Compliance with Regulations.** The application shall conform in all respects with these Regulations, unless a variance has been granted, a copy of which must be submitted with the application. Such application must also conform to the requirements of the Public Health Code, as documented in a written report from the Town Sanitarian or other official having jurisdiction and submitted as part of the application.

14.6.3 **Frontage Requirements.** Where the site has frontage on an existing road, the pavement and shoulders shall be brought to the standards of the existing street and to the standards required to accommodate the proposed development, including but not limited to road widening, acceleration/deceleration lanes, storm water drainage, curbing, sidewalks, and street trees and/or landscaping.

14.6.4 **Traffic and Access.** Access to the lot and internal circulation shall be designed so as to promote the safety of pedestrian and vehicular traffic, both on the lot and off site. The site plan shall be evaluated on the following basis:

a. The effect of the development on traffic on adjacent streets.
b. Circulation pattern of vehicular and pedestrian traffic on the site.
c. Provision for parking and loading.
d. Adequacy of sight line.
e. Relationship of the proposed circulation to circulation on adjacent property, for both vehicles and pedestrians, with especial attention to promoting pedestrian traffic among adjacent parcels.
f. Emergency vehicle access.

14.6.5 **Surface and Groundwater Protection.** No site plan shall be approved which poses a significant risk of degradation of surface or groundwater supplies arising from the proposed activity.

14.6.6 **Water Supply.** The proposed water supply must be approved by the Town's Director of Health or other official having jurisdiction. The Fire Marshal must make a finding that such water supply is adequate, or not needed, for fire protection.

14.6.7 **Architectural Character, Historic Preservation, Site Design, Landscape Preservation.** The overall character of the proposed site design and architectural character of proposed structures shall protect property values in the neighborhood and the Town; preserve the existing historic character in terms of scale, density, architecture, materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and preserve public access to scenic views and vistas.

a. Uses requiring site plan review shall be designed and arranged in such a manner as to protect property values in the neighborhood and the Town; preserve the historic character of existing neighborhoods in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing patterns of arrangement of structural and natural vistas. To the extent any alterations are proposed to the landscape, and physical features of the property, such alterations shall be consistent with the foregoing standards and with protection of the public's health and safety. The Commission may require modifications to any site plan if it finds such modifications to be reasonably needed to accomplish the foregoing objectives. In making its decision, the Commission may consider the existing physical and historic characteristics of the parcel and the surrounding landscape and land uses, including but not limited to cemeteries and significant or unique natural or scenic resource areas and amenities, as well as the natural, historic and/or architectural significance of any existing structures.

14.6.8 **Landscaping and Screening.** All parking, service and storage areas, including dumpsters, shall be reasonably screened by landscaping and/or fences or walls. The landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the neighborhood and Town. All-seasonal visual buffers between the proposed use and any incompatible use of adjacent property shall be provided through the use of grade separation, landscaping, buffer areas, etc. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. At planting, all deciduous trees shall have a minimum diameter of two and one-half inches at breast height (2 1/2" DBH), evergreen trees shall have a minimum height of five feet, and all shrubs shall be one third of their ultimate size. Artificial vegetation is prohibited. In addition, the plans shall incorporate the requirements in Section 16.

14.6.9 **Lighting.** No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lamp posts shall be the minimum height necessary to provide adequate illumination, and in no case shall they exceed fifteen (15) feet in height. Lighting shall be designed such that the light source is shielded and the light is directed downward. Lighting fixtures shall be of a design appropriate to the use and area. Parking and loading areas and walkways shall be provided with adequate lighting.

14.7 Surety Requirements.

14.7.1 As a condition of site plan and/or special permit approval, the Commission may require that the applicant post with the Town a performance surety in an amount and form agreeable to the Commission. Such surety is intended to guarantee satisfactory completion of any required public improvements. Whenever the Commission has required such performance security, no zoning permit shall be issued for the authorized activity until the applicant has delivered the required security to the Commission, or its delegated representative, in the required amount and form.

14.7.2 The applicant shall submit to the Commission, with any application for a special permit or site plan review, an estimate of the costs of any proposed public improvements, which estimate shall contain a separate inflation factor for estimated improvement period. The Commission may refer such estimate to its own engineer for the estimate of costs, and the amount of the final cost estimate as determined solely by the Commission shall be amount of the performance security.

14.7.3 The security as posted shall name as principal both the applicant and the record owner of the premises. The Commission may direct that the security be issued in the form of a savings passbook of an FDIC insured bank with an office in Connecticut, with the Town being named as the sole owner of the account; an irrevocable letter of credit issued by an FDIC insured bank with offices in Connecticut which provides for presentment in Connecticut; or a bond with surety by an insurance company authorized by the Connecticut Insurance Department to do business in Connecticut, and issue bonds in Connecticut.

14.7.4 The Commission may provide for the reduction of the bond as improvements are completed to the satisfaction of the Commission. The amount of any reduction shall be in the sole discretion of the Commission.

14.8 **Expiration of Site Plan Approval**. All site improvements in connection with the approved site plan shall be completed according to the time frames identified in the Connecticut General Statutes except as otherwise specified in these Regulations.

14. 9 **Modifications of Approved Plan**. The Commission may approve minor modifications of a site plan upon the written request of the landowner or the owner's agent. If the proposed modifications to the site plan are not minor, and the use with which the site plan is associated is a special-permit use under these Regulations, the Commission shall require a public hearing before making any decision on the application for modification. The term "minor modifications" shall not be deemed to include any alterations of a site plan that would (i) affect traffic flows or patterns outside of the relevant parcel, or (ii) result in the creation of new structures or the expansion of existing structures, unless such new or expanded structure would not be used for human occupancy and would not increase the footprint by more than 100 square feet.

