

ZONING REGULATIONS

For
Bethany, Connecticut



**TOWN OF BETHANY
PLANNING AND ZONING COMMISSION**

Originally adopted April 21, 1952

Latest Amendment

Amended September 7, 2022 - Effective October 10, 2022

AMENDMENTS

Amended April 18, 2001
Amended March 20, 2002, Effective April 15, 2002
Amended December 10, 2003, Effective January 1, 2004
Amended January 7, 2004, Effective February 1, 2004
Amended January 12, 2005, Effective January 13, 2005
Amended June 29, 2005, Effective July 5, 2005
Amended July 12, 2006, Effective July 31, 2006
Amended August 2, 2006, Effective October 1, 2006
Amended December 5, 2007, Effective December 6, 2007
Amended March 5, 2008, Effective May 1, 2008
Amended July 16, 2008, Effective August 4, 2008
Amended August 27, 2008, Effective September 15, 2008
Amended April 7, 2010, Effective May 1, 2010
Amended June 2, 2010, Effective December 17, 2010
Amended April 6, 2011, Effective April 15, 2011
Amended December 7, 2011, Effective January 1, 2012
Amended June 4, 2014, Effective July 1, 2014
Amended August 6, 2014, Effective August 15, 2014
Amended February 4, 2015, Effective February 27, 2015
Amended October 7, 2015, Effective October 30, 2015
Amended November 17, 2017, Effective December 1, 2017
Amended December 2, 2020, Effective January 10, 2021

Bethany, Connecticut
Zoning Regulations

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Preamble
Authority and Purpose

These regulations are adopted and may be amended from time to time under authority of Chapter 124 of the Connecticut General Statutes for the purposes of promoting the health, safety, morals and general welfare of the community; reducing traffic congestion in the streets; ensuring adequate light and air; preventing the overcrowding of land; avoiding excessive concentration of population; facilitating adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and conserving the value of property and encouraging the most appropriate use of the land, based on the suitability for particular uses and structures, with reasonable consideration for the character and property values of the area, in accordance with the most recently adopted Plan of Conservation and Development. These Regulations are also intended to provide the Town Planning and Zoning Commission the authority to give reasonable consideration for the protection of historic factors in its evaluations and decisions.

The purpose of these Regulations is to guide the growth and development of the Town of Bethany so as to provide beneficial and convenient relationships among residential, commercial, industrial and public areas within the Town, considering the suitability of each area for such purposes, as indicated by existing conditions, trends in population and mode of living; and future needs for various items as follows:

1. To encourage the orderly development of all parts of Town.
2. To create an optimum environment for living.
3. To provide for the beneficial circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets.
4. To secure safety from fire, panic, flood and other dangers.
5. To protect and conserve the existing or planned character of all parts of the Town, and thereby aid in maintaining their stability and value.
6. To provide a guide for public action which will facilitate economical provisions of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of the land and buildings throughout the Town.
7. To minimize conflicts among uses of land and building and to bring about the gradual conformity of nonconforming uses, structures, land and buildings throughout the Town with the comprehensive plan as set forth herein.
8. To provide for a variety of housing to promote housing choice and economic diversity in housing, including housing for both low and moderate income households.
9. To protect existing and potential public surface and groundwater drinking water supplies.

10. To promote conservation of open space and valuable natural resources, and to preserve the existing environment to the extent feasible, where desirable.
11. To control erosion by wind and water and provide for sedimentation control.
12. To encourage energy conservation, including the use of solar and other renewable forms of energy and energy-efficient patterns of development.
13. To guide the growth of the Town in accordance with the adopted Plan of Conservation and Development.
14. No change in the provisions of these Regulations will be made without the Commission first determining the wishes of the townspeople at a public hearing.

- 1. The purpose of this report is to provide information to the Board of Directors regarding the financial performance of the Company for the period ended 31st March 2018.
- 2. The Board of Directors is responsible for the financial statements of the Company and for ensuring that the financial statements are prepared in accordance with the applicable accounting standards.
- 3. The auditor's role is to express an opinion on the financial statements based on the audit evidence obtained.
- 4. The auditor's opinion is based on the audit evidence obtained and is subject to the limitations of an audit.

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SECTION 1. Rules

1.1 Zoning Map:

- A. To accomplish the purposes of these Regulations, the Town of Bethany is divided into different districts as enumerated within these Regulations.
- B. The location and boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended from time to time, which is on file in the Office of the Town Clerk and the Land Use Department.
- C. The official Zoning Map is hereby declared to be a part of these Zoning Regulations.
- D. Any facsimile of the official map is intended for the convenience of the public only and shall not be considered to be the official Zoning Map of the Town.

1.2 General Rules:

For the purposes of these regulations, the rules, definitions and words used herein, unless clearly indicated otherwise, shall be interpreted as follows:

- A. The word person includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- C. The word shall is mandatory not discretionary and the word may is permissive.
- D. The words used or occupied shall include the words intended for, designed for, arranged for and maintained for.
- E. The word property shall include the words tract, piece and parcel. However, the property may or may not be a valid building lot.
- F. The words zone, zoning district and district have the same meaning.
- G. The phrase "these Regulations," shall refer to the entire Zoning Regulations.
- H. Uses of land, buildings or structures not specifically permitted by these Regulations are prohibited.
- I. Fire Suppression Water Source Requirements:
 - a. When required by the Fire Department, each water source shall be either a 250,000 gallon natural water source or a 30,000 gallon in-ground tank. This requirement may be waived or modified by written approval of the Bethany Volunteer Fire Department, Water Source Officer for specific reasons to be stated in its decision.
 - b. The standards for fire suppression water source requirements are found in a document of the Bethany Volunteer Fire Department dated February 20, 2014, as it may be modified. See Zoning Regulations Appendix 4.
 - c. Subdivisions of 3 lots or more shall be referred to the Bethany Volunteer Fire Department for review and recommendation with regard to water source protection and access.

J. Number identification of dwelling units and other structures.

Numbers shall be placed in a prominent location and shall be in accordance with an adopted Town Ordinance so as to insure that safety and emergency services personnel are able to locate structures promptly in case of emergencies.

K. Boundary Interpretation.

1. If not clearly delineated on the official Zoning Map, district boundaries shall be construed in the following sequence:

- a) following the center line of a street, railroad, right-of-way, or easement;
- b) following property lines of record at the time of adoption of these Regulations or relevant amendments hereto;
- c) where district boundaries are set back from street lines, they shall be considered as running parallel there-to, at distances shown or measured; or
- d) following the lines of a particular physical feature including brooks, streams, flood plains, or steep slopes.

2. In the case of any remaining uncertainty regarding district boundaries on the official Zoning Map, the location of the district boundary shall be determined by the Commission.

1.3 Interpretation of Regulations:

Prohibited if not permitted:

A. Unless otherwise allowed by these Regulations, any use of land, buildings or structures not expressly permitted by these Regulations in a particular district is prohibited in that district.

B. Accessory uses which are not specifically permitted by these Regulations, but which are customarily incidental and subordinate to a permitted principal use shall be pennitted, subject to any conditions as may be imposed by these Regulations.

1.4 Minimum Requirements:

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

1.5 Strictest Standards Control:

A. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied.

B. The provisions of these Regulations may be superseded by other local, state, or federal laws or regulations.

- C. These Regulations do not release a person from compliance with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit requirement or permit.

1.6 Conformity required:

- A. Unless otherwise allowed by these Regulations, no land and improvements thereon shall be used or occupied except in conformity with these Regulations for the district in which the land is located.
- B. Unless otherwise allowed by these Regulations, no building, structure or other improvements or part thereof shall be constructed, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the district in which the building or other structure is located.
- C. Parcel changes:
No land shall be sold or divided in a manner which results in either:
 - 1. A use of all or a part thereof ceasing to conform to these Regulations or conforming to a lesser extent than prior to such sale or division; or
 - 2. A dimensional standard or any other standard that does not conform to the requirements of these Regulations or conforms to a lesser extent than prior to such sale or division.

1.7 Administrative provisions:

- A. Separability: If any provision of these Regulations is ruled by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
- B. Effective Date: These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the CGS. The effective date of these regulations is January 10, 2021.

SECTION 2. Definitions

- A. For the purposes of these Regulations, the terms, phrases and words used in these Regulations shall be construed as defined in this section, unless the Commission finds that the term, phrase, or word is otherwise clearly qualified by its context. Terms defined herein does not necessarily mean the use is a permitted use.
- B. Text to control. In the case of any difference of meaning between the text of a regulation and any caption, illustration, or table, the text shall prevail.
- C. Terms not defined. For the purpose of these Regulations, words not defined in this section shall be interpreted by the Commission so as to:
1. Give them the meaning they may typically have in land use regulation usage after consulting one or more of the following, where such sources define terms for relevant and comparable purposes:
 - a. CGS, as amended;
 - b. State Building Code, as amended;
 - c. Black's Law Dictionary; and/or
 - d. The Illustrated Book of Development Definitions (Rutgers University, Center of Urban Policy Research, Piscataway, NJ), as last amended.
 2. Give them the meaning they have in common usage; or
 3. Give the regulation, in the sole opinion of the Commission, its most reasonable application.

D. Defined terms:

Above ground Storage Tanks. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of a structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extend above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

Accessory Use. A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use except as otherwise specifically permitted by these regulations.

Accessory Structure. A structure detached from a principal building and located on the same lot, except as may be specifically permitted by these regulations, but which must be incidental and subordinate to the principal building under the same ownership.

Accessway. An accessway is the entire portion of a rear lot having a minimum width of 25 feet for each rear lot, beginning at the fronting road right-of-way line and ending at the point where the lot width measured parallel to the road equals or exceeds the required lot width as specified in Section 3.4. To be acceptable, the accessway must be owned in fee simple and be

proven to be able to be utilized to construct a stable driveway from the fronting road to the rear lot building area in conformance with all existing requirements of the Town of Bethany.

Affordable housing. See Housing related terms.

Agriculture, defined. Except as otherwise specifically defined and unless otherwise prohibited by these regulations, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under CGS chapter 124.

Agriculture related terms.

Agricultural Buildings and Structures - Buildings or structures used in connection with agriculture, including greenhouses, shelter for livestock and storage for farm machinery, equipment and supplies.

Farm - A parcel, or parcels, of land containing not less than three (3) acres under single ownership and/ or lease-hold and used for agriculture.

Limited Farm - A parcel of land of less than 3 acres under single ownership or leasehold and used for agriculture.

Livestock - Grazing animals kept either in open fields or structures including cattle, horses, sheep, goats, llamas, alpacas and poultry.

Farm Stand, Limited - A structure, not more than 200 square feet, located on a residential or agricultural farm for the display and sale of agricultural products raised only on such farm. Sales of such products shall be limited to not more than nine (9) months in any calendar year.

Farm Stand, General - A structure located on a farm, for the seasonal display and sales of agricultural products. Products sold shall have been grown on such farm or purchased from other farms or farmers markets.

Farmers Market-A seasonal public market use, the primary purpose of which is for farmers to offer for sale produce, vegetables, flowers, orchard products, breads and similar agricultural products directly to consumers. Additional vendors, demonstrations and presentations are permitted as being accessory to such market, however such vendors, or booths, in aggregate shall not account for more than 50% of the market.

Alteration. Any change in size, shape or configuration of a building or structure, including a change or rearrangement of interior or exterior parts and/or enlargement or moving thereof.

Aquifer. A geological formation capable of yielding significant amounts of water.

Barn, Private. A structure not primarily intended for habitation or residential purposes, unless specifically permitted by the Commission under a section of these regulations. Such a structure used by the owner or resident(s) with no commercial activities. May be utilized by the owner or resident for his private use for the storage of animals, feed, hay, equipment, tack and/or agricultural vehicles.

Barn, Commercial. A structure not primarily intended for habitation or residential purposes, unless specifically permitted by the Commission under a section of these regulations. A structure used by the owner, resident(s) which has been legally used or permitted by the Commission to be used for commercial purposes.

Basement. A floor of a building that is either completely or partially below the ground level. A basement shall be counted as a story if the ceiling is more than five feet above average grade. See also *Grade, Finished*

Bed and Breakfast. An owner-occupied private residence in which lodging and breakfast is provided for compensation for a maximum of six transient persons in not more than three bedrooms of the dwelling.

Berm. An earthen bank used to provide a visual or noise buffer, or to provide other separation between uses, structures, or parcels.

Best Management Practices. In these Regulations this phrase refers to practices discussed in appendix A-2.

Billboard. Any sign, whether freestanding or attached to a structure, which advertises products, services or events not manufactured, sold or occurring on the premises.

Board of Appeals. The Zoning Board of Appeals of Bethany, Connecticut.

Boarding Stable. A structure which is used by the owner for the commercial boarding of horses. A structure and associated land legally used for the feeding, housing and exercising of horses which may or may not be owned by the owner of the property and which may be operated by the owner or resident(s) for direct or indirect compensation.

Buffer Strip. A landscaped area used to separate elements, such as a parking lot from a building; and to provide relief from large expanses of pavement within a parking lot, along driveways, along property lines and other areas.

Buildable Area. That portion of a lot which does not contain any wetlands (not including any upland review area) and does not contain any slopes in excess of 25% and does not contain any areas of the 100 year floodplain.

Building. A structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of person's animals or property.

Building Code, State. The State Adopted Building Code as adopted by the State of Connecticut.

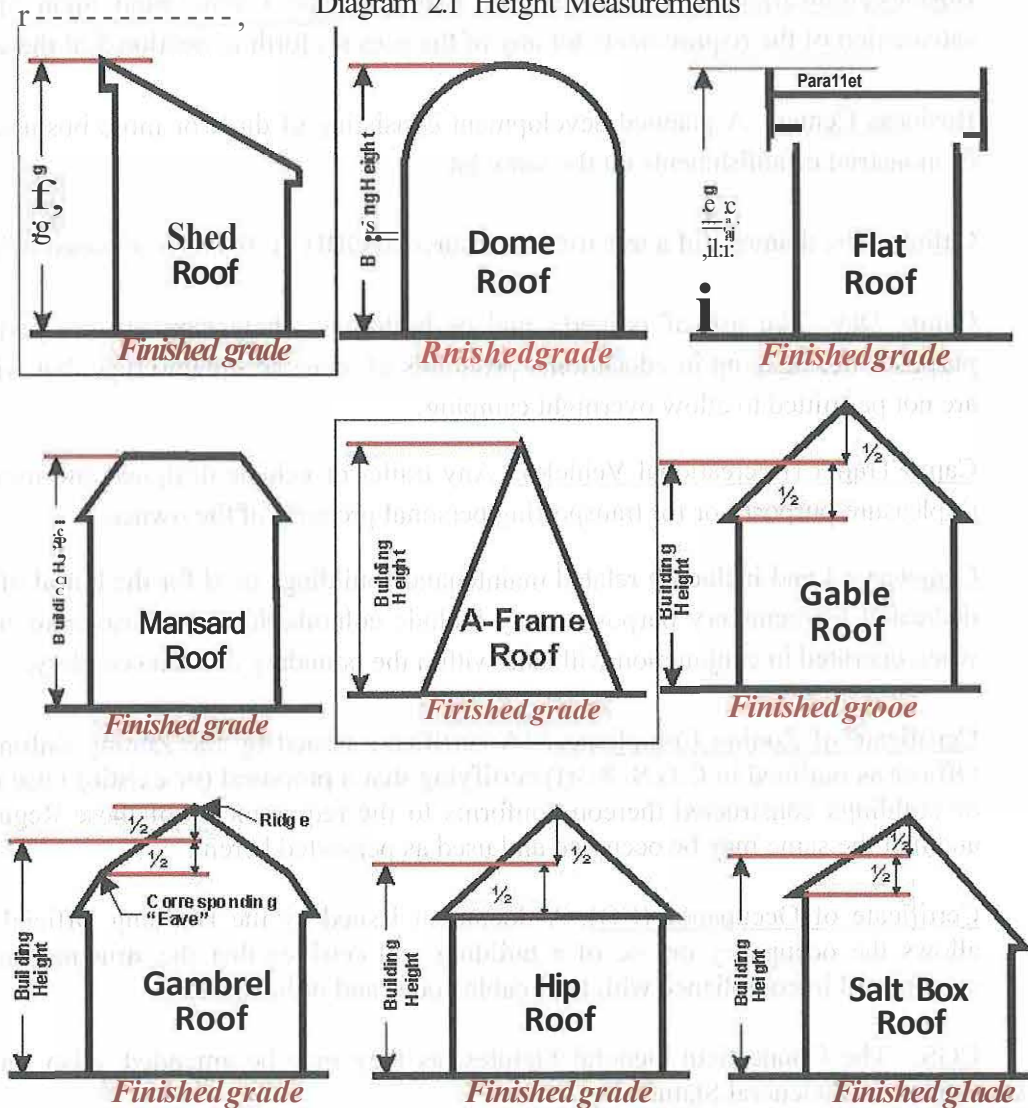
Building Coverage. The area or percentage which the aggregate building area of all buildings on the lot bears to the area of the lot.

Building, Detached. A building separated on all sides from other buildings by open spaces from the ground up on the same lot.

Building Height. The vertical distance, measured ten (10) feet from the building wall, from the finished grade for a building or other structure to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, mansard, A-frame, or shed roof, including the top of any parapet;
- for gable, gambrel, or hip roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its ridge and its corresponding eave; and
- for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its ridge and its corresponding eave.

Diagram 2.1 Height Measurements



Building Lot. A parcel of land which has been approved for issuance of a building permit based upon the fact that it has met all regulations and required standards for a building lot including but not limited to; approval by the Sanitarian and conformance with these Regulations, or the proven status as a legally pre-existing lot or a legally nonconforming lot.

Building Setback Line, (Front, Rear, Side). The line between which and the road right-of-way line or lot line, no building or other structure or any portion thereof, except as provided in these Regulations, may be erected.

Business. An enterprise offering goods or services for sale or hire.

Business/Industrial Permit. A permit issued by the Commission upon application and satisfaction of the requirements for any of the uses set forth in Section 5 of these Regulations.

Business Center. A planned development consisting of three or more business, commercial or industrial establishments on the same lot.

Caliper. The diameter of a tree trunk measured at DBH or diameter at breast height.

Camp, Day. The use of property and or buildings where campers are permitted for the purposes of engaging in educational programs of some acceptable type, but which programs are not permitted to allow overnight camping.

Camp Trailer (Recreational Vehicle). Any trailer or vehicle designed and used for camping or pleasure purposes or for transporting personal property of the owner.

Cemetery. Land including related maintenance buildings used for the burial of the dead, and dedicated for cemetery purposes, may include columbarium's, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Zoning Compliance. A certificate issued by the Zoning Enforcement Officer as outlined in C.G.S. 8-3(f) certifying that a proposed (or existing) use of land or buildings constructed thereon conforms to the requirements of these Regulations and that the same may be occupied and used as permitted herein.

Certificate of Occupancy (CO). A document issued by the Building Official which allows the occupancy or use of a building and certifies that the structure has been constructed in compliance with applicable codes and ordinances.

COS. The Connecticut General Statutes, as they may be amended. Also shown as Connecticut General Statutes

Club. An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there are no commercial activities except as required generally for the membership and purpose of the club.

Commercial Poultry Farming. Large scale fanning whose primary activity is the raising and selling of poultry products.

Commercial Use. Activity involving the sale of goods or services carried out for profit.

Commercial Vehicle. A vehicle that requires a commercial registration, or a combination registration where the vehicle is used for commercial purposes, regardless of the gross vehicle weight of such vehicle, or a vehicle which requires a commercial license to operate.

Commission. "The Commission". The Bethany Planning and Zoning Commission.

Common Driveway. A passable access to a lot or lots, up to a maximum of (3) three, which is constructed or proposed to be constructed in compliance with all applicable Town of Bethany regulations, ordinances and standards. Each lot owner depending upon the common drive for access from the fronting road must either own in fee simple a proportionate part of the common drive or have a permanently deeded easement over it.

Conservation Restriction. A limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the State or any political subdivision of the State, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

Convalescent Home. A dwelling in which persons, other than members of the family of the person owning or renting such dwelling, suffering from disabling conditions or the infirmities of old age, are provided with lodging, care and meals.

Convenience Store. A commercial operation which sells a variety of common household items such as milk, bread, newspapers and similar items which are generally purchased as part of a brief shopping trip as opposed to a more complete or specialized shopping purchase. Does not include the sale of gasoline or other automotive fuel.

Country Club. An association of persons incorporated or unincorporated, which offers, in addition to the privileges of a clubhouse and the furnishings therein, activities such as golf, tennis, swimming and riding. A country club may also offer the serving of meals and

alcoholic liquors, all of which privileges and activities shall be for the use of members and/or their guests and may be open to the public.

Custom Farming. Performance of farming services on the premises of others.

Coverage, Total Ground. That amount or percentage of a lot which is covered by buildings, other structures and all impervious areas, such as patios, drives and paving as described below:

Coverage related terms.

Coverage, Building. The total area of a parcel covered by buildings or roofed areas as measured along the outside wall at ground level. (see Diagram 2.1 and Diagram 2.2 for additional information)

Coverage, Impervious. The total area of a parcel covered by impervious surface. (see Diagram 2.1 and Diagram 2.2 for additional information)

Impervious Surface. A surface that has been compacted or is covered with a layer of material so that it is highly resistant to infiltration by water (has a percolation rate slower than 120 minutes per inch). Based on the submission of appropriate information by a professional engineer, the Commission may consider the following areas to be less than 100 percent impervious:

- Graveled areas which are driven on; and
- Porous pavement, porous pavers and other permeable hard surfaces.

(See Diagram 2.2 and 2.3 for additional information).

Diagram 2.2

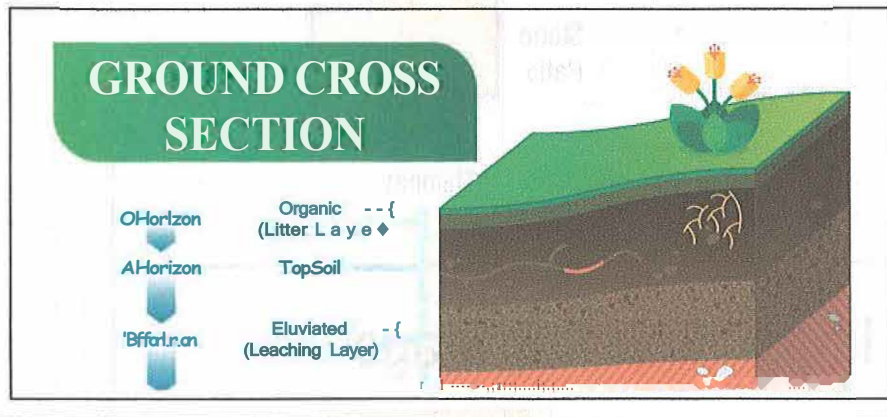
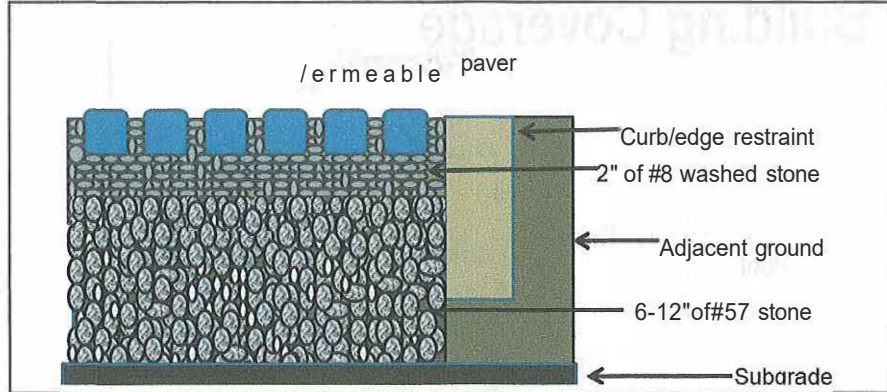
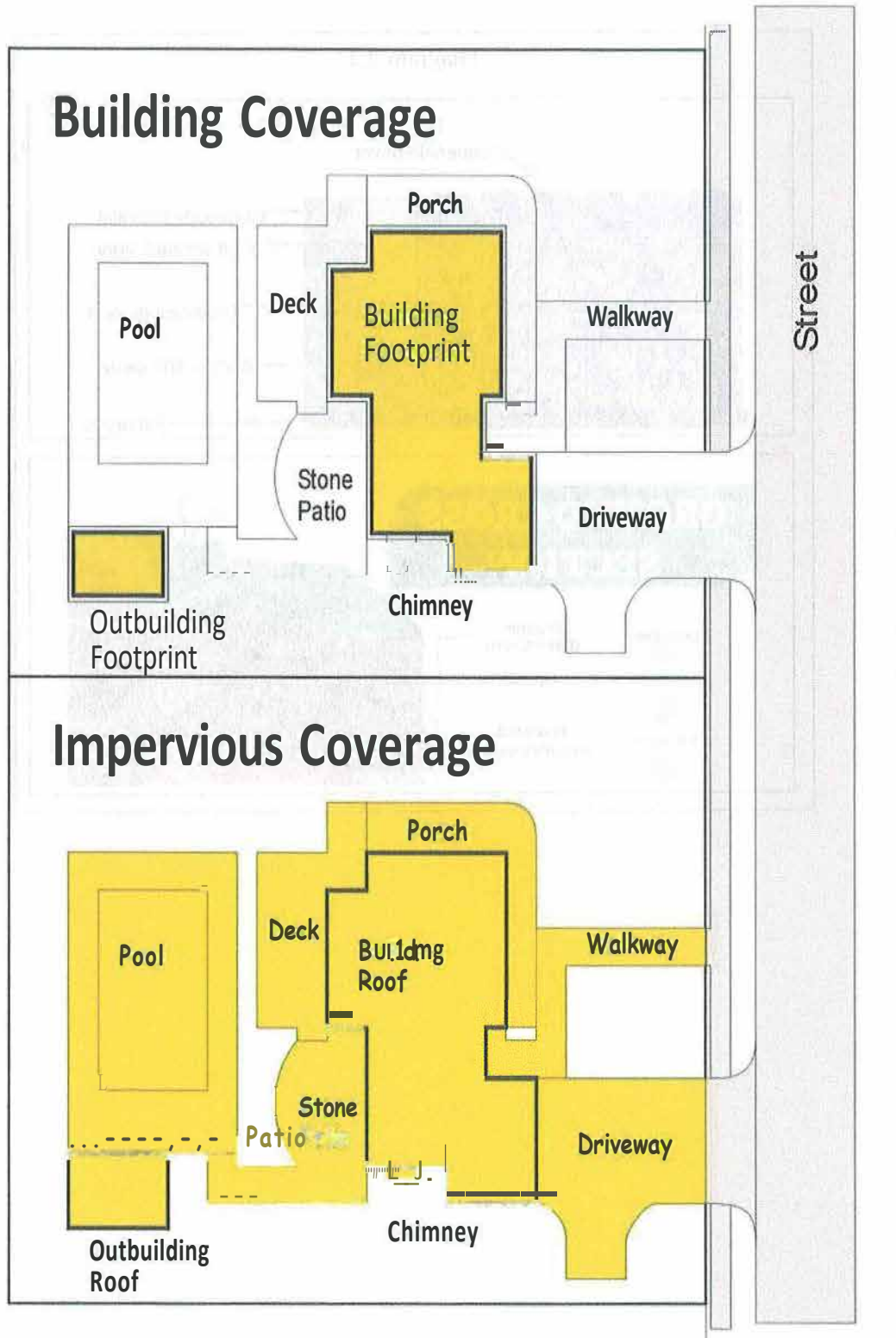


Diagram 2.3



Day Care Facility. A facility which offers or provides a program of supplementary care to related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week. The term day care facility includes the terms "child day care center" and "group day care home". It excludes "family day care" and such services which are (1) administered by a recognized public or private school, (2) recreation operations such as but not limited to clubs, church-related activities, scouting, camping or community youth programs or (3) informal arrangements among neighbors or relatives in their own dwellings.

Day Camp. The use of property and or buildings where campers are permitted for the purposes of engaging in various educational programs of some acceptable type, but whose programs are not permitted to allow overnight camping.

Day Care Related Terms

Day Care. The care of people on a regularly recurring but part-time basis (non-24 hour basis) in a place other than the person's own residence and which may require a license from the State Department of Health in accordance with CGS Section 19a-77, as amended.

Family Day Care Home. Day care provided in a single family home for not more than six (6) people and where the principal provider of the services resides on the premises.

Group Day Care. Day care provided in a single family home for more than six (6) people but not more than 12 people and where the principal provider of the services resides on the premises.

Day Care Center. A facility, other than a public or private school, which offers or provides a program of day care to more than 12 related or unrelated people.

Deck. An unroofed platform either freestanding or attached to a building that is supported by pillars or posts.

Development Related Terms.

Development. Any alteration or man-made change to an improved or unimproved parcel including but not limited to changes to or creation of buildings or structures of any nature, storage of materials, fences or barriers of any nature, mining, dredging, filling, grading, paving, excavating, drilling, or clearing of vegetation.

Improved Parcel. A parcel which upon which a permanent structure is placed upon, a part of, or is affixed to.

Unimproved Parcel. A parcel without building and structures.

District. An area of land identified on the official Town of Bethany Zoning Map having separate requirements as established by these Regulations.

Disturbed Area. An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Donation Drop Box. A weather protected container designed to receive and temporarily hold items that may include but are not limited to clothing, toys, books, and household goods intended to be donated to charity.

Drive-Through Facility. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their automobile.

Driveway. That portion of a lot used or proposed to be used to provide actual access to the portion of the lot where development is proposed. Must be located in the accessway of a rear lot.

Dump. An area which is used for discarded materials, which can no longer be used for their originally intended purpose. An area of unsightly trash.

Dwelling. A building, generally with a foundation, intended for human occupancy, but not a trailer or a mobile home.

Dwelling (Multi-Family). A dwelling or group of dwellings on one lot, containing separate dwelling units for two or more families which may have joint entrances, services and facilities but separate kitchen and bathroom facilities.

Dwelling (Single-Family). A building designed for and occupied exclusively as a home or residence for not more than one family.

Earth Material. Topsoil, sand, loam, gravel, peat, stone or any other earth product.

Easement. A grant of one or more property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

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

Erosion. The wearing away of land surface by the action of wind, water, gravity, ice, natural action or man-made activities or any combination thereof.

Erosion and Sedimentation Control Plan. A plan as required by these Regulations and compiled in accordance with the standards established for such plans, for the express purpose of controlling erosion, sedimentation and storm water runoff from a particular area or site from the onset of site development through final site stabilization.

Excavation. Cut, fill or removal in accordance with Section 8 of these Regulations.

Expansion. An increase in the amount of floor area, beyond an exterior wall, or an increase in the dimension of a structure.

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

Existing Grade. See *"Grade, Existing"*

Family. An individual or any number of individuals related by birth, marriage, civil union, or adoption living together as a single housekeeping unit or a group of not more than five (5) persons, not related by blood or marriage, with kitchen facilities and other rooms used in common. Wards and other legal foster children are considered members of the family.

Farm. See Agriculture related terms and used as defined by Section 1-1(q) of the Connecticut General Statutes, but specifically excluding the raising of fur bearing animals and the maintaining of dog kennels.

Farm Stand, Limited- See *"Agriculture Related Terms"*

Farm Stand, General See *"Agriculture Related Terms"*

Farmers Market - See *"Agriculture Related Terms"*

Fence or Wall. Any structure, of wood, metal, stone, brick without a roof, or other

non-living materials delineating or separating an area within a parcel of land or along property lines. A wire or other material carrying an electrical current or barbs for the purposes of enclosing or creating a barrier between separate areas shall be considered a fence. A hedge or other trees, shrubs, or other plants serving a similar function shall not be deemed to constitute a fence or a wall.

Fill. Earth material brought to a site from off parcel or a non-contiguous location so as to create a higher finished elevation anywhere on the site.

Finished Grade. See "*Grade, Finished*"

Flood Related Terms. See Section 7.6

Floor. The top surface of an enclosed area in a building, including basements and cellars (i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.)

Footprint. The surface space occupied by a building or structure, including porches, decks, outdoor kitchens, garages, or any other impervious area, not including patios or driveways.

Full-Cut-Off Luminaire. See "*Lighting/Illumination Related Terms*"

Garage (Private) (or Carport). An accessory building or portion of the principal building used or designed to be used for the storage of motor vehicles or other items.

Garage (Commercial). A structure used, designed for or intended to be used for housing or working on vehicles other than those of the owner. Such use requires a license from the State of CT.

Gasoline Filling or Service Station. A building, structure or group of structures designed for dispensing fuel and/or maintenance of vehicles and/or for storing vehicles or parts thereof or performing work on vehicles on the premises for a fee. Requires a license from the State of Connecticut.

Gazebo. a freestanding roofed structure usually open on all sides.

Grade, Existing. The elevation of the ground level before development, construction, filling or excavation.

Grade, Finished. The actual or proposed elevation of the land surface after development. "Finished grade" shall be construed as that excavation or filling which is

incidental to construction of the building on the site, and not excavation or filling for the purposes of obtaining greater building height. When the topography around a building or structure varies, the finished grade shall be determined by averaging the ground elevations within ten (10) feet of the building or structure.

Grading. Any excavating, grubbing, filling or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Grass/Pavement Block System. Porous concrete or plastic paving blocks that allow the establishment of turf on their surface and the infiltration of stormwater while supporting motor vehicles.

Group Day Care Home. See "*Day Care Related Terms*"

Group Home. See "*Housing Related Terms*"

Ground Coverage. Total Ground Coverage is defined as the aggregate area of all buildings, structures, paved areas and outside storage areas on the lot, divided by buildable lot area.

Hazardous Material. Any material or waste which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed and any material which is defined as hazardous within the meaning of any federal, state, or local law, regulations or ordinance including, but not limited to chemicals which are subject to reporting requirements under Title III of the Super Fund Amendments and Reauthorization Act of 1986 (SARA), as amended.

Home Based Business. Any activity carried out for gain by a resident and conducted as an accessory use in such resident's dwelling unit or on the premises.

Home Based Business, Major. A Home Based Business that exceeds a Minor Home Based Business involving working on the premises. Major Home Based Businesses are permitted in residential districts by special permit subject to the standards of Section 9.

Home Based Business, Minor. A Home Based Business located within the principal building and operated by the resident of the premises, shall not have more than one (1) nonresident full or part time employee working on the premises. Minor Home Based Businesses are permitted in residential districts by right, subject to the standards of Section 4.

Hotel and/or Motel and/or AirBnB or similar. A facility offering transient lodging accommodations offered by its owner to the general public which may include rooms and/or entire structures and may provide additional services, such as dining facilities, restaurants, meeting rooms, entertainment, and recreational facilities.

Home Occupation (see also Home Based Business). A business activity which is accessory to the residential use of the property and is conducted on the premises by the residential occupant(s) of the property. Governed by standards of Section 4 or 9 (Major or Minor).

Home Office. An office located in the residence of the user. (see also professional office).

Horse Farm. A farm which is used primarily for the keeping, breeding and boarding of horses. A horse farm may include a barn or barns for various customary accessory uses. A horse farm may be classified as a commercial or a private operation depending on its actual use.

Horse Trainer. One who trains, gives lessons, leases, boards, shows, maintains, buys and sells horses.

Housing Related Terms.

Affordable Housing. As defined in CGS Section 8-39a, housing for which persons and families pay thirty percent or less of their annual income, for rent or mortgage, where such income is less than or equal to the area median family income for the New Haven Primary Metropolitan Statistical Area (PMSA), as determined by the United States Department of Housing and Urban Development.