14.10 **As-Built Drawings.** For approvals which required professionally prepared plans, and when deemed necessary by the Zoning Enforcement Officer, as-built drawings shall be submitted to demonstrate conformity to the approved plans. Such drawings shall be approved prior to the issuance of a Certificate of Zoning Compliance. Such drawings shall show the installation of all improvements, including site work and structures, in at least the same detail as the site plan; and be prepared by a licensed engineer or surveyor, as is appropriate, who shall certify as to the compliance of the installation with the approved plan and shall identify all deviations from the approved plan. Any as-built drawing showing substantial deviation from the approved plan shall be referred to the Commission. No certificate of zoning compliance shall be issued for any as-built drawing showing such substantial deviation unless the as-built is approved by the Commission.

14.11 **Construction plans.** The applicant shall be required to file construction plans with any application for a site plan use involving work or improvements within any street right-of-way, construction of drainage facilities, or sediment and erosion control measures. Construction plans shall show at least the following information in accordance with good engineering practices and as appropriate for the particular lot:

14.11.1 For activities involving public streets or Town drainage facilities, a signature block entitled "Approved by the Pomfret Board of Selectmen" with a designated place for signature and date of signing;

14.11.2 For activities involving improvements to public streets, the existing grades at the center line and both road lines, the proposed grade at the center line at appropriate intervals, the width of pavement, a typical road cross section, and a cross section at all cross culverts.

14.11.3 Any temporary or permanent storm water detention facilities.

14.11.4 Any erosion and sediment control measures and a signature block with the wording "The Pomfret Planning and Zoning Commission certifies that this erosion and sediment control plan complies with the Pomfret Zoning Regulations."

SECTION 15 PARKING AND LOADING

15.1 **Purpose.** The purpose of this section is to lessen congestion in the streets by requiring that adequate off-street parking and loading be provided for all uses. It is the intent of this section to assure that off-street parking and loading spaces are properly designed and located to accommodate the safe flow of traffic on public and private property. Parking and loading areas shall be provided and maintained to accommodate the needs generated by the permitted use of the property in a manner that is safe, efficient, and harmonious with surrounding land uses.

15.2 **Location and Ownership.** Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or, if approved by the Commission, within 200 feet walking distance of the lot on which the principal use is located. In all cases, such parking spaces shall conform to all the Regulations of the district in which the parking spaces are located; and in no event shall such parking spaces be located in any Residential District unless the use to which the spaces are accessory are permitted in such Residential District. Such spaces shall be either (1) in the same ownership as the use to which they are accessory or (2) be subject to a perpetual easement, dedicating such spaces as appurtenant to the property on which the principal use is located, which easement shall contain affirmative covenants requiring the owner of the principal use to maintain the required number of parking spaces available either (a) throughout the existence of such use to which they are accessory or (b) until such spaces are provided elsewhere, and which easement and covenant shall be subject to the approval of the Commission. Provided that the minimum parking space requirements of these Regulations are satisfied for each principal use, such easement and covenant may be approved for joint parking facilities on abutting lots.

15.2.1 For new and existing structures, except for single-family dwellings, no parking spaces shall be located between the buildings(s) and the street whenever practicable. Exceptions may be made by the Commission to provide for parking for handicapped spaces and/or general parking where warranted for easier access.

15.3 **Areas Computed as Parking Spaces.** Areas which may be computed as off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. For residential parking, a driveway within a required front yard for a single-family residence may count as parking space. A driveway serving a two-family residence may be counted as parking space for one of the two units only.

15.4 **Size of Spaces.** Entrance and exit lanes shall not be computed as parking space except for driveways for one-family and two-family residences. Minimum parking space dimensions shall be ten (10) feet wide by twenty (20) feet long, except for handicapped spaces, which shall conform to State requirements. Minimum aisle width shall be ten (10) feet wide. Parking spaces shall be arranged in a manner that allows adequate additional room for motor vehicles to stand, turn, and maneuver, and areas for snow storage and snow removal activities.

15.5 **Access to Parking Areas.** Unobstructed access to and from a street shall be provided. Such access shall consist of at least one twelve foot lane for parking areas with less than ten spaces, and at least two twelve foot lanes for ten or more spaces. All facilities shall comply with any applicable requirements of the Pomfret Fire Marshal.

15.6 **Multiple Use of Lot.** When a lot serves more than one use, such lot must provide for the parking requirements of each contributing use. Where it can be conclusively demonstrated that such uses will not occur simultaneously, the Commission may reduce the total parking spaces required. A lot may accommodate the parking needs of more than one establishment whether or not such establishments are located on the same lot.

15.7 **Surface Standards.** Driveways and parking spaces serving single and two-family dwellings shall be surfaced with a non-erodible material. All other driveways, parking, and loading areas shall be paved unless, due to the intensity or nature of the use, the Commission shall approve a non-paved surface of a suitable, dust free, non-erodible material. All driveways and parking areas shall be maintained in a passable condition throughout the year so as to provide access by emergency vehicles.

15.8 **Drainage.** All driveways and parking areas shall be designed such that there is no increase in volume of storm water flow onto neighboring property unless drainage rights have been obtained from the owners. An engineered plan of such drainage may be required.

15.9 **Stacking Requirements.** Off-street stacking for waiting automobiles between the street line and drive-up service windows shall be provided based on the following ratios:

15.9.1 Drive-Up Service Window: 10 stacking spaces.

15.9.2 Drive-in Bank/Drive-Up ATM: 8 Stacking spaces; 4 stacking spaces per service window if more than one service window provided.

15.9.3 All other drive-up service windows shall have 10 stacking spaces.

Stacking provision shall also be made for at least one exiting automobile between each service window and the street. Each stacking space shall be 20 feet in length, 10 feet wide (12 feet wide if adjacent to building), and such facility shall be designed to not interrupt the smooth flow of traffic within the subject site. Dedicated stacking lanes shall be provided separate from any other drive aisle by a landscaped island (minimum 8 feet in width).

15.10 **Parking Area Requirements.**

15.10.1 **Application and Scope.** For any use hereafter established, off-street parking and loading shall be provided in accordance with the ratios contained in Section 14.9.4.

15.10.2 **Maintenance Required.** All spaces required to be provided by this section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structure(s) for which such spaces are required.

15.10.3 **Change of use.** Any change of use or the addition of a use(s) to an existing use shall require that the aggregate required off-street parking be provided, and uses that are non-conforming as to required off-street parking shall also be brought into compliance at such time.

15.10.4 **Parking Ratios.** The following off-street parking ratios shall apply to all uses and/or combinations of uses:

a. Residential dwellings: 2 spaces per dwelling unit.
b. Places of public assembly: 1 space per 3 seats or one space per 60 square feet of floor area available to patrons where capacity is not determined by the number of fixed seats (includes movie theaters, places of worship, church, and synagogue).
c. Theater (indoor): 1 space per 3 permanent seats + 1 space per employee on the maximum shift.
d. Bed and Breakfast: 2 spaces, + 1 space per guest bedroom, + 1 per employee maximum shift, in addition to resident parking.
e. Hospital, Convalescent Home: 1 space per 5 beds plus 1 per full-time employee.
f. Restaurant, Tavern: 1 space per 3 seats

g. Retail stores: Minimum of 4 spaces; 1 per 250 sq. ft. of gross floor area (GFA).
h. Multi-use commercial development: Minimum 4 spaces per use, plus 1 per 250 sq. ft. of gross floor area (GFA).
i. Multi-use commercial developments with gas station: 10 spaces for gas station, plus minimum 4 spaces per use.
j. Office or Professional building: 1 space per 300 sq. ft. of GFA.
k. Medical office/clinic/outpatient care: 1 space per employee (including doctors) on the maximum shift, + 3.5 spaces per treatment room.
l. Manufacturing/Industrial Facility: 1 per 500 sq. ft. of GFA.
m. Hotel: 1 per guest room plus additional spaces as required by the Commission.
n. Nursery School/Day Care: 1.5 spaces per employee on the maximum shift, plus adequate drop off and pick up area(s) with a minimum of 4 spaces.
o. Elderly Housing: Independent Living - 1.75 spaces per dwelling unit; Congregate Housing – 1 space per dwelling unit, plus 1 space per employee on maximum shift;
p. Nursing Home: .5 spaces per bed, + 1 space per employee on the maximum shift.
q. Bank/S&L/Credit Union: 1 space per employee on the maximum shift + 1 space per 200 sq. ft. of floor area accessible to the general public.
r. Lumber Yard/Building Material Sales/Construction Supply Sales/Service: 1 space per employee on the maximum shift + 1 space per 250 sq. ft. of floor area accessible to the general public.
s. Auto Sales/Service: 1 space per employee on the maximum shift + 1 space per 500 sq. ft. of internal display area + 1 spacer per 2,000 sq. ft. of outdoor display area +2 spaces per service bay.
t. Home occupation: 1 space per 250 sq. ft. of area devoted to the home occupation + minimum 1 space per employee, no less than a minimum of two spaces shall be provided.
u. Manufacturing: 1 space per employee on the maximum shift + 1 space per fleet vehicle.
v. Golf Course: 544 spaces per nine holes.
w. Country Inns: 2 spaces, + 1 space per guest bedroom, + 1 per employee maximum shift, in addition to resident parking, + spaces per other permitted uses (i.e. events).
x. Retreat Center: 1 space for every three guests.

15.11 Handicapped Parking. Handicapped parking spaces shall be provided as prescribed in the Connecticut State Building Code and/or Americans with Disabilities Act.

15.12 Off-Street Loading Requirements.

15.12.1 Size. Each required loading berth shall be at least 12 feet wide, 50 feet long and 15 feet high. Such berth shall be in addition to an access driveway and required parking spaces.

15.12.2 Location. All permitted or required berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within 50 feet of any street intersection. Such loading berths may be enclosed or outside, but in no case shall they be located in a front yard.

15.12.3 Access. Unobstructed access, at least 12 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot.

15.12.4 **Number.** For every structure used for commercial or industrial purposes, or for public institutions and facilities, loading berth requirements are as follows:

Floor area of 10,000 - 25,000 sq. ft.: 1 berth
25,000 - 40,000 sq. ft.: 2 berths
40,000 -150,000 sq. ft.: 3 berths
each additional 50,000 sq. ft.:1 additional berth

15.13 **Setbacks and Screening.** Any parking area of over 3 spaces, and the driveway providing access to such area, serving any use other than a single or two family dwelling and abutting a residentially zoned lot, shall be set back a minimum of 15 feet from that property line. In addition, such parking area shall be screened from the adjacent property.

15.14 **Parking Lot Design.** Parking areas shall be designed so as to minimize their visual impact. Suggested methods for minimizing impact include reduction of parking lot areas and landscaping, include parking areas divided into multiple small lots wherever possible; parking provided at the side and rear of the building, with parking in the front of the building limited to short-term use only; landscaping at the perimeter of the lot and on islands, including shade trees; and construction of earthen berms.

SECTION 16 LANDSCAPING

16.1 Landscaping, Screening, and Buffer Areas.

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare, and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies.