Affordable Housing Application. Any application made to the Commission in connection with an Affordable Housing Development by a person who proposes to develop such affordable housing.

Affordable Housing Development. A proposed housing development, as defined by CGS Section 8-30g as may be amended, that provides housing which is (a) assisted housing, or (b) a set-aside development.

Assisted Housing. Housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under CGS Chapter 138a or Section 1437f of Title 42 of The United States Code.

Assisted Living. A facility that provides living units together with areas for communal dining, kitchen, meeting room, laundry and similar support areas for persons desiring assistance with basic "daily living" functions (e.g., dressing, dining, bathing).

Boarding House. An owner occupied dwelling that provides for the renting of rooms or board to not more than three (3) paying guests, other than members of the owner's family.

Congregate Housing. As defined in CGS Section 8-1 19e, as may be amended. (Independent living (units) assisted by congregate meals, housekeeping and personal services who have temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring).

Continuing Life Care Community. A facility licensed by the State of Connecticut to provide services which meet a need beyond the basic provisions for food, shelter, laundry, including, but not limited to, recreation, physical therapy, health services, and licensed nursing services.

Dwelling. A building or portion thereof used for residential occupancy.

Dwelling, Single-Family Detached. A Dwelling Unit for one family and having no party wall in common with an adjacent dwelling. Where a private garage or other accessory structure is attached to such building, it shall be considered as a part thereof.

Dwelling, Single-Family Semi-Detached. A portion of a building designed for and occupied exclusively as a Dwelling Unit for one family and having a party wall in common with one adjacent dwelling.

Dwelling Unit. A building or portion thereof which provides complete housekeeping facilities for one family. In general, a dwelling unit shall be inferred when there is a sleeping area, a separate kitchen or kitchen area for food preparation and a separate bathroom or bathroom area with a toilet and a bathtub/shower.

Group Home. A community residence as defined in CGS Section 17a-220 which is licensed under the provisions of CGS Section 17a-227, or a child-care residential facility and which is licensed under CGS Section 17a-145 to 17a-151, inclusive.

Multiple Dwelling Unit. A building designed and occupied exclusively as a residence for three (3) or more families. This definition includes condominiums, cooperatives, townhouses, apartments and garden apartments.

Non-Profit Housing For The Elderly. A dwelling unit or set of dwelling units exclusively designed for the needs of single people age 60 or over or couples with at least one member at least 60 or over. This housing shall be either non-profit or controlled profit under rent subsidy programs and shall conform to the applicable requirements of the sponsoring agencies of the Federal, State or Town government.

Nursing /Convalescent Home. A facility that provides short term, primarily inpatient care, treatment, or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization.

Two-Family Dwelling. A building designed for and occupied exclusively as a residence for two (2) families living independently of each other.

Impervious Coverage. See "*Coverage Related Terms*"

Impervious Surface. See "*Coverage Related Terms*"

Indoor Riding Arena. A structure which may or may not have stalls for accommodations for boarding or feeding or storage of tack for a horse or horses, but which does have space for indoor riding or indoor training. An indoor riding arena is considered a commercial use under these Regulations unless used exclusively by the owner for only his or her horses to the exclusion of non-residents.

Industrial Building, Structure or Use. Any use or structure involving the manufacturing, processing, assembling and/or distribution of products or related services.

Junk. Any worn out, cast off, scrap or discarded item, article or material which is no longer useful for its originally intended purpose and is ready for destruction or has been collected or stored for salvage, sale or conversion. Material found in a dump.

Junk Yard. A lot, land or structure or part thereof, used for the collecting, storage or sale of junk; or an area of land for the collecting, dismantling, storage or salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof; and including motor vehicle junkyards as defined in the CT General Statutes.

Kennel (Private) {Hobby}. A facility for breeding or housing dogs, not to exceed 5 dogs over the age of six months (except as prohibited under Section 6), who are the sole property of the owner/occupant of the property and are bred or kept for pleasure, show, sport or sale.

Kennel {Commercial}. A facility for boarding and/ or breeding of dogs, or other domestic pets (except as prohibited under these Regulations) whose owners may be other than the occupant of the property, may also include grooming and veterinary hospital services if animals are kept overnight.

Kennel Structure. A fenced enclosure used for confining dogs.

Lighting/ Illumination Related Terms. (See Section 9, Page 9)

Direct Light. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Full Cut-Off/ Fully Shielded Type Fixture. A luminaire emitting no light above the horizontal plane and whose source is not visible from off the property.

Glare. Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, may cause visual discomfort, to the viewer and in extreme cases causing momentary blindness.

Height of Luminaires. The height of luminaires shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Lighting. Direct light that has been reflected or has scattered off of other surfaces.

Isodiagram. A graphical representation of points of equal illuminance used to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

Landscape Lighting. Luminaires mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape or walkway rather than any area lighting.

Lamp. The light source component of luminaires that produces the actual light.

Light Glare. The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance or visibility. Also, applicable as to Sign Glare.

Lighting Plan - A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light propose.

Light Pollution. Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

Light Standard. A pole for mounting luminaires.

Light Trespass. Light from an artificial light source that is intruding into an area not owned by the owner of the property upon which the light source is located, or where such light otherwise does not belong.

Luminaire. A complete lighting system, and includes a lamp or lamps, standards and fixtures.

Outdoor Lighting. The night-time illumination of an outside area or object by any manmade device located out-doors that produces light by any means.

Trespass Lighting, Indirect Lighting. Artificial lighting or lighting effects which emanate from one site and illuminate another without permission to do so.

Uplighting. Any light source that distributes illumination above a 90 degree horizontal plane.

Livestock. See "*Agriculture Related Terms*"

Loading Space. An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot Related Terms.

Lot. A tract of land occupied or proposed to be occupied or, owned and recorded, and described within the recorded document, as a separate piece of land.

Lot, Corner. A lot located at the intersection of two or more streets having an angle of intersection of not more than 135°.

Lot, Front. A lot which has the required frontage on a street and shares its front propety line with the road right-of-way.

Lot Frontage. The length of a lot line measured along the road right-of-way line.

Lot, Rear. Any lot which does not satisfy the minimum lot width, measured along the right-of-way line of a public road or measured along the minimum front building setback line shall be considered a rear lot. Each rear lot shall have fee simple ownership of an access way, which is a minimum of twenty-five (25) feet in width throughout, extending from the lot to the public road providing access to the lot and be proven to be able to be utilized to construct a stable driveway in conformance with the standards of Section 4.4-H (7) and all other existing requirements of the Town of Bethany.

Parcel - See "Lot"

Lot Area, Total. The total horizontal, contiguous area of the lot lying within the lot lines, provided that no area of land lying within any road right of way line shall be deemed a pottion of any lot area. No area of a proposed lot, which is not at least 50% as wide as the minimum lot width, shall count as lot area.

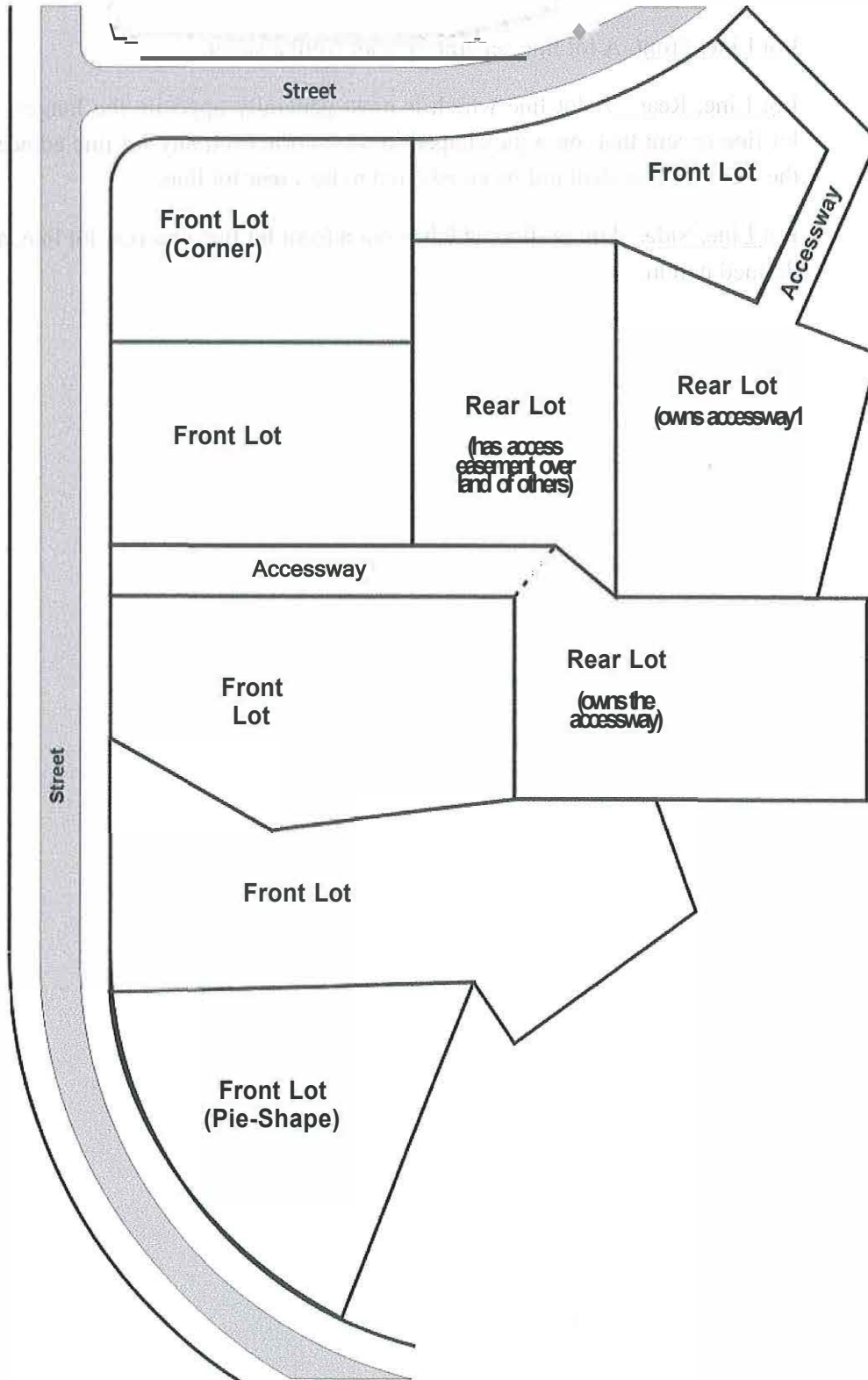
Lot Area (Buildable). See Buildable lot area and, that minimum amount of land within the Total Lot Area of a lot which is required for determining whether the lot may be approved as a building lot or not.

Lot of Record. A lot which is shown on a Planning and Zoning Commission approved subdivision map which has been properly signed and sealed and recorded with the Town Clerk in the Bethany Land Records, or a lot which was created and properly recorded prior to April 21, 1952, or which was legally subdivided prior to June 28, 1957.

Lot Width. The distance established in Section 3.4, which is measured parallel to the road between the side lines of a lot, which establishes the front building setback line.

See Following Diagram for Lot Information

Diagram 2.4 for lot type information:



Lot Line. The property lines bounding a lot as defined herein.

Lot Line, Front. A lot line separating a lot from a street.

Lot Line, Rear. A lot line which is most generally opposite the longest front lot line except that, on a pie-shaped lot or a corner lot, any lot line adjacent to the front lot line shall not be considered to be a rear lot line.

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



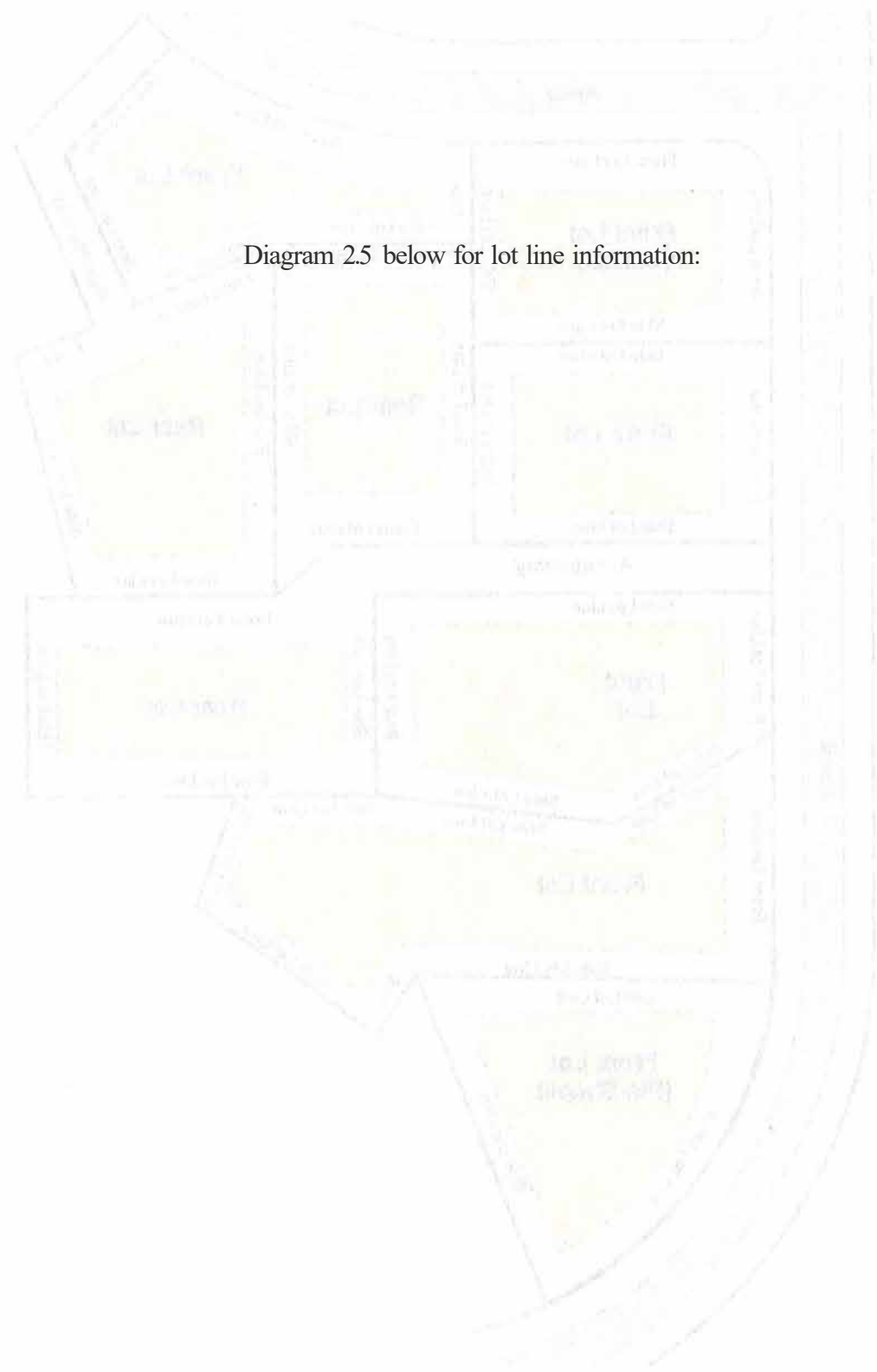
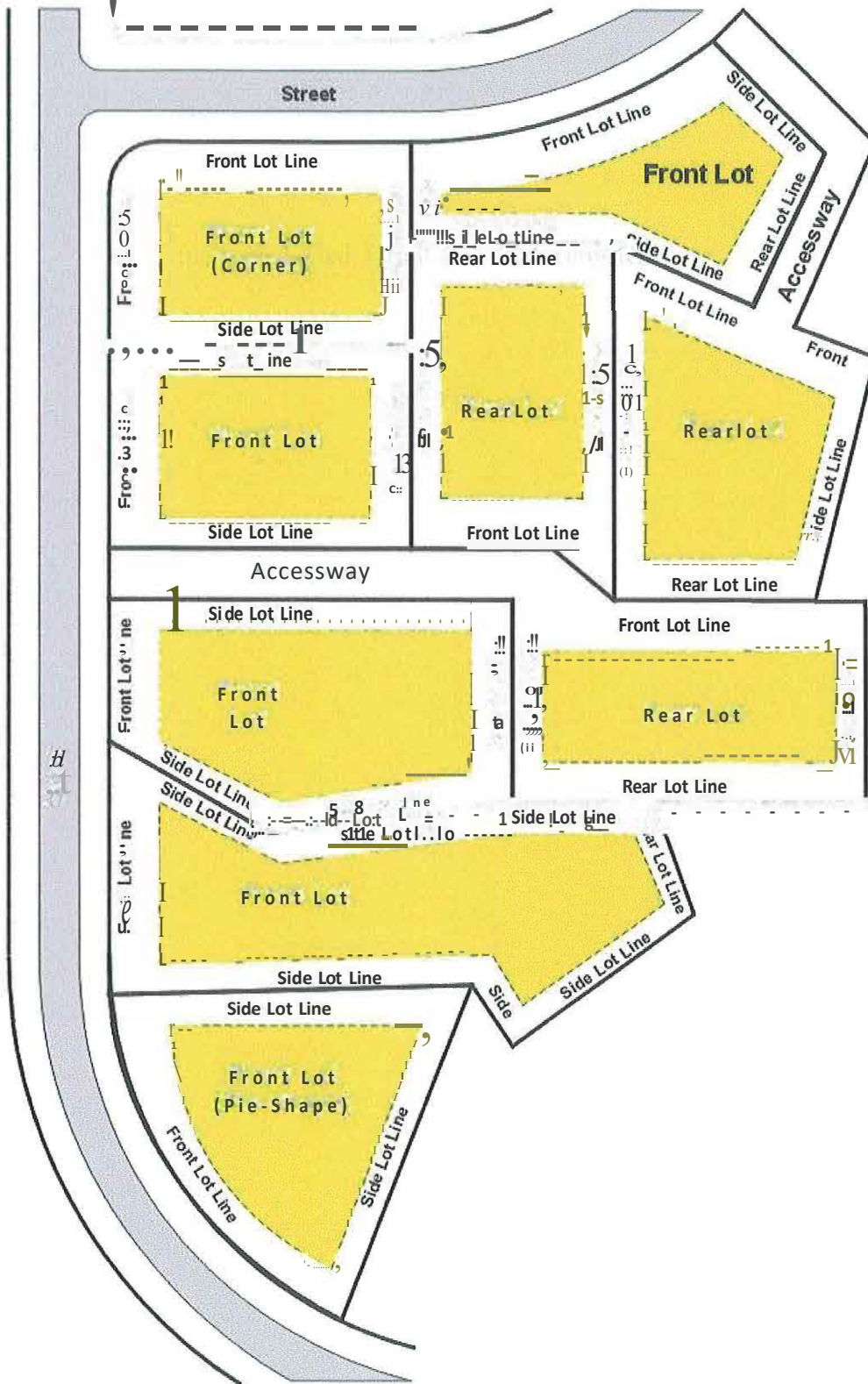


Diagram 2.5 below for lot line information:



Manufactured Housing. Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401),

commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Massage Therapy. The manipulation of body muscle or tissue by range of motion, nonspecific stretching, rubbing, stroking, kneading, or tapping, by hand or mechanical device. Massage therapy may include the use of oil, ice, hot and cold packs, tub shower, steam, dry heat, or cabinet baths for the purpose of maintaining good mental and/ or physical health and condition.

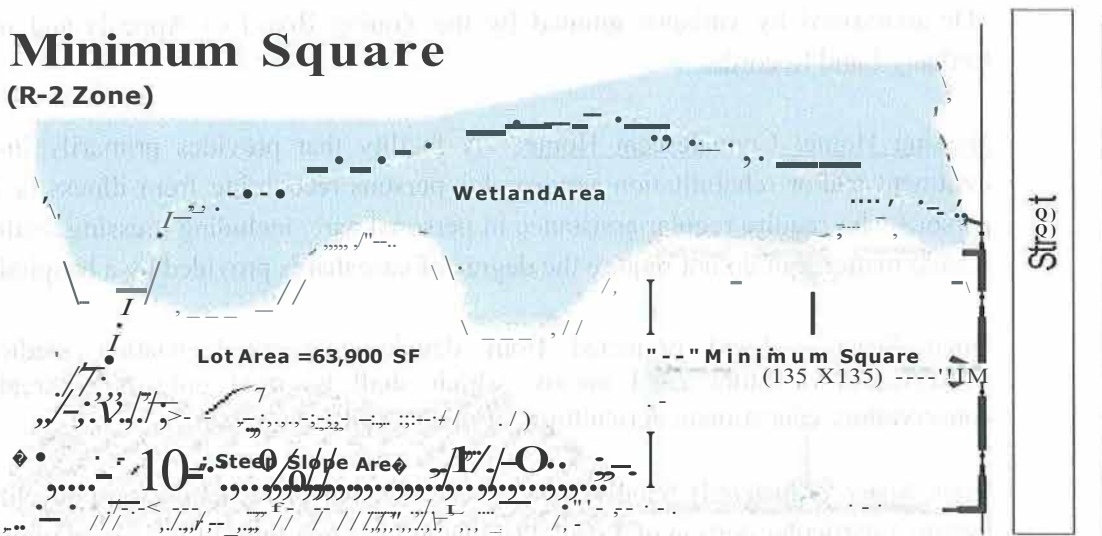
Massage Therapy Establishment. Any building, room, place, or establishment other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered status.

Minimum Square. A square area that will fit within the lot without utilizing lands designated as wetlands, water-courses, floodplain or slopes greater than twenty percent (25%) of the lot. (See example below: Sample only.)

Diagram 2.6

Minimum Square

(R-2 Zone)



This lot complies with the minimum square requirements for the R-2 Zone since it contains a square of the appropriate dimensions which is both outside of the wetland area and the steep slope area.

Mobile Home. A structure designed for human occupancy but constructed on a frame which when made road ready by the installation of its wheels, may be transported over the public highway.

Motel. Any structure or group of structures having sleeping rooms, with separate outside entrances for each room or suite of rooms, in which lodging is provided for transient guests, for compensation. (Currently a prohibited use).

Motor Vehicle. A self-propelled vehicle intended primarily for use and operation on the public highways, other than a farm tractor or other machinery or tools used in the production, care or harvesting of farm products and as defined per CGS 14-1 as amended.

New Construction. See "*Flood Related Terms*"

Nonconformity or Nonconforming, Legal, {Use, Lot, Structure or Building}. A legally nonconforming use is one which was established prior to the adoption of Regulations or prior to changes in Regulations which disallowed the use. A lot which was created, prior to the adoption of Zoning Regulations by a properly recorded deed or map, or prior to the change in Regulations which made the lot nonconforming in any way*. A building or structure which can be proven to have been established or erected prior to the adoption of Regulations, or in accordance with Regulations in effect at the time of construction, or in accordance with C.G.S. Sec. 8-13a*.

*Or authorized by variance granted by the Zoning Board of Appeals and on file in the Bethany Land Records.

Nursing Home/ Convalescent Home. A facility that provides primarily in-patient care, treatment and/or rehabilitation services for persons recovering from illness or injury and/or persons who require regular assistance in personal care, including dressing, eating and health related matters but do not require the degree of care that is provided by a hospital

Open Space. Land protected from development by legislation, dedication, conservation or other legal means, which shall be used only for recreational, conservation, educational, agricultural, or other similar purposes.

Open Space (Clustered) Subdivision. A subdivision or resubdivision concentrating lots on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation, educational, agricultural or other similar purposes except that nothing herein shall prevent the commission from requiring more than one-third open space in any particular open space subdivision.

Outdoor Storage. The keeping, in an unenclosed area, of any goods, junk, material, equipment, merchandise, or vehicles in the same place for more than 24 hours.

Outdoor Display. The display of merchandise or products outside of a building or structure, including sidewalk sales and sidewalk displays, and outdoor dining.

Outdoor Wood-Burning Furnaces - An accessory structure or appliance, as defined by CGS § 22a-174k as amended, designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chimney.

Parapet. A low protective wall or railing along the edge of a roof.

Parcel. See "Lot"

Parking Lot Area. The aggregate area of all parking spaces, parking rows, parking bays, driveways servicing parking spaces, access drives, landscaped islands (including end islands, interior islands, and corner islands), and buffer strips between bays of parking. Paved areas that primarily access service areas are excluded.

Parking Row. A unit of parking consisting of a single row of contiguous parking stalls and planting islands.

Parking Stall. A unit of parking accommodating one parked vehicle.

Parking Area. An area other than the road right-of way used for the temporary parking of vehicles.

Parking Space. An off-road space available for the parking of a motor vehicle, including:

- a. Standard Space - An area not less than 10'x20', exclusive of passageways, maneuvering space and driveways appurtenant and giving access thereto, and having direct access to a street, or
- b. Handicapped Space - Shall be 15' x 20' and shall be located as near as possible to the building entrance or walkway, or
- c. Truck Loading Space - A truck loading space shall be a minimum of 15' x 25' and shall not be included when computing required area for parking spaces.

Patio. An area near a building, often paved (with landscape pavers/ stone/ etc.) used for outdoor sitting.

Patio, Open. A patio that is open to the sky.

Patio, Closed. A patio with a roof or covering designed to protect individuals from the elements. When attached to a permanent building it might be considered a porch.

Pergola. A structure consisting of posts supporting an open roof in the form of a trellis.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not allowed without such authorization.

Personal Service Business - See *"Service Business, Personal"*

Pet / Animal Facilities Related Terms.

Kennel - A place at which:

- a. One or more dogs are kept for remuneration or compensation of any kind except for a veterinary hospital which may keep dogs incidental to their medical treatment, or
- b. Two or more dogs not registered to a resident of the property where they are kept.

Pet Training and Day Care Facility - A commercial establishment at which common household pets are kept, maintained, or trained for monetary remuneration, and shall not include overnight boarding. A pet training or day care facility shall not include a kennel, pet store or veterinary hospital.

Veterinary Hospital - A place where animals are given medical care and the boarding of animals is limited to short-term care accessory to the hospital use.

Place of Worship. A building or group of buildings primarily used for the conduct of religious services and accessory uses and that is controlled by a religious body organized to sustain public worship and recognized as such for non-profit status by the Internal Revenue Service.

Plan of Conservation and Development. The Plan of Conservation and Development adopted by the Town of Bethany, as amended, and all adopted detail portions of the Plan of Conservation and Development referred to in CGS §8-23 as amended.

Porch. A portion of a building which has a roof and a floor and is not enclosed by full walls.

Porch, Closed. A porch with screened-in or glassed-in openings.

Porch, Open. - A porch that is open to the air without screened-in or glassed-in openings.

Preservation Restriction. A limitation, whether or not stated in the form of a restriction, easement, covenant or condition, contained in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or contained in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

Principal and Accessory Related Terms

Principal Building. The primary or predominant building on a parcel. (see below for detail.)

Principal Use. The primary or predominant use of a parcel.

Accessory Building. A building or structure subordinate and clearly incidental to the principal building or structure on the same parcel.

Accessory Dwelling Unit . A secondary dwelling unit, accessory to the principal dwelling unit on the same parcel. *See "Housing"*

Accessory Use . A use customarily incidental and clearly subordinate to a principal use on the same parcel.

Primary Structure: A structure in which the principal use as established by the zone, or by proven legal nonconforming use, such as residential use in a residential zone or commercial use in a business and industrial zone, takes place.

Principal Building. A building other than a barn or a private garage in which the primary use of the site as permitted by these Regulations or a permitted accessory use is located, or may be carried on.

Professional Office. An office for professionals such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others who, through training, are qualified to perform services of a professional nature.

Professional Architect. Engineer. Surveyor. An architect, engineer, or surveyor licensed by the State of Connecticut.

Public Works Facility. Land and/or buildings used by a municipal agency for the storage of materials and supplies used in the maintenance of public facilities, equipment, vehicles, streets or buildings, the storage, care, and maintenance of equipment and vehicles for the maintenance of public facilities, infrastructure, and buildings, and/or the support of employees.

Examples of uses include, without limitation, offices; employee welfare facilities (locker, showers, toilet, lunch/break rooms, and training facilities); automobile, vehicle, equipment, and heavy equipment service facilities; workshop facilities; automobile, vehicle, equipment, and heavy equipment storage facilities; material storage facilities; yard storage facilities; fueling stations for municipal vehicles and equipment, and all other ancillary support structures required to meet the needs of the municipal or state agency.

Quarry. Sand Pit. Gravel Pit. Property, which has been, used for the purpose of extracting stone, sand, clay, gravel, topsoil, or other earth products.

Recreational Facility. A place designed and equipped for the conduct of sports and leisure-time activities

Recreational Vehicle. A motor vehicle used or intended for relatively short term, recreational purposes such as camping or vacationing.

Recycling Facility. Land and structures where recycling of glass, metals, paper products, batteries, household hazardous waste, fertilizers and other items are removed from the waste stream for recycling or reuse.

Residential Summer Camp. A recreational camp operation including overnight and daytime camping in which the participants:

- a. live in "cabins" or other structures temporarily; and
- b. engage in customary youth camping activities such as, sports, water-based recreational activities, "arts and crafts", team-building activities, outdoor pursuits, adventure type activities, group activities, communal eating, and other activities associated with recreational camping. *See "Day Camp"*

Restaurant. An establishment used principally for the preparation and service of food and beverages for consumption either on or off the premises.

Retail Establishment. Any establishment with sixty percent (60%) or more of the gross floor area devoted to the sale or rental of goods or merchandise to the public.

Retaining Wall. A structure constructed and erected between lands of different elevations to stabilize the surfaces, prevent erosion, and/ or to protect structures.

Riding Academy. A facility used for lessons for the training of horses and/or riders

Riding Stable. A facility where horses are available for public hire.

Rip-rap. - Large stones used to stabilize earthen slopes to prevent erosion.

Road. A public or private way dedicated or to be dedicated to the movement of vehicular traffic and used by more than two adjoining lots. Includes highway, lane, court, drive or other public way.

Road Right of Way Line. The dividing line between the road and the lot.

School. An institution whose primary function is the instruction of academic subjects to adults or children. The word "School" shall not be deemed to include an institution which is primarily a summer or winter camp, whose main function is enjoyment of physical activities with or without instruction, nor any other institution which has a primary function of providing recreational facilities.

Sediment. Solid material, either mineral or organic, that is in suspensinn, is transported, or has been moved from its site of origin by erosion.

Service Area. The area of a site or building customarily used for the loading and/or unloading of product, and for the collection and temporary storage of refuse commonly enclosed in dumpster units or compacting units.

Service Businesses. Establishments primarily engaged in providing services rather than the sale of products to individuals, business, industry, government, and other enterprises. Examples include but are not limited to personal, business, repair, and amusement services; educational services; and membership organizations.

Service Business, Personal. A service business whose principal use is the provision of services of a personal nature relating to the repair, adjustment, alteration, cleaning or servicing of items owned by or being pro-vided to an individual customer including:

barbershops; beauty salons; nail salons; day spas not including massage therapy; dry cleaning establishments; clothing rental; photographic studios; garment repair; tailoring; shoe repair; or other businesses primarily engaged in the provision of services of a personal and/ or domestic nature rather than the sale of products.

(Day care, tattooing, and massage therapy, and any other uses specifically referenced elsewhere by the name of such use, shall not be included as a personal services business.)

Setback. See Yard Front, Yard Side and Yard Rear, below.

Sign, generally. Any device on a site, the primary use of which is for visual communication for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization. Includes signs located in windows.

Sign, Temporary. A sign which is placed for 30 days or less.

Sign Related Terms (See Section 9, Pages 18 - 29 for photographic examples)

Sign. Any banner, billboard, display, flag, illumination, illustration, insignia, lettering, logo, pennant, picture, structure or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice when visible from any street or from any lot other than the lot on which the sign is located and either (1) located out-of-doors or (2) located indoors and intended to be viewed from outside the building, or any building feature, including with limitation, roof, awning, or other special illumination, special colors or effects, or building or roof lines which serve to identify the Use or occupancy of any Building or site through a recognized motif or symbol.

The term "sign" includes vehicle signs. However, it shall not include any flag, pennant or insignia of any governmental unit, any traffic or directional signs located within the right-of-way of a street when authorized by the Town of Bethany or State of Connecticut.

Sign, A-Frame. An upright, rigid supporting frame in the form of a triangle or an inverted V.

Sign, Area - The area of a sign shall be the entire area encompassed by the perimeter of the sign consisting of the best fit of not more than 5 rectangles,

triangles or circles. Any sign may be double facing and only one face shall be counted in determining conformity to sign area limitations. The area of a three-dimensional sign shall be the sum of all sides or sign faces divided by 2.

Sign, Awning. Fixed or movable devices attached to the building wall, constructed of fabric or metal and which are located above the storefront and designed to shade the sidewalk and storefront, and may include sign graphics or text printed on the exposed surfaces.

Sign, Barber Pole. A striped, oftentimes rotating, cylindrical sign used to identify a hair cutting establishment.

Sign, Channel-lit - A sign with "channel" letters using a light source fully contained within the "channel" constructed letters having a translucent face and opaque sides. Alternatively, the letters may have an opaque face and translucent sides. No part of the letter may be open or transparent. "Channel" letters may be surface mounted or pin-mounted or bracketed off the wall surface or the face of the sign box.

Sign, Construction. A temporary sign erected on a site which designates individuals or firms relating to a construction project on the premises.

Sign, Directional. A sign which improves the flow and safety of vehicular and pedestrian circulation on a site through the use of messages such as parking in rear, drive through or shipping and receiving.

Sign, Flashing. Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times and specifically including signs that scroll, alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind. Flashing signs are prohibited.

Sign, Governmental. A sign erected and maintained pursuant to and in the discharge of any governmental functions or required by law, ordinance, or other governmental regulations.

Sign, Ground. A freestanding sign placed on the ground or supported by a structure other than a building, such as an ornamental wall or fence.

Sign, Halo illuminated. A sign with individual and dimensional letters that is back lit and designed so no light projects through the sign and the light source is fully obscured within the letters of the sign.

Sign, Indirectly Illuminated. A sign illuminated either by an external, artificial light source projected upon the sign surface (floodlighting) or an artificial light source projected at the rear of an opaque surface (halo lighting).

Sign, Internally Illuminated. A sign illuminated by an internal, artificial light source (typically fluorescent, LED or incandescent light bulbs) which passes through a translucent surface, illuminating the copy and/or background.

Sign, Message Board/ Bulletin Board. A fixed wall or ground sign used to identify a business key products, services, or events, often seasonal or sale-related, but the message is allowed to be changed in conformance with these regulations, without requiring a sign permit each time the message is changed.

Sign, Menu Board. A sign that identifies specific products or services that may be ordered and obtained at a business.

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

Sign, Multi-tenant. A free standing sign that identifies two or more establishments within a place of business.

Sign, Neon. A sign made of shaped glass tubing, illuminated by electrically charged neon or similar inert gases.

Sign, Off-site Promotional Ground. A promotional or directional model ground sign for the purposes of advertising a bona fide and permitted legal business which is removed from the main travel way, such as agricultural goods in a Residence District lot that is remotely located from the lot on which the sign is to be placed, or other legitimate business as permitted in these regulations.

Sign, Off-Premises (Billboards). A sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs, or any sign advertising a commodity or activity not sold, produced or conducted on the lot.

Sign, Open. A flag or window sign indicating that an establishment is open for business.

Sign, Political. A temporary sign announcing or supporting political candidate or issues in connection with any national, state or local election.

Sign, Promotional Ground. A ground sign used to identify a business' key products, often seasonal or sale-related. Posts are anchored for public safety, but signage is changeable, as permitted in Section 9 of these Regulations.

Sign, Public Interest. A temporary ground sign that advertises household sales, civic and philanthropic events.

Sign, Push Through. A sign with "push-through" letters which are translucent acrylic plastic letters inserted through the opaque face of a light cabinet; the face of the letters may be opaque or translucent. The fully contained light source within the light cabinet causes the translucent letter to glow and illuminates the face of the light box.

Sign, Real Estate. A temporary ground sign offering for sale or lease the property on which it is located or advertising a real estate development on the premises.

Sign, Roof. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the eave line of a building with a gambrel, gable, or hip roof.

Sign, Self-Standing. A sign that is a self-supported structure, erected on the ground and not accessory to any building or structure on the lot.

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

Sign, Three Dimensional. Signs that consist of, or have attached to them, one or more three-dimensional objects such as, balls, cubes, clusters of objects, sculpture, or statue-like trademarks.

Sign, Vehicle. Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is obviously and conspicuously parked so as to advertise the business to the passing motorist or pedestrian; and the primary

purpose of which is to provide additional on-lot signage, or is to serve the function of an outdoor advertising sign.

The primary purpose of such vehicle or equipment shall be presumed to be for the display of such signage if the vehicle/equipment meets one or more of the following:

- a. Not in operating condition;
- b. Not currently registered or licensed to operate on public streets;
- c. Not actively used in the daily function of the business to which the signs relate;
- d. Not properly parked in a designated parking space; or,
- e. Used primarily as a static display for the display of such signage, except as otherwise authorized in subparagraph (d) in this section.

Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be considered to be vehicle signs

Sign, Wall or Attached. A sign mounted on the wall of a building.

Sign, Welcome New Business Model Ground. A temporary ground sign pre-approved by the Zoning Commission or the ZEO for a new business to use before permanent signage is erected.

Sign, Window - A sign painted on, affixed to, or placed within three feet of the interior face of a window or door and visible from the exterior.

Site Plan, Site Development Plan. A site plan shall mean the plan(s) as required by various sections of these Regulations, which plans shall be prepared, signed and sealed by the appropriate relevant professional(s) per the Connecticut General Statutes.

Site Development Area. The total area of a site which will be disturbed by grading and/or tree cutting in the process of developing a site.

Site Plan Approval Permit. A permit issued by the Commission for any physical alterations to a site that include: construction of a new structure, alterations or additions to an existing structure's footprint, drainage, parking and driveway facilities and exterior lighting. These permits shall be filed on the land records as required by Connecticut General Statutes.

Soil. Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan. An overall approach that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Solar Energy Equipment. Items including panels, lines pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy in connection with a building on residential or commercial property. Solar energy equipment and its use is accessory to the principal use of the property.

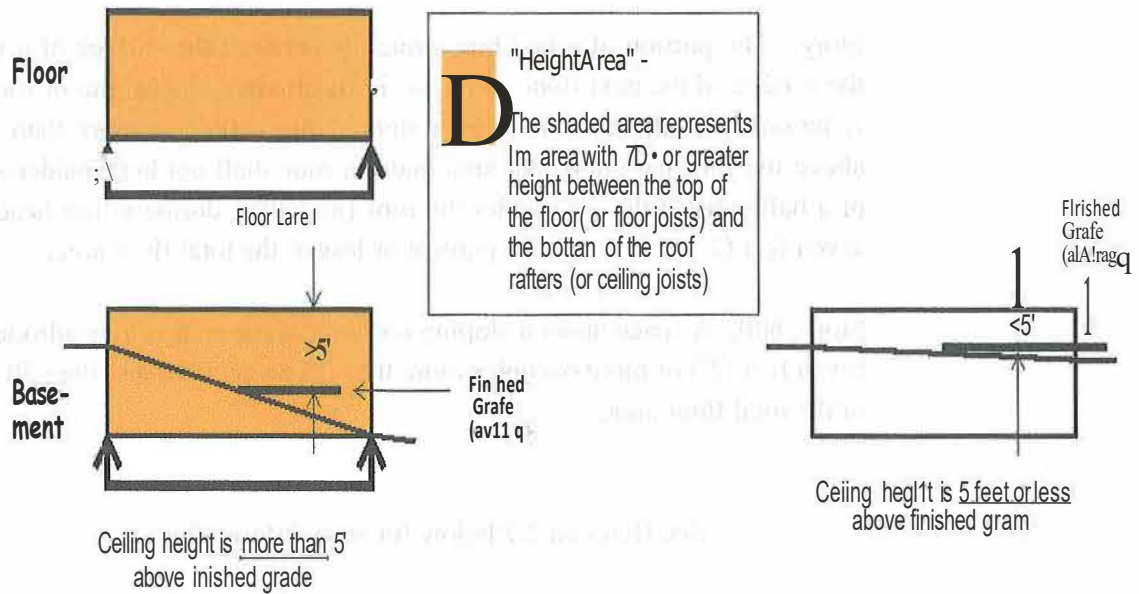
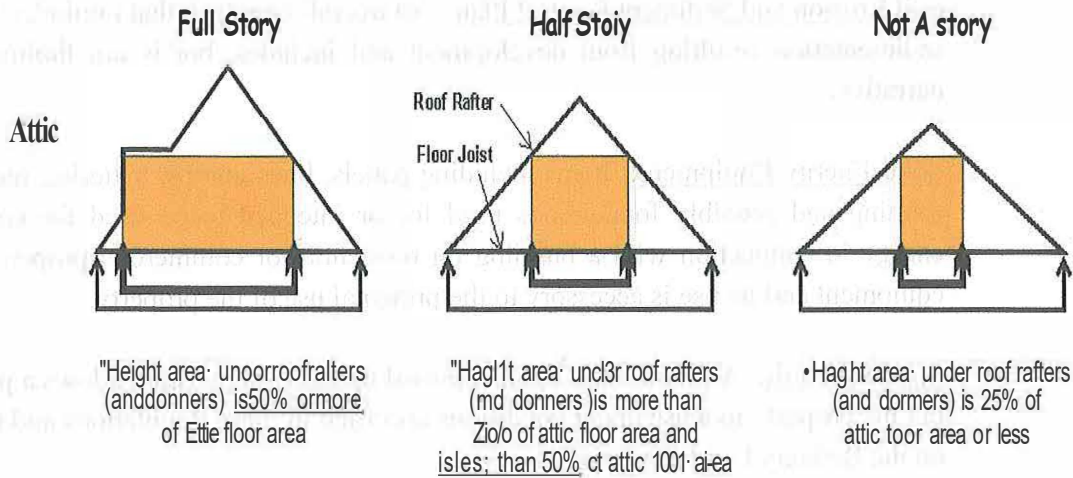
Special Permit. A permit that, upon approval by the Commission, allows a property owner to put his property to a use under conditions specified in these Regulations and must be recorded on the Bethany Land Records

Story Related Terms:

Story. The portion of a building, which is between the surface of a floor and the surface of the next floor above or, in its absence, the ceiling or roof above. A basement shall be counted as a story if the ceiling is more than five feet above the finished grade. An area under a roof shall not be considered a story or a half-story if the area under the roof (including dmmers) has headroom of seven feet (7') or more for 25 percent or less of the total floor area.

Story, half. A space under a sloping roof where the area with headroom of seven feet (7') or more occupies more than 25 percent but less than 50 percent of the total floor area.

See Diagram 2.7 below for story information:



This diagram is not applicable to land in regulated by Flood Plain regulations as FEMA definitions apply there, in terms of maximum building height.

Street. Any travelway which is an existing town or state highway or any travelway shown as a proposed public highway on a recorded subdivision map duly approved by the Planning and Zoning Commission, which subdivision or portion thereof has not expired or otherwise been determined to be void.

Street Line. The dividing line between the street right of way and the parcel of land. Where such line has not been established, it is deemed for the purposes of these Regulations to be a line parallel to and twenty-five feet distant from the centerline of

the traveled way or paved surface except at cul-de-sacs, turnarounds, and intersections where this distance may be increased by the Commission.

Structure. A structure is anything constructed or erected which requires location on the ground, including buildings, fixed or installed swimming pools, signs, towers, tennis courts, storage containers, constructed or assembled kennels and fabric or plastic covered frameworks erected for more than 120 continuous days of the year. Fences or walls used as fences, which are, anywhere along its length, over six feet (6') in height from the pre-existing ground level.

Substantial Improvement. See "*Flood Related Terms*"

Swimming Pool, or Hot Tub, Fixed. Any above ground pool, regardless of size, which is erected and/or filled with water on a continuing basis throughout the year.

Swimming Pool, Installed. Any permanently installed, below grade/in-ground pool, regardless of size.

Trailer Related Terms.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and when equipped for the road shall have a body width not exceeding eight (8) feet and which shall be eligible to be licensed/registered and insured for highway use.

Pick-up Coach or Pick-up Camper. A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, camping, recreational and vacation uses only, and which shall be eligible to be licensed/registered and insured for highway use.

Motorized Camper/ Recreational Vehicle. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which shall be eligible to be licensed/ registered and insured for highway use.

Tent Trailer. A folding structure, mounted on wheels to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.

Utility Trailer. A box, boat, horse or flat trailer designed to be towed by a non-commercial vehicle.

Commercial Trailer. Typically, a larger and heavier type trailer and shall include mobile office trailers, and trailers used as part of a business operation.

Trailer/Mobile Home. A vehicle, usually without permanent foundations, with or without motive power, for use as temporary construction or business office or for human habitation.

Trailer or Mobile Home Park. A parcel of land on which there is located or intended to be located, two or more trailers or mobile homes for living purposes.

Trespass Lighting. Indirect Lighting. Artificial lighting or lighting effects which emanate from one site and illuminate another without permission to do so.

Tower. A tall generally metal structure of either monopole or lattice framework design, intended to be used to support antennae which receive, send, relay or transmit communication signals for public and/or private purposes and as defined in Section 14 of these regulations.

Town. The Town of Bethany, Connecticut.

Unified Development Plan. Two or more contiguous parcels developed, operated and maintained as a single development.

Use. The specific purpose (activity) for which land or a building is designed, arranged, intended, or for which it is or may be, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any illegal non-conforming use.

Window Sign. A sign as defined above which is specifically located on the inside of a building, but which is meant to be viewed from the outside, directly through a window.

Yard (Front). The space bounded by the front lot line and the front building setback line extended to the side lot lines. In the case of a corner lot, such lot shall have two front yards bounded by the lot frontage on the existing or proposed road or roads. In the case of a rear lot, the front yard shall be that space bounded by the rear lot line of the lot or lots abutting it at the point where the accessway joins the rear lot and the extended building setback line and the side lot lines.

Yard (Rear). The space bounded by the rear lot line and the rear building line extended to the side lot lines.

Yard (Side). The space bounded by a side lot line and a side building setback line extended to the rear lot line and the front lot line.

See following yard Diagrams 2.8: (typical)

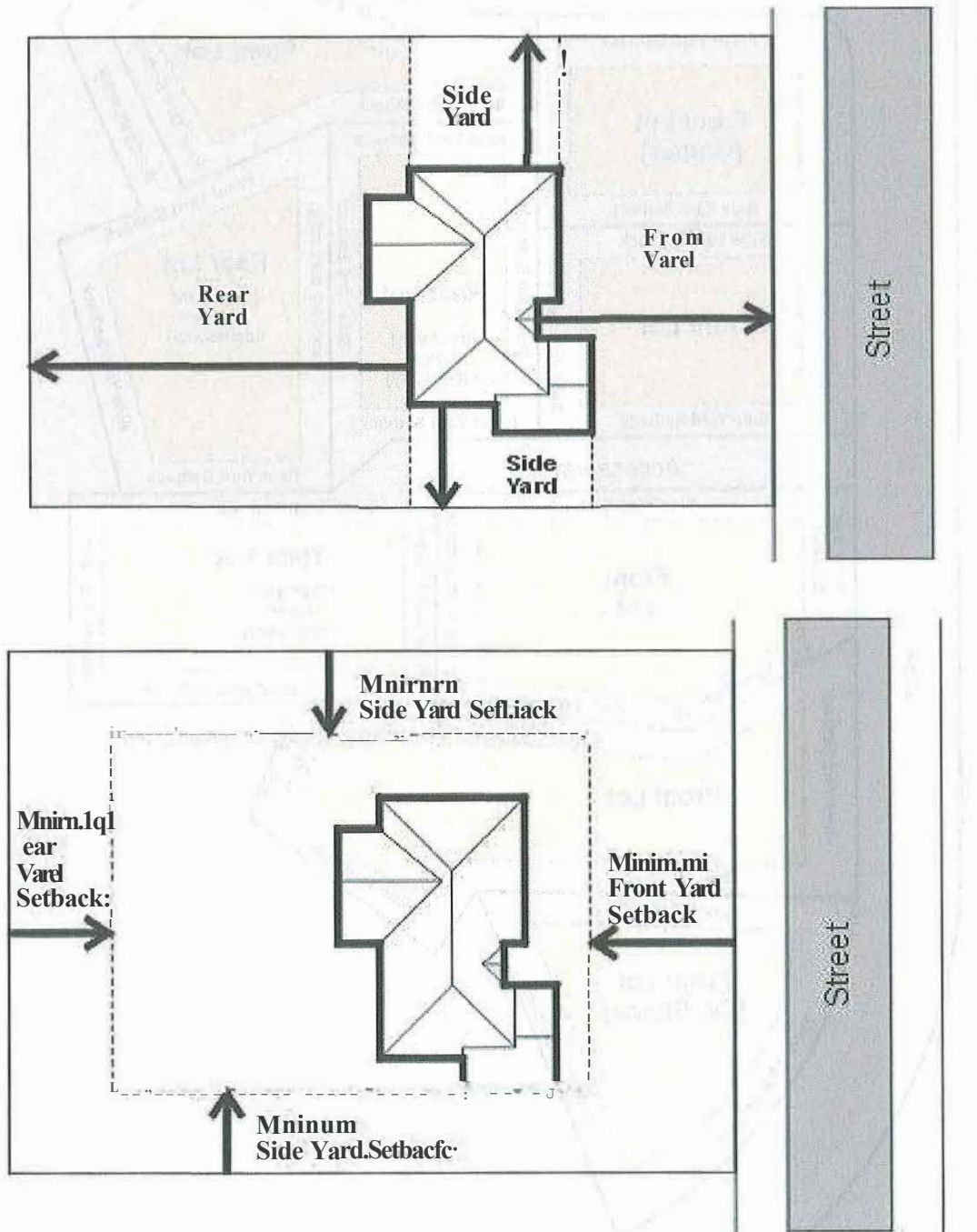
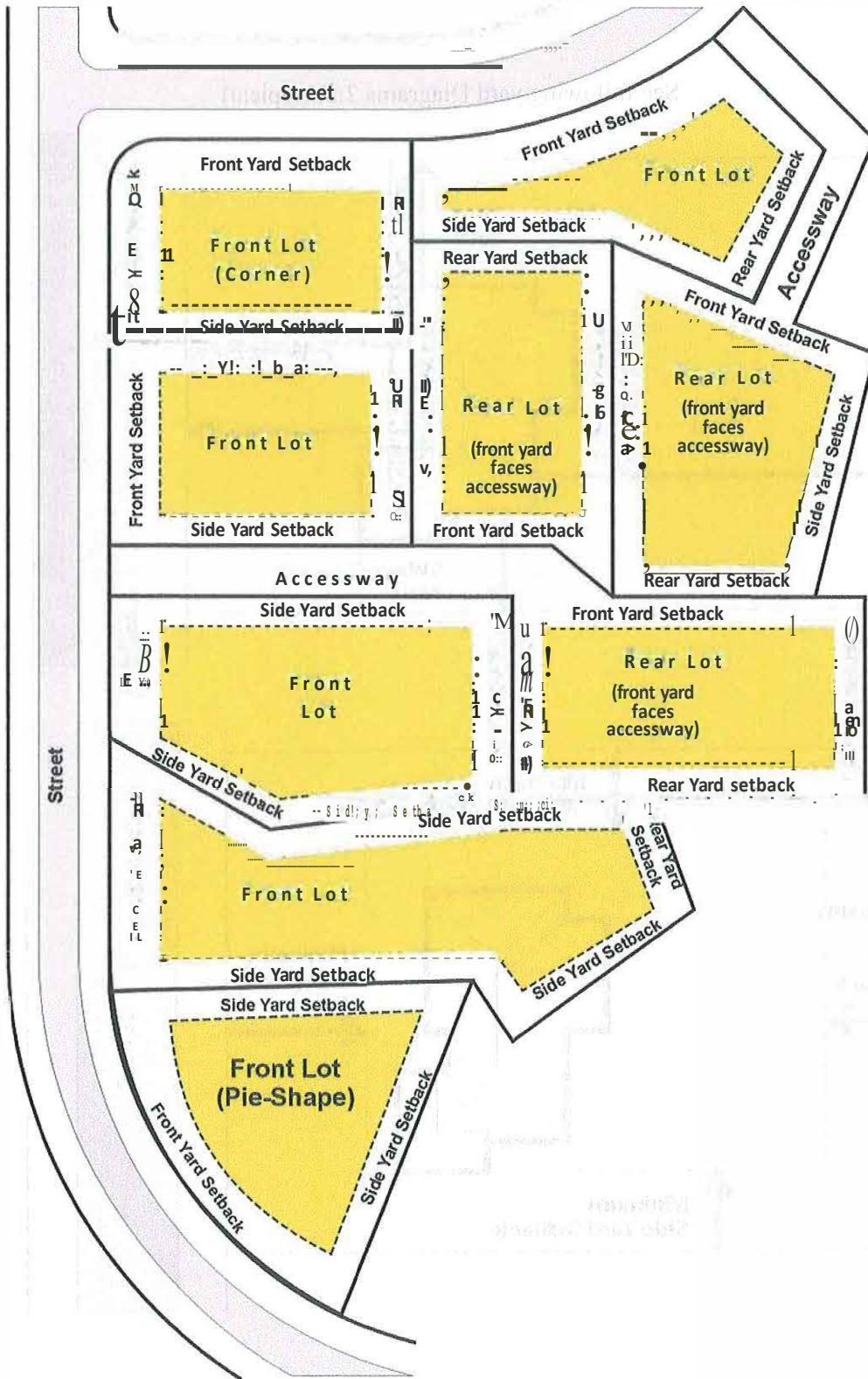


Diagram 2.9 for multi-yard setback examples:



Zoning Board of Appeals (ZBA). The Zoning Board of Appeals of the Town of Bethany established under COS 8-25.

Zoning Enforcement Officer (ZEO). The administrative officer, or his/her designee, designated to administer and enforce the zoning ordinance/regulations and issue zoning permits and Certificates of Zoning Compliance.

Zoning Permit. Various permits issued by the Zoning Enforcement Officer and shall include Pre-Construction Signoffs, Certificates of Compliance, Sign Permits, and Home Based Business Permits, certifying that a use or any extension or alteration thereof, conforms to the requirements of the Zoning Regulations.

SECTION 3. Nonconformities:

- 3.1 Any building or other structure or any use of land or a building legally existing at the time of the adoption of these Regulations or of any amendment thereof which does not conform to the requirements of these Regulations or of such amendment, shall be designated as non-conforming.
- 3.2 A nonconforming use may be extended or expanded only as set forth in this Section. A nonconforming use may be changed to a conforming use. A nonconforming use may be changed to another nonconforming use, which the Commission determines will be more in harmony with the general purpose and intent of the Zoning Regulations and with the character of the neighborhood.
- 3.3 No nonconforming use which the Commission finds was intended to be discontinued shall thereafter be resumed or replaced by any other nonconforming use. Intent to discontinue shall be found when the owner has failed to notify the Zoning Enforcement Officer within a one year period, of their intent to continue the nonconforming use.
- 3.4 All applicable zoning requirements of these Regulations shall apply to any proposal to expand or extend a nonconforming building or use. However, a dwelling and/or structures accessory thereto, located on a lot which is nonconforming in lot size, zone, location or setback requirements may be extended or expanded only if no setback or other standard, is made more nonconforming.
- 3.5 Any nonconforming building or other structure which is damaged or destroyed by fire or other casualty may be reconstructed or repaired and used as before provided the setbacks and height are not made less conforming, and the cubic content and area occupied by such structure is not increased unless in conformance with these Regulations. Written notification to the Zoning Enforcement Officer that such restoration is to have begun and actively pursued within one year of the damage or destruction shall be provided to the ZEO.
- 3.6 When a zone established hereunder is changed, existing uses, lots and structures which become nonconforming as a result of said change shall be subject to the same rules as established in this Section for nonconforming uses and structures.
- 3.7 Nothing in these Regulations shall be deemed to require a change in plans, construction or designated use of any building or other structure for which either (1) a building permit shall have been issued prior to the effective date of these Regulations or (2) a Zoning Permit shall have been applied for prior to the effective date of these Regulations or any amendment to these Regulations which would affect such plans, construction or designated use provided, in each case, actual construction shall have lawfully begun in good faith prior to such effective date and is diligently prosecuted to completion within five years after commencement.

SECTION 4 Establishment of Zones and Dimensional Requirements:

4.1 Zone Designations:

A. For the purpose of these Regulations in promoting the public health, safety and general welfare, the Town of Bethany, Connecticut is hereby divided into the following zones or districts:

R-130 ... Residential Zone

R-65 Residential Zone

B-1 Business and Industrial Zone

EHD Elderly Housing Zone (Section 7)

HOD..... Housing Opportunity District

WSO Public Drinking Water Supply Watershed Overlay Zone (Section 4.4)

AHOZ.... Attainable Housing Overlay Zone

VCD..... Village Center Design District

MCPD.... Municipal, Community, Public Facilities District

Lot and Building Standards

1. All structures erected or altered after the enactment of these regulations shall conform to the requirements specified for the district(s) in which the structure is located, as set forth in Section 4.4.

2. Any building lot created, or any existing lot altered after the enactment of these regulations shall conform to the requirements of Section 4.4.

3. The term Buildable Lot Area as used in Section 4.4 is defined as that contiguous portion of a lot exclusive of and undivided by any areas of wetland soils and watercourses as defined in Section 22a-38 of the Connecticut General Statutes.

4. Any building lot, 50% or more of which is located within the Public Drinking Water Supply Watershed Overlay District (WSO), shall conform to the additional area requirements set forth in Section 4.4.

4.2 District/ Zone Boundaries (General)

A. The boundaries of zones are established as shown on the Zoning Map, Town of Bethany, Connecticut dated July 12, 1962 and as it may from time to time be amended and filed in the Office of the Town Clerk, which map is hereby declared to be a part of these Regulations.

B. Any facsimile map, including the one printed herewith, is not official and is provided for information and convenience only.

C. An EHD zone shall be established by vote of the Commission only after a duly noticed public hearing has been held in accordance with the requirements of the Connecticut General Statutes and these Regulations. An EHD zone may only then be established in accordance with Section 7 of these Regulations.

D. Any zone text amendment or any zoning map amendment, or the landing of any overlay zone may only be adopted after a duly noticed public hearing has been held in accordance with the Connecticut General Statutes and these Regulations.

4.3 Interpretation of Boundaries.

- A. For purposes of these Regulations and unless otherwise indicated on the Official Zoning Map by fixed lines or dimensions, the boundaries of zones are either street lines, street lines extended, waterways or lines drawn parallel to street lines and dimensioned as to depth.
- B. Zone boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. In case of conflict or uncertainty the Commission shall determine the Zone and the location of the Zone boundary.

4.4 Schedule of Height, Area and Yard Requirements.

District	R-130	R-130 {WSO}	R-65	R-65 {WSO}	B-I	B-I {WSO}	EHD***
Lot area min. (sq. ft.)	130,000	130,000	65,000	87,120	65,000	87,120	130,000
Buildable Area min. (sq. ft.)	43,560	87,120	43,560	87,120	43,560	87,120	Variable Sec. 9.3.2
Buildable area must be non-wetland, contiguous land. As defined herein as Lot Area (Buildable).							
Lot Width min. (ft.)	300	300	200	200	200	200	100
Total Building Coverage max. (%)	10	10	10	10	30	30	15
Total Ground Coverage max. (%)	15	15	15	12	75	60	Varies
Front Yard min.(ft.)	50	50	50	50	70	70	50
Side Yard min.(ft.)	50	50	50	50	20*	20*	50**

- An accessory structure as a shed of up to 200 square feet may be located within 20 feet of a side property line. The shed may have electricity but may not have water service.

Rear Yard min.(ft.) 50 50 50 50 50* 50* 50**

- An accessory structure as a shed of up to 200 square feet may be located within 20 feet of a rear property line. The shed may have electricity but may not have water service.

Building Height max. (ft.) 35 35 35 35 35 35 1½ stories or 25 feet which-ever is less

* See also Section 10.2.L.4.b.3. and Sec 5.3.D. Minimum width yard in addition to Buffer Planting Zone where property adjoins or abuts a residence or residence zone.

** Required building setbacks only; Parking setback min. 90 ft. See Section 9.

District	HOD	AHOZ	VCD	MCPD
Lot Area Min	30 acres	None; as per underlying zone	Project dependent	Use dependent
Buildable Area Min.	See Sec 7.3	All bulk Stds as may be approved by Special Permit	Per underlying Zone or as permitted by Special Permit	Minimum Lot area of Underlying zone
Lot Width Min.	See Sec 7.3	"	"	100'
Total Bldg Coverage Max.	10%	"	As permitted by Special Permit	30%
Total Ground Coverage Max.	20%	"	"	40%
Front yard Min.	50' exterior 10' interior	"	"	75'
Side yard Min.	10'	"	"	35'
Rear yard Min.	50' exterior 10' interior	"	"	35'
Building Height Max.	35'/2.5 stories	35'/2.5 Stories	40' / 3 stories	40' / 3 stories

WSO = Public drinking water supply watershed land.

*** Unit density in the EHD, see Sections 9 and Section 7.

The addition to an existing structure of temporary ramps or other handicap access facilities is permitted within the minimum yard or setback for as long as they are needed for that purpose.

4.5 Aquifer Protection Area Regulations and Map Area

The Aquifer Protection Regulations are hereby established as shown in Appendix 9 and map area as delineated on the Zoning Map dated 2001 with subtitle "Aquifer Regulations 6/06" showing the Aquifer Protection Area.

Section	Regulation	Section	Regulation
10.1	...	10.2	...
10.3	...	10.4	...
10.5	...	10.6	...
10.7	...	10.8	...
10.9	...	10.10	...
10.11	...	10.12	...
10.13	...	10.14	...
10.15	...	10.16	...
10.17	...	10.18	...
10.19	...	10.20	...
10.21	...	10.22	...
10.23	...	10.24	...
10.25	...	10.26	...
10.27	...	10.28	...
10.29	...	10.30	...
10.31	...	10.32	...
10.33	...	10.34	...
10.35	...	10.36	...
10.37	...	10.38	...
10.39	...	10.40	...
10.41	...	10.42	...
10.43	...	10.44	...
10.45	...	10.46	...
10.47	...	10.48	...
10.49	...	10.50	...
10.51	...	10.52	...
10.53	...	10.54	...
10.55	...	10.56	...
10.57	...	10.58	...
10.59	...	10.60	...
10.61	...	10.62	...
10.63	...	10.64	...
10.65	...	10.66	...
10.67	...	10.68	...
10.69	...	10.70	...
10.71	...	10.72	...
10.73	...	10.74	...
10.75	...	10.76	...
10.77	...	10.78	...
10.79	...	10.80	...
10.81	...	10.82	...
10.83	...	10.84	...
10.85	...	10.86	...
10.87	...	10.88	...
10.89	...	10.90	...
10.91	...	10.92	...
10.93	...	10.94	...
10.95	...	10.96	...
10.97	...	10.98	...
10.99	...	10.100	...

SECTION 5. Residential Zones Uses & Regulations:

5.1 General

- A. Uses of land and buildings in the Residential Zones shall be limited to those clearly specified in this Section. All other uses are to be accessory to or incidental to the permitted use or they hereby prohibited unless specifically permitted elsewhere in these Regulations.
- B. No structure shall be erected less than 50 feet from any property line adjacent to any public highway, except permission may be granted by the Zoning Board of Appeals for new buildings to conform with the placement of already existing buildings on the same lot. An accessory structure such as a shed of up to 200 square feet may be located within 20 feet of a side or rear property line. The shed may have electricity but may not have water service, unless approved by the Commission as requested for a specific purpose.
- C. No structure shall exceed 35 feet in height from the ground to the midpoint on the roof, excluding chimneys. No accessory building shall cover more than 1,000 square feet of land area including overhangs and protrusions. Exception is made for barns and silos on premises described in Section 5, for boarding stables, and other farming structures.
- D. Measurement from a structure to a property line shall be from the nearest point on the exterior wall of said structure to said property line.
- E. An as-built survey to A-2 accuracy shall be submitted to the Zoning Enforcement Officer upon completion of the foundation for any structure for which the proposed setback is within five (5) feet of the required setback of said structure in order to assure compliance with the required setbacks. A signed and sealed letter from a licensed surveyor regarding the compliance of setback may be accepted by the ZEO at their discretion.
- F. Barns.
 - 1. Barn, Private: May be permitted administratively by the ZEO with the following written confirmations by the applicant:
 - a. All required setbacks must be clearly confirmed in writing at time of application and after construction. An as-built survey may be required at the discretion of the ZEO.
 - b. All height and bulk standards shall be confirmed after construction as well.
 - c. All proposed uses shall be stated clearly in writing on the zoning permit application to the ZEO.
 - 2. Boarding Stable or Horse Farm: Special Petmit and Site Plan approval by the Commission are required. Site Plan shall clearly show all access, parking circulation, sanitary facilities, and maximum number of shows or events per year and maximum hours of operation. Application shall clearly indicate all proposed activities and uses, including number of employees (workers) on the site.
 - 3. Only Private (Non-commercial) Barns are eligible for administrative ZEO approval. Barns containing commercial uses, or which are to be converted to commercial use(s) must be approved by the Commission.

5.2 Outside Storage

A. The outside storage of any materials or objects where such storage is not a customary accessory use to the principal use of the property as permitted by these regulations is hereby prohibited unless such stored materials or objects are screened from view on all sides, by plantings, opaque fencing or other appropriate screening devices. This prohibition shall not apply to:

1. the temporary outside storage of building materials, supplies and equipment being used in any construction on the property on which the same is stored and for which a required permit has been duly issued and is in force, or
2. the temporary storage of farm machinery on the property on which the same is used and the temporary storage of farm produce on the property on which it was produced, or
3. not more than one unregistered motor vehicle and one unregistered camp trailer will be allowed on any lot unless enclosed by a permanent structure.

Outside storage shall not extend into required front yards except that, in instances of existing buildings such front yard requirement may be reduced to the existing building line by approval a Special Permit from the Commission.

5.3 Permitted Uses - Residential Zones

The Zoning Enforcement Officer may issue zoning permits for those uses set forth in this Section. In a residential zone, buildings and premises may be used and buildings may be erected or structurally altered which are arranged, intended and/or designed to be used only for the following purposes provided that the residential character of the property is maintained:

- A. A single family dwelling, (1 per lot), with or without an attached private garage(s).
- B. Detached private garage(s) used as accessory to and in conjunction with the single family dwelling on the same lot.
- C. Accessory buildings incidental to residential occupancy such as a tool shed, workshop, greenhouse, storage shed or non-commercial barn shall not be used as a dwelling unit and shall not be permitted on a lot without a primary structure, except as may be provided for as an accessory use, unless otherwise provided in these regulations. For example, as in a boarding stable.
- D. No accessory building shall be used for commercial purposes in a residential zone without approval of the Commission.
- E. Accessory buildings located or proposed to be located on a separate parcel which is:
 1. Either directly abutting (sharing a common property line for some distance) or across the street or road, and;
 2. Which parcel(s) are owned by the same person, party or entity but which do not have a primary (principal) structure on one of the parcels, may be permitted by the Commission by Special Permit after the required public hearing and provided the following standards are met:

- a. The properties with the principal use and the accessory use are to be owned and used jointly by the same owner of both properties. The use of the properties and buildings shall not be by independent parties.
 - b. The Commission during the course of the required public hearing, shall be given adequate information and written evidence as to the proposed ownership and use of the properties and structures so as to satisfy the requirements of these regulations and to satisfy the Commission that the use of the properties will be able to be conducted in a safe manner which is in accordance with the purposes of these regulations.
 - c. Any permit granted by the Commission for the construction or use of an accessory building shall become null and void and the use of such building shall cease immediately upon the severance of ownership or title of one property from the other. The continued use of an existing accessory building after the property is severed in title from the property containing the principal or primary use shall be subject to all applicable zoning enforcement procedures, penalties and fines.
- F. Accessory uses incidental to the above uses are permitted in the residence and in accessory buildings which are incidental to the primary use of the property as a residence.
1. Such uses are limited to the resident and not more than two employees, except as may be provided for under the Connecticut General Statutes for proper operation of family and group day care facilities.
 2. A maximum of two (2) accessory uses and a total of two (2) employees per premises may be permitted in accordance with these Regulations.
 3. Accessory uses shall not give rise to noise, or odors or create a nuisance or other objectionable or unsightly conditions which are likely to deteriorate property values.
 4. Zoning permits from the Commission are required for uses a, b, c and d as follows:
 - a. Professional Offices. Maximum of 500 square feet and a maximum of 2 client visits at any one time are permitted.
 - b. Home Occupations, including licensed day care centers, in accordance with Connecticut General Statutes. Includes home based businesses and customary home occupations.
 - c. Roadside stands for selling products grown locally or raised on the premises on which the stand is located. The stand may be a maximum of 200 square feet. The Commission, after consideration of all safety and sightline issues may allow the structure to be located with less than the required setback. The Commission may also permit a larger structure if it can be demonstrated that said structure is well within keeping of the rural character of the area.

d. The Commission may permit community based gardening upon submission and consideration of a layout plan, traffic safety controls, including parking and a description of the activity including the number of participants.

5. The non-commercial, breeding, raising and keeping of poultry, domesticated animals, including horses and pets and private kennels as defined herein, provided that the owners use best management practices including those for manure management as contained in publications from the Cooperative Extension service, (see Appendix 2) and provided that the animals are the personal property of a resident on the property and are not leased to non-residents of the property.

G. The following uses are permitted as of right: Note: Best management practices are to be used for all the following uses as well. All manure storage areas are to be at least 100 feet from any property line for any of these uses.

1. Community gardening, Community based gardening, Community Supported Agriculture, Home gardening.

2. Farming as defined in Section 2. herein and the Connecticut General Statutes Section 1-1.(q). as follows:

Except as otherwise specifically defined and unless otherwise prohibited by these regulations, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term

"farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124 of the Connecticut General Statutes.

3. Any structure or use related to farming, except as may be prohibited by these Regulations, provided that any structure erected or used to house swine, or the outside location of any swine pen area must be at least 100 feet from the nearest property line. Silos may exceed 35 feet in height. Barns as defined herein, may exceed 1,000 square feet in footprint area, however if they do they shall be at least 100 feet from any property line.
4. Custom farming as defined in Section 2 of these Regulations.

H. Swimming pools, as defined herein, for the personal use of the residents of the premises are permitted provided that all pools shall be protected as required by the State Building Code and that any pool, fixed (above ground) or installed, (in ground) shall be subject to the required setbacks for structures as required in Section 4 or elsewhere in these Regulations.