For purposes of this Section, landscaping shall consist of any of the following, or combination thereof: grass, shrubs, hedges, and trees. With the approval of the Commission, existing natural vegetation, and unique site features such as existing stone walls, large boulders or rock outcroppings may be included in the area used to satisfy this requirement. Detention basins and other storm water impoundment areas shall not be used to meet the minimum landscaped area requirement.

16.2 General Requirements.

a. Any disturbed portion of a developed lot or property that will not be used for the location of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks, or similar purposes, shall be landscaped and maintained in order to minimize storm water runoff. All landscape material shall be maintained at all times.

b. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. All landscaping, trees, and plants that do not meet the above requirements shall be replaced by the property owner during the next planting season. The Commission shall maintain a list of unacceptable plant materials. All trees shall have a caliper of 2.5 inches and a minimum height of 10 feet. The tree's caliper shall be measured 3½ feet from the top of the root ball.

c. Irrigation may be required by the Commission for all landscaped areas, except single-family and two-family dwellings.

d. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use on the lot.

e. The Commission may require all landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways to be protected by barriers, curbs, or other means from damage by vehicles. All curbing shall be constructed of bituminous (Cape Cod) curbing, concrete and/or granite.

f. Existing healthy mature trees, if properly located shall be fully credited against the requirements of these regulations.

g. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Planning and Zoning Commission may allow the applicant to substitute planters, plant boxes, or pots containing trees, shrubs, and /or flowers to comply with the intent of the regulations.

16.2.1 Front Landscaped Area.

A front landscaped area shall be required in all districts, except for single-family dwellings. The requirements shall be as follows:

a. A strip 25 feet wide along and contiguous to the front lot line shall be landscaped. The required landscaped area shall be covered with grass unless the Commission allows other ground cover, and shall include appropriate trees and shrubs. At a minimum, one street shade tree having a caliper of 3 inches and a minimum height of 10 feet shall be planted for every 40 feet or fraction thereof of lot frontage.

b. Landscaped areas shall also be provided abutting the front and sides of all buildings and structures. These areas shall be a minimum of 5 feet wide and contain a minimum of 50 square feet and shall be landscaped with suitable trees, shrubs, or other vegetative cover. Storage areas, trash receptacles, and similar accessory structures shall be screened with appropriate plantings.

c. Three street shade trees shall be clustered on both sides of any proposed vehicular connection(s) to a street/road. Evergreens or ornamental shrubs may be substituted for street trees where the Commission deems it appropriate, due to space constraints.

16.2.2 Buffer Area.

a. When Required. The purpose of a buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area, which shall be in addition to the landscape requirements contained in other sections of these regulations, shall be required for the following circumstances:

1. The establishment of any use, other than a single-family , on a lot abutting, or directly across a street from, any lot in the Rural Residential District.
2. The establishment or expansion of any use, other than a single-family or two-family dwelling, on a lot or parcel abutting, or directly across a street from, any lot on which a single-family dwelling or two-family dwelling already exists. Such buffer areas within these regulations and shall comply with at least the following minimum standards.

b. The minimum width of buffer areas shall generally be 100 feet for lots abutting any lot in the Rural Residential District, and 25 feet for all other lots. The width requirement shall be reduced for accessory uses associated with Section 4.1.2 provided that the reduction does not conflict with abutting property se and an adequate buffer is provided between the proposed use and abutting use of property as determined by the Commission. Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Commission may modify the width requirements provided the buffer area meets the intent of these regulations.

c. Nature of Buffer.

1. The buffer area shall be of evergreen planting of such type, height, spacing, and arrangement as, in the judgment of the Planning and Zoning Commission will effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting shall consist of trees 6 feet in height at intervals of 8 feet on center or less. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place
2 An earthen berm, wall, or fence of location, height, design, and materials approved by the Planning and Zoning Commission may be substituted for any portion of the required planting and/or buffer area strip.
3. Where existing topography and/or landscaping provide adequate screening, the Planning Commission may modify the planting and/or buffer area requirements.

16.3 Landscaped Parking Areas. In addition to the front landscaping area and buffer area requirements, parking areas shall comply with the following standards:

a. All parking aisles that contain more than 5 spaces shall be required to have landscaped islands at each end. Each landscaped island shall be a minimum of eight (8) feet wide (as measured from the inside of a curb, the length of such island shall be equal to the dimension of the parking space

that abuts the island. Each landscaped island shall contain a minimum of two shade trees having a caliper of 2.5 inches and a minimum height of 10 feet.

b. Landscaped islands shall separate every two parking bays throughout the interior of all parking areas. The landscaped island shall be installed along the entire length of the aisle. Each landscaped island shall be a minimum of 10 feet wide with curb stops and 12 feet wide without curb stops. At a minimum, one street shade tree having a caliper of 2.5 inches and a minimum height of 10 feet shall be planted for each 30 feet of landscaped island or a fraction thereof.

c. Intermediate landscape islands, a minimum of 10 feet wide, shall be provided between every 10 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clearing truck height of at least 7 feet and a caliper of 2.5 inches and a minimum height of 10 feet

d. Landscaped areas shall be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 10 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 2.5 inch caliper, at least a minimum of 10 feet in height for every 30 feet along the perimeter of the parking area. The Planning and Zoning Commission may modify the requirements of deciduous trees if the lot size and shape or existing structures make it infeasible to comply with the minimum requirements.

e. Landscaped areas shall be provided along all interior roads. The landscaped areas shall be installed along the entire length of the road, minus an intersecting road. The minimum width of the landscaped areas for all roads that provide access to the site shall be 15 feet. The minimum width of the landscaped areas for all other roads that provide access within the site shall be 10 feet. At a minimum, one street shade tree having a caliper of 2.5 inches and a minimum height of 10 feet shall be planted for each 30 feet of linear landscaped area or a fraction thereof.