I. Applications for earth removal, excavation, filling, stockpiling and grading shall be processed and may be permitted by Exemption, Administrative Permit or by Special Exception only as set forth in Section 8 of these Regulations.

J. Temporary construction trailers for office and/or storage use, or dumpsters in connection with ongoing construction for which there exist all appropriate valid permits, are permitted on the site during such construction under the following conditions:

1. The Zoning Enforcement Officer shall approve the location of any such trailer. In granting or denying said approval. Due consideration shall be given to protecting public safety, safeguarding emergency vehicle access, avoiding traffic circulation and sightline problems, and minimizing negative impacts on the desirable residential character of the neighborhood.
2. Any trailer permitted in accordance with the above section shall be promptly removed from such location upon the completion of the construction or upon cessation of the permit for the related construction or upon revocation of the permit by the ZEO or the Commission.

K. The ZEO may issue a permit for temporary or portable structures for habitation for a period not to exceed 1 year, during reconstruction or repair of an existing dwelling, when:

1. In the ZEO's opinion the general welfare of the Town and the integrity of these regulations will not be adversely affected, and
2. Provided the Sanitarian gives their approval, and
3. Satisfactory evidence of intent to commence building within the one year period of time must be furnished prior to the issuance of the permit, and required that
4. Construction of the permanent replacement structure must commence within 180 days of the date of the temporary permit and be actively pursued to completion. If it is not, the permit for the portable structures may be revoked and enforcement pursued.
5. Any temporary or portable structure to be used for habitation shall be located at least ten (10) feet from any property line.
6. The property owner may apply to the Planning and Zoning Commission for a one year extension of their permit for a temporary or portable structure used for habitation. An application for such an extension must be submitted at least 30 days prior to the expiration of the current permit.

L. Use of solar energy equipment as defined in Section 2 is encouraged in the Town of Bethany. The placement of the solar energy equipment on roofs of principal buildings is also encouraged.

1. Zoning permits for roof mounted and ground mounted solar energy equipment which fully complies with required setbacks may be issued by the Zoning Enforcement Officer. Zoning approval for ground mounted solar energy equipment which does not meet the established setback requirements for accessory structures in the applicable zone may only be approved by the Commission after submission of information as outlined below.
2. Placement of Solar Energy Equipment is not permitted within the required front yard setback unless it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
3. If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is located a minimum of one half the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater. The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing. Any proposed fencing must

comply with all applicable height requirements. Natural colored fencing is preferred.

4. Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations. However, the Zoning Enforcement Officer may permit the Solar Energy Equipment to be ten (10%) percent higher than the permitted roof height on existing structures that have previously obtained a proper zoning signoff and a proper certificate of occupancy.
5. The Zoning Enforcement Officer, prior to issuing a zoning permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include, but shall not be limited to:
 - a. Sun and shadow diagrams specific to the subject proposed installation which would enable the Zoning Enforcement Officer or the Commission to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access;
 - b. Detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties;
 - c. An as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Zoning Enforcement Officer may order its removal and/or relocation as appropriate.

It is the applicant's and property owner's responsibility to assure the long term functionality of the solar equipment as it pertains to solar access.

5.4 Special Exception Uses- Residential Zones

The following uses shall be permitted only as special exceptions upon approval of the Planning and Zoning Commission which after proper application and public hearing may only be approved if the Commission finds the proposed use and structures shall serve the public convenience and welfare and that the proposed use at the proposed location, subject to such appropriate conditions, modifications and safeguards as the Commission may deem necessary and impose, will not substantially impair the health, safety or welfare of the inhabitants, residents and of owners of nearby properties, particularly with respect to: water supply, drainage, sewage, flooding, fire, panic, traffic, off-street parking, public uses (including schools, parks and playgrounds), and the proximity of other uses which may be affected.

- A. Educational, municipal, religious, philanthropic, professional or artistic use by a government authority or non-profit organization.
- B. Clubs, lodges and community houses operated on a non-profit basis, provided no alcoholic liquor is sold on the premises and provided further that no activity is carried on customarily as a business and provided the activity is not such as to give rise to noise or other objectionable conditions noticeable outside the premises.
- C. Parks and playgrounds operated by non-profit organizations or by a government entity.
- D. A country club as defined in Section 2, serving country club members and their guests provided that the area upon which any such country club may be located shall be not less than 50 acres and that no building forming a part of the premises of the country club shall be within 300 feet of any public road nor within 300 feet of any property line.
- E. Boarding stables, indoor riding rings and riding academies as an accessory use, as a second business, on lots of at least 5 acres, provided all exercise yards and buildings for housing animals as well as all storage of materials and waste are maintained using best management practices and are at least 100 feet from any property line. Operation of this accessory use is limited to residents of the main/principal use and not more than 4 employees and one additional horse trainer who operates on site.
- F. Temporary or portable structures for dwelling purposes may be permitted for a period not to exceed 1 year, during construction of a residential structure, when the Commission finds:
 1. The general welfare of the Town will not be adversely affected, and
 2. The Sanitarian has given written approval, and
 3. Satisfactory evidence of intent to build within a reasonable period of time must be furnished prior to the issuance of the permit, and
 4. Construction of the permanent residence structure must commence within 180 days of the date of the temporary permit and be actively pursued to completion.
- G. Public Utility Substations. Buildings and equipment of corporations regulated as Public Utilities are subject to the approval of the Planning and Zoning Commission. Service yards or the outside storage of supplies shall not be permitted, and all buildings shall be in harmony with the general style of architecture of the neighborhood and shall be suitably screened. Telecommunications devices and towers as provided for in these Regulations.
- H. Other uses and structures similar to the permitted uses and structures which the Commission may find acceptable and which meets the Special Permit standards, including home occupations if approved by Special Permit.
- I. Rear Lots.

1. Purpose and Intent - This section is intended to provide design and development flexibility to promote and enhance the protection of open space and valuable natural resources and to achieve the purposes and intent of the most recent Town Plan of Conservation and Development, where the use of rear lots is practical, reasonable and desirable due to the unusual shape, topography, physical site conditions or natural resource configuration of land.
2. Authorization - The Planning and Zoning Commission may authorize the establishment and use of a rear lot in the B-I, R-65 and R-130, and EHD zoning districts, by approval of a Special Exception and a Site Development Plan, subject to the provisions of this section and the submission requirements and standards of Section 9 of these Regulations.
3. General Criteria - In reviewing and acting upon any proposal for a rear lot, the Commission shall determine that the following criteria are met:
 - a. Such construction or use shall not, with respect to future occupants of the lot or lots, or abutting landowners or the general community, significantly impair the public health, safety, general welfare, or property values.
 - b. The proposed rear lot(s) shall not interfere with the orderly layout and extension of public roads or the future development of vacant land.
 - c. The proposed rear lot(s) shall be deemed to accomplish the best use of the subject land and shall be justified by the configuration, topography, soils or other natural resource characteristics of the property and its surroundings.
 - d. The proposed rear lot(s) shall be in harmony with the surrounding neighborhood and abutting properties and avoid adverse aesthetic impacts due to proximity to neighboring dwelling units, interference with significant views and vistas, excessive removal of natural vegetation, which provides buffering, and screening, or other excessive alteration of the natural landscape.
 - e. The proposed rear lot(s) shall be served with adequate utility capacity and access for emergency vehicles, shall avoid disturbance of steep slopes and sensitive natural resource areas, and shall mitigate potential environmental impacts.
 - f. Each rear lot shall have suitable soils and sufficient area and dimensions to provide for a private water supply system and for the proper layout, installation and future extension, if necessary of a private sewage disposal system.
 - g. All electrical and other utility service lines shall be placed underground unless the Commission finds good reason not to require this.
4. Separation of Access ways. No rear lot access way shall have frontage on a street within 300 feet of the frontage for any other rear lot access way on the same side of the street, provided that the Commission may approve a lesser spacing and may approve not more than two access ways to be contiguous when traffic safety and

convenience will be enhanced or significant natural features of the tract will be conserved, and when the appearance of a multiplicity of driveways to front lots and rear lots is avoided.

5. Rear Lot Location. No rear lot shall be permitted to be located to the rear of another rear lot ("stacking") unless the access ways of the rear lots front on different streets.
6. Common Driveways. Where the Commission requires adjacent rear lots to share a common driveway, the applicant shall provide an agreement, subject to Commission approval and recording on the land records, requiring the users of said common driveway to share in the responsibility for its year round maintenance. Approval of the Commission in accordance herewith shall not be considered as acceptance of said right-of-way or driveway by the Town for public purposes such as maintenance repair, or other services normally provided within a public highway.
7. Driveway Standards. In residential districts, the driveway and all utility connections servicing a rear lot shall be installed and maintained within the required access way, or within the adjacent access ways of two rear lots served by a common driveway. The driveway shall be constructed with a minimum twelve (12) foot wide traveled surface and shall not exceed a maximum of 2% grade from the curb line to a point twenty feet from the road right-of-way line, and shall not exceed a maximum of 6% grade for the next forty feet of driveway, with any remainder of the driveway not to exceed a maximum grade of twelve percent (12%), with suitable horizontal alignment and clearances to permit access by emergency vehicles. Regrading necessary to construct the driveway shall not extend beyond the limits of the access way and shall not exceed a slope of 2: 1 (horizontal: vertical) and a maximum cut or fill depth of ten (10) feet. Driveway design and construction specifications and sightline requirements shall conform to the standards of Section 9, Appendix 3, and all other applicable standards of these Regulations and of the Town of Bethany, as adopted and amended.
8. Lot Area, Width and Yard Requirements. Each rear lot shall comply with all of the requirements of the district in which it is located, except as expressly provided for herein. Subsequent to the adoption of these regulations, each rear lot created in the R-65 zone shall have a total lot area of not less than 97,500 square feet, and each rear lot created in the R-130 zone shall have a total lot area of not less than 195,000 square feet. Subsequent to the adoption of these regulations, each rear lot created in the B-I zone shall have a total lot area of no less than 65,000 square feet, provided that when within a Drinking Water Supply Watershed (WSO) such lot area shall be not less than 87,120 square feet. Measurement of total lot area shall exclude the area of the accessway and any portion of the lot with a width less than 50 percent of the minimum lot width specified in Section 4.4. A straight line drawn parallel to the public road providing access to the rear lot with a measured length between the side lot lines equal or greater than the required lot width as specified in Section 3.4, shall define the point

when the accessway ends and shall also serve as the front lot line for purposes of determining the required front yard.

9. Maximum Number of Rear Lots. For the purposes of this section, a "Subject Parcel" shall be any parcel legally existing as of the enactment of this regulation amendment on April 15, 2002. The number of rear lots created from a Subject Parcel shall comply with the following schedule:

<u># of frontage lots</u>	<u># of rear lots allowed</u>
1 - 4	2
5 - 8	3
9 - 12	4
13 - 16	5
17+	2 additional rear lots for every four (4) additional front lots

All lots created from the Subject Parcel shall be counted in calculating the number of rear lots allowed in any subsequent subdivision or resubdivision of any portion of the Subject Parcel.

- J. Living quarters in a horse stable may be permitted for the following purposes and only under the following conditions:

1. The stable legally exists and is an incidental use to the primary residential use of the property and is located on a parcel of 6 acres or more in size and is at least 50 feet from any property line.
2. The living quarters may be no larger than 800 square feet and may contain no more than two bedrooms.
3. At least one of the occupants must be employed by the owner or principle resident of the property and it is the primary duty of the employee to care for the horses in the stable, and the employee's proximity to the horses is required for their safety and proper care.
4. There shall be no more than one such living quarter on the property. No additional accessory apartment may be permitted on the property unless located in the main dwelling residence or in a detached structure as may be approved by the Commission by Special Permit. Such structure may be no more than 1,000 square feet in total area.
5. No part of the living quarter's section of the stable may be more than 35 feet above ground level at any point, for emergency access purposes.
6. The owner of the property shall provide proof that the stable dwelling unit is properly deed restricted to the satisfaction of the Commission and that the living quarters and their use comply with all terms and conditions of the permit, which were required when issued.
7. If any of the above conditions and purposes are not met at any time after the permit is issued, then the permit shall expire and become null and void, and occupancy of the

living quarters shall be considered a violation of the zoning regulations, and may be subject to enforcement action.

J. Accessory Apartments.

1. Purpose. In order to provide a mix in the availability of housing types, to serve the needs of the elderly, or infirm and to provide for affordable housing in the community, a single accessory apartment wholly contained within a residence structure that would otherwise be a single family dwelling may be allowed by the Commission by special permit.
2. Intent. The intent of this regulation in addition to the above purpose is to ensure that in creating an accessory apartment, the character and scale of the resulting dwelling will blend in with the character and scale of the existing surrounding residences.
3. Standards and Requirements.
 - a. The owner(s) of the single family dwelling in which an accessory apartment is proposed and created shall occupy at least one of the dwelling units as their primary residence.
 - b. Only one (1) accessory apartment may be created within a single-family dwelling or as an addition to a single-family dwelling. Only one such accessory apartment may be permitted by the Commission per parcel. The accessory apartment no greater than 1,000 gross square feet in area. may also be located in a separate detached structure.
 - c. The accessory apartment shall contain its own kitchen and bath, and no more than two bedrooms.
 - d. An accessory apartment may have a maximum floor area of 1,000 square feet.
 - e. The septic system and water supply are subject to review and approval by the Town Sanitarian. If at any time the septic system or water supply system fail to meet existing health standards the Commission may revoke the special permit and, if necessary, begin enforcement proceeding to eliminate use of the accessory apartment for that use.
 - f. Off street parking shall be required at a rate of at least two parking spaces per dwelling for a minimum of four spaces, including a garage.
 - g. All requirements of the Bethany Zoning Regulations for a single family residence in the applicable zone(s) must be met. Accessory apartments, under this section are not allowed on non-conforming lots or where a non-conformity would be created.
 - h. The accessory apartment shall be designed so that, to the maximum feasible extent, the exterior of the structure looks like a single-family dwelling. If a separate entrance is provided to the accessory apartment, it shall be separated from and set back from the entrance to the primary residence or located at the side or rear of the dwelling. Landscaping and/or screening shall be required as necessary, to maintain the single-family character of the neighborhood.

- i. No professional office or home occupation shall be permitted in either unit if the use would involve the presence of employees or generate more than three (3) client or customer trips per day on the property.
 - j. The owner of the property shall provide to the Commission an annual affidavit, supplied on forms supplied by the Commission and due on January 1, to the effect that the accessory apartment continues to be in full compliance with all sections of these Regulations. The ZEO is to maintain a list of all accessory apartments.)
4. Application contents. The application for an accessory apartment under this section shall contain the following:
- a. Site plan and photographs and/or drawings of the structure and proposed landscaping and screening, to illustrate how the exterior of the structure will look like a single family dwelling and how the single-family character of the neighborhood will be maintained.
 - b. An affidavit certifying that the owner will occupy the premises in either the primary residence or the accessory apartment shall be provided to the ZEO prior to occupancy of the apartment.
 - c. Written approval by the Town Sanitarian of the well and septic system(s) for such use.
 - d. Any other relevant information deemed reasonable by the Commission to insure that the use will be comported in accord with these Regulations.
5. The special permit for an accessory apartment shall become null and void and subject to an enforcement action, if any of the following occurs
- a. The apartment has not been granted a certificate of occupancy within 1 year of granting of the zoning permit.
 - b. The apartment, its use or occupancy is found, at any time, to be non-compliant with these Regulations.
 - c. The premises changes ownership, and the accessory apartment is not reapproved by the Commission as is hereby required.
- K. Bed and Breakfast establishments in existing residences. These shall be limited in size to no more than three (3) bedrooms available for transient occupancy by a maximum of six (6) adults, with their children. The establishment shall meet the requirements and the standards for size, appearance and parking. Prior to approval by the Commission the establishment shall obtain written approval of the drinking water supply and septic system requirements from the Town Sanitarian.
- G. Accessory structures such as sheds, in residential zones:
- A. One (1) small storage shed of 200 square feet or less may be approved by the ZEO and located no closer than 20 feet from a side or rear lot line, but may not be located in front of the front setback line based on the following:
 - 1. Applicant is to notify in writing using, certificates of mailing, all abutting and across-the-street property owners within 100 feet of the subject

property regarding the nature of the application. All notices must be sent at least two (2) weeks before the ZEO can act to issue the approval.

2. The proposed shed shall not be used for housing any animals.
3. The entrance to the shed shall not face the closest property line.
4. The foundation of the proposed shed shall be only cinder blocks, concrete blocks or solid wood timbers or any other non-permanent foundation.
5. The shed cannot be used for motor vehicle or equipment maintenance on a regular basis.
6. The shed may have electricity, but may not have sanitation, water or other residential amenities.
7. If the ZEO has a written indication that any abutting (notified) property owner objects to the shed, then the application shall be submitted to the Commission for review and action.

B. Sheds which are used for the housing of animals must be at least 50 feet from any side or rear lot line and must conform to all aspects of the existing zoning regulations.

C. For any proposed shed, the applicant must also obtain any required wetlands or health district permits.

D. Up to a maximum of two (2) such sheds on a single property may be approved upon application to the Commission based upon the above requirements.

5.5 Special Permit Application

Application for a special permit shall be submitted in writing to the Commission. If the application is also regulated by the Inland Wetlands Commission, then an application to that Commission must be made no later than the date of the application to the Planning and Zoning Commission, and the Planning and Zoning Commission cannot act until it has received and considered the final report of the Inland Wetlands Commission. The application must be accompanied by:

A. Statement of use: A written statement describing the proposed use in sufficient detail to determine compliance with the specific use provisions of these Regulations.

B. A site plan and an architectural plan: The Commission may modify this requirement upon showing as to why it is not required. Any request for modification shall be submitted in writing and shall state the reasons for the waiver request.

C. Either a certificate stating that an application to the Inland Wetlands Agency has been filed or a letter from the Inland Wetlands Agency stating they have no jurisdiction.

E. The appropriate fee as required by Town ordinance.

F. Signoff from the Town Sanitarian, if applicable.

5.6 Special Permit Standards applicable to all zones and applications:

- A. That the proposal is adequately served by a sufficient water supply, and sanitary facilities will function without pollution.
- B. That the occupants and the public are fully protected from fire, and safety, and security equipment is designed and provided to eliminate hazards.
- C. That transportation services are adequate, and no undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the motoring public.
- D. That it will not create, at any point of determination as set forth in the Zoning R"ulations, as determined by the Commission, any dangerous or objectionable elements to area residents.
- E. That no adverse effect will result to the character of the district, property values, historic features, prosperity, nor to the public health, safety and welfare of the residents of the area or the Town.
- F. That no deleterious impact to in retrievable environmental resources will result.
- G. All applicable regulations (State, Federal, and local) have been, or will be complied with satisfying all design, procedural, and review requirements.
- H. Consistency with Bethany Plan of Development and all amendments thereto.

5.7 Performance Bond/ Security: Required as contained in Section 9.7.

SECTION 6. Business and Industrial Zones:

6.1 Permitted Uses - Uses allowed by permit. General requirements.

- A. Uses of land and buildings in the Business and Industrial Zone shall be only those as specified in Section 5 and are subject to the issuance of Permit(s) as defined and set forth in Section 5.5 and Section 8 and 9. All other uses are hereby prohibited unless specifically permitted elsewhere in these Regulations.
- B. The following uses of land and buildings in a Business and Industrial (B&I) Zone may be conducted only when a Business/Industrial Permit for said use or structure has been issued or properly transferred as set forth in Section 6.3.A.
 - 1. All uses permitted in the Residential Zones except residences and their accessory uses, unless otherwise permitted by these Regulations.
 - 2. Retail and wholesale businesses.
 - 3. Professional, medical, commercial, real estate or financial offices.
 - 4. Any legal, commercial or light industrial use including manufacturing and assembly not otherwise prohibited by these regulations.
 - 5. Accessory buildings or structures which are incidental to the permitted use may be constructed or structurally altered which are arranged, intended, and designed to be used only as incidental to the permitted use and do not change the use as approved. No accessory building or structure shall be permitted on a lot without a primary building or structure.
- C. The Zoning Enforcement Officer may issue a permit for the construction or alteration of an accessory building or structure which modifies the site plan of an existing permitted use provided that the proposed building or structure is no larger than 300 square feet and meets all other requirements of these Regulations.
- D. Use of solar energy equipment as defined in Section 2 is encouraged in the Town of Bethany. The placement of the solar energy equipment on roofs of principal buildings is also Encouraged and regulated as follows:
 - 1. Zoning permits for roof mounted and ground mounted solar energy equipment which fully complies with required setbacks may be issued by the Zoning Enforcement Officer. Zoning approval for ground mounted solar energy equipment which does not meet established setback requirements for structures in the applicable zone may only be approved by the Commission after submission of information as outlined below.
 - 2. Placement of Solar Energy Equipment is not permitted within the required front yard setback unless it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
 - 3. If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in

the required side or rear yard may be permitted only if the equipment is located a minimum of one half the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater. The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing. Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.

4. Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations. However, the Zoning Enforcement Officer may permit the Solar Energy Equipment to be ten (10%) percent higher than the permitted roof height on existing structures that have previously obtained a proper zoning signoff and a proper certificate of occupancy.
5. The Zoning Enforcement Officer, prior to issuing a zoning permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include, but shall not be limited to:
 - a. Sun and shadow diagrams specific to the subject proposed installation which would enable the Zoning Enforcement Officer or the Commission to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access;
 - b. Detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties;
 - c. An as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Zoning Enforcement Officer may order its removal and/or relocation as appropriate.

It is the applicant and property owner's responsibility to assure the long term functionality of the solar equipment as it pertains to solar access.

6.2 Uses Requiring Site Plan Approval

- A. Site Plan approval, subject to the standards of Section 9 - Site Development Plans, Requirements and Standards, shall also be required in addition to a B&I permit, if a proposed use will entail physical alterations to the site including any of the following:
 1. Construction of a new structure, or
 2. Alteration or addition to:
 - a. the footprint of an existing structure
 - b. the site or area drainage
 - c. the required parking and/or driveway facilities and/or change in traffic circulation
 - d. the site or area lighting

- e. signs as set forth in Section 9.3
 - f. change in outside storage and/or area of display
 - g. a substantial change in number of employees or character of use as determined by the Commission, or
3. Earth removal, excavation, filling, stockpiling or grading but which do not require a special permit as set forth in Section 8
- B. The following additional uses may be authorized by issuance of a special permit, in addition to Site Plan approval pursuant to the standards of Sections 5 and 9 and a B&I permit from the Commission.
- 1. New or additions to existing filling stations, commercial garages and truck distribution terminals, provided that any access for motor vehicles shall be not less than 500 feet from any pedestrian or motor vehicle access or egress to a school, playground, church or other place of public assembly. Furthermore, no such facility shall be permitted on premises which are located less than 500 feet from a Residential Zone.
 - 2. Bed and Breakfast Establishments in existing residences located in the B&I Zone. The establishments shall be limited in size to no more than three (3) bedrooms available for transient occupancy of a maximum of six (6) adults. The establishment shall meet the requirements and established standards for size, appearance and parking. Prior to approval by the Commission, the establishment shall obtain written approval of the proposed drinking water supply and septic system from the Town Sanitarian.
 - 3. Commercial kennels, provided all exercise yards and buildings for housing animals are enclosed, and that all storage of materials and waste are at least 100 feet from any property line and 500 feet from any residential zone. A dwelling unit may be permitted to be occupied by the owner/operator of the kennel as an accessory use to the kennel, only if it is permanently deed restricted to the satisfaction of the Commission. A copy of the restriction is to be filed with the Commission and the ZEO.
 - 4. The creation or substantial modification of a Shopping Center or Business Center, subject to the following requirements, in addition to the normal Special Exception Permit standards: (Note: Prior to occupancy, reoccupancy or use, a B&I permit is required for each use or change of use in the Shopping Center or Business Center).
 - a. Location and Site Plan approval. A B&I permit for a shopping center and/or business center (or for an addition or an extension thereof) shall be issued after approval in writing by the Commission with or without any special modifications, of the location and site plan specified in such approval. Such site plan approval shall be valid for the work to be completed within one (1) year unless specified otherwise by the Commission in writing in their decision or a modification thereof. No grading or changing of contour of the land shall begin until all modifications are addressed and the permit is issued.

- b. Traffic safety and ease of access at road or highway entrances and exits of shopping and business center driveways, taking into account grades, sight distances and the distance between such access and egress points and the nearest intersections.
 - c. Safety and adequacy of shopping center driveway layout and circulation, parking and loading areas for patrons and service vehicles for such items as electricity, gas, telephone, laundry, rubbish removal, water, septic, fire or police vehicles. Emergency services access shall be reviewed and signed off by the Fire Marshal.
 - d. Safe and adequate means of sewage disposal and water supply as determined by the Town Sanitarian.
 - e. Assurance of proper storm water drainage for the entire site and the immediate area, proper site completion, including proper surfacing of all parking areas, as well as landscaping, determined by the Commission to be adequate.
5. Restaurants or other food service vendors but without drive through facilities.
 6. Earth Removal, excavation, filling, stockpiling and grading shall only be allowed as set forth in Section 8 of these Regulations.
 7. The Commission may allow uses which are similar and complimentary to those permitted in these regulations. The Planning and Zoning Commission may upon formal application for a Special Exception Permit, allow other business or industrial uses not specifically listed as permitted in this Section, when in its judgment, the public convenience and welfare will be served and appropriate use of the adjoining properties, including those separated by a public highway, and which will not be detrimental to surrounding properties and will not be substantially injured by such use.
 8. A dwelling unit which is clearly accessory to an existing, permitted principal use. The accessory residential unit may only be occupied by the owner or operator or a person or persons directly connected to the operation of the permitted principal use on the property. The Commission may adapt the site plan requirements to the extent necessary to allow the requested accessory use while protecting the integrity of the Business and Industrial zone and the purpose(s) for which it was established.
 - a. The above accessory use may only be considered when proposed to take place in the principal building on the same parcel of land as the principal use. No new separate structure(s) used solely or principally for residential use shall be permitted under this section.
 - b. The maximum size of any such accessory residential use shall be 1,000 square feet, not including utility room or garage space. The maximum number of bedrooms permitted for the residential use is two. There may be only one (1) such accessory residential use permitted per property under this section.
 - c. The accessory residential area may not be occupied or rented to a person who is not directly connected to the operation of the principal use on the site.

- d. When the principal use on the subject parcel is changed or discontinued or the ownership is transferred, the Special Permit for the accessory residential use shall expire. The new owner or operator of the principal use on the property may apply to reestablish the accessory residential use in conformance with these regulations.
- e. The owner of the property shall provide to the Commission an annual affidavit, supplied on forms supplied by the Commission and due on January 1, to the effect that the accessory residential unit continues to be in full compliance with all sections of these regulations.

9. Public Assembly. The Commission may permit uses involving the public assembly upon the approval of a special permit application which addresses at least the following items:

- a. Adequate parking, whether dedicated or shared parking, which in the finding of the Commission will adequately serve the number of members of the public which are anticipated to attend events held in the subject venue. Specific, sufficient documentation may be required.
- b. Adequate plans for the space whether it is to be constructed all at one time or phased construction over a period of time, which shows, in adequate detail the fact that the public will be able to be accommodated without potential danger to attendees or others who may need to visit the site for whatever reason.
- c. Adequate provisions for safe site access and accommodation for all attendees and any emergency personnel as may be needed.
- d. Adequate provision for the protection of the health and safety of all abutting property owners, whether on the subject site or on abutting properties.
- e. Adequate provision for site lighting both inside and outside the subject structure. Such lighting shall be determined by the proper officials to be safe but shall not trespass off the subject property. Documentation of this requirement via a photometric plan may be required by the Commission.
- f. Other approvals as may be applicable may be required prior to CO for the proposed use. Such approvals may include Fire Marshal, Health District, Water Authority, Building Official, Town Engineer and the like.
- g. It should be noted that, depending on the proposed use, a special fee for outside consultants or experts maybe required as part of the application review process.
- h. Items as required by Section 6.2.B. and 9.

6.3 General Regulations.

A. In order to properly transfer a Business and Industrial Permit, the new owner shall submit a letter to the Planning and Zoning Commission stating that they have received a copy of the original permit and are aware of any conditions contained in the original permit or any permit applicable to the property.

- B. No manufacturing plant or business establishment shall exceed 35 feet in height, exclusive of chimney and equipment penthouses, which penthouses shall occupy not more than 25% of the roof area and which may be a maximum of 50 feet in height. All rooftop equipment shall be suitably screened with a parapet wall or similar suitable device.
- C. The Planning and Zoning Commission may, after review and approval by the Fire Marshal, permit a maximum of 10% of the footprint of a manufacturing plant to be higher than set out above, but no higher than 50 feet, when after proper application, public notice and public hearing the Commission determines that neither the public welfare and convenience, nor private property values in the area will be adversely affected. All potential environmental effects shall be carefully considered by the Commission.
- D. All buildings shall be at least 70 feet from any property line adjacent to any public highway.
- E. The minimum lot width at the setback line or the property line fronting on any road, drive or lane, public or private shall be not less than 200 feet.
- F. No nonconforming lot in the B&I zone shall be reduced so that after the reduction, the minimum size of the lot with respect to its area, width or dimensions of any of the yards or open spaces shall be made more nonconforming, nor shall any conforming lot be made nonconforming in these respects.
- G. Landscaping, including trees, shrubbery, grasses and ground cover, shall be provided and continuously maintained in accordance with the standards of Section 9 of these Regulations.
- H. Outside storage in the B&I Zone is regulated and permitted as follows:
 - 1. General requirements:
 - a. Outside storage and display areas shall not extend into any required front or side yard setbacks unless permitted by the Commission. For example, in the case of existing buildings, such areas may be permitted to extend to the existing building line if deemed by the Commission to be in the best interests of the neighborhood and the intent and purpose of the B&I Zone and as long as the proposal is found to not adversely affect property values, vehicular on-site and off-site traffic, sight lines and safety of residents in the area.
 - b. The display of new or used merchandise for sale or rent may be permitted during business hours only. At all other times such merchandise shall be placed in a completely enclosed structure or completely screened with vegetative screening or fencing as found appropriate and as may be permitted by the Commission. Any request to lessen the screening requirement shall be reviewed and decided by the Commission.
 - c. The area dedicated to or used for outside storage must be clearly indicated on the site plan, if one is required, and shall occupy no more than 30% of the total lot area. Exceptions to this up to 50% may be made for plants, shrubs or vegetation, or for equipment which is for sale.
 - d. If a site plan is required under this section, it shall be prepared, signed and sealed in conformance with the requirements of Section 8 of these regulations.

Said plan shall show the entire site, unless specifically waived by the Commission, and all areas proposed for outdoor storage or displays. It shall include all existing and proposed, landscaping, screening and lighting details. Lighting details are to be reviewed by the Commission and may be approved upon a finding that the proposed lighting does not adversely affect any abutting roadway, or residential property owner. The site plan shall be at a scale of 1"= 40' and must show all areas within 100' of the property lines, including buildings and uses in that area.

- e. All applications for outside storage must, prior to their establishment, be found to be in compliance with all applicable sections of these regulations and shall include a narrative description of the proposed operation and use of the site, including normal hours of operation and all other relevant details.

2. Permitted as of right:

- a. Parking of registered motor vehicles, including employees' vehicles, not exceeding 20,000 pounds GVW, which are used on a daily basis in connection with the functioning of the business on the site.
- b. The temporary, meaning less than 90 days, outside storage of building materials, equipment and supplies which are used in construction on the same property on which they are stored and for which the required permits have been issued and are in force.
- c. The temporary storage of farm produce on property on which it was produced or on other property of the same owner and for which a zoning permit for the sale of same has been issued and is in force.

3. Permitted by Site Plan Review:

- a. A site plan prepared in conformance with Section 8 of these regulations is required for items requiring a site plan approval by the Commission.
- b. The temporary display of new or used farm machinery for sale and new or used motor vehicles 20,000 pounds or less, for sale by a licensed dealer for the same location.
- c. Packaged landscaped material and live landscaping products for retail sale.
- d. Items used as models or samples of items which are for sale on the site may only be placed on the site in locations approved by the Commission after the submission and approval of a proper site plan as described in Section 8 of these regulations.

4. Permitted by Special Permit:

- a. All proposed outdoor storage or displays which are not specified above, or for which outside storage is the primary activity of the business or the outside storage exceeds the limitations of Section 6.3.H.1.c. above.
- b. Motor vehicles or equipment in excess of 20,000 pounds GVW, which are for sale or rent.

- c. Stockpiling of unpackaged or bulk landscaping material for sale. Stockpiles of such bulk material shall not exceed 50 cubic yards in size and shall be limited to no more than 4 piles. In addition, any such storage must still comply with Section 6.3.H.1.c above.

6.4 Performance Standards & Other Requirements

A. Uses in the Business and Industrial zone shall meet the following standards:

1. No offensive or hazardous wastes shall be discharged into the air or into any wetland, stream or watercourse or any other body of water, or into the ground or on to any adjoining property.
2. No activity shall be permitted or conducted which is offensive, hazardous, creates a public nuisance or is dangerous to persons or property on or outside the lot on which the activity is conducted. Acceptable lighting levels are to be as referenced in Section 9.2. of these Regulations and as may be adopted by the Commission. Noise levels are to be in keeping with any local ordinance adopted by the Town.
3. Failure of a business or industry to exercise appropriate control methods to meet the requirements of these Regulations or any permit granted by these Regulations or any conditions imposed in the grant of any variance by the Zoning Board of Appeals where such a failure results from the inadequacy or the lack of maintenance or repair of required controls, or control methods, or failure to comply with specific limitations or conditions set forth by the Commission, Board of Appeals, or other appropriate regulatory authority shall be subject to all enforcement actions, fines, and penalties authorized by law until the violation is corrected.

B. Each property shall have its own clear and unobstructed access, owned in fee simple, to a public road. Such access shall be not less than 50 feet in width in all portions.

C. An applicant proposing to construct, transform or expand property into a shopping center use shall submit a traffic study and plans to the State of Connecticut Department of Transportation and/or the Town Highway Department as appropriate, with a request to review the plans for traffic control and drainage, and shall provide a copy of the request to the Board of Selectmen. The applicant must submit a copy of the approval from the DOT to the Board of Selectmen and the Commission. The applicant shall be responsible for the construction and maintenance of any such approved or required appurtenances unless the Board of Selectmen agrees to assume all or some of those responsibilities.

D. The Commission, as part of its approval, may require the posting of a bond with surety sufficient to guarantee the completion of all work commenced shall be properly completed, and that all imposed modifications or conditions shall be met. The security must be in a form acceptable to the Commission. The bond shall insure that the surety shall promptly take any and all steps necessary to insure compliance. See Section 9.6 for appropriate bonding requirements.

E. All signs shall conform to Section 9.3 of these Regulations.

- F. All dimensional requirements shall be in conformance with Section 4. and other applicable sections of these regulations.
- G. Off-street parking and loading requirements shall be in conformance with Sections 5 and 9 of these regulations.
- H. See also Appendix 6 for dimensional parking standards.

6.5 Application and Permit Requirements for Business and Industrial Zones

For submission and processing of applications for required permits, the following shall apply.