SECTION 17 SIGNS

17.1 **Intent.** The intent of this Section is to provide for the identification of activities or places and the advertisement of services and commodities within the Town in an effective manner, while maintaining harmony with surrounding land uses and promoting public safety.

17.2 **Objectives.** These regulations seek to control the location, size, number, lighting, and character of signs located in all zones in order to further the purposes set forth in Section 1.3 of the Zoning Regulations, and to avoid conditions of clutter and unsightliness. The specific objectives of these sign regulations are to:

a. preserve the public health and public safety by controlling a sign's size, location and character so it will not confuse, distract, mislead, or obstruct the vision necessary for traffic safety; and
b. preserve the general welfare by controlling the aesthetics and attractiveness of signs in order to: protect the residential, business, industrial, and historic character of each zone; mitigate any negative impacts on adjoining properties; assist in achieving a more desirable environment in order to maintain property values and to encourage economic growth; and to avoid negatively altering the essential characteristics of the area; and to discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify, uses, and activities to the public.

17.3 **General Regulations.**

17.3.1 **Definition.** "Sign" means any natural or artificial structure, object, device, light, or display that is used to announce, advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including but not limited to letter, number, banner, flag, insignia, device, designs, symbols, fixtures, colors, illumination or logo, and which is situated so that it can be seen from a street. A flag or any one insignia (maximum forty-five (45) square feet) of any governmental agency shall not be considered a sign within the meaning of this regulation; however, a flag shall be limited to a maximum forty-five (45) square feet per flag and no more than three (3) per parcel.

17.3.2 **Sign Area Measurement.** If the sign consists of letters, numbers, designs, symbols, colors, or logos that are placed on a backing surface that is physically separate from the surface of any building or structure on which the sign is affixed, the sign area shall be measured by the outer dimensions of its backing surface. If the sign consists of letters, numbers, designs, symbols, colors, or logos that are placed directly on a building or other structure, without a backing surface, the sign area shall be deemed to be the smallest area that encompasses all letters, numbers, designs, symbols, colors, and logos. The sign area shall include any background material if such material is designed to be an integral part of the sign because of its texture, color, or building material.

17.3.3 **Sign Illumination.** No flashing or intermittent lighting, intensity variations of light, or exposed neon lights are permitted. Signs may be externally illuminated provided that the source of light is shielded from the road and adjacent properties. No sign or its illuminator shall, because of its size, shape, or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic. No sign may be backlit or internally illuminated, including no back lit or internally illuminated vending machines.

17.3.4 **Sign Motion.** No sign or any part thereof shall be moving whether by mechanical or other means.

17.3.5 **Sign Materials.** Signs shall generally be composed of weatherproof materials and shall be maintained in good condition to avoid creating blight or hazardous conditions. Non-weatherproof signs, including signs made of cardboard, paper, or other impermanent material, may be used only for temporary signs, as permitted herein.

17.4 **Authority to Erect Signs.** Signs may be authorized as one of the following: 1) signs allowed by right, no permit required; 2) signs permitted by the Zoning Enforcement Officer; 3) signs for uses approved by site plan review, permitted by the Commission. Signs not so authorized are not permitted.

17.5 **Prohibited Signs.** Notwithstanding any other provisions of this Section 17, the Commission may prohibit the erection, placement or maintenance of any sign if the Commission finds that such sign does or is likely to create a hazard to public health or safety.

17.6 **Signs by right in all Zoning Districts, no permit required.**
The following signs are authorized without a zoning permit in all Zoning Districts, provided there is no illumination and according to the following standards. External illumination is allowed, unless otherwise noted, upon issuance of a permit from the Zoning Enforcement Officer. All signs in this section shall be set back at least 10 feet from the property line.

a. Residential Identification. One sign per lot, freestanding or wall, erected to identify occupants of the premises, not to exceed four square feet, no illumination.
b. One temporary sign for sale, lease, or rental of a lot or building on which such sign is placed, not to exceed six (6) square feet, no illumination.
c. Internal Direction Signs. Signs directing traffic onto or within a property, area not to exceed three (3) square feet per sign.
d. Public Interest Signs. A sign erected in the public interest, including but not limited to identification signs for public buildings and places, historic markers, and danger/caution signs. Signs shall be limited to three square feet, no illumination.
e. Special Events Signs. Temporary signs associated with political, social, or service organizations. Such signs shall be removed within one week after the event occurs. Such signs shall not exceed six square feet, no illumination.
f. Non-profit Organization Signs. One identification sign on the organization's place of business; area not to exceed twelve (12) square feet and height not to exceed six (6) feet; no illumination.
g. Temporary Agricultural Sales Signs. Two signs per legal use on premises, each sign not to exceed 16 square feet in area and six feet in height, no illumination.
h. Construction Signs. Signs advertising development of the site shall not exceed 32 square feet, eight feet in height, one per street frontage, no illumination. Such signs may be erected not earlier than the start of construction and may remain on display during the period of construction, no illumination.

17.7 **Signs by Permit from the Zoning Enforcement Officer in all Districts.**

a. Business Identification Signs. One wall sign providing identification of occupants, hours, or other non-advertising message, not to exceed three (3) square feet per business.
b. Temporary Signs. Signs temporarily attached or temporarily painted on a door, or to the inside of a window announcing sales or special features are permitted in addition to the restrictions above, provided they do not exceed 10% of the area of the door, window, or wall. Temporary signs shall be removed immediately after the termination of such sale or special feature and shall be permitted for a period of not over 30 days.
c. Land Trust/Preserve Signs. A preserve for public use may contain one freestanding sign to identify the name of the preserve and any rules and regulations for use as long as it complies with Section 17.6.f and is a minimum of 10 feet from any street line.

17.8. Signs by Permit from the Commission in non-residential Districts (Village - V Village Business - VB, Village Commercial – VC and Commercial Business - CB).

The following signs shall require site plan approval.

17.8.1 **Wall signs.** A wall sign, defined as a sign fixed flat to the building and not extending beyond the building, may be permitted as follows:

a. One wall sign per building not exceeding thirty-two (32) square feet located in V, VB, and VB Districts, except, one wall sign per building not exceeding two-hundred (200) square feet may be permitted in CB District.

17.8.2 **Freestanding Signs.** Freestanding signs may be permitted as follows:

a. One per lot, with a second sign allowed if the lot fronts on two streets.
b. Area of each not to exceed thirty-two (32) square feet. Sign area not to exceed ten (10) feet in length.
c. Height not to exceed six feet above the ground.
d. Sign shall complement building architecture and landscaping.
e. Sign shall be place no closer than ten (10) feet from the front property line.

17.8.3 **Home Occupation, Bed and Breakfasts, and Country Inns.** Signs for home occupations and bed and- breakfast establishments may be permitted as follows:

a. One sign on the premises
b. Area not to exceed six square feet.
c. Height not to exceed five feet above ground.
d. Sign shall complement building architecture and landscaping.
e. Sign shall be placed no closer than ten (10) feet from the front property line.

17.9 **Sign Maintenance and Removal.** A sign shall be maintained in a secure and safe condition. If the Zoning Enforcement Officer is of the opinion that a sign is not secure, safe, or in a good state of repair, written notice of this fact shall be given to the person responsible for maintenance of the sign.

17.9.1 All signs, together with their supports, braces, guys, and anchors, shall be kept in good working order and safe condition.

17.9.2 The owner of the lot on which the sign is located shall be directly responsible for keeping such sign, including its illumination sources, in good working order and safe condition.

17.9.3 Unsightly, damaged, deteriorated signs, or signs in danger of falling shall be put in order or removed upon written notice by the Zoning Enforcement Officer to the owner of the lot on which the sign is located.

17.9.4 Any sign which pertains to a business no longer conducted on the premises where such sign is located shall be removed by the owner of the lot on which the sign is located within 30 days following cessation of the relevant activity.

17.9.5 Any sign erected that is not allowed by these regulations may be ordered to be removed by the Zoning Enforcement Officer.

SECTION 18 APPEALS AND VARIANCES

18.1 **Appeals.** Any person may appeal to the Pomfret Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer related to the enforcement of these Regulations.

18.2 **Variances.** Any person seeking a variance from the literal enforcement of these Regulations may apply to the Pomfret Zoning Board of Appeals for a variance. The Board may, after consideration of a variance application in accordance with Sections 8-6 and 8-7 of the Connecticut General Statutes, approve or deny a variance, except that no variance may be approved for uses or buildings in districts in which such uses or buildings are not otherwise permitted by these Regulations.

SECTION 19 ENFORCEMENT

19.1 The Zoning Commission and/or the Zoning Enforcement Officer may seek any enforcement remedies allowed by state law, including but not limited to Section 8-12 of the Connecticut General Statutes. By way of example, the Commission or the ZEO may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building or land, or to restrain, correct, or abate such violation, or to prevent the unlawful occupation of buildings, structures, or land, or to prevent any illegal act, conduct, business, or use in or about such premises, as to remedy, correct, abate, or prohibit any violations of these Regulations. Such legal remedies may be initiated against the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor, or other person who commits, take parts in or assists in any such violation, or who maintains any building or premises in which such violation exists. Violations may result in civil and/or criminal sanctions, as may be allowed by state law.

SECTION 20 AMENDMENTS AND EFFECTIVE DATE

20.1 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.

20.1.1 Requests or petitions for changes to these Regulations or any zoning district boundaries shall be submitted to the Commission in writing along with a fee as shown on the schedule of fees adopted by the Commission or by ordinance.

20.1.2 If the amendment request is for a change in any zoning district boundaries shown on the official zoning map, the applicant shall prepare and submit with the application a map drawn to scale showing the boundaries of the area(s) to be rezoned, as well as the names and addresses, as determined from the current records of the Town Assessor, of the owners of all properties located within the area to be rezoned and within five hundred (500) feet from the boundaries of all lots containing any portion of the area to be rezoned. The applicant shall mail a copy of the public hearing notice to the owners of record of such properties at the last address listed in the Assessor's records at least ten (10) days before the date set for the public hearing. The applicant shall present written proof in the form of U.S. Post Office certificates of mailing to the Zoning Enforcement Officer or Commission at least five (5) days before the public hearing. The requirements of this section shall not apply to amendments initiated by the Commission.

20.2 The Zoning Regulations of the Town of Pomfret were originally adopted on February 23, 2003. These amended Regulations are effective October 1, 2006.

SECTION 21 SEPARABILITY

21.1 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.

SECTION 22 – DEFINITIONS

22.1 For the purposes of these Regulations, certain terms or words shall be defined as set forth in this section Unless the context clearly requires otherwise, words in the present tense include the future and words in the singular number include the plural and vice versa. The word "person" includes any legal entity, including but not limited to a partnership or corporation, and the word "used" means both actually used and designed, intended, or modified for use.

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

Accessway: A permanent right-of-way, having a width of 50 feet or less and either owned in fee or held as a recorded easement, by which access is gained to an interior lot.