A. Business/ Industrial Permit. A business/ industrial permit is required for any new use, change of use or addition to a use of a business and industrial site. These permit applications shall be completed and submitted on forms provided by the Commission and shall be accompanied by:

1. A site plan prepared to the standards found in these Regulations with special note to the requirements of Section 9, for the subject site. The site plan shall be reviewed by the Commission, its agents and such other Town Departments and officials, including Fire Marshal as may be appropriate to determine compliance with these Regulations.
2. A written narrative description of the purpose and nature of the proposed use setting forth hours of operation, number of employees, materials to be used, stored or sold on the site along with a description of the proposed operation, including details of any exterior lighting, and sound and noise impacts associated with the proposed use.
3. In the case where a separate permit for site plan approval is required because of proposals by the applicant or requirements imposed by the Commission to insure compliance with these Regulations, no Certificate of Zoning Compliance for the business shall be issued by the Zoning Enforcement Officer until the site has been determined to be in compliance with the approved or modified site plan.
4. The proper fee for the application as established in the Town of Bethany Land Use Fee Schedule Ordinance and the required State land use application fee.

B. Site Plan Requirements. Site Plan approval, as required by Section 5. and Section 9 including any physical alteration to a site, which may include; construction of a new structure, alterations or additions to an existing structure's footprint, drainage, parking and driveway facilities and/ or exterior lighting shall expire within five (5) years from the date of approval in accordance with Connecticut General Statutes Section 8-3.(i) and U). Site plan approval permit applications shall be submitted on completed forms provided by the Commission and shall be accompanied by:

1. Five (5) copies of a complete set of site plans including or showing at least the following:
 - a. An A-2 survey of the property showing all property lines, required zoning setback lines and any other building or disturbance restriction lines. Topography may be required to be shown to a T-2 degree of accuracy using 2 foot contour intervals. The applicant may request a waiver from this requirement. The Commission may, for good cause found and upon vote of 2/3 of members present and voting, waive this

- requirement in total or in part.
- b. Location and description of all soil deep test pits and all percolation tests conducted on the site, along with well and primary and reserve septic areas as witnessed by the Town Sanitarian.
 - c. All existing or proposed structures including driveways and parking areas, existing and/or proposed lighting, as well as all underground utility services and note as to provision of electric service, telephone and/or cable service if not proposed underground.
 - d. Limits of clearing and grading and all existing and proposed contours.
 - e. Locations of any areas existing or proposed to be used for outside activities such as dining areas, with proposed seating capacities.
 - f. A soil sedimentation and erosion control plan prepared in accordance with Connecticut Guidelines as amended.
 - g. All storm water drainage from the site and treatment thereof so as to achieve a zero increase in the rate of runoff from the site for a 25 year design storm. A copy of the drainage information used to calculate the post development rate of runoff, showing such zero increase, shall also be submitted.
2. The application fee for site plan approval permit as set forth in the Land Use Fee Schedule Ordinance and including the State Land Use Fee as established by CGS Section 22a-27j, and as it may be amended.
 3. If the proposed work involves a new road or modification to a road or highway access, approval from the Town Highway Department or the State Department of Transportation as appropriate, is required.
 4. Approval from the Town Sanitarian and/or the State Public Health Department and/or the Department of Environmental Protection as may be applicable, is required.
 5. Approval of the Fire Marshal, if the work involves alterations to a structure, or a new use or a change of use.
 6. If the application involves a regulated activity in or adjacent to an inland wetland or watercourse regulated under Section 22a-36 to 22a-45 inclusive, of the Connecticut General Statutes, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency no later than the day the application is filed with the Commission.
 7. If the application involves land which is in the designated drinking water supply watershed as defined in the CGS Section 25-32a, the applicant shall notify the applicable Water Company in accordance with these Regulations.
 8. The Commission may require the applicant to submit additional studies or documentation, which in its opinion are needed, depending on the specifics of the site in question.

9. For all new structures shown on an approved site plan an as-built, class A-2 survey, must be prepared and submitted after the foundation has been completed before further building construction may begin to insure compliance with all required setbacks.

C. Decisions. Decisions on site plans not subject to a public hearing by the Commission shall be rendered within 65 days of the official receipt of such an application. If taken to a public hearing, the applicant may consent to one or more extensions of such time periods as are provided for in these regulations and the C.G. S. The total time of any such extension(s) shall not exceed statutory specifications. For purposes of this Section, the official date of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such application, or thirty-five (35) days after such submission, whichever is sooner. The office of the Town Clerk shall act as the agent of the Commission for acceptance of submission of any application, during regular business hours when the Commission office is not open.

D. Delay of Decision. If an application involves an activity regulated by the IWWA under CGS Sections 22a-36 to 22a-45 and a decision or final report has not been issued by the IWWA, the deadline for action by the Commission is extended as established under CGS Section 8-7d (e).

6.6. Establishment of cannabis establishment for the use as adult use retail sales as defined and as restricted by existing Connecticut General Statutes and as permitted by Public Act 21-1 and as codified in CGS § 8-2. Such use shall only be permitted as a special exception use in accordance with the adopted special exception standards and as follows:

1. One and only one such use may be established within the Town of Bethany, and
2. The owner of such use shall be properly permitted and authorized by the State of Connecticut, and
3. Such use shall comply with all State regulations for such use at a minimum, and shall also comply with any additional requirements imposed by the Town, and
4. Any such use may only be permitted or established in a commercial zone in Bethany, and
5. Any such use shall be established at least 1,000 feet from any school, educational facility, recreation area or recreational facility, or religious institution, and
6. Hours of operation shall be only from 9 am to 9 pm, 7 days per week, and
7. All signage shall obtain a proper permit as required by the Bethany Zoning Regulations.”

6.7. Security Requirements: Performance Bonds and Letters of Credit. See Sections 8 and 9.

SECTION 7. Special Districts and Regulations:

7.1. Village Center Design District.

A. General Provisions:

B. Purpose:

Design Districts are intended to:

1. Enable the development of a specific area in accordance with an overall Master Plan for such area;
2. Result in a development which demonstrates a high regard for a design, which is compatible with the historic, cultural and geographic qualities of Bethany; which may well also include open space, and parks and plazas for public use.
3. Foster development which is compatible with surrounding areas and which incorporates buffers or transition areas to reduce potentially negative impacts on single family residential areas;
4. Encourage a mixture of compatible uses and sizes of structures to create sustainable and attractive environment for a wide variety of business and residential uses;
5. Break up the apparent mass and scale of large structures, as well as large paved areas, to reduce visual impacts and insure that such development does not detract from Bethany's overall character, scale and sense of place;
6. Mitigate the impact of larger scale development with its surroundings;
7. Promote and facilitate a safe and comfortable pedestrian scale environment;
8. Be flexible, to allow for innovative design techniques, accommodate unique uses and encourage creative approaches to development issues; and
9. Allow for an organized manner in which applications filed under CGS § 8-2j, The Village District Act, may be processed.

C. Process:

1. Applicants hereunder are strongly encouraged to arrange for preliminary meetings with the Zoning Commission prior to submitting an application for a design district.
2. A complete application form for a Design District application shall be submitted.
3. A Design District application shall be processed in accordance with the procedures adopted under Section 8, 9 and all other applicable sections of these regulations.
4. A public hearing shall be scheduled in accordance with Section 9 of these regulations.
5. Detailed Site Plan Required-The applicant may, as part of the General Development Plan under 6.1.D., submit a complete site development plan prepared by a professional, in conformance with Section 8, and the requirements of this section. If a site development plan is not submitted with

and approved as part of the Master Plan, a site development plan shall be submitted in accordance with Section 8 as part of a subsequent application.

This deferment is at the sole determination of the Commission.

D. Master Plan Requirements:

1. A Village Design District may only be established by the approval of a Master Plan in accordance with this section. The approval of a Master Plan shall be an approval of a zoning regulation amendment and zoning map amendment granted by the Commission only after holding a duly noticed public hearing as required by the Connecticut General Statutes for zoning amendments. See also Section 11 of these Regulations.

2. At a minimum, the Master Plan shall include the following:

a. Existing Conditions Plans - prepared at a scale of 1" = 200' or larger showing the following:

- i. a location map at a scale of 1 inch equals 1,000 feet;
- ii. existing topography with two-foot (2') contours showing the general gradient of the lot(s), existing structures, existing roads and rights-of-way, all easements, property boundaries, parking areas, impervious surfaces, major topographic features, rock outcrops, inland wetlands, watercourses, aquifers and flood hazard areas;
- iii. one or more maps showing existing uses, existing zoning and approximate location of existing buildings within 500 feet of the lot(s) and driveways within 100 feet of the lot(s);
- iv. the location and identification of abutting lot owners from the most recent Town of Bethany Assessor's records.
- v. a boundary survey of existing parcels to an A-2 level of accuracy drawn by a CT professional land surveyor; and
- vi. the documentation of the architectural and historic features existing within and in close proximity to the boundaries of the proposed district, and the identification of buildings or significant historical, cultural, or architectural interests, prepared by either a professional architect specializing in historic preservation or an architectural historian. Such documentation shall be required when a lot, or collection of lots, contains, or is located within, or adjacent to:
 - a. A National or State Register Historic District; or
 - b. A Local Historic District;
 - c. An individually listed historic property or structure;

- d. A cultural, or community resource of significance identified in the Plan of Conservation and Development; or,
 - e. a property, lot, structure or other element that is in the public interest and warrants, in the opinion of the Commission, such historic and architectural documentation and identification.
- b. General Development Plans - General Development Plans prepared at a scale of 1"=200' or larger and architectural elevations shall be submitted to illustrate the application of the regulations and standards, and proposed development of the Village Design District, and shall also include the following elements, as applicable:
- c. Standards for Proposed Development - The Master Plan shall provide regulations for the following standards in the proposed Village Design District:
- i. use standards - Identification, description and location of:
 - a. uses permitted as of right;
 - b. uses allowed by special permit;
 - c. specific prohibitions or limitations;
 - ii. bulk standards:
 - a. bulk, height and density standards;
 - b. lot area, square, frontage and other dimensional standards;
 - c. building setbacks and required yards;
 - d. maximum building coverage;
 - e. maximum impervious coverage;
 - f. maximum and minimum square footage of floor area, including maximum building footprint size;
 - g. standards for the massing/ density of development including arrangement, number, and size of proposed buildings;
 - h. allocation of floor area by uses;
 - iii. parking area, loading area, and service area standards;
 - iv. landscaping standards including minimum standards for the provision of internal green space (landscaping within the boundaries of proposed development areas);
 - v. site lighting standards (including separate standards for business hour and non-business hour lighting when applicable);
 - vi. noise allowable level standards;
 - vii. proposed allowable hours of operation;
 - viii. design guidelines for architectural style and character of new construction and for rehabilitation of existing structure.

Guidelines for rehabilitation of historic structures shall either be prepared by a professional architect specializing in historic preservation or an architectural historian;

- ix. unified signage guidelines, including a uniform means of identifying buildings;
- x. for separate parcels under unified development, provisions for maintenance and operation of common areas and improvements; and
- xi. any other standards deemed necessary by the Commission

d. Fiscal Impact Analysis - The Commission may require a municipal fiscal impact analysis/study evaluating the net municipal revenue impact of a proposal using acceptable cost/revenue analysis techniques. The Commission may consider the fiscal impacts as a part of its basis for its decision.

e. Additional Documentation - The following documentation is also required for applications that meet the following requirements.

- i. The applicant shall provide a traffic impact analysis, in accordance with the Institute of Transportation Engineers requirements for traffic impact studies. Such analysis shall evaluate traffic generated by a proposed development and its probable impact on existing roads and intersections in the area for:
 - a. Any proposed non-residential development containing a gross floor area of ten thousand (10,000) square feet or more;
 - b. Any development which, in the Commission's judgment, could generate high levels of traffic, exacerbate existing traffic conditions, or create a traffic safety issue; or
 - c. Any intersection that would have 100 or more vehicles trips in a peak hour.
- ii. a comprehensive traffic study prepared by a professional traffic engineer, in compliance with the ITE standards, including an analysis of the maximum potential traffic and the capacity of streets within and neighboring the district to accommodate the projected traffic;
- iii. a letter from the water supply provider or the Quinnipiac Valley Health District, Bethany Fire Department signifying adequate capacity to meet the development's potable and fire-fighting water demands;

iv. the provision of sufficient information to determine the adequacy of utilities, streets, and other related infrastructure to accommodate the proposed development;

f. Additional Documentation - The following documentation is also required:

i. a statement of how aesthetic, historic, or neighborhood views and landscapes, historic buildings, monuments, would be impacted and how landscaping shall be maintained where applicable;

ii. the application package shall contain detailed review comments from the Quinnipiac Valley Health District, Bethany Fire Department, Wetlands Commission and Conservation Commission; and

iii. a statement on how the General Village District Development Plan complies with the Plan of Conservation and Development; and

iv. a statement on how the General Development Plan adheres to the purpose of the Village Design District.

E. Decision Considerations:

1. In addition to the decision considerations in these regulations, the Commission shall consider the following:

a. Whether the proposal is generally consistent with the Bethany Plan of Conservation and Development;

b. Whether the proposal complies with the Master Plan Requirements as documented above;

c. Whether abutting streets and nearby intersections that would have more than 100 or more vehicle trips in a peak hour, are capable of, or will be improved to the extent necessary to, accommodate the development traffic, pursuant to a traffic impact analysis in conformance with JTE and other applicable standards, with a goal of maintaining a "Level of Service A", but in no event shall the level of service be lowered less than "C" defined by the Connecticut Department of Transportation. If the existing conditions are lower than Level of Service "C", such Level of Service shall be improved (as determined by a professional traffic engineer);

d. In considering any application for a Village Design District zone designation, the Commission shall, in addition to other standards in these Regulations, evaluate the merits of the application with respect to the following factors:

1. Plan of Conservation and Development - Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the current Plan of Conservation and Development, and;
 2. Purposes of Regulations - The proposed use or activity is consistent with the purposes of the Regulations.
 3. Environmental Protection and Conservation - Appropriate consideration shall be given to the protection, preservation, and/or enrichment of natural, scenic, historic, and unique and environmental resources and features which enhance the character of the community
2. Suitable Location for Use - with respect to:
- a. The size of the lot;
 - b. The nature and intensity of the activities proposed to be involved in or conducted in connection with the proposed use(s);
 - c. The streets giving access to it are such that the use shall be in general harmony with the appropriate and orderly development in the neighborhood in which it is located; and,
 - d. The impact on neighboring properties and residences or the development of the district.
3. Appropriate Improvements
- a. The design elements shall be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood.
 - b. The location, nature and height of buildings, walls, and fences, planned uses and the nature and extent of landscaping on the lot shall not hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof.
 - c. The proposed use shall have no significant or material adverse impact upon the neighborhood.
4. Suitable Transportation Conditions
- a. The design, location, and specific details of the proposed use or activity shall not:
 - i. adversely affect safety in the streets;
 - ii. unreasonably increase traffic congestion in the area;
 - iii. interfere with the pattern of vehicular circulation in such a manner as to create or increase unsafe traffic conditions.

- b. Parking area or areas shall:
 - i. be of adequate size for the particular use,
 - ii. be suitably screened from adjoining residential uses, and
 - iii. have entrance and exit drives laid out so as to prevent traffic hazards and nuisances.
- c. Streets and other rights-of-way shall be of such size, condition capacity, width, grade, alignment and visibility to adequately accommodate the additional traffic to be generated by the particular proposed use.

5. Adequate Public Utilities and Services

- a. The provisions for water supply, sewage disposal, and storm water drainage shall:
 - i. Use low impact drainage design (LID) techniques to the maximum extent feasible,
 - ii. conform to accepted engineering practices,
 - iii. comply with all standards of the appropriate regulatory authority; and
 - iv. not unduly burden the capacity of such facilities.
 - v. minimize impacts to surrounding areas with regard to light and noise impacts,
- b. The proposed use or activity shall:
 - i. provide ready accessibility for fire apparatus and police protection, and
 - ii. be laid out and equipped to further the provision of emergency services.

6. Nuisance Avoidance

- a. The use shall be appropriate for the area shall not create an unacceptable nuisance, and
- b. shall not adversely impact the public health, safety, convenience, and property values.

7. Long Term Viability

Adequate provision shall be made for the sustained maintenance of the proposed development including structures, streets, and other improvements including;

- a. Adherence to the purposes of the District;
- b. Consistency with other applicable regulations; and
- c. Consistency with CGS § 8-2.

Compliance with the site plan criteria as set out in these Regulations and the proposed Master Plan, unless superseded by the standards adopted under this section, is

required if a complete site development plan is submitted as part of a Village District Design application.

F. Terms of Approval:

In addition to any standard conditions of approval or any site-specific conditions of approval, the following terms of approval shall apply to a Village Design District approved under these regulations:

1. The Master Plan, signed as accepted by the applicant and as approved by the Commission, with the effective date noted, shall be filed in the office of the Town Clerk, and shall be incorporated by reference as an amendment to these Regulations, and the rezoning shall not be effective until such filing;
2. The applicant shall provide 10 complete and bound copies of the approved Master Plan, which shall be provided in a manner easily distributable. The applicant shall also provide an electronic/ digital copy of this requirement, compliant with town standards;
3. The approval of the Village Design District shall become null and void unless a site development plan for some portion or all of the approved Design District is approved within an effective date occurring within 5 years of the date of approval of the zone map change, or, upon the filing of an appeal, 5 years of the final dismissal of such appeal by a court of competent jurisdiction. The Commission may grant one or more extensions of this period upon the written request of the applicant for good cause shown.
4. Any subsequent site development plan shall conform to the standards of development and substantially conform to the size, location, and architecture or buildings contained in the Master Plan;
5. Site development activities shall not commence until proof of official capacity reservation has been provided from the QVHD to the Town ZEO; and
6. Any provision of these Regulations applicable to the property prior to the zoning map and regulation amendment and not superseded by adoption of the Master Plan, standards, and zoning map and regulation amendments shall continue in full force and effect.

G. Amendments:

1. Modifications of an approved Master Plan, adopted standards, subsequent regulations, and an approved site development plan may be submitted and approved by the Commission without a public hearing provided that the Commission finds

that such modifications do not substantially alter the character of the approved Master Plan.

2. Such change shall not be adopted except by a vote of two-thirds of all members of the Commission.

7.2. Elderly Housing District Regulations.

A. Purpose:

The purposes of the Elderly Housing District (EHD) Regulations are: (1) to provide for a variety of housing alternatives, including single family, owner-occupied dwellings and/or certain multifamily dwellings that are well-planned, functional and aesthetically pleasing and are compatible with abutting property zones and uses; (2) to increase the supply of affordable housing options within the town; (3) to provide site design and housing density compatible with Bethany's established rural residential character; (4) to protect the quality of the public water supply; (5) to protect the environment of the area by requiring the use of on-site utilities, including water supply and sewage disposal, and (6) to provide for the allocation of open space for buffers and recreation or conservation areas.

B. Permitted Uses:

- a. Residential dwelling units of not more than 2 bedrooms, designed and intended for occupancy by elderly persons as defined in Sec. 7.3.5.
- b. Accessory structures and uses that are determined by the Commission to be secondary to the above permitted primary residential uses, such as facilities for maintenance, utilities, administration, off-street parking, storage and indoor or outdoor recreation, such as swimming pools and tennis courts.
- c. Housing may be in the form of detached and/or attached dwelling units up to a maximum of 3 units per building.
- d. A home occupation use may be permitted as a Special Exception use, but non-resident employees are not permitted to work on site.

C. Definitions:

- a. Affordable Housing. Housing conveyed by deeds containing covenants or restrictions which require that for forty years after the initial occupancy such housing will be sold or rented at, or below, prices which will preserve the units as housing for persons and families paying thirty percent or less of their annual income, where such income is less than or equal to eighty percent or sixty percent of the median income. The number of housing units restricted at the sixty percent median income level shall not be less than the number of units restricted at the eighty percent median income level. Median income means, after adjustments for family United States Department of Housing and Urban Development. Affordable housing units shall be constructed with floor area, finishes and amenities comparable to the market rate units within the

development, and shall be reasonably distributed throughout the project and provided in a mix of unit types, as determined by the Commission.

- b. Buildable Area. For purposes of these EHD regulations, buildable area shall consist of the sum of all portions of a development parcel not comprised of wetlands, watercourses or land with a slope greater than in area.
- c. Dwelling Unit. A group of connected rooms designed and constructed to provide kitchen, sleeping, bathroom and living areas.
- d. For-Profit Housing Group. A group which is in the business of providing housing or housing services on a for-profit basis, usually at market rate.
- e. Elderly person. A person who is 62 years of age or older or is certified by any federal board or agency as totally disabled.
- f. Elderly resident. An elderly person who is qualified and is or will be a resident in the subject development.
- g. Elderly Housing. Housing that is designed and developed for occupancy by residents, one of whom is an elderly person as defined in Section 7.2.3.e.
- h. Independent living. Housing designed and developed for occupancy by elderly residents who do not need ongoing daily assistance with normal living requirements.
- i. Municipal and Nonprofit Housing for the Elderly. Housing designed, constructed, owned and operated under the authority of the Town or a valid, nonprofit housing group, which is determined to be acceptable by the Commission.
- j. Open Space and Recreation area. Land, including trails, which are specifically set aside for passive recreation or other open areas such as lawns, fields and undeveloped forests, all of which are specifically designated on a site plan. Driveways, roads, parking areas, detention basins and septic areas will not be considered open space.

D. Procedure for establishing an EHD:

- a. An Elderly Housing District (EHD) is hereby established as a floating zone. An application for an EHD development shall be submitted to the Commission for a contiguous parcel of land, located in any zone that meets all the required standards and requirements set forth and referenced in this section. Such application can only be submitted by the property owner or their designated agent.
- b. All development within the approved EHD shall be constructed strictly in accordance with the maps, plans, drawings and documents approved by the Commission after the required public hearing. Any additions or modifications to the approved maps, plans, drawings and documents shall be made only after approval by the Commission. However, the Commission may approve minor additions or modifications without holding another public hearing. Only the

Commission may make the determination as to whether an addition or modification will be considered minor.

c. No application for an EHD shall be approved by the Commission unless it finds that:

1. The application includes a current needs study specific to the Town of Bethany, which demonstrates a need for the type of housing proposed;
 2. The application provides for the continued protection of safe drinking water supplies from the public drinking water supply watersheds located in the Town; and
 3. The topography, soils and other natural features of the property are proven capable of accommodating the proposed development without detrimental impact to the site or area giving specific consideration to the physical configuration and the density of the proposed development;
 4. The application and plans conform to the standards and requirements contained herein and/or referenced in Section 9.1 and 7.2 of these regulations.
5. The Commission may attach conditions or modifications to any EHD approval in order to assure compliance with the above-referenced standards so as to adequately protect the health, safety and welfare of the residents of the development and of the Town of Bethany.

E. Application and Decision Process:

- a. No application for an EHD may be found complete and approved unless the applicant has paid the application fee and technical consultant fees, which are described in Section 7.2.10, prior to the public hearing on the application.
- b. Application for an EHD shall be made to the Commission in the form of a Zoning Map amendment, Site Plan in accordance with Section 9, and Special Exception application, all of which shall all be heard at the same time. The Zoning Map amendment application shall not be approved unless the accompanying Site Plan and Special Exception are also ready to be approved by the Commission as well.
- c. In order for the application to be deemed complete, if any affordable housing is contemplated, the applicant shall submit an "Affordability Plan" in accordance with CGS 8-30 (g), which shall:
- d. Describe how the regulation regarding affordability will be administered. The plan shall include provisions for administration of and compliance with the provisions of this Section, and Section 7.2.9, notice procedures to the general public of the availability of the affordable units, identification of those units, specific procedures for verification and yearly confirmation of occupant's age and income and compliance with the affordability requirements. Include

documents, such as draft deeds of conveyance, which will be used in the administration of the affordability restrictions, and any explanations which are to be provided to the unit occupants concerning such restrictions.

- e. The Affordability Plan, as well as the deed to each unit, must also include a "right of first refusal" to the Town of Bethany to purchase any and all units that are vacated after the affordability period or at any time the units are offered for sale to anyone other than an eligible individual.
- f. Site Plan preparation shall conform to all requirements of Section 9, Site Development Plans, of the Zoning Regulations unless a requirement is specifically exempted by the Commission, as provided for in these regulations. Applications shall also comply with any other applicable and relevant sections of the Bethany Zoning Regulations.
- g. All EHD applications shall conform to all requirements for a Special Exception found in Section 5.6, including all public hearings and abutting property owner notification requirements to all property owners within 500 feet of any portion of the property.
- h. Decision: After the conclusion of the public hearing, the Commission shall decide, within the time limits set forth in the CGS, whether the application, including the site plan, meets the requirements of these regulations. Upon such a finding it shall approve or deny the request for establishment of the EHD zoning map amendment on the subject property. If the EHD request is approved, the Commission may then approve or modify and approve the site plan as presented.
- i. The Commission may require financial security in a form acceptable to the Town Attorney and Commission and in an amount acceptable to the Commission as specified in these regulations, for work to be performed as shown on the approved site plan, or for any proposed public improvements.

F. General Requirements.

- a. All EHD applications shall be for contiguous parcels of land not larger than twenty-five (25) acres in size. The minimum parcel size shall be three (3) acres.
- b. The Commission may retain outside professional consultant(s) to review and comment on any technical data presented to it in an application. The Commission may require additional specific testing of soils as it deems necessary to make a final decision regarding density of dwelling units for the subject application. The applicant shall pay the costs for this soil testing and analysis, as described in Section 7.2.6.4.3.
- c. The number of bedrooms per buildable acre shall be determined by detailed soil testing and certification by the design engineer that the soils will support the

proposed development for the foreseeable future. In no case shall the number of bedrooms per buildable acre exceed six (6).

d. Wastewater Treatment:

- (1) Applicants are advised that no development shall be designed so as to require the creation or use of a Water Pollution Control Authority as defined by the CGS, at the time of application or at any time in the future.
- (2) An EHD shall be entirely capable of satisfying all stormwater, wastewater and drinking water requirements on-site, based on the site's verifiable soil and water conditions. Documents required as part of the EHD application shall clearly name the owner as the responsible party for any failure of the wastewater or drinking water systems. Said owner shall be identified as the party solely responsible for the maintenance, repair or replacement of these systems should any such failure occurs. If the owner of the property should ever wish to transfer this responsibility, it must request and receive approval by the Commission prior to any change in responsibility. The Commission may approve of such a transfer upon its receipt of information sufficient to insure these ongoing responsibilities will not fall to the Town.
- (3) The applicant shall be required to reimburse the Town of Bethany for the cost of a peer review of the site testing and design of the subsurface sewage disposal system by an independent consulting engineer reporting to the Commission. The applicant shall pay the Town of Bethany for the full cost of such peer review prior to the Commission's acting on the application. The proposed design for the treatment of on-site wastewater must be determined by the peer review engineer to satisfy all the technical requirements and current standards of the Connecticut Department of Environmental Protection, Water Compliance Division, that apply to the following aspects of community subsurface sewage disposal systems: construction, installation, maintenance, hydraulic capacity and wastewater renovation.

G. Development Standards:

- a. Number of bedrooms: The number of bedrooms per dwelling unit may not exceed two (2). Libraries, dens, studios, lofts and other substantially similar spaces may be deemed bedrooms by the Commission.
- b. Density of Bedrooms: The maximum number of bedrooms per buildable acre shall be determined by detailed soil testing and certification by the design engineer that the soils will support the proposed development for the foreseeable future. Maximum bedroom density shall be governed by the following schedule:

Number of Bedrooms in Affordable	I Permitted Number of Bedrooms, as
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Dwelling Units, as percent of total number of bedrooms.	percent of maximum permitted per the documented capacity of the land to support.
100%	100%
75% to 99%	80%
50% to 74%	60%
30% to 49%	44%
0% to 29%	20%

- c. The subject parcel shall contain a minimum of least 100 feet of property with frontage on a Town road. The minimum width of the property at any point shall be 100 feet.
 - d. Coverage: The total maximum building coverage allowed for an EHD is 15% of the parcel.
 - e. Stormwater: The applicant must show, by engineering certification at the time of application and prior to the issuance of any certificate of occupancy, that there will be no increase in the rate of stormwater runoff from the subject property to any abutting property and that any runoff to any abutting property will have no increased adverse impact to the abutting property for any storm event.
 - f. Setbacks: All structures shall be set back a minimum of 50 feet from any property line.
 - g. Parking lots may, if adequately screened with vegetation, be set back a minimum of 25 feet from a property line.
 - h. Building Height: All building heights, as measured according to Section 2 of these regulations shall not exceed 1½ stories or 25 feet, whichever is less.
 - i. Parking and Access: The amount of required on-site parking shall be 1.50 spaces for a one-bedroom unit and 2.00 spaces for a two-bedroom unit. Handicapped parking shall be provided, in size number and location, in accordance with the Connecticut Basic Building Code.
 - j. Driveways shall be arranged in a safe manner and shall provide for adequate access for all emergency type vehicles. Parking areas shall, at a minimum, be suitably landscaped in accordance with the illustration contained in Section 10-1.
 - k. Roads and Parking standards: All roads and drives shall be constructed to at least existing Town standards.
 - l. Open Space and Recreation Areas: Open space and outdoor recreation areas shall be shown on the site plan and identified as to use and location and shall comprise not less than 33% of the total site area.
- H. Site Plan Requirements:
- a. Site plans submitted as part of an EHD application shall be in compliance with Section 9 of these regulations unless stated otherwise in this section

- b. The site plans submitted as part of an EHD application must contain an overall development plan at a scale not less than 40 feet equals one inch.
- c. The site plans must show accurate field measurements of existing and proposed topography and all soils on the site by type. These plans must be signed and sealed by properly authorized professionals.
- d. The plans for the structures for an EHD must contain accurate general architectural plans with enough specific detail to show the design, general construction and specific finish materials to be used on all structures in the development.
- e. If the applicant has already received approval from the Inland Wetlands Commission, then those approved set of plans must be submitted to the Planning & Zoning Commission as part of their application. If the Inland Wetlands Commission has not acted on an application, then the same set of plans that were submitted to the Inland Wetlands Commission must be submitted to the Planning & Zoning Commission as part of their application.
- f. Building and Building Spacing: The minimum construction standards and spacing between buildings shall be in compliance with any applicable local, state or federal building and fire codes. In addition, all buildings shall be ADA compliant.
- g. Signs: The number and size of signs allowed shall be in accordance with Section 9 of these regulations.
- h. Exterior lighting shall be provided and maintained by the property owner in all areas of the site where needed for safety of the vehicular and pedestrian traffic. All exterior lighting shall be properly installed full cutoff lighting and shall be low level unless a need for other intensity is demonstrated. All exterior lighting glare shall be shielded from roads and abutting properties.
- i. Refuse collection areas shall be screened and supplied with covered receptacles.
- j. Mail boxes shall be covered from the elements.
- k. Sidewalks must be constructed so as to address elderly pedestrian safety issues and must be a minimum of 4 feet wide.
- l. All utilities shall be installed underground.

I. Residential Requirements

- a. Each dwelling unit shall be regularly occupied by at least one elderly person, as defined herein. However, elderly residents may have a resident helper or assistant when needed for an illness or convalescent period to assist with daily living requirements. The Town shall be notified of such a requirement when it occurs.
- b. The maximum number of residents will be two persons per bedroom.
- c. The owner of the EHD development is responsible for the continuous monitoring of residents eligibility to live in the approved EHD and for

providing the Planning and Zoning Commission or its designee with, at a minimum, an annual report of any changes to residents' status that would affect their eligibility to reside in the development. The owner is also responsible for providing prompt, written notification to the Planning and Zoning Commission or its designee of any changes in the status of any resident or unit in the development pertaining to eligibility for residency.

J. Fees.

- a. Fees are as described in this section and elsewhere in these regulations.
- b. The minimum application fee shall be \$750. The Commission may charge additional fees at any time during the application process to retain outside consultants to review any critical aspects of projects and their components. The additional fees may be required for projects whose size, complexity and/or potential impact require specialized assistance and expertise. Said fees shall be determined by the Commission. The Commission may require the applicant to deposit an amount equal to 150% of the estimated Commission's consultant fees. The applicant shall be reimbursed any unused funds.

K. Summary of items required by the Commission.

Documents to be submitted at time of application, (12 sets):

- a. Complete application package including fee.
- b. Complete site plan.
- c. Complete narrative explaining the application.
- d. Affordability Plan, if applicable.
- e. Complete technical information on soils testing with narrative explanation.
- f. All required draft deeds, easements and restrictions.
- g. All required proof of notification to neighbors.
- h. Bond estimate detailed documents, with backup.

7.3 Housing Opportunity Development District (effective July 1, 2014)

7.3.1 Intent and Purpose:

This Housing Opportunity Development ("HOD") District is intended to increase in the Town of Bethany the supply of housing that is within the economic means of moderate income households. The HOD District is a separate and independent zoning district, and shall replace, not supplement, the existing zoning district of any property to which it is applied

7.3.2. Permitted Uses:

The following uses shall be permitted on all properties existing within an HOD District, subject to issuance of a Site Development Plan as provided in Section 9, and a Special Exception as provided in these Regulations including Section 5.6.

- a. Residential homes, with a maximum of three dwelling units per building, as part of a Housing Opportunity Development as defined herein.

The following uses shall be permitted as accessory uses to the principal uses stated in section a. above:

1. Accessory buildings, structures and uses.
2. Agricultural or farming uses.
3. Common or community buildings to be utilized by residents of the development and their guests and invitees, but not to be used for residential purposes or for temporary or transient residential occupancy or guests.

Such accessory uses may be principal uses on lots without any residential homes.

7.3.3. Eligible Areas:

The HOD may only be applied to properties that meet the following criteria:

- a. The total combined property shall be at least (30) acres in size;
- b. The combined property shall have frontage on Old Amity Road and Meyers Road; and
- c. The combined property shall have been owned by the same person or entity for at least three (3) years prior to application.

7.3.4 Bulk, Area, Dimensional, and Open Space Requirements:

The following requirements shall govern an HOD development:

- a. Minimum front yard setback (exterior of combined lot boundaries) 50 feet
Minimum front yard setback (interior lot boundaries) 10 feet
- b. Minimum side yard setback (exterior of combined lot boundaries) 50 feet
Minimum side yard setback (interior lot boundaries) 10 feet
- c. Minimum rear yard setback (exterior of combined lot boundaries) 50 feet
Minimum rear yard setback (interior lot boundaries) 10 feet
- d. Maximum building height 35 feet or 2 ½ stories
- e. Maximum building coverage per lot 10% of gross lot area
- f. Maximum ground coverage per lot 20% of gross lot area

7.3.5 Other Standards:

a. Private roads:

Where private roads are proposed, they shall be designed and constructed in accordance with the following minimum standards: All roads shall provide safe access for emergency vehicles. Main access roads shall be a minimum of 20 feet in width. Perimeter drives shall be a minimum of 15

feet in width. Surface materials may include gravel, bituminous concrete, or chip seal.

b. Parking:

There shall be a minimum of 2.0 parking spaces per home.

7.3.6 Maximum Density:

The maximum allowable density within an HOD District shall be one residential home per gross acre of the combined lot area. The maximum allowable density for a lot within an HOD District shall be two residential homes per gross acre.

7.3.7 Traffic Study:

A traffic study prepared by a qualified professional traffic engineer shall be prepared and submitted to the Commission with regard to the existing and proposed traffic conditions and circumstances.

7.3.8 Application Requirements:

- a. Petition to re-zone the property to the HOD;
- b. Application for site development plan, as provided by Section 10 of these Zoning Regulations.
- c. Application for Earth Grading/Excavation activities Special Exception if required by Section 8 of these Zoning Regulations.

An application for more than one parcel of land as part of a combined development shall require only one application.

7.3.9 Definitions:

- a. A "Housing Opportunity Development" is a housing development in which not less than thirty percent (30%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require, for a period of at least forty (40) years, that such dwelling units be rented and sold at, or below, prices which will preserve the units as affordable housing as defined in Section 8-30g of the Connecticut General Statutes, as amended.
- b. "HOD Home" means a dwelling unit within a Housing Opportunity Development that is subject to long-term price restrictions that comply with Section 8-30g of the Connecticut General Statutes, as amended.

7.3.10 Requirements for HOD Homes:

The following requirements shall apply to HOD Homes:

- a. HOD Homes shall be of a construction quality that is comparable to market-rate units within the development.
- b. HOD Homes shall be dispersed throughout the development and built on a pro rata basis as construction proceeds.
- c. In conjunction with an application for approval of a site plan for an HOD development, the applicant shall submit a "Compliance Plan," as required by Section 8-30g of the Connecticut General Statutes, which shall describe

how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this Section; notice procedures to the general public of the availability of HOD Homes; identification of the method for designating HOD Homes; and compliance with affordability requirements.

- d. A violation of the regulations contained in this Section 8 shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission of the Town of Bethany or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12.

7.4 Attainable Housing Overlay Zone (AHOZ):

1. Purpose.

The Attainable Housing Overlay Zone (AHOZ) is intended to create additional housing opportunities within Bethany while promoting the appropriate development and protection of Bethany's historic areas and other areas of the community. It also provides an opportunity for the creation of mixed use development and housing. This AHOZ Regulation is authorized under CGS Section 8-13 (m-x) as amended.

2. Nature of Zone.

- a. The AHOZ exists in addition to the current (underlying) zone for the property.
- b. The AHOZ enables a property owner to apply for approval of a housing or mixed use development using the provisions of this Section instead of those for the underlying zone.
- c. The provisions of the AHOZ are an option for the property owner and such owner would voluntarily choose to comply with these provisions when or if new housing as authorized herein is proposed.
- d. In the event any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control. If the specific matter is not addressed by this Section, then the other Section(s) of the Zoning Regulations shall control, unless revised by the Commission.

3. Process.

- a. The overall process for development within a AHOZ district includes:
 1. Establishment of the AHOZ district (a zone change application to the Planning and Zoning Commission in accordance with Section 12 of these Regulations) including a declaration of the proposed type of sub-district(s) and plans and drawings depicting the proposed development,
 2. Approval of a Site Plan by the Planning and Zoning Commission in
 - a. Accordance with Section 9 of these Regulations,
 - b. Filing of approved plans, and
 - c. Issuance of building permits by the Town of Bethany

3. Pre-application meetings for any proposed development are strongly recommended.

4. Description of Sub-Districts.

Due to the diversity of desired development patterns in different parts of Bethany, the Attainable Housing Overlay Zone consists of six (6) different sub-districts as described below:

- a. Mixed Use (AHOZ-MXD) -on arterial roads and other areas with potential for development with mixed use developments and/or buildings.
- b. Mixed Housing (AHOZ-MXH) -a development including a combination of housing types as described in the following paragraphs.
- c. Multi-Family (AHOZ-MF) -existing buildings and other areas with potential for development with multi-family housing.
- d. Townhouse (AHOZ-TH) -areas with potential for residential townhouse development (a residential building consisting of three or more attached units in which each unit shares a wall extending from foundation to roof with the adjacent unit(s) and has exterior walls on at least two sides).
- e. Duplex (AHOZ-DX) -areas with potential for development with duplex housing units designed to be compatible with single-family units in adjacent residential neighborhoods.
- f. Single Family (AHOZ-SF) -areas with potential for development with single-family units compatible with adjacent residential neighborhoods.

5. Permitted Principal Uses.

The following uses are permitted in the various sub-districts subject to granting a detailed zone change by the Planning and Zoning Commission:

- a. Mixed Use
 - (1) Mixed use development and/or mixed use buildings as defined in Section G.4.a. with a mix of residential and commercial uses, with a residential density at **up to** 10 units/ acre of site area (not including any area designated as wetland, watercourse, pre-development slopes greater than 25 percent, or 100-year or 500-year floodplain).
 - (2) Uses and structures accessory thereto.
- b. Mixed Housing
 - (1) Two or more housing types at maximum densities for each as provided herein.
 - (2) Uses and structures accessory thereto.
- c. Multi-Family
 - (1) Multi-family residential development at **up to** 20 units/ acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year or 500-year floodplain).
 - (2) Uses and structures accessory thereto.

d. Townhouse

- (1) Townhouse residential development at **up to** 10 units/ acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year or 500-year floodplain).
- (2) Uses and structures accessory thereto.

e. Duplex

- (1) Duplex residential development (two-unit buildings) at **up to** 6 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year or 500-year floodplain).
- (2) Uses and structures accessory thereto.

f. Single Family

- (1) Single family residential development at **up to** 6 units/ acre of site area (not including any area designated as wetland, watercourse, pre-development slopes greater than 25 percent, or 100-year or 500-year floodplain).
- (2) Uses and structures accessory thereto.

6. Dimensional Standards.

The dimensional standards including height and setback standards of the underlying zone shall continue to apply except that the Planning and Zoning Commission may, through granting of a separate Special Permit, modify any dimensional standard in order to:

- a. Facilitate the creation of housing opportunities as provided in this Section.
- b. Address on-site constraints or protect important resources.
- c. Enhance the design of the development and/or surrounding neighborhoods.
- d. Be approximately consistent with the setbacks of nearby buildings in order to create a desirable streetscape.

7. Housing Affordability Requirements

- a. At least twenty percent (20%) of all dwelling units constructed in a development approved under this Section of the Regulations shall be deed-restricted to be affordable and attainable to and occupied by households earning 80 percent or less of the area median income for Bethany, as determined and reported by the United States Department of Housing and Urban Development (HUD).
- b. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number.
- c. Each such attainable unit shall be subject to a housing restriction acceptable to the Town Attorney and the Planning and Zoning Commission, which shall be recorded on the Bethany Land Records and shall, at a minimum, include the following:

- (1) An identification of the affordable housing units within the development.
 - (2) A requirement that such affordable unit shall *only* be occupied by a household earning 80 percent or less of the area median income for Bethany, as determined and reported by the United States Department of Housing and Urban Development (HUD).
 - (3) A statement of whether the affordable units will, at the time of initial occupancy, be rented or owner-occupied.
 - (4) A detailed statement of the method for determining the rental rate or sale price or resale price of an affordable housing unit at any point in time.
 - (5) A statement that the term of the deed restriction for each affordable unit shall be a minimum of thirty (30) years from the date of first occupancy of that affordable unit.
- d. The applicant shall prepare and submit a final "Housing Affordability Plan" in accordance with the requirements of CGS § 8-30g, section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Planning and Zoning Commission and as the same may be modified from time to time, including:
- (1) The name and address of the proposed qualified administrator of the deed restricted affordable units.
 - (2) Provision that the proposed administrator shall file an annual report to the Planning and Zoning Commission by January 31, in a form specified by the Zoning Commission, certifying compliance with the provisions of this Section.

8 Additional Provisions.

- a. Unless otherwise approved by the Planning and Zoning Commission, all developments approved under this Section shall be served by on site water and septic systems.
- b. Unless otherwise approved by the Commission, any development approved under this Section shall provide for off-street parking as follows:
 - (1) As provided in Section 9.4 of the Zoning Regulations, or
 - (2) At a ratio of 15 spaces per dwelling unit if shown by the applicant based on submitted credible evidence and accepted by the Commission to be adequate parking for the proposed development.
- c. Any developments proposed under this Section shall, unless modified by the Commission, construct or improve the sidewalks abutting the project site in order to enhance the pedestrian nature and character of the proposed development and the surrounding area.
- d. The applicant shall also submit a fiscal impact report done by a qualified professional which shows the potential impact of the development on the Town.

- e. The applicant shall also submit a traffic study prepared by a properly qualified professional traffic engineer to demonstrate the impact of traffic from the development on the area.

9. Building Design and Construction Guidelines.

Since design of buildings and sites is an important part of integrating housing at permissible densities into the community, all development in the AHOZ shall be designed to a high level of architectural character so that the quality of the overall design of any development will be an important positive addition to the area. This consideration will be an important consideration as part of the review and granting of any approval for such a development.

a. Overall Character

- (1) Proposed development projects should enhance the general character and add to the architectural desirability of a historic New England community and where appropriate, complement the scale and architecture of adjacent buildings.

- (2) An overall design theme (including building placement, building massing, exterior treatments, signage and other design considerations) shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.

- (3) The illustrative AHOZ design guidelines on the following pages shall be used by applicants and the Commission as a general reference for desirable characteristics of buildings and sites.

- (4) The design and site development provisions, including access, of the *Town Center Design Study* shall also be used, when and where appropriate.

- (5) A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

- (6) Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

b. Building Placement and Siting

- (1) Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.

- (2) In general, new buildings shall be placed near to the public street and shall be oriented with the main facade parallel to the public street in order to strengthen the overall streetscape. The Commission may modify or waive this requirement when the applicant demonstrates that a greater setback or alternative orientation such as the main facade perpendicular to the street, will enhance the overall effect of a historic New England community and/or

allow for the creation of a public amenity (such as a wider sidewalk, a public seating area, etc.).

- (3) Off-street parking and loading shall not be located between buildings and a public street unless approved by the Commission and any parking area visible from a public street or public sidewalk, shall be screened with landscaping, walls, fencing, or combination thereof.
- (4) Buildings shall be designed and located on the site so as to retain the existing topography and desirable natural features of the land to the extent feasible.

c. Building Mass

- (1) Monolithic building forms shall be avoided through the use of variations in length of unbroken exterior walls, structure placement, color, texture and/or material and variations in the height of buildings or use of architectural features such as balconies, cornices, step-backs, or other articulating features.
- (2) The height and scale of each building shall be compatible with its site and the existing or planned character of the area.
- (3) Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
- (4) Facades and rooflines shall be articulated and/or varied to reduce the appearance of inappropriate bulk and provide architectural interest.

d. Exterior Materials and Colors

- (1) Exterior building materials and their placement on a building shall be consistent with the overall look of a historic New England community.
- (2) Building materials shall have durable quality and shall be selected for harmony or compatibility of the building with adjoining desirable materials.

e. Doorways and Windows

- (1) In mixed use and multi-family developments, recessed doorways are preferred. Where a recessed doorway is not used, an awning or similar architectural overhang is encouraged. Adequate lighting for the doorway shall be incorporated into the design of the doorway.
- (2) Windows should be taller than they are wide and windows on upper floors should not be larger than windows on lower floors.
- (3) Windows should be inset from the exterior wall surface and shall have visually prominent sills, lintels, or other forms of architectural detailing to add visual relief to the wall.

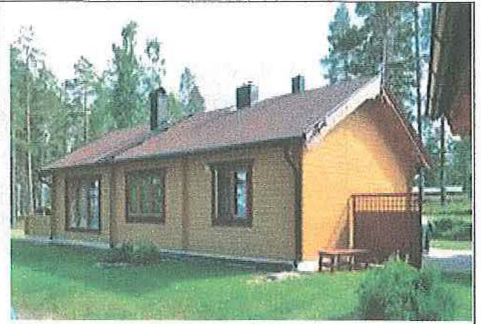
f. Roofs and Mechanical Equipment

- (1) Roof forms should be appropriate for a historic New England community and complement the principal building in terms of style, detailing, and materials.

- (2) Roof overhangs (eaves and cornices) should be a minimum of two feet (2') or as appropriate to the proposed architecture.
- (3) Any mechanical equipment shall be screened from public view using landscaping, walls, fencing, parapets or other architectural elements, or combination thereof.
- (4) Utility and service equipment areas shall be screened from public view with materials compatible with the building.

Illustrative AHOZ Design Guidelines - Single Family Dwellings





Design Elements Which Are Encouraged / Required





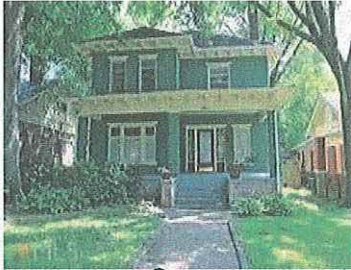

1. 1.5 to 2.5 story buildings
2. Building comprised of distinct parts with smaller footprints
3. Articulated forms and facades
4. Rich architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.)
5. Classically proportioned facades
6. Entrances face the street
7. Pitched roofs
8. Windows with vertical proportions
9. Strong relationship to street/ sidewalk
10. Parking on-street or behind buildings

Discouraged Elements

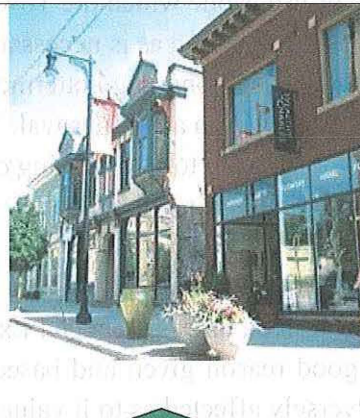
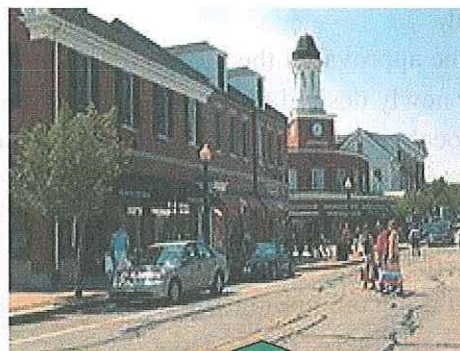
1. 1.0 story buildings
2. Monolithic forms
3. Flat facades / Plain facades
4. Limited architectural detailing
5. Flatter roofs
6. Windows with horizontal Proportions
7. Weak relationship to street or sidewalk
8. Dominant garages / parking

Illustrative AHOZ Design Guidelines – Duplex / Townhouse Dwellings



		
		
<p style="text-align: center;">Design Elements Which Are Encouraged / Required</p> <ol style="list-style-type: none"> 1. 1.5 to 2.5 story buildings (or as appropriate to site context) 2. Articulated forms and facades and materials 3. Good architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.) 4. Well-proportioned facades 5. Good building materials 6. Pitched roofs 7. Windows with vertical proportions 8. Strong relationship to street/ sidewalk 9. Parking on-street or behind buildings 10. Single-family appearance for duplex buildings 11. Entrances face the street 		<p style="text-align: center;">Discouraged Elements</p> <ol style="list-style-type: none"> 1. 1.0 story buildings 2. Monolithic forms 3. Overly repetitive forms Monotonous materials 4. Flat facades 5. Limited architectural detailing 6. Plain facades/Flatter roofs 7. Windows with horizontal proportions 8. Weak relationship to street/ sidewalk 9. Dominant garages / parking 10. Entrances face parking areas

Illustrative AHOZ Design Guidelines - Multi-Family Dwellings and Mixed Use Buildings



Design Elements Which Are Encouraged/ Required

1. 2.0 to 2.5 story buildings (or as appropriate to site context)
2. Articulated forms and facades and materials
3. Good architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.)
4. Well proportioned facades
5. Good building materials
6. Pitched roofs
7. Windows with vertical proportions
8. Strong relationship to street/ sidewalk
9. Parking on-street or behind buildings / site context
10. Single-family appearance for duplex buildings
11. Entrances face the street

Discouraged Elements

1. 1.0 story buildings
2. Monolithic forms
3. Overly repetitive forms
4. Monotonous materials
5. Flat facades
6. Limited architectural detailing
7. Plain facades
8. Flatter roofs
9. Windows with horizontal proportions
10. Weak relationship to street /sidewalk
11. Dominant parking / garages

7.5 Municipal, Community and Public Facilities District (MCP)

- A. Purpose. This District is established in order to delineate and bring a level of organization and approval to the properties owned and managed by the Town of Bethany.
- B. Essentially these properties and structures are used for the ongoing operations and improvements deemed essential, necessary and/or desirable as they contribute to the betterment and enjoyment of the Town by the residents and visitors.
- C. Permitted Uses. The permitted uses and functions of the structures on property in this District shall be those uses:
 - 1. Which currently exist on such Town-owned properties, and
 - 2. Which the Town through and with the concurrence of the Board of Selectmen properly determine are appropriate for the property and which generally conform to the following standards.
- D. Standards.
 - 1. The structure or use is an existing one which has been located in such location for some time and is necessary for the proper operation of that portion of local government which it serves, or
 - 2. The structure or use is one which the Town finds necessary or desirable to locate and or operate in such location as is necessary to serve the residents of the Town as part of its existence and ongoing betterment.
- E. Location, Acquisition, Modification and Approval. The approval of the location, modification, extension or addition to any existing or newly desired facility or use shall be accomplished by the normal means required by any local process, ordinance or regulation as established by the Town of Bethany.
- F. Setbacks: Front: 75 feet; Side 35 feet; Rear: 35 feet
- G. Height: Three stories or 40 feet, unless a Special Exception is granted by the Commission for a taller height for good reason given and based on a Commission finding that the abutting property will not be adversely affected as to its value.
- H. Existing Facilities, (Partial list, and others as acquired):
 - 1. Town Hall Property and related facilities
 - 2. Airport property and related facilities
 - 3. Bethany Community School Property and facilities
 - 4. Fire Stations
 - 5. Town Garage and offices
 - 6. Veterans Memorial Park property, structures and facilities
 - 7. Town owned playing fields
 - 8. Town owned non-dedicated open space

7.6 Floodplain Management Regulations. Floodplain District

- 7.6.1 Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize any public and private losses due to flood events and the

resulting conditions in designated flood hazard areas of the Town of Bethany by the establishment and adoption of standards designed to:

- A. protect human life and public health;
- B. help minimize expenditures of money for costly flood control projects;
- C. minimize the need for rescue and relief efforts associated with flooding;
- D. minimize prolonged business and employment interruptions;
- E. minimize damage to public facilities and utilities;
- F. help maintain a stable tax base;
- G. insure that purchasers of property are notified of special flood hazards in those designated flood hazard areas so that they may assume responsibility for their actions; and
- H. insure continued eligibility of property owners in Bethany for participation in the National Flood Insurance Program pursuant to the rules and regulations published in the Federal Register.

7.6.2 Area of Applicability. This regulation is applicable to the "Special Flood Hazard Areas" (SFHA) designated as Zone A and AE, as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated December 17, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Bethany, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the office of the Bethany Town Clerk.

7.6.3 Basic Requirement. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, located within a "Special Flood Hazard Area" may be made only in accordance with the requirements of this regulation.

- A. Other Restrictions. This regulation is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.
- B. Interpretation. In the interpretation and application of this regulation, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purposes and intent hereof.
- C. Warning and Disclaimer. The degree of flood protection established by this regulation is considered reasonable for Town-wide studies. Larger floods may occur

on rare occasions, and flood heights may increase as a result of man-made or natural causes. This regulation does not imply that land outside the "Special Flood Hazard Areas" will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Bethany, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result on this regulation or any administrative decision lawfully made hereunder.

7.64 Definitions.

A. General. Certain terms and phrases used in writing this regulation are hereinafter defined and explained. Otherwise, the words in this regulation shall have the meaning commonly attributed to them.

1. Addition. Any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled or roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered new construction.
2. Appeal. A request for a review of the Building Official's interpretation of any provision of this regulation or a request for a variance from the requirements of this regulation.
3. Base Flood. The flood which has a one percent (1 %) chance of being exceeded in a given year.
4. Base Flood Elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
5. Basement. That portion of a building having its floor subgrade, (below ground level), on all sides.
6. Breakaway Wall. A wall that is not part of the structural support of the building and is intended, through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
7. Building. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
8. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; the construction of additions, alterations or substantial improvements to building or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

9. Elevated Building, A and A1- A30 Zones. A non-basement building, built to have the top (finished surface) of the lowest floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls or by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
10. Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete, before August 23, 1977, the effective date of the flood plain management regulations adopted by a community.
11. Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
12. Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).
13. Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; and/or the unusual or rapid accumulation or runoff of surface waters from any source.
14. Flood Hazard Boundal:y Map. (FHBM). An official map of the community issued by FEMA, where the boundaries of the areas of special flood hazard have been defined as Zone A.
15. Flood Insurance Rate Map, (FIRM). An official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones.
16. Flood Insurance Study, (FIS). The official repoti from FEMA which contains examination, evaluation and determination of flood hazards and if appropriate, water surface elevation of the base flood.
17. Floodproofing. Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real propely, water and sanitary facilities, structures and their contents.
18. Floodway. The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in town. The regulated floodway is delineated on the Flood Insurance Rate Map (FIRM), which is patt of this regulation.
19. Floor. The top surface of an enclosed area in a building, including basement. It is the top of slab in a concrete slab construction or top of wood flooring in wood

frame construction. The term does not include the floor of a garage used solely for the parking of vehicles.

20. Functionally Dependent Use or Facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
21. Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
22. Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
23. Lowest Floor. The top of the lowest floor of the lowest enclosed area, including easement. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.
24. Manufactured Homes. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.
25. Manufactured Home Park or Subdivision. A parcel or contiguous parcel of land divided into two (2) or more manufactured home lots for rent or sale.
26. Market Value. The market value of the structure shall be determined by the Cost Approach to Value Method, the Segregated Cost Method or the Square Foot Method (certified appraised value) prior to the start of the initial repair or

improvement, or in the case of damage, the certified value of the structure prior to the damage occurring.

27. Mean Sea Level (MSL). For purposes of the National Flood Insurance Program, (NFIP), the North American Vertical Datum (NAVD) of 1988 or other subsequent datum which become the standard to which base flood elevations on a community FIRM are referenced.
28. New Construction. Structures for which the start of construction commenced on or after the effective date of the Town's entrance into the NFIP, August 23, 1977, and includes any subsequent improvement to such structures.
29. New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after, August 23, 1977, the effective date of the floodplain management regulations adopted by the community.
30. Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
31. Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHA's are determined utilizing the base flood elevations (BFE) provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BF's published in the FIS for specific location. SFHA's include, but are not necessarily limited to, the land shown as Zones A, AE, on a Firm. The SFHA is also called the Area of Special Flood Hazard.
32. Start of Construction. Includes "substantial improvement" and means the date the building permit was issued, provided the "actual start" of construction, repair, reconstruction or improvement was within 180 days of the permit date. The "actual start" on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, roads and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of

the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

33. Structure. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
34. Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
35. Substantial Improvement. Any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure as determined by the Cost Approach to Value, the Segregated Cost Method or the Square Foot Method Market Value shall be:
 - a. the certified appraised value of the structure prior to the start of the initial repair or improvement; or
 - b. in the case of damage, the certified value of the structure, prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health sanitary or safety code specifications which are solely necessary to assure safe living conditions.

36. Variance. A grant of relief from the requirements of this regulation which permits construction to proceed in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship.
37. Violation. Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.
38. Water Surface Elevations. The height, in relation to the North American Vertical Datum (NAVD) of 1988 or other datum as may be adopted by FEMA for NFIP purposes, of floods of various magnitudes and frequencies in various flood prone, flood hazard areas.

7.6.5 Standards.

A. General. In Special Flood Hazard Areas, all development shall conform to all applicable standards hereinafter specified.

1. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage.
3. Utilities. All utility systems shall conform to the following:
 - a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from systems into flood waters, streams watercourses or wetlands;
 - c. On-site sewage disposal systems shall be located so as to avoid long term impairment to them or contamination from them during flooding; and
 - d. Electrical, heating, ventilating, plumbing, air conditioning and all other service facilities shall be designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding. No underground fuel storage system shall be installed or replaced within a special flood hazard area.
4. Building and Floor Location. In all special flood hazard areas where base flood elevation data has been provided, the following provisions shall apply and a registered engineer or architect shall review and /or develop structural design specifications and plans for the construction, and shall certify that the design and methods or construction are in accordance with acceptable standards of practice for meeting the requirements of this section:
 - a. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least two (2) feet above the BFE level.
 - b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial or non-residential structure shall have the lowest floor, including basement, elevated at least two (2) feet above the BFE level.
5. Compensatory Storage and Equal Conveyance
 - a. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach

and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

- b. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause and increase in flood stage or flood velocity.
- c. Aboveground Storage Tanks. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for infiltration of flood water.
- d. Portion of Structure in Flood Zone. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- e. Structures in Two Flood Zones. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e. V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks sunrooms or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- f. No Structures Entirely or Partially Over Water. New construction, substantial improvement and repair to structures that have sustained substantial damage cannot

be constructed or located entirely or partially over water unless it is functionally dependent use or facility.

B. Specific Standards.

1. Floodways. Located within the special flood hazard areas are areas designated as floodways on the community's Flood Insurance Rate Map or as may be determined by competent professional. Floodways are extremely hazardous areas due to the potential velocity of flood waters which cause erosion and may carry debris and projectiles. The following additional standards are applicable to development in relation to floodways:

a. There shall be no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practices, that encroachments shall not result in **any (0.00 feet) increase in flood levels** during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

2. Manufactured Homes and Recreational Vehicles (RV's). In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at two feet above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 18.5

A. This includes SFHA's outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home as incurred substantial damage as a result of a flood.

a. All manufactured homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

b. All manufactured homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

c. Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 18- consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 18.5 A. and the elevation and anchoring requirement of Section 18.5 B.2.a.,b.,c. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3. Maintenance of Flood Carrying Capacity. The flood carrying capacity of any watercourse affected by any proposed new construction or substantial improvement shall be maintained and not be diminished by the proposed construction or improvements.
4. Prohibition of Making Structures Non-Compliant. A structure already in compliance with the provisions of this regulation shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.
5. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - A. Designs for complying with these requirements must be certified by a professional engineer or licensed architect and meet the following minimum criteria:
 - a. Provide a minimum of two (2) openings in the foundation walls, having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area.
 - b. The bottom of all openings shall be no higher than one (1) foot above finished grade.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions and do not require human intervention in order to work.
 - d. Electrical, plumbing and other utility connections are prohibited below the base flood elevation;
 - e. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles, (garage door) or the limited storage of maintenance equipment used in connection with the premises, (standard exterior door) or entry to the living area, (stairway or elevator); and
 - f. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - C. Standards for Streams without Established Base Flood Elevations and/ or Floodway.
 1. Located within the areas of special flood hazard established in this section, where small streams exist but no base flood elevation data has been provided, or where no floodways have been established, the following provisions apply:
 - a. No encroachment, including fill material or structures, shall be located in a special flood hazard area unless certification by a registered professional engineer is provide demonstrating that such encroachments when considered cumulatively with all anticipated development shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. If the requirement of the section immediately above is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this Regulation.

2. Should data be requested and or provided, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

D. Standards for Subdivision Proposals.

1. In all special flood hazard areas the following requirements shall apply. All subdivision proposals shall:

- a. be consistent with the need to minimize flood damage;
- b. have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. provide adequate drainage to reduce exposure to flood hazards; and
- d. provide base flood elevation data for all development, including manufactured home parks and subdivisions which are 5 acres or fifty (50) lots, whichever occurs first, and are located in Zone A.

7.6.6 Administration.

A. The Building Official of the Town of Bethany is hereby designated to administer the provisions of this regulation. The Building Official shall have the responsibility and authority to grant or deny flood hazard area permit applications for development in Special Flood Hazard Areas in accordance with this regulation. The Board of Selectmen may appoint deputies to assist and act for the Building Official. The Zoning Enforcement Officer shall be responsible to remedy violations of these regulations pursuant to Section 8-12 of the Connecticut General Statutes.

1. Flood Hazard Area Permit. Development, including new construction and the placement of prefabricated buildings, may be made within the Special Flood Hazard Areas only after a Flood Hazard Permit therefore has been obtained.

2. Application for such permit shall be made to the Building Official and shall include at least the following:

- a. Plans in duplicate drawn to scale showing the nature, location, dimensions and flood elevations of the area in question; and also
- b. Existing and proposed; contours, structures, fill, storage of materials and drainage facilities; and also
- c. Elevations in NAVD88 datum, of the lowest floor, including basement of all structures; and
- d. Narrative description of the extent to which any watercourse will be altered, relocated or affected. As a result of the proposed development; and
- e. Detailed plans for any walls to be used to enclose space below the base flood elevation level including foundation openings as may be required; and

- f. A properly prepared statement certifying as to whether there will be dry access to the structure during the 100 year storm event; and
- g. Where applicable, the following certifications by a registered engineer or architect are required, and shall be provided to the Building Official:
 - 1. Certification that the design and methods of construction are in accordance with the accepted standards of practice, and with the provisions of this regulation and applicable State and Federal regulations, requirements and policies.
 - 2. Certification as to floodway heights, as referenced herein.
 - 3. Certification as to flood levels, as referenced herein.
 - 4. Certification by the applicant that all necessary permits have been received from those Federal State or Town agencies from which prior approval is required.
- 3. Construction Stage. Upon completion of the applicable portion of construction, the applicant shall provide verification of the "as-built" lowest floor elevation, or a properly prepared elevation certificate to the Building Official.

7.6.7 Duties and Responsibilities of the Building Official.

Duties and responsibilities of the Building Official in the administration of the regulation shall include but not be limited to the following:

A. Permit Application Review.

- 1. Review all Flood Hazard Area Permit applications to determine that the requirements of this regulation have been satisfied;
- 2. Review all such applications to determine that all required certifications have been provided as required.
- 3. Require that copies of such permits be provided and maintained on file with the development permit, possibly including, but not limited to, Water Diversion, Dam Safety, Corps of Engineers 404 permits.

B. Other Base Flood and Floodway Data. When base flood elevation data or floodway data have not been provided as required herein, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and/ or floodway data available from a Federal, State or other source, in order to administer the standards of this regulation.

C. Information to be Obtained and Maintained.

- 1. Obtain and record the actual elevation, in NAVD88, of the lowest floor, including basement of all new or substantially improved structures;
- 2. Maintain for public inspection all records including certifications pertaining to the provisions of this regulation; and
- 3. Submit an annual report to the Federal Emergency Management Agency outlining activity in the SFHA.

D. Notifications. Notify the Bethany Wetlands Commission, adjacent towns and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any allowing any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

7.6.8 Appeals and Variances.

- A. The Zoning Board of Appeals of the Town of Bethany shall hear and decide appeals and requests for variances from the standards of this regulation. The ZBA shall have the following duties:
1. To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this regulation.
 2. To issue variances from the standards of this regulation, under the general considerations as set forth in Section 18.8 B. and the conditions for variance as specified in Section 18.8 C.; and
 3. To issue variance for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of Section 18.8B.; and
 4. Variances may also be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of Section 18.8 C.
- B. General Considerations for Variances. In deciding an application for variance, the Zoning Board of Appeals shall consider the following:
1. The technical evaluations and studies that are the basis for this regulation;
 2. The standards of this regulation;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The danger to life and property due to flooding or erosion damage;
 5. The susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
 6. The importance of the services provided to the community by the proposed development;
 7. The necessity of the proposed location for the function of the development;
 8. The availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
 9. The compatibility of the proposed development with existing and other anticipated developments;
 10. The relationship of the proposed development to the Plan of Conservation and Development for the Town and the floodplain management program for that area;
 11. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 12. The expected heights, velocities, duration, rate of rise and sediment transport of the flood waters expected at the site; and

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

C. Conditions for Variance. The following are applicable to the issuance of a variance by the ZBA under this section:

1. No variances shall be issued for any work within a floodway if any increase in flood levels during the base flood discharge will result.
2. Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot the area of which is less than the minimum required for its zone when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided the following criteria are met:
 - a. a showing of good and sufficient cause;
 - b. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other Town laws, ordinances and regulations.
3. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to accord relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
4. When issuing a variance, the ZBA may attach such conditions that it deems necessary to further the purpose and intent of this regulation.

7.6.9 Effective Date and Filing. A variance issued under this regulation shall be come effective at such time is fixed by the ZBA, provided a copy thereof shall be filed in the Office of the Bethany Town Clerk and in the land records of the Town of Bethany in the same manner as required for filing of variances from other Zoning Regulations.

7.6.10 Notice and Records.

- A. The Clerk of the ZBA shall notify the applicant for variance, in writing, of the following:
 1. That the issuance of a variance to construct a structure below the BFE will result in increased flood insurance premiums; and
 2. That such construction below the BFE increases risks to life and property; and
- B. The Clerk of the Zoning Board of Appeals shall:
 1. Maintain a record of all notices sent to applicants.
 2. Maintain a record of all variance actions, including justification cited by the ZBA in its decision for their issuance; and
 - a. Report any such variances issued by the ZBA as noted in its annual report to FEMA and Connecticut DEP.

7.6.11 Appeal to Court.

Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this regulation, or any person owning land which abuts or is within a radius

of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Bethany, having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the County of New Haven in the same manner as provided under the provisions of Section 8-8 of the Connecticut General Statutes.

7.7 Aquifer Protection Area Regulations and Map. (see Appendix 9.)

SECTION 8. Earth Removal: Excavation, Filling, Stockpiling and Grading:

8.1 Scope: To permit earth removal, excavation, filling, stockpiling and grading only as the minimum required for preparing land for residential, business or industrial development or for maintenance or improvement of bodies of water. These activities may be permitted by exemption, Administrative Permit or Special Exception as set forth in this Section. No other such described activities, except as provided for herein are permitted.

8.2 Purpose: The purpose of these Regulations is to:

- A. Prevent or diminish any adverse effect of all earth disturbing operations upon the health safety or welfare of the community, any undue disturbance or annoyance of the occupants of the premises in the general neighborhood of such an operation, any impairment of the usefulness or the value of the properties in the area and to prevent any unwarranted adverse effect upon subsurface water resources in the area.
- B. Promote the most desirable use of land and development of land and improvements in accordance with a well-conceived and approved plan which minimizes disturbance of Bethany's natural landscapes in conceit with the Town Plan of Conservation and Development.
- C. Protect against detrimental impacts on or significant alteration of historic areas, scenic landmarks or a neighborhood's or the Town's essential characteristics, including significant natural resources and topographic features.
- D. Regulate earth removal, excavation, filling, stockpiling and grading operations so as to minimize negative impacts upon the use and enjoyment of surrounding properties, by their residents including but not limited to negative effects upon health, safety, property values and the future use of the premises involved.
- E. Protect areas against fire, explosives, toxic and noxious matter and other hazards and against offensive noise, vibration, dust, smoke, and other objectionable influences.
- F. Enable the use of such controls and imposition of conditions as are necessary and desirable to achieve the purposes of these regulations.

8.3 General Standards for Application Review and Decision Making for all Section 8 Permit Applications.

- A. No natural earth materials, including but not limited to loam, topsoil, sand, gravel, clay, peat, quarry stone, inorganic or organic matter, shall be removed, excavated, filled, stockpiled or graded from or on any premises located in any zone, except as authorized herein.
 - 1. Plan of Conservation and Development. The proposed activity shall be compatible with the adopted Plan of Conservation and Development; especially its goals, policies and programs.
 - 2. Historic and Scenic. The proposed activity shall not destroy or deface historic or scenic areas, or landmarks; or otherwise detrimentally affect or significantly alter a neighborhood's or the Town's essential character, including significant topographic features.