Acre: Equal to forty-three thousand five hundred sixty (43,560) square feet of land area.

Age Restricted Housing: A building or group of buildings which are located on a single parcel of land, share common management with in-unit and yard area uses, and owner agreements included in a common interest ownership document and enforced primarily through the common interest ownership association and wherein each single family unit is occupied by:

1. A person 55 years of age or older as occupant.
2. A cohabitant of an occupant pursuant to 1) above.
3. A cohabitant pursuant to 2) above who survives the occupant who is 55 years of age or older.
4. A cohabitant pursuant to 2) above where the occupant who is 55 years of age or older has entered into a long-term continuing care facility.
5. Children 18 years of old or older may reside with their parent(s).
6. In no event may a dwelling unit be occupied by more than four residents.

Agriculture: The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry, but not including forestry-related industries, such as sawmills or lumber yards. The term “agriculture” as used in these Regulations shall not include Commercial Agricultural Buildings as defined in these Regulations.

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

Buildable Area: A contiguous area of a lot within which permitted buildings or other structures may be readily erected, used and maintained, and primary and reserved septic systems, domestic water, and personal open space and recreation areas may be readily supported, due to favorable soil, groundwater, and other natural characteristics. The minimum buildable area required for a lot in any particular zone shall be defined by these regulations.

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, poultry, or materials. Any other structure, including an accessory structure to a permitted use, and including fences and walls, any of which are more than eight feet high, shall be considered as buildings. Flagpoles, public utility poles and bridges are not considered buildings.

Building Height: The vertical distance from the finished grade at any point under consideration to the highest point of the roof.

Building Line: A line parallel to the abutting street at a distance equal to the minimum front yard setback.

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

Commercial Agricultural Building: Any building used for intensive farming and farming-related activities that involve: the processing or packaging of horticultural, non-animal products or by-products produced on the premises in buildings greater than 5,000 square feet; shelter for more than 200 cattle or 500 fowl; workplace for more than five non-family employees; retail sale of products raised, grown, or processed on the premises, other than in a seasonal farm produce stand; and/or warehousing of products that were raised on the premises and that are to be sold off the premises.

Commission: The Planning and Zoning Commission of the Town of Pomfret.

Country Inn: An owner-occupied and owner-managed building providing short term rentals of not more than 14 guest rooms, with a maximum of four (4) persons per room, without separate kitchen facilities, in which overnight accommodations and meals may be provided for a fee for not more than 30 days.

Cul-de-sac: A Street with a single common ingress and egress and with a turnaround at the end.

Dwelling, Single-family: A building, other than a mobile home, designed for, and occupied exclusively as, a residence for only one family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

Family: One or more persons occupying a dwelling unit, provided that unless all members are related by birth, marriage, or legal adoption, no such family shall contain over three persons.

Farming: The conduct of agriculture.

Floor Area: The area of the enclosed portion of a dwelling having a finished ceiling to floor height of not less than seven (7) feet, excluding any area above the first floor unless it is accessible by an enclosed permanent stairway, and excluding cellar, basement, porch, garage, and utility areas and areas in an accessory building. In the case of the "raised ranch" style of dwelling, the floor(s) below the principal floor, wholly or partly below the finished grade, shall not be counted as part of the floor area.

Forestry: The management of timber resources. For the purposes of these Regulations, the term “forestry” shall be applied only to those timber management activities that are conducted under a plan prepared by a properly qualified professional forester.

Hazardous Materials. Except as provided in Section 8.2, the term “hazardous materials” shall mean substances or combinations of substances (except as specified below) that, because of quantity, concentration or physical, chemical, or infectious characteristics, pose a significant present, or potential, hazard to water supplies or to human health if disposed into or on any land or water, including groundwater, as well as any substance deemed a "hazardous waste" under the Connecticut General Statutes or the Regulations of Connecticut State Agencies. Hazardous materials include, but are not limited to:

a. Substances that are toxic, flammable, corrosive, explosive, radioactive, or infectious.
b. Substances listed in the U.S. Environmental Protection Agency's Title III List of Lists – Chemicals Subject to Reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986" as revised and in quantities exceeding those identified in SARA.
c. Acids and alkaloids outside the pH range of 2 to 10;
d. Petroleum products, including fuels and waste oils;
e. Synthetic organic solvents;
f. Any solid material which, if exposed to water, will leach or dissolve to form a hazardous material as defined above.

Home Occupations. The use of a portion of a dwelling or out-building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling (such as a home office or a home occupation) involving no more than two (2) non-resident employees or involving regular visitors and/or trips to and from the business. *(This definition includes, but is not limited to, the office, studio or workshop of an architect, artist, cabinet maker, computer or Internet-based business, consultant, dentist, dressmaker, economist, engineer, insurance agent, lawyer, musician, photographer with no chemical development on site , physician, psychologist, real estate broker, serviceman, or a dwelling used for preserving or cooking for compensation. Such uses as restaurants, tearooms, funeral homes, daycare centers, barbershops, beauty parlors, dancing schools, kennels, and animal hospital are not considered incidental and accessory to a residential use and shall not be deemed a home-occupation).*

Interior Lot. An interior lot is one which does not abut a state highway or accepted town road for the minimum frontage otherwise required by these regulations.

Loop Road. A street that is intended to serve as direct or indirect access to residential lots, which begins and terminates in the same street or highway but not at the same location.

Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by these Regulations.

Lot Coverage: For a residential lot, the maximum land coverage for all buildings and structures (principal and accessory uses) including paved, impervious, or traveled surfaces, measured as a percentage of the total lot area.