3. Appropriateness of Location. The proposed activity and ultimate use shall be determined to be compatible with the specific zone and neighborhood, including but not limited to, impact on property values, noise levels, traffic, odor, dust, general appearance and surrounding existing and proposed development.
4. Scope of the Application. The excavation proposed must be for the minimum needed to achieve the ultimate intent of the application and must be designed to be in harmony with the neighborhood.
5. Regulatory Conformance. The proposed activity must be found to be in conformity with the Zoning and Subdivision Regulations of the Town of Bethany and all other applicable Town codes and ordinances, and the purposes of these Regulations as set forth in Section 8.2.
6. Safety. The proposed activity shall not adversely affect accessibility for emergency vehicles and equipment, increase fire or traffic hazards, or have the potential to damage Town roads, bridges or other public facilities.
7. Fee. Any application, to be considered complete, must contain all listed and Commission requested items, including the proper fees. Failure to provide a complete application shall be grounds for denial of the application.
8. Requested Additional Information. If the Commission, or its agents find the need for additional information before or during the formal review of the application, the Commission reserves the right to require additional information from the applicant including but not limited to; additional engineering investigations, including borings, soils, ledge or groundwater information.
9. Pre existing Permits. Any Administrative Permit or Special Exception Permit existing and in effect, on the effective date of these Regulations will remain valid until it expires, however all such permits shall not be eligible for renewal but shall require the filing of a new application pursuant to these Regulations.
10. Inspection and Compliance. During the term of any Permit issued under this Section and until the operation is complete, the Commission or its designated agent may, at any reasonable time, inspect the land to verify compliance with the requirements of the Permit. The applicant and owners shall give to the Commission at the time of issuance of the Permit, a written consent to enter upon and inspect the premises to verify compliance. The Commission may also require the applicant to submit periodic written reports, prepared and sealed by a land surveyor and/or professional engineer, showing the status and progress of the operation.
11. Joint Application. Where two (2) or more adjoining lots are to be considered for a permit, the Commission may treat a joint application as one application and require adequate slope and drainage agreements are provided to allow for necessary coordination of any operations.
12. Enforcement Procedure: When these Regulations are violated or the Commission or its agent(s) are made aware of any noncompliance with the approved plan during the

operation, such violation(s) shall be cause for the Commission to proceed with an enforcement action as set forth at Section 8-12 of the Connecticut General Statutes.

13. Insurance. No Permit approved under this Section shall be issued until the applicant has filed with the Commission a certificate evidencing that the applicant has obtained a policy of public liability insurance with a limit of not less than \$500,000 as to personal injury, including death and \$1,000,000 as to property damage, covering all operations to be conducted pursuant to the approved Permit. In the event of cancellation or non-renewal of such insurance, the Permit shall automatically terminate.
14. Possible Actions: The Commission may approve, modify and approve or deny any application made to it under this section.
15. Frequency: The Commission shall not be required to hear any application for a special exception permit relating to the same or substantially the same earth removal, excavation, filling grading or stockpiling activities, more than once in a period of twelve (12) months.

B. Notice Requirements for all Section 7-8 Applications:

1. Inland Wetlands Commission: If the application involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, the applicant shall submit an application to the Inland Wetlands and Watercourses Agency, (the Wetlands Commission), of the Town of Bethany no later than the day the application is filed with the office of the Planning and Zoning Commission. The application to the Planning and Zoning Commission shall clearly indicate when the application was filed with the Bethany Wetlands Commission. If it has been determined by the Wetlands Commission that a wetlands permit is not required, then a letter from the Wetlands Commission so indicating shall be submitted with the application to Planning and Zoning. The final report from the Wetlands Commission is required before the Planning and Zoning Commission may approve any application.
2. Public Water Supply Watershed Notice Requirements: If the land which is the subject of the application is within the designated watershed of any water company as defined in Section 16-1 of the Connecticut General Statutes, and the water company has filed a map showing the boundaries of its watershed on the land records of the Town of Bethany and with the Bethany Planning and Zoning Commission, the applicant shall provide written notice of the application to the affected water company or water companies, which notice shall be mailed not later than the same day as the date of application to the Planning and Zoning Commission. Said notice shall be mailed by certified mail, return receipt requested.
3. Notice to Abutting Property Owners:
Special Exception Permit. The applicant shall notify surrounding property owners within (500) feet of the boundaries of the subject property of the applicant's name and time, date, place and purpose of the public hearing and shall do so by first class mail on forms provided by the Commission. Said notice shall be mailed at least ten (10) days prior to the public hearing date, not including the date of the mailing and the date of the hearing.

The applicant or the applicant's agent shall provide a "certificate of mailing" at the time of the public hearing, as part of the applicant's record.

4. Delay of Decision: If an application involves an activity regulated pursuant to Sections 22a-36 to Sections 22a-45, inclusive, of the Connecticut General Statutes, no decision on the application shall be rendered by the Planning and Zoning Commission until the Bethany Inland Wetlands Commission has submitted a report of its final decision to the Commission, in conformance with the relevant time limits found in the Connecticut General Statutes. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant.

8.4. Types of Permits:

A. Exemptions: Except as provided in Section 7.4 (B), the provisions of Section 7 and the requirements to obtain a Permit from the Zoning Enforcement Officer, hereunder shall not apply where the removal, excavation, filling, grading, stockpiling or screening of materials is solely for one or more of the following purposes

1. All Exempted activities are subject to the Standards and Conditions set forth in Section 7.7 A. 3. c., d., h., l, m., p., q and r. In addition, Section 7.7 A. 3. a. shall also apply except that operation, maintenance or running of machinery in connection with such activities shall be permitted between 9:00 AM and 4:00 PM on Saturdays and between 12:00 noon and 4:00 PM on Sundays, and provided such activity is not on a prohibited day as noted herein.
2. Any removal, excavation, filling or grading, but not the stockpiling of earth materials on any lot, provided such activity involves no more than five hundred (500) cubic yards of earth material and further, provided, that this exemption shall apply only once in any calendar year. Calculations proving the exempt amount shall be provided by a registered professional engineer. This Exemption shall not apply to a parcel for which the Commission has issued an Administrative or Special Exception Permit and which parcel has not been finally reclaimed.
3. Necessary removal, excavation, filling, grading, stockpiling or screening of materials in direct connection with the construction or alteration of a structure, septic system, driveway or other utility on a lot for which all appropriate permits have been issued and which activity involves less than one thousand (1,000) cubic yards of earth material. Calculations proving the exempt amount to be done by a registered professional engineer.
4. The normal maintenance and repair of roads and driveways and the construction of new roads by the Town.
5. Compost heaps and manure piles generated from permitted on-site activities as long as such activities are being properly managed and not causing pollution or a public nuisance or a health hazard.

B. Administrative Reviews and Permit

1. If a proposed activity meets all of the following required criteria, an Administrative Permit must be applied for prior to conducting the activity. The Commission may, if it deems necessary require that proof or certification from a properly licensed professional engineer and/or surveyor be submitted regarding any aspect of this permit application.
 - a. Necessary removal, filling, excavation, grading, stockpiling or screening of material on a lot in direct connection with construction or alteration of a structure, septic system, driveway or other utility on a lot for which the appropriate permits have been issued and which such activity involves no more than five thousand (5,000) cubic yards of material; and
 - b. The open, unfinished, unreclaimed, unrevegetated or unstabilized area, at any one time is less than one acre, and
 - c. The operation shall be started and completed within six (6) months from the date of issuance of the Permit, or
 - d. Necessary removal, filling, excavation, grading or stockpiling of material from a lot in order to eliminate a threat to the environment, public health or safety, which involves the movement of no more than five thousand (5,000) cubic yards of material; or
 - e. The applicant is under a current, valid order of a federal, state or local government which requires it to engage in the removal, filling, excavation, grading or stockpiling of material on a lot, which involves the movement of no more than five thousand (5,000) cubic yards of material; or
 - f. Necessary removal of boulders, stumps or debris and application of top soil and other necessary materials to complete clean up and final reclamation of a site in accordance with a plan previously approved by the Commission, provided that the work involves the movement of a total of no more than five thousand (5,000) cubic yards of material; and
 - g. The open area at any one time is less than one acre; and
 - h. The operation shall be started and completed within six (6) months from the date of issuance of the Permit.

C. Special Exception Permits:

1. All Special Exception Permits are issued by the Commission after receipt of a complete application and after holding a duly noticed public hearing and after review based on the scope, purposes, standards and criteria contained herein
2. Any proposed activity not meeting the criteria for an Exempt Permit or an administrative Permit must make application for a Special Exception Permit as contained herein.

8.5 Application Requirements for Administrative and Special Exception Permit Applications:

- A. Refer to Section 8.3 for General Requirements and Section 5.6 for Special Permit Standards.

- B. Applications for any permit pursuant to this section shall be submitted on forms provided by the Commission, signed by the applicant and all owners of the land where the activity is proposed to occur. All owners of the land shall be co-applicants.
- C. The application fee for any permit under this section as set forth in the Town of Bethany Land Use Fee Schedule Ordinance, as may be amended from time to time, must be submitted with the application. Failure to pay the application fee shall constitute an incomplete application and shall be cause for denial of the application.
- D. Thirteen (13) copies of a project plan showing the location of the proposed operation shall be submitted with the application. Such plan shall be drawn to a 1" equals 40' scale. The plans shall show at least the following:
1. An overall or final conceptual development plan for the ultimate use of the property must be submitted at this time with the application. Note that if the ultimate use of the property is for subdivision purposes, a subdivision plan must be submitted with the plan for the excavation as well.
 2. The quantity and type of earth product to be removed, filled, excavated, graded or stockpiled and the limits of the proposed operation. Any available test boring information shall also be submitted.
 3. The total acreage of the land and the length and direction of the present property lines. Note: An A-2 survey of the property is required for a Special Exception application.
 4. Existing and proposed contours. Note: The Commission requires a T-2 survey of the property for a Special Exception application.
 5. The estimated starting and completion dates and the proposed hours and days of operation, including vehicle routes.
 6. Proposed measures for control of erosion and sedimentation from the site. In addition, plans, which adequately address stormwater management issues and concerns, are also required.
 7. A plan with narrative as necessary, which describes final and/ or temporary reclamation of the property, as appropriate.
 8. Upon finding of unusual soil conditions or of insufficient data to properly assess compliance with these Regulations the Commission may require the applicant to provide additional information on soils, rock ledge, groundwater conditions, drainage or any other information deemed necessary and appropriate by the Commission.
 9. The names and addresses of the present owner or owners of the land and the location and names and addresses of owners of all adjacent property, including property separated from the land by any roads. All names and addresses shall be as shown on the Town Assessor's most current records;
 10. A detailed written narrative of the complete project including, the purpose, and objectives of the proposed operation and at a minimum:
 - a. A written itemized estimate of the cost to complete the proposed operation;

- b. The quantity and type of earth materials to be removed, excavated, filled, graded or stockpiled and the area limits of the proposed operation;
 - c. A description of the proposed vehicular access to the land and location of the proposed work and roadways within the parcel.
 - d. The estimated number and types of trucks and location, if fixed, of all other machinery proposed to be used for the operation.
 - e. The estimated duration of the project including starting and completion dates and the proposed hours and proposed days of operation.
 - f. Details of the existing and proposed drainage plans, including drainage systems, proposed measures for soil erosion and sedimentation control from the site and details of proposed seeding and reclamation for the area of the proposed operation.
11. An A-2 survey of the property, including a minimum of two (2) permanent identifiable bench marks on or near the property.
 12. A location key, drawn to a scale of at least one inch equals two thousand feet, (1" = 2,000'), showing the location of the land in relation to surrounding property, all zoning districts, all streets within one thousand (1,000) feet of the property, and the Town line, if it is within five hundred (500) feet of the parcel;
 13. Existing and proposed contours at two (2) foot intervals with spot elevations and cross sections at high and low points, extending at least seventy-five (75) feet beyond the limits of the work area, even if it is off the property. Five (5) foot contour intervals are permitted for land where existing slopes are in excess of 10 percent but less than 25 percent slope. Ten (10) foot contour intervals are permitted for land where existing slopes are 25 percent or more. Accuracy and source of information are to be field survey or other acceptable method and must be stated on the plan. Topography must be to a minimum T-2 accuracy for existing conditions.
 14. A detailed landscaping / reclamation plan, including a work schedule for completion, shall be prepared by a qualified design professional experienced in the reclamation of property, which will show the type, location and extent of all proposed vegetation to be retained or restored to the land in accordance with the specific requirements of the project using Natural Resources Conservation Service guidelines for reclamation and specifically taking into account the natural vegetation of the area before any excavation, grading or filling was done. Maximum slopes for any reclaimed area are to be 1 foot vertical to 3 feet horizontal.
 15. The location and size of any and all existing buildings, streets, monuments, recognized landmarks, rock outcroppings or structures on the land and comparable information on adjacent properties for a distance of seventy-five (75) feet beyond the parcel boundaries. The source of such information is to be stated on the plan.
 16. The size, location, inlet and surface elevations and flow direction, where applicable, of existing water bodies, water courses, swamps, marshes, flood plains and wooded areas on and adjacent to the land. All wetlands are to be flagged in the field and shown on the

plans. Maps approved by the Wetlands Commission are acceptable to meet this requirement.

17. A box on the plan with the words "Permit Approved by the Bethany Planning and Zoning Commission", and a labeled blank line for the signature of the Chairperson or Secretary of the Commission.

18. The Commission reserves the right to request any additional information it deems necessary to properly review and decide the application.

8.6 Review Procedure:

A. Initial Review: Applications submitted pursuant to this Section shall be reviewed by the Commission's designated review person. The designated review person if appropriate, shall refer the application to the Planning and Zoning Commission for its review, processing and action. The Commission, after review may approve, approve with modifications or deny the application or set a public hearing date if one is required and then act on the Permit. Such Permits shall contain appropriate conditions and standards as dictated by the purposes of this Section.

B. Decisions:

1. The Commission within sixty-five (65) days of the official receipt date of an administrative application shall render a decision on the application. The applicant may consent to one or more extensions of such time period, provided the total period of any such extensions shall not exceed sixty-five (65) days.

2. If the application meets the criteria for a Special Exception the Commission shall set a public hearing date for within 65 days of the official receipt date of the application. The hearing shall be conducted, and the decision made within the parameters contained in the Connecticut General Statutes.

C. Transferability: No Administrative or Special Exception Permit is transferable without the express consideration and decision of the Commission.

D. Expiration: Administrative Permits shall automatically expire six (6) months after the date of approval, unless the Permit contains a different expiration date specified by the Commission at the time of original approval. Special Exception Permits shall automatically expire after one year unless specified differently by the Commission at the time of approval.

E. Renewal: No operations are permitted after the Permit expires. The Commission may, at its sole discretion, renew the Administrative Permit for up to six (6) months upon written request for renewal. Such renewal request must be made at least one (1) month, but no more than three (3) months, prior to the expiration of the Permit and be accompanied by the proper fee. A special Exception Permit may be extended by the Commission for up to 1 year, or any time less which the Commission finds desirable.

8.7 Standard Permit and Operating Conditions:

A. All Permit approvals issued under this Section shall be subject to the following standard conditions in addition to any special conditions the Commission may require:

1. To ensure the performance and completion of the permitted operation in accordance with these Regulations and the approved permit, the owner / applicant shall file with the Commission a Bond with Surety satisfactory to it. The form of surety, which may be provided and accepted by the Commission, may be:
 - a. The pledge of a passbook savings account;
 - b. An irrevocable letter of credit;
 - c. A cash deposit with the Town of Bethany;
 - d. Such other Surety as may be acceptable to the Commission.
2. The amount of the Bond and the form of Surety shall be determined by the Commission in its sole discretion. Should there be a failure of Surety during the term of the permit or any extension thereof, the permit shall automatically be suspended pending the filing of a new surety by the owner/applicant/operator and acceptance by the Commission.
3. All permitted operations must comply with the following minimum standards and conditions:
 - a. There shall be no operation, maintenance or running of machinery or vehicles associated with the operation conducted between 5 p.m. and 8 a.m., nor during such additional hours as the Commission may decide, nor on Saturdays, Sundays, New Year's Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving Day and the following day, and Christmas Day, except with the approval of the Commission. Maintenance of machinery and vehicles is permitted on Saturdays between 9 a.m. and 12 noon, provided that such a day is not a holiday as described above as a prohibited work day. These restrictions do not apply to a retail operation in a Business and Industrial Zone during its normal working hours.
 - b. Truck access to the site shall be so arranged so as to minimize danger to pedestrian and vehicular traffic on or along public highways and so as to minimize negative impacts on surrounding properties. All access to any operation shall be barred by secured and locked gate(s). Cables, ropes, chains or similar barriers are not acceptable.
 - c. At all stages of the operation, and upon completion, proper drainage shall be provided to prevent collection and stagnation of water and to prevent harmful effects upon surrounding properties, except where such collection is part of the approved erosion and sedimentation control plan.
 - d. No water body, watercourse, inland wetland, or existing drainage area shall be altered in any way except as approved by the Bethany Inland Wetlands Commission and/ or other appropriate regulatory authority.
 - e. A copy of the approved plans and Permit shall be present on the site at all times that work is in progress until work has been completed and the site reclaimed to the satisfaction of the Commission.

- f. Such other standards and conditions as in the opinion of the Commission are required to achieve the purposes of Section 8 and to promote and protect the health, safety and general welfare of the public.
- g. The operation must be carried out in conformity with the project plan as approved and within the limits shown thereon and there shall be an undisturbed buffer zone of one hundred (100) feet minimum from any property line or public road. The Commission may require additional buffer areas depending upon the effectiveness of other controls and conditions in reducing impacts upon surrounding premises. The Commission may change or eliminate the requirement of a 100 foot buffer if it finds that the operation will not have an adverse impact on adjoining parcels.
- h. The Commission, in its sole discretion, may allow screening or sifting of material generated on site if the Commission finds the screening or sifting will be for a short period of time and will not create an undue negative impact on surrounding properties. The applicant shall indicate on the plans the type of machinery to be used and its location on the site. All machinery for screening or sifting used in conjunction with the operation shall be set a minimum of two hundred (200) feet from all property lines. The short term temporary use of machinery for the crushing of boulders generated on the site from the operation may be allowed at the discretion of the Commission if the applicant can demonstrate that it is the most viable means of disposing of such boulders and that the impact on the neighboring property owners will be minimal. The Commission may reduce the required buffer for Special Exception Permit operations which involve screening or sifting or crushing if the Commission finds the adjacent property is not being used for a residence or other use (such as recreation, day care, office building) that might be adversely affected by these operations.
- i. No fixed or permanent machinery, building or structures related to the proposed activity shall be erected or maintained on the land. If temporary structures are proposed to be used, they shall be shown on the submitted plans. The Commission may approve temporary structures if it deems them to be appropriate. All temporary structures must be in compliance with all applicable Town Regulations and shall be removed from the land not later than 30 days after the termination of the operation or the permit whichever is sooner.
- j. When the operation is completed, or work has progressed sufficiently to where reclamation is practicable, the area affected by the operation shall be graded or terraced, in accordance with the plan approved by the Commission, so that banks and slopes in disturbed areas shall be no steeper than 13 (vertical to horizontal). Subsoil shall be added as necessary to provide an appropriate base for the topsoil, so as to facilitate vegetation growth. The subsoil will be scarified in order to provide a good bond with the topsoil. Top soiling of the disturbed area shall be done in accordance with the application and materials standards for top soiling as set forth in the Erosion

Sediment Control Handbook of the USDA/ SCS, (most recent edition as amended). The area shall be planted with suitable plantings and maintained by mulching, repairing and reseeded until the area is stabilized.

- k. Yellow markers, spaced at a minimum of one hundred (100) feet apart extending a minimum of two (2) feet above ground level at all times, shall be placed around the perimeter of the operation by a licensed land surveyor in conformance with the approved grading plan and shall be maintained throughout the operation.
- l. Proper measures shall be taken to prevent undue negative impacts to neighboring properties from noise, dust, vibration, rock fragments or other unsightly or dangerous conditions. These proper measures may include but are not limited to; wetting of access roads, screening, fencing, matting, soil stabilization, limiting stockpiling and covering loaded trucks leaving the site. In addition, the Commission shall require the maximum retention of existing natural buffers, including trees and topography wherever possible to achieve such protection.
- m. Where the excavation or filling results in slopes steeper than one (1) foot vertical to three (3) feet horizontal, or where the depth of fill is ten (10) feet or more, the Commission or its agent may, in the interest of public safety, require a safety fence to be erected, enclosing the fill or excavation.
- n. Access roads shall be temporary and shall be constructed and maintained with a dustless surface using calcium chloride, crushed stone, watering or paving or any other means acceptable to the Commission. A minimum of the first twenty-five (25) feet of the access road extending from the public highway shall be a paved surface, and the next seventy-five (75) feet shall be of 2" crushed stone. The Commission or its agent may vary these requirements based on specific site conditions.
- o. The area being worked in accordance with the Permit shall be kept to an absolute minimum. The Commission shall determine and approve the size, configuration and location of the working area, and at no time shall more than a total of five (5) acres in Business and Industrial Zone or three (3) acres in a Residential Zone be open. It is the intent of these Regulations that the remainder of the property shall be undisturbed land, temporarily stabilized pending reclamation, or stabilized and reclaimed in accordance with the approved plan.
- p. All boulders from the site may be buried. However, the burial area shall be approved by the Commission and must be clearly shown on the plan. The burial area may not be enlarged without the permission of the Commission and shall be shown not to impair the suitability of the site for future uses permitted in the zone. All debris and stumps generated on the site shall be removed from the site. The applicant / owner shall supply a letter to the Commission stating where the stumps and debris are to be deposited. These materials must be disposed of in a legal manner.
- q. The introduction of offsite fill is permitted to accomplish finish grades as shown on the approved plan. Such fill must be clean earthen material.

- r. The Commission may require the filing on the land records of the Town of Bethany a mylar showing the location of all burial areas on the site.
- s. Stockpiling operations permitted in the B&I zone must also comply with the following minimum standards and conditions:
 1. Every effort shall be made to minimize negative visual impacts of any stockpile(s). The Commission may require changes in location, screening or other appropriate measures to accomplish this goal.
 2. No stockpiles shall produce a hazardous condition. The Commission may require the permittee to take suitable steps, such as fencing or enclosures, to prevent the creation or continuation of any such condition.
 3. Appropriate controls shall be used to prevent erosion and the uncontrolled spreading and spilling of the material stockpiled.

8.8 Release of Performance Security and Completion Guarantee: Upon completion of the operation and the restoration of the premises in accordance with the approved plans and applicable regulations and modifications, including the removal of all equipment and temporary structures, the applicant may apply, in writing, to the Commission for the release of the performance and completion guarantee filed with the Commission. The guarantee shall not be released until the applicant's surveyor and engineer have certified to the Commission in writing that all improvements have been completed in accordance with the approved plans. "Record" plans at the same scale as the original application plans, shall include "as-built" project and grading plans, details of restoration measures and any modifications approved by the Commission. Four (4) prints of each plan shall be filed with the Commission.

SECTION 9 - Basic Town Wide Standards:

9.1 Site Development Plan, Requirements and Standards:

9.1.1 General: The use of land, buildings and other structures which are permitted under these Regulations after approval of a Site Plan/ Site Development Plan and the construction, reconstruction, enlargement, extension, moving or structural alteration of buildings or other structures in connection with such use, shall conform to the requirements and standards hereinafter specified. The requirements of this section are in addition to any other provisions of these Regulations applicable to the property or zone in which the use is to be located.

A. Application for Site Development Plan: An application shall consist of at least all the following information:

1. General information form as prescribed by the Commission; and
2. The appropriate fees; and
3. The following detailed plans, at a minimum:
 - a. A general location (key) map showing the surrounding property within 500 feet, including all structures, roads, watercourses and names of property owners and other physical features which relate to the proposed development.
 - b. A Site Development Plan in accordance with Section 9.1; and
 - c. Erosion and sedimentation control plan; and
 - d. Drainage and runoff control plan; and
 - e. Landscaping plan; and
 - f. Lighting plan, showing details and aerial extent of lighting; and
 - g. Preliminary architectural plans of all proposed, existing or to be altered buildings, structures and signs including exterior elevations;
4. Either a certificate stating that an Inland Wetlands application has been filed or a letter indicating no permit is required.

B. Waiver: The Commission may grant a waiver for the submission of any of the requirements of Section 9.1.1.A.3. above if all of the following requirements are met:

1. The request for a waiver is submitted in writing;
2. The use will not have a substantial impact on properties in the surrounding neighborhood with regard to such items as, but not limited to, noise, traffic, character of use and compatibility with surrounding uses;
3. The use will not substantially alter the positive nature of the existing building(s) or other structures;
4. The use will not be inconsistent with the public welfare or impair the integrity of the Regulations

Standards: The following standards shall apply to those uses which are permitted under these Regulations after the approval of a Site Development Plan:

C. Plan of Conservation and Development: The proposed development and use shall be in conformance with the purpose, intent, policies and programs of the Town of Bethany Plan of Conservation and Development, adopted by the Planning and Zoning Commission as it

relains to the area in which the development and use is to be located, particularly with respect to, but not limited to, the following items:

1. The location and design of and access to and from roads;
2. The setback, scale, bulk and appearance of buildings and other structures;
3. The provision for and location of landscaping features.

D. Neighborhood: The development and use of land, buildings and other structures, the location and bulk of buildings and other structures and the development of the lot shall be compatible with the neighborhood to protect property values and to preserve and enhance the appearance, and rural character of the community.

E. Access: Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and non-vehicular traffic on the road right-of-way and on the lot and to avoid traffic congestion on any road. Access shall also conform to the following:

1. For commercial uses, where reasonable alternate access is available, the vehicular access to the lot shall avoid use of roads in Residence Zones.
2. The road providing access to the lot shall be suitably improved and have the capacity to accommodate the traffic generated by the proposed use and development.
3. Provisions shall be made for turning lanes and traffic controls within the road right-of-way if deemed necessary by the Commission.
4. Access driveways shall be of a design and have sufficient capacity to avoid back-up of entering vehicles on any road.
5. Driveways onto the lot shall be constructed in accordance with the most restrictive of all applicable requirements and specifications and shall meet the travel way of the road in such a manner as to conform to the standards as established for the street as may be specified by the Board of Selectmen.

F. Existing Roads: Where the lot has frontage on an existing road, provision shall be made for continuation of streets and other improvements, if determined necessary by the Commission.

G. Parking and Loading: On-site parking and loading shall be provided in accordance with Section 7 of these regulations.

H. Drainage and Runoff Control: Provision shall be made for the collection and discharge of stormwater on the lot to prevent flooding of on-site parking and loading spaces, to avoid hazards to pedestrian and vehicular traffic on the lot and on any road and to avoid stormwater flow from the lot onto property of others and to protect streams, wetlands and watershed lands from pollution.

- I. The design of drainage shall be based on sound engineering practices and judgment based on the best available data and shall fully consider the predicted volume and rate of stormwater runoff and the capacity of downstream watercourses, channels and other drainage structures to accept the drainage discharge. Calculations of runoff, hydrographs and flow routing shall be performed in accordance with the standards and procedures established by the U.S.D.A. Soil Conservation Service. As a minimum, ten (10) year

storm frequency shall be used as the design basis for the proposed on-site drainage systems, as approved by the Commission. However, when indicated by surrounding site conditions, the Commission may require larger design storm up to a 50 year storm. The Standards of the Bethany Road Specifications shall be considered as a guideline for cross culverts under access roads and for natural watercourses.

2. Provision shall be made for the protection or improvement of existing watercourses, channels and other drainage systems on the lot or downstream from the lot as needed to accept the proposed drainage discharge and taking into account the total watershed runoff and the effect of future development. When deemed necessary to protect downstream areas, the Commission may require the construction of detention structures or other runoff control measures.

I. Wetlands: Provision shall be made for the protection of swamps, floodplains. Wetlands on the lot shall be protected, in accordance with the requirements of the Wetlands Commission.

J. Sanitation: Proper provision shall be made for the water supply and sewage disposal requirements for the proposed development and use. Any proposed system shall be designed and constructed in accordance with the applicable State laws, regulations and ordinances, prior to the approval of the Site Development Plan. In addition, provision shall be made for the collection, storage and disposal of solid wastes accumulated which will result from the proposed development and use and for the control of litter by means of receptacles, fences or other means as approved by the Commission.

K. Outside Storage: Outside storage (including without limitation, storage of merchandise, goods, supplies, wastes, machinery, motor vehicles and equipment and processing or assembling of goods) shall be limited as follows unless stated otherwise for the zone:

1. No outside storage area shall extend into the area required for setback from a street line or a Residence District boundary line.
2. No outside storage shall extend into the area required for setback from a property line nor into the area required for a landscaped buffer as may be required by these regulations.
3. The maximum permissible outside storage area shall not be more than 10% of the building area.
4. All outside storage areas shall be enclosed, except for access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees in order to screen the storage area from view from any other lot or from any street. The Commission, in its sole discretion, may allow an increase in outside storage of up to 10% of the lot area provided that any hazardous or toxic materials stored on the property are adequately contained to meet D.E.P. standards for storage of hazardous or toxic material.

L. Total Ground Coverage: Total Ground Coverage is defined as the aggregate area of all buildings, structures, paved areas and outside storage areas on the lot, divided by buildable lot area.

<u>Zone</u>	<u>Max. Coverage as a % of Buildable Lot Area</u>
	(on a minimum sized lot) (WSO)

R-65	15%	12%
R-130	15%	15%
B&I	75%	60%
EHD	40%	40%

M. Lighting: The location, height, design and arrangement of outside lighting shall be done so as to avoid trespass lighting and direct glare on any other lot and to avoid hazards to traffic on any road. The source of the illumination (bulb) shall not be visible from off the property. The Commission may require full cut off fixtures.

N. Business and Industrial Landscaping Requirements

1. Purpose

- a. The requirements of this Section are intended to:
 1. Maintain the rural appearance of the town in the Business and Industrial (B-I) zones;
 2. Visually integrate each business with neighboring businesses, residences, recreation areas or open spaces;
 3. Make the Business and Industrial Zones attractive to potential businesses to the benefit of the town;
 4. Protect property values by providing and preserving screening and landscape vegetation and material;
 5. Minimize heat, glare, accumulation of dust, and prevent soil erosion and pollution of water resources, while promoting the natural recharge of storm water.
- b. The included standards are the minimum required for newly developed properties and are also intended to serve as a guide for the improvement of existing businesses.

2. Landscape Design Plan and Narrative

- a. A detailed landscape design plan and narrative shall be submitted with every site plan application and every special exception permit application filed pursuant to Section 9 of these Regulations. If an expansion of an existing Business or Industrial use that results in an increase of more than 25% in floor space, the entire property shall be brought into full compliance with the landscape standards of this Section 9 and the landscaping standards of these regulations. If an existing parking area is relocated or expanded and the total number of parking spaces provided is more than ten (10), the expanded parking area shall be brought into full compliance with the landscape regulations.
- b. Applicants are encouraged to consider recommended plantings of Appendix 7 and to discuss their landscape design plan and narrative with, and to obtain a report from the Town of Bethany Conservation Commission and the Bethany Tree Warden prior to officially submitting the plan and narrative. Applicants are strongly encouraged to have their landscape design plan and narrative

prepared by a qualified landscape professional, landscape architect, or designer.

- c. The landscape design shall be submitted on plans, accurately drawn to scale, and shall contain the following:
 1. The location, grade, and dimensions of all proposed planting areas.
 2. The location, species, size, and number of all proposed plantings.
 3. Any significant, existing, useable vegetation (such as shrubs, plants, and ground cover) and a notation as to whether they will be removed or retained as part of the project. That vegetation which will be retained shall be designated on the plan with a unique symbol.
 4. Existing mature trees that measure over twelve (12) inches caliper and a notation as to whether they will be removed or retained. Trees of this size to be retained shall be designated on the site plan with a unique symbol. If any such tree is to be removed, the applicant shall demonstrate to the commission that its preservation is incompatible with reasonable use of the property for business or industrial development, e.g. the tree is in the way of the only safe location for a driveway, it is in the area of the only feasible location for building or it is diseased or an "undesirable" species.
 5. The location and description of methods to protect trees and other existing vegetation, proposed plantings, and soils from damage during and after construction.
 - d. The narrative shall provide the following information:
 1. The existing and proposed uses of the site.
 2. The existing uses of properties that adjoin or are adjacent to the site.
 3. The existing and proposed means of access to the site.
 4. A description of all proposed plantings (including trees), a planting schedule, and a maintenance schedule.
 5. If buffers are required between abutting properties, see buffer diagram contained in these Regulations.
3. Permission to Provide Alternate Landscaping
- a. If conditions unique to the property prevent compliance with the requirements of this Section, the applicant may seek permission from the Commission to provide an alternative landscaping plan, consistent with the purposes and objectives of this Section.
 - b. Such unique conditions include, but are not limited to, the following: Topography; lot dimensions; the existence of wetlands, watercourses, rock ledge, stone walls, the location of mature/significant specimen trees, etc. and road, utility, drainage, or other easement or right-of-way restrictions encumbering the property.
 - c. Alternate landscaping may include, but is not limited to, the following: requiring

the landscaping to be provided on a different area of the property; requiring different species, sizes, and number of plantings and/or trees; or requiring fencing, berms, or retaining walls.

4. Perimeter and Parking Lot Landscaping Requirements

a. General Requirements for Perimeter and Parking Lot Plantings

1. The preservation and protection of the existing natural vegetation and unique features of the site are encouraged whenever practical. Existing natural vegetation to be retained as a part of the project shall be protected during construction through the use of construction fencing at, or beyond, their drip line and other suitable measures. No soils or other material shall be stored during or after construction within areas of natural vegetation to be preserved.
2. All plant materials shall be installed in accordance with good landscaping practices, free of disease and insects, in conformance with the standards and practices of the American Standard for Nursery Stock of the American Association of Nurserymen (ANSI Z60.1-1996), as amended.
3. All landscaped areas shall be covered with grass, mulch or other suitable ground cover. Undisturbed areas of the site are encouraged to remain in their natural state and need not be covered with additional grass, mulch or ground cover.
4. Landscaped areas shall incorporate a variety of plant materials and not more than fifty percent (50%) of the total number of plants shall be comprised of any one species.
5. Trees and plant material that are planted shall be arranged to simulate a natural setting (such as by massing or staggered rows) unless the applicant establishes, to the satisfaction of the Commission, that a more formal arrangement is more consistent with the existing character of the area, the proposed use, or proposed and/or existing structures.
6. Annual color is encouraged in the landscaping plan. Color may be provided by annuals, flowering trees and shrubs, evergreens, deciduous plant materials, bark color, seeds, fruit and berries.
7. Landscaped areas shall be kept free from refuse and debris. Trees and plant material shall be maintained in a healthy growing condition, trimmed, in a neat and orderly appearance, and not overgrown. Any tree or plant material that dies or is damaged shall be repaired or replaced within the current growing season. If this is not possible due to the time of year, such plantings must be replaced during the next growing season.

b. Perimeter Landscaped Area Requirements

1. Front Yard - Any lot developed for commercial or industrial use shall provide a continuous landscaped area adjacent to the street with a width of not less than twenty-five (25) feet. The front yard landscaped area shall be planted and

and other suitable landscaping materials meeting or exceeding the requirements of an "A" Bufferyard as defined in these regulations and as depicted in the included illustration. Please note that a "Corner Lot" is a parcel of property, which has two front yards.

2. Side/Rear Yards - Any lot developed for commercial or industrial use shall provide a continuous landscaped area along all side and rear lot lines with a width of not less than ten (10) feet. The side and rear landscaped areas shall be planted and continuously maintained with a combination of trees, shrubs, ground cover, lawn and other suitable landscaping materials meeting or exceeding the requirements of a "B" Bufferyard as defined in these regulations and as depicted in the included Illustration.
3. Abutting Residentially Zoned Property - When a required landscaped buffer along any street line adjoins residentially zoned property, the "A" Bufferyard width shall be increased in width to not less than thirty-five (35) feet. When a required "B" Bufferyard along any side or rear property line adjoins residentially zoned property, the landscaped buffer width shall be increased in width to not less than fifteen (15) feet and shall satisfy the requirements of a "C" Bufferyard as defined in subsection on buffers and as depicted in the included illustration.
4. Perimeter landscaped areas shall not be used for parking of vehicles, outdoor storage or outdoor display as defined in these Regulations. Street-side storm water detention basins are discouraged from being located with the boundary of the required landscaped area. However, mail boxes, approved signs, sidewalks, driveways, fire hydrants, and utility equipment and facilities may be located within boundary landscaped areas. Driveways necessary for access to the site may run generally perpendicular to a perimeter landscaped area. The Commission may approve the location of a connecting driveway between separate parcels in order to promote traffic safety.
5. Perimeter landscaping shall not interfere with safe sightline visibility for motorists, sight lines for the driveways or accessways of abutting properties, access for pedestrians and vehicles nor with access to mail boxes, signs, sidewalks, etc.
6. To facilitate snow removal, no plant material, other than grass or ground covers, shall be planted closer than four (4) feet from the edge of pavement or the curb line of any abutting road.
0. Erosion and Sediment Control: Design and construction in any zone, including any related roads, drainage and other improvements shall be executed so that such activity will not cause erosion, flooding or deposits on the property being developed or on any surrounding properties or to wetlands or watercourses; and
 1. Cut and fill slopes shall not be steeper than 13 unless stabilized by a retaining wall or cribbing, except as approved by the Commission when unique site conditions exist.
 2. Provisions acceptable to the Commission or its representative shall be made to prevent surface water from damaging the cut face of excavations or sloping surfaces of fills.

3. Cuts and fills shall not endanger adjoining property, including right-of-way property of the Town of Bethany or property of the State.
4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
5. Grading may not be done so as to divert or concentrate the flow of water onto the property of another landowner without the express written consent of that landowner.

P. Form of Site Development Plan: The Site Development Plan shall be drawn to a scale of not less than 1" = 40'. The Site Plan shall be within a property having a perimeter survey meeting or exceeding the accuracy of a Class A- 2 survey. The survey shall include at least the location of all existing structures and features known to exist, except that the Commission may grant a waiver of the A-2 accuracy requirement when one of the following criteria is met and the Commission determines that such a waiver is in harmony with the general purpose and intent of the Zoning Regulations and will not endanger the public health, safety, convenience, welfare and property values. To qualify for a waiver, an application must meet at least one of the following criteria:

1. The subject property shall consist of a minimum of 20 contiguous acres;
2. The proposed use shall not involve the use of a building or buildings;
3. The proposed use shall not involve the erection of a structure or structures, or alteration of the topography within 100 feet of the property line, and shall have no potential off-site drainage impacts;
4. Proposed uses shall not be conducted within 50 feet of a property line.

Q. Content of the Site Development Plan: The Site Development Plan shall include the following information at a minimum:

1. Name and address of the holder of the record title to the land to be developed and the name and address of the applicant if different from the owner.
2. Date, scale, north arrow, Town, State, assessor's map and lot number and address of land to be developed, if available.
3. General location map (key map) showing the location of the site in relation to existing Town roads at a minimum scale of 1 in. = 1000 ft.
4. Name, address, professional seal or stamp and signature of the individual(s) responsible for preparing the plan;
5. Existing and proposed property and road lines; adjoining property and road lines; existing structures within 100 ft. of the property line of the property proposed for development; and the names of all property owners within 100 ft. of the property line of the property proposed for development as shown on the current records of the Tax Assessor;
6. Existing and any proposed relocation, of water courses and streams whether intermittent or continuous flowing, (if such relocation requires the approval of the Department of Environmental Protection, said approval must accompany the application), existing and proposed ponds, easements, rights-of-way, and supporting documents; the location and limits of all swamps, floodplains and other land subject to potential flooding; conservation areas and inland wetlands as shown on the "Inland Wetland and Watercourses Map" of the Town of Bethany.

7. Existing and proposed contours, with reference to datum and source, at an interval not exceeding two feet based on field or aerial survey or based on U.S.G.S. data. Should any part of the property fall within 1,000 ft. of a State grid coordinate reference point or U.S.G.S. elevation marker, the site plan should make reference to that point.
8. Existing and proposed permanent buildings and structures.
9. Principal wooded areas and the approximate location of any large isolated trees; ledge outcrops, stone walls; fences; and any other significant physical features of the property.
10. Dimensions of all proposed property and road right-of-way lines to the nearest hundredth of a foot and the total acreage of land, to the nearest hundredth of an acre, to be included in the proposed development.
11. The proposed width of all roads, rights-of-way and easements; the existing and proposed width of all pavement or travelways.
12. Existing and proposed monuments; municipal boundary lines; the zoning district; and zoning district boundary lines.
13. Existing and proposed storm drains, catch basins, manholes, ditches, watercourses, headwalls, gutters, curbs and other structures and existing and proposed utilities.
14. Spot elevations on both existing and proposed roads, drives and parking areas to indicate grading. Grades shall be stated and contours shown. Drainage shall be shown in conformance with all Town standards.
15. The location of any test pits, borings, percolation test hole location, location(s) for proposed water supply well sites; and the location and dimensions of the on-site sewage disposal and reserve system field areas.
16. Existing wells and septic system(s) within 100 feet of a property line on adjoining properties.
17. An outline of all existing and proposed deed restrictions or covenants applying to the property.
18. Identification of soils as indicated in the field by a qualified soil scientist.
19. The Commission may by 2/3 vote grant a waiver of any of the above Site Development Plan requirements when it determines that all of the following criteria are satisfied:
 - a. The use will not substantially increase traffic or produce safety hazards;
 - b. The use will not increase parking requirements;
 - c. The use will not have a negative impact on properties in the surrounding neighborhood by elements including, but not limited to, noise, traffic, character of use and compatibility with surrounding uses;
 - d. The use will not substantially alter the nature of the existing building(s) or other structure(s);
 - e. The use will not be inconsistent with the public welfare or impair the integrity of these regulations.
20. The ZEO may grant a waiver of any of the above requirements when reviewing a site plan under his jurisdiction.

R. Bonds:

1. Performance Bonds:

- a. To assure that a proposed development, excluding buildings, conforms to the Site Development Plan and/or Special Exception approval requirements, a performance bond may be required by the Commission. The performance bond shall be posted prior to the filing of the site plan approval on the land records and the issuance of any Zoning Permit. Approval of the plan shall become effective upon the date of filing of the approval of an endorsed final plan and other required documents in the Office of the Town Clerk. No construction work shall begin prior to the receipt of the final approval by the applicant.
- b. A performance bond shall be posted using one or more of the following methods and in a form acceptable to the Commission or its representative.
 1. A cash bond;
 2. A savings bank deposit book;
 3. An irrevocable letter of credit; or
 4. Any other form of surety that the Commission or its representative deems acceptable.
- c. The amount of the performance bond shall be established by the Commission or its agent. Applicants shall furnish the Commission with a listing of the type and estimated quantities of materials needed to complete the improvements as if let-to-bid by the Town without the advantages of onsite building materials or the sale of the removed earth material. In addition, the bond shall include an amount to cover the escalation of all improvement costs over a two year period, or the duration of the permit, whichever is longer.
- d. The amount of the performance bond shall be sufficient to cover the cost of any proposed or required site improvement such as grading, paving, and plantings; the installation of required curbs, gutters, storm drainage facilities, landscaping, monuments, bridges, and culverts; erosion and sedimentation control measures; and all other such improvements that the Commission deems necessary to promote the public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of said improvements. All improvements shall be designed in accordance with the established standards, rules and regulations of the Town of Bethany applicable to the project. The Commission may require a separate cash performance bond be posted for all erosion and sedimentation control and site stabilization measures.
- e. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
 1. "As-built" plans of the improvements, supplied by a licensed land surveyor;
 2. Certification of accurate monument location, supplied by a licensed land surveyor;

3. Easements in a form satisfactory to Town Counsel including a written description of all such easements; and

4. Proof of fulfillment of any other requirements or conditions.

- f. The bond shall be released upon a surveyor's certification that all required improvements have been completed to the satisfaction of the Commission and other appropriate Town departments. In addition, a maintenance bond covering all site improvements completed for the development may be required by the Commission prior to the release of any performance bond. If an inspection reveals that the improvements are not installed as required by the Commission or its agents, the Commission is under no obligation to accept the work. The Commission may declare the bond defaulted and take the necessary action to call the bond.

2. Maintenance Bonds:

When required by the Commission to assure proper maintenance of all site improvements and structures, a maintenance bond in the amount of 10% of the cost of the site improvements shall be submitted and filed with the Town. The bond shall be posted prior to the issuance of any Certificate of Zoning Compliance. The applicant shall maintain all site improvements within the time frame of the bond as established by the Commission.

During such period, the applicant shall, when notified by the Town, promptly and at his own expense, repair all failures and defects including but not limited to, the construction, drainage structures, appurtenances, bridges and other improvements as may occur during such maintenance period. The applicant shall similarly repair all defects, settlements and irregularities of the structures and appurtenances of drains, pipes, mains, conduits, curbs and gutters, paved surfaces, landscaping or other defective improvements detected during the maintenance period.

If the applicant fails to remedy any such defect within a reasonable time, the Town may, without prejudice to any other remedy, cause the required repairs to be made and paid for with the proceeds of the maintenance bond.

3. Completion of Work: Failure to complete all work associated with an application approved by the Commission within the prescribed amount of time, shall cause the approval to expire and become null and void. Should an application be declared null and void, the Commission may recommend that any posted bond be declared defaulted and take necessary action to call the bond so that the property is adequately stabilized with permanent erosion and sedimentation control measures in place.

9.2 Lighting Standards

9.2.1. Outdoor Lighting

A. Purpose

These regulations are intended to provide specific standards for lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise

public awareness of energy conservation, to avoid unnecessary upward illumination, indirect lighting and illumination of adjacent properties, and to reduce glare.

B. Applicability

Except as herein provided, these regulations shall apply to any outdoor lighting fixtures installed, modified, refurbished, repaired or serviced within the Town of Bethany.

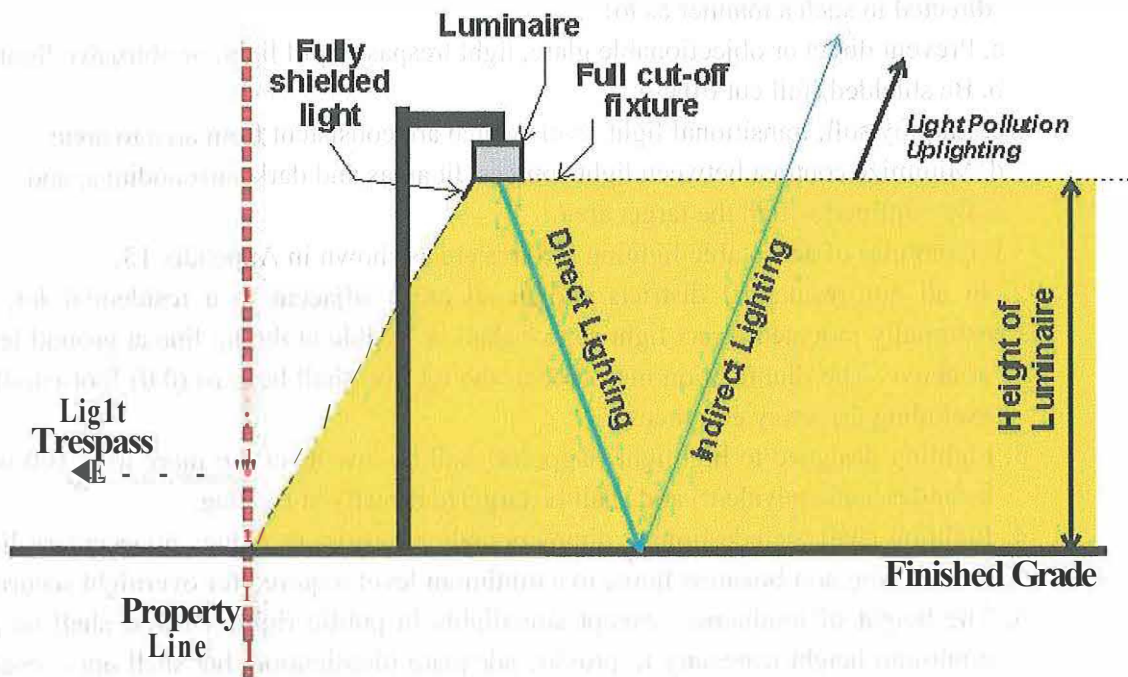
All businesses and community parking areas, roadways, sidewalks and town property luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting lots or roadways, both public and private.

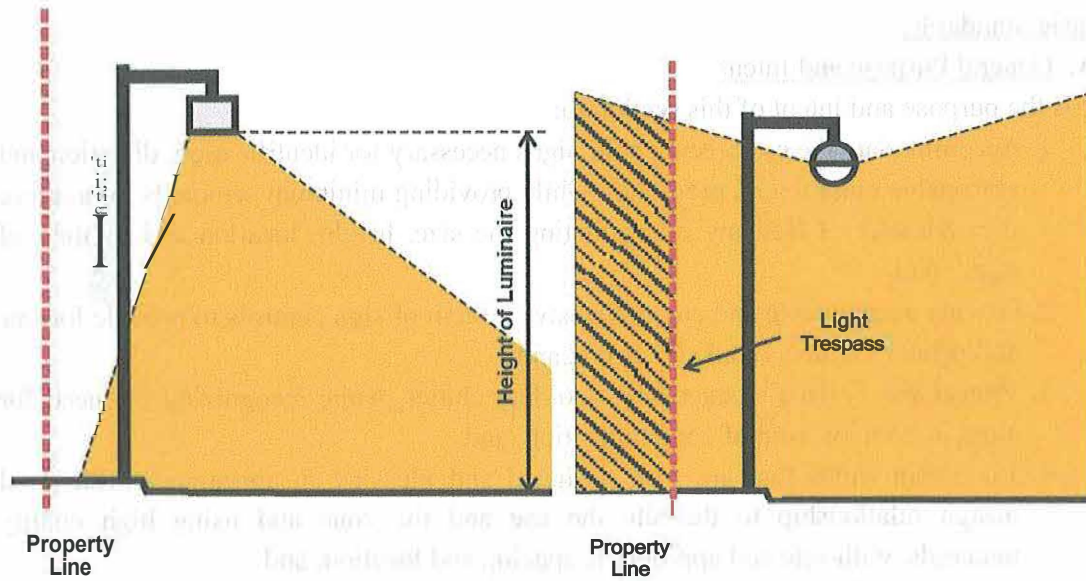
C. Standards

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a. Prevent direct or objectionable glare, light trespass, spill light, or obtrusive light;
 - b. Be shielded (full cut off);
 - c. Employ soft, transitional light levels which are consistent from area to area;
 - d. Minimize contrast between light sources, lit areas and dark surroundings; and
 - e. Be confined within the target area.
 - f. Examples of acceptable lighting fixtures are as shown in Appendix 13.
2. In all non-residential districts and in all areas adjacent to a residential lot, no externally-mounted direct light source shall be visible at the lot line at ground level or above. The illumination measured at the lot line shall be zero (0.0) foot-candles, excluding driveway entrances.
3. Lighting designed to highlight flagpoles shall be low level (no more than 100 watt incandescent equivalent) and shall be targeted directly at the flag.
4. Lighting shall include timers, dimmers and/or sensors to reduce unnecessary light level during non-business hours to a minimum level required for overnight security.
5. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of fifteen (15) feet. The height of a luminaire shall be measured from the finished grade (not the top of a supporting concrete base) to the bottom of the luminaire.
6. Light standards within a parking lot shall be located within landscaped islands or buffer strips and shall be set back two (2) feet from any parking space unless wheel-stops are provided.
7. In reviewing and approving outdoor lighting, the Commission may utilize recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark-Sky Association, or other reference.
8. The use of utility poles for outdoor lighting is prohibited.

9. Unless approved by the Commission, any light determined by the ZEO to be obtrusive, spill light, upward lighting, light trespass, or otherwise not in compliance with these regulations shall constitute a violation.
10. A photometric survey shall be submitted as part of any site plan. Such survey must demonstrate compliance with these standards. Such photometric survey shall show both business hour and non-business hour lighting plans in accordance with applicable sections of these regulations.

Illustrative lighting Diagram 9.1 showing elements of lighting below.





Illustrative lighting diagram showing additional elements of lighting.

D. Exemptions and Modifications

1. Temporary holiday lighting is exempt from these Regulations, for a period of time to be commensurate with the holiday being celebrated, but in no event shall such lighting exceed duration of 45 days annually in the aggregate.
2. Temporary lighting used by the Police Department, Fire Department or emergency services is exempt from these Regulations.
3. The Commission may, by special permit, allow lighting that does not comply with the requirements of this section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations. The following considerations are provided as guidance:
 - a. That an extraordinary need for security exists because of a history of vandalism or other objective means exists;
 - b. That in traveled ways or areas, conditions hazardous to the public exists, such as steep embankments or stairs;
 - c. That it would be unreasonable to require replacement of an entire lighting installation because a minor change is proposed to an existing non-conforming lighting installation;
 - d. Special lighting is indicated for historic buildings;
 - e. That ornamental up-lighting of sculpture, buildings or landscape features enhance the character of the area; and
 - f. Such lighting is necessary for special outdoor events and playing fields.
4. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.

9.3.1 Basic Standards.

A. General Purpose and Intent

It is the purpose and intent of this section to:

1. Accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while providing minimum standards to preserve the character of Bethany by regulating the size, height, location and lighting of signs; and
2. Provide a reasonable and comprehensive system of sign controls to provide for fair and equal treatment of all sign users; and
3. Protect the Town's character by avoiding clutter, while recognizing the need for signs as a major form of communication; and
4. Encourage signs that are well designed and pleasing in appearance with good design relationship to the site the use and the zone and using high quality materials, with safe and appropriate spacing and location; and
5. Promote public safety by providing that official traffic regulating devices be easily visible and free from nearby visual obstructions; and
6. Protect the residential, commercial, industrial, and recreational character of each district and the overall rural character of the Town.

B. Applicability

1. No sign shall be established, constructed, reconstructed enlarged, extended, moved or structurally altered except in conformity with these regulations and until a sign permit if required by this section, has been issued.
2. For any sign serving a use that was subject to a special permit, a modification of the special pennit shall be required if the Zoning Enforcement Officer determines that a proposed change in size, shape, eelef, material, lighting or location significantly alters the character of the sign from what was approved by the Commission.
3. There shall be no temporary or periodic signs (including A-frame, or signs of similar type or construction) other than as provided in these Regulations.
4. Signs referenced in this section are illustrated in Section 9.3 of these Regulations

C. The following signs are expressly prohibited except as may be specifically permitted by the Commission:

1. Any sign not expressly permitted by these regulations.
2. Flashing signs, rotating and animated and/or scrolling signs; Note: Any such signs which have been erected or displayed without benefit of the proper permit or written ZEO permission are not permitted.

3. Moving or message board signs as defined herein except where specifically permitted by the Commission;
4. Any motion-producing (dynamic or message board) elements or features of any sign, including wind induced flutter, flag signs, unless specifically approved by the Commission.
5. Motor vehicle fuel price signs capable of changing image using electronic control except a sign which is a maximum of three(3) feet by three (3) feet in size. Such sign may only be erected after receiving approval of a Special Permit by the Commission.
6. Signs with display screens using LED, LCD, plasma, or functionally equivalent Technology, except one (1) Community Bulletin Board sign controlled by the Town of Bethany for the purpose of advertising community events which are sponsored by any non-profit organization open to the public as specifically approved by Special Permit by the Commission
7. Signs capable of slide show or series of stills, or full motion or a combination thereof unless approved by the Commission by Special Permit;
8. Sky signs; (Signs whose message is carried by light into the sky.) Such signs include high powered spotlight or searchlight type light producing signage or attraction devices.
9. Any sign with an exposed source of illumination; Illumination is to be shielded so as to prevent direct viewing of light bulb or light source from a road, highway or off premises, except as in 6 above.
10. Any wall mounted sign lacking fabricated individual letters; unless the sign is a wall sign approved by the Commission;
11. Any sign with translucent cabinet faces enclosing any "light cabinet" excepting individual halo or back-lit letters;
12. Signs with painted-on letters or sheet or film applied letters, except for signs approved by the Commission. However small (1 square foot) temporary signs, open and closed signs, awning signs, and menu board signs as approved in writing by the ZEO;
13. Off-premises signs also known as Billboard signs, unless otherwise permitted by Special Permit by the Commission under these Regulations. Such signs shall be limited to such wayfinding situations as the Commission finds necessary and acceptable and may only be installed after receipt of a Special Permit approved by the Commission.
14. Streamers, and banners unless temporary permits are approved in writing by the ZEO for special events whose duration is no longer than permitted by Section 9.3.2 D or elsewhere in these Regulations.
15. Any signs which display red, green or amber lights near a roadway which may be confused for a traffic signal by a vehicle operator.

9.3.2 Signs: General Requirements for All Signs.

- A. Unless otherwise indicated, all signs permitted herein require a zoning permit from the Zoning Enforcement Officer. Where Commission action is required the ZEO shall issue the required permit notification, either approval or denial, subsequent to Commission action.
- B. Permits for Temporary signs as allowed by this section may be granted and issued by the ZEO unless otherwise specified.
- C. All temporary signs must be removed upon completion of the event to which they pertain. For permanent uses, signs are to be removed within ninety (90) days of the cessation of the use or closing of the use to the public.
- D. Temporary event signs for which the use is permanent may be permitted for a period of thirty days duration up to four times per year upon written approval of the ZEO. Failure to remove the temporary signs after the 30 day period may jeopardize the issuance of future permits by the ZEO.
- E. Commission approval is required prior to the erection or use of any externally or internally illuminated sign.
- F. The Commission or Zoning Enforcement Officer may request information from the applicant in sufficient detail to clearly identify the characteristics of the proposed sign(s), including:
 - 1. size, location, material, and proposed lighting type, if any, with specifications and intensities.
 - 2. The applicant is required to submit a scaled drawing of the proposed sign(s) showing relation to the property's boundary lines and its relation to the building which it is proposed to serve.
 - 3. If the sign is proposed to be illuminated, the times of such illumination shall be stated on the application. Illumination of signs shall be turned off no later than 1 hour after business closing.
 - 4. Failure to submit the complete required information or any requested information which is deemed necessary for the Commission to determine whether the sign or lighting if any, complies with these regulations may be cause for denial of the application.
- G. No sign or sign lighting shall be placed or directed in such a manner so as to cause danger to drivers of vehicles on the street by obscuring sight lines or impairing visibility. See Sign Glare as defined in these Regulations.
- H. All signs shall be constructed of weather-proof materials, firmly supported and maintained in good condition and repair at time of installation and thereafter. If such sign(s) and supporting materials and any required plantings are not properly maintained, the Commission may after notice to the owner, decide whether to revoke the sign permit as out of compliance.
- I. All signs proposed are considered an accessory use for a permitted activity or permitted use on the same lot unless otherwise specified herein.
- J. Sign Size, General

1. Sign size shall be defined as that of the entire area within a single, continuous perimeter that encloses the extreme limits of the sign's surface.
 2. For a sign painted on, (affixed) or applied to a building, the size shall be defined as the area within a straight line perimeter that includes all lettering, designs, symbols and background of a sign having a different color than the color or finish material of the building.
 3. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the sign area shall be considered to be that of the smallest rectangle or other straight line shape which encompasses all of the letters and symbols.
 4. The area of the supporting framework, (for example brackets, posts etc.) shall not be included in the area of the sign if such framework is incidental to the display.
 5. When a sign has two (2) or more faces, the area of all faces shall be included in determining the sign area, except where two faces are attached to each other, placed back to back and are at no point more than two (2) feet from each other. In this case the sign area shall be considered as the area of the larger of the two faces.
- K. Signs located in windows of commercial establishments, or within three (3) feet of any window are to be counted as part of the total signage on a property.
- M. Traffic directory signs, "Enter and Exit" are allowed and may be a maximum of two (2) square feet each in size.
- N. All signs shall be erected on the same parcel or property as the business to which they refer unless otherwise specified herein. Any offsite sign (billboard) may only be approved by the Commission using Special Permit standards applied as may be appropriate.
- O. The maximum height of any permanent detached sign is ten (10) feet from the ground level measured directly below the proposed sign to the top of the sign.

9.3.3 Signs in Residential Zones

- A. The following signs may be erected, as of right, no permit required:
1. Official Town government or directional traffic signs, including historic or public interest signs.
 2. No trespassing signs or signs indicating the private nature of a driveway or premises provided the size of any such sign shall not exceed two (2) square feet.
 3. Real estate, For Sale or For Rent signs with a maximum size of three (3) square feet, one per property. A corner lot, with two road frontages, may have two (2) such signs maximum.
 4. Open house real estate signs may be placed for 24 hours maximum, and must be removed at the close of the open house.
 5. Political sign or signs as defined in definitions section having a maximum of thirty two (32) square feet per parcel in any zone.
- B. Signs in Residential Zones which require a permit from the ZEO:

1. One non-illuminated sign not exceeding four (4) square feet in area, giving the name of the land or building on the same lot.
2. A non-illuminated professional or name sign, when connected to a permitted home business or occupation, not exceeding (4) four square feet indicating the name, profession or activity of the occupant of the dwelling provided that not more than one such sign may be erected per property.
3. Bulletin boards or signs on Town, church, school or institutional property not exceeding thirty two (32) square feet in total area.
4. A building contractor's signs located on the property where a building(s) are actually under construction or repair which are no greater than a total of sixteen (16) square feet in total area.
5. The ZEO may permit temporary signs for a period not to exceed two years, which advertise a Commission approved development and which are thirty two (32) square feet or less in area. One sign may be permitted for each intersection with a public road but may not obstruct sightlines. A maximum total of 2 signs per development may be permitted. Sign(s) must be located on private property.
6. The name of a farm and the proprietors thereof if desired, may be attached to or painted on the wall of an accessory building the total area of the sign is limited to thirty-two (32) square feet. Signs larger than 32 square feet may be approved by the Commission by Special-faEception/Special Permit.
7. The name of a farm or stable, riding academy or the like, as long as the use is legally permitted, may be shown on a free standing sign or pole sign or hanging sign, near the entrance to the property to indicate its location to potential patrons. Such non-illuminated freestanding sign may be a maximum of ten (10) square feet.
8. Temporary signs including window signs announcing a new business or the announcement of special events. Such signs may be displayed for a maximum period of 30 days. If not properly permitted the signs may be ordered removed by the ZEO within 30 days of their original display.

9.3.4. Signs in the Business and Industrial Zones

The Commission may permit the following signs in a Business and Industrial (B-1) Zone. They are also governed by all the General Requirements of this Section as well as any applicable DOT regulations and policies. No sign shall be permitted in any DOT right-of-way unless permitted by the Connecticut DOT. Signs without proper permit or approval may be required to be removed.

- A. Any sign permitted in a Residential District, may be permitted in the B-1 Zone, with the same limitations and requirements.
- B. One small lighted (neon) sign per property indicating a business is "Open" or "Closed". Such sign shall be no larger than two (2) square feet. Other such lighted (neon or the like) signs shall be prohibited and are subject to enforcement action.

- C. Roof signs are prohibited, however signs may be attached to the front wall of any building, but may not project more than 12 inches from the wall. No sign on any building shall extend above the top of the main exterior wall nearest the road. The Commission may vary this requirement only if:
 1. Unique architectural building constraints exist which do not pertain to many other buildings in the zone.
 2. Topography prevents sign visibility.
 3. Building or business location in a complex prevents visibility.
 4. A blade sign is applied for and found to meet all other requirements of these regulations.
- D. Size: Total area of all signs on the premises, including window signs, shall not exceed 2 square feet per linear foot of actual building or unit frontage. Of this total, not more than 75 square feet may be erected as a free standing sign. Total window signage on any premises shall not exceed 25% of the total window area of the windows as viewed from the road frontage. All free standing signs in a Business and Industrial District must be reviewed and may be approved by the Commission. Maximum of one (1) free standing sign per property.
- E. One non-illuminated sign not exceeding sixteen (16) square feet is permitted pertaining only to the sale or lease of the land or the building on which it is displayed.
- F. Landscaping: Freestanding signs should be landscaped to the Commission's satisfaction at the ground level or have landscaping incorporated into the landscape plan for the front yard setback area. A sign or landscaping in a required setback fronting any road shall be located entirely on the applicant's property and shall not obstruct any required sight lines.
- G. Lighting: Lighting for any freestanding sign(s) must be directed downward from the top of the sign and illuminate only the sign. The source of the light shall not be visible from the street or any other lot. Properly installed, full cutoff fixtures shall be used for all sign and site lighting. However lighting for ground mounted monument type signs may be permitted if it can be shown that the lighting will be minimized so as not to distract drivers and only then if it can be shown that such lighting is preferable to down lighting in order to minimize any light spillage or undesirable light trespass.
- H. Design: All permanent signage for one property or for a business center shall be coordinated and complementary in design to the extent practical, while still meeting all other sign requirements.
- I. Awning signs may be permitted by the Commission as long as the total square footage allocated to the property is not exceeded.

- J. Any permanent or temporary signs proposed to be located within the State of Connecticut's right of way shall require the appropriate State permits prior to the erection or placement of the sign.
- K. The illumination of any properly permitted illuminated sign shall cease no later than one (1) hour after permitted business hours.
- L. The Zoning Enforcement Officer is hereby empowered to remove or cause to be removed any sign which has been erected or placed without a proper permit. The Zoning Enforcement Officer shall attempt to notify the owner of the sign or the owner of the property on which the illegal sign is placed to request the sign be removed. If the sign is not removed within the time prescribed by the Zoning Enforcement Officer, the sign may be removed at the direction of the Zoning Enforcement Officer.
- M. Temporary signs including window signs announcing a new business or the announcement of special events. Such signs may be displayed for a maximum period of 30 days. If not properly permitted the signs may be ordered removed by the ZEO within 30 days of their original display.

9.3.5. Signs permitted by Special Permit in the B&I Zone.

- A. All other sign standards contained in Subsections 9.3 pertain to such signs with regard to sign placement, size, landscaping, design, hours of illumination etc. remain applicable, and are enforceable by the Zoning Enforcement Officer and/or the Commission, except that,
- B. One (1) sign containing lighting either internal or affixed externally to such sign may be approved by the Commission upon application for and granting of a Special Exception for such a sign upon a finding by the Commission that the sign meets the following standards:
 1. The sign must be a low profile, low monument type sign which is a maximum of six (6) feet high from the ground. This is the preferred type sign by the Commission for such an application. No other type internally illuminated sign will be approved unless it can be shown that it is clearly warranted due to site topography or other difficult site challenge, not including monetarily based challenges alone. (See attached sign graphic examples)
 2. If the sign is not a low profile type sign, the maximum height of the sign shall be no more than ten (10) feet in height from the ground and shall *be* mounted on a single pole or double pole and shall only be permitted as stated above.
 3. The total sign area for such a lighted sign shall not be more than 24 square feet in total size. The sign may be a two sided sign. Only one sign face shall count toward the sign area. (Example: A double sided sign which is 8 feet by 3 feet counts as 24 square feet of signage.)

4. The building number shall be affixed to the sign in plain sight but does not count for the height of the sign. Numbers must be readable for location by emergency services but should be no more than nine (9) inches in height.
5. The lights in the sign may not be of such brightness as to distract motorists passing by the sign to the point of causing a safety concern. Any such lights shall be required to be dimmed or shut off by the ZEO or the Commission.
6. No sign whether temporary or permanent shall be permitted to be located or be permitted to remain located so as to present an impediment to motor vehicle sight lines which are necessary for entering or exiting a site driveway from a roadway.
7. The approval granted for such a sign shall only be valid for as long as the same use is in place on the same site. Upon cessation of such use the owner shall cause the sign to be removed or re-permitted as a Special Exception by the new user.

C. The Commission may approve an off-premise (billboard) sign which is intended to direct patrons to the place of business if :

1. the business does not have frontage on the abutting arterial highway, and
2. the business has been properly permitted by the Commission or is otherwise legally permitted, and

Such off-premise (billboard) sign may be a maximum of sixteen (16) square feet no matter how many tenants or businesses are located on such sign. Any such sign shall be down lighted unless it is proposed and constructed as a ground mounted pole or monument sign.

Any such off premise Billboard sign shall not be erected in the State of Connecticut DOT right of way unless approved by the Connecticut DOT.

Graphic Sign Examples/Illustrations for information purposes only:

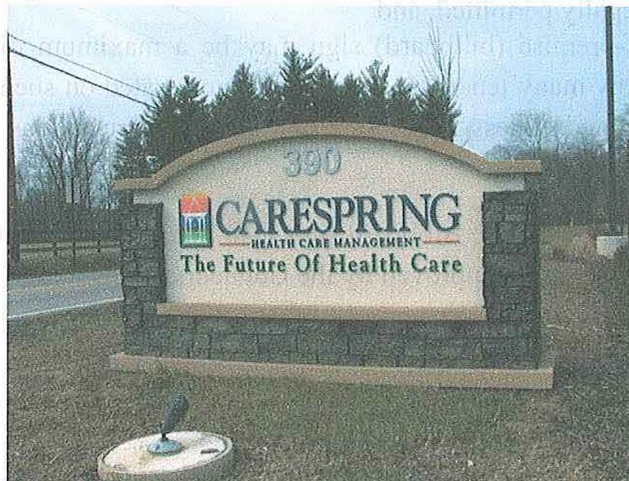
NOT RECOMMENDED SIGNS



UPLIT MONUMENT SIGNAGE EXAMPLES

Note: Designation of Shopping Center and individual shops and Street number on one for EMS location. also logos on some and color restrictions.

Lack of landscaping



**UPLIT MONUMENT SIGN
ID and Advertising content**

NOT RECOMMENDED SIGNS



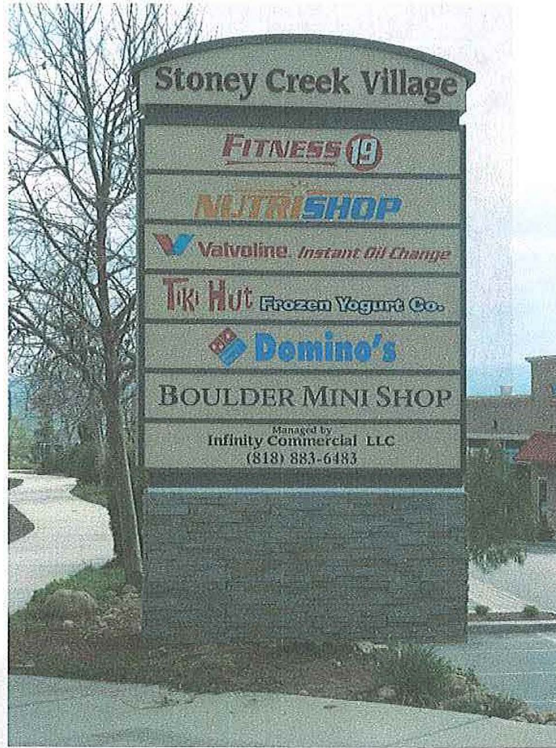
Monument Sign too large
No Street number displayed
Uplit and no landscaping



FREESTANDING

Identification and service times, phone number
and website content.
No lighting visible. Proximity from building unclear
Relationship to building possibly undesirable

NOT RECOMMENDED SIGNS



TOO LARGE SHOPPING CENTER MONUMENT SIGN