Lot Frontage: The distance between lot sidelines measured along the front lot line. In the case of lots having frontage on or adjacent to a street curve, required lot frontage shall be measured at the building line.

Lot Line, Front: Any line separating a lot from a street right-of-way. Corner lots shall be deemed to have a front lot line along each adjacent street. If street right-of-way boundaries have not been established, the boundaries shall be deemed to be twenty-five (25) feet distant from the centerline of the existing traveled way, or such other distance from the centerline as may have been established by the Commission or the Town.

Lot Line, Rear: Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, a front lot line shall be deemed to be a rear lot line. Corner lots shall be deemed to have no rear lot lines.

Lot Line, Side: Any lot line that is not a front lot line or a rear lot line as defined herein.

Nature Center: A building or group of buildings, structures, or use of land dedicated to education concerning the environment, wildlife, forestry, ecology, and/or other topics related to the natural environment, and operated by a Connecticut non-stock, non-profit conservation entity as described in Connecticut General Statutes Section 47-42b. A nature center shall be located on land which is owned by a Connecticut non-stock, non-profit conservation entity. A nature center may include meeting rooms, exhibits and displays, office space, food preparation areas, campfire or camping areas, sale of bird food, books, and other nature study products, and such other uses of land, buildings, or structures which are accessory to the educational programs offered.

Non-Residential Districts: The Village District, Business Village District, Commercial Village District, and Commercial Business District.

Private Occupational Education Institution. A private occupational education institution shall be privately owned and meet the following criteria:

1. Accreditation: The private occupational education institution must be accredited as a professional/industrial training and/or curriculum development institution by a nationally recognized independent third party. The private occupational education institution shall develop and/or instruct curriculum approved by the American Council on Education for post-secondary education credit recommendations, this shall not include any tractor trailer and/or truck training facilities.
2. Minimum central campus size: The minimum central campus must consist of 100 acres which includes land used for the purposes of the educational institution including acreage across a State Highway. The central campus must contain a minimum of 50,000 square feet of buildings dedicated to the educational purposes.
3. Minimum frontage on a State Highway: The minimum frontage along a State Highway for the central campus shall be 2,000 feet on one side of a highway (frontage on two sides of a State Highway may not be combined to satisfy the frontage requirement).
4. Facility Capacity: The facility must be designed for a minimum of 100 students and have boarding school accommodations for 30 students.
5 Grade Structure: The curriculum shall encompass professional certification programs as recognized by Federal and State Government, meet specific criteria enabling transition from basic level instruction to advanced level programs and combine specialized laboratory training with traditional classroom instruction. Instructional programs shall be provided five days per week for a minimum of 10 months per year.
6. Minimum accessory facilities: The central campus facilities shall include a cafeteria with the capability to serve over 100 people, indoor and outdoor recreational facilities, and appropriate laboratory facilities in keeping with the curriculum requirements.

Private School: A private school shall be privately owned educational facility that meets the following criteria:

1. Accredited by the Connecticut Association of Independent Schools, the New England Schools and Colleges Association, or by any successor organization to these Associations adopting substantially similar accreditation standards.
2. Minimum Central campus size: at least 100 contiguous acres owned in fee simple by the school and used as a central campus. The 100 acre minimum central campus area my include campus land directly across a State Highway from another portion of the campus, but may not include land used for private school purposed but which is not contiguous.
3. Minimum Frontage on a state Highway: 2,000 feet on one side of the highway (frontage on two sides of a State Highway many not be combined to satisfy the frontage requirement).
4. School Facility must be designed for a minimum of 100 students.
5. Grade Structure: Minimum of three successive grades in lower, middle, or upper level school, from year to each year.
6. Minimum Accessory Facilities: Recreational facilities to include at least one regulation sized baseball field, one regulation sized football field, one regulation sized soccer field, and one indoor regulation sized basketball court.

Residential Districts: The Rural Residential District and the Pomfret Street Residential District.

School: A public or private college, university, or educational institution giving regular instruction at least 5 days a week for eight or more months in the year.

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

Structure: Except as provided below, the term "structure" includes, but is not limited to, an edifice or building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including manufactured homes, fences, walls, wharves, docks, satellite dishes, above ground tanks, subsurface sewage disposal systems (a.k.a. septic systems), detached solar panels, manufactured homes, paved areas, storage tanks, signs, walls (retaining or otherwise), swimming pools, satellite dishes, ham radio antennas, cellular and radio transmission towers, and other man-made utilities and infrastructure. The term "structure" excludes public utility poles, flagpoles, transmission lines, television antennas, highway and railroad bridges, landscape furniture and decorations, mailboxes, lamp posts, seasonal decorations, and livestock fences through which there is at least 80% visibility. Meaning: Where the phrase "building or structure" appears in these Regulations, it shall be deemed to mean "building or other structure."

Use: The purpose that a parcel of land is intended to serve or does serve. The erection, placement, or maintenance of any building or other structure on a parcel of land constitutes a use of that land; therefore, the term “use”, as employed in these Regulations, shall include, but is not limited to, a building or other structure.

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: A portion of a lot lying between a building or structure and a lot line, and containing no surface structures except driveways and such other structures as may be specifically authorized in these Regulations. In measuring a yard, as hereafter provided, the line of a structure shall be deemed to mean a line parallel to the relevant lot line, drawn from the point of the structure nearest to such lot line. Where two different yards (e.g., a front yard and a side yard) overlap, the minimum yard requirement shall be deemed to be the greater of the two applicable yard requirements.

Yard, Front: A yard between any front lot line and the nearest line of any structure.

Yard, Rear: A yard between any rear lot line and the nearest line of any structure.

Yard, Side: A yard between any side lot line and the nearest line of any structure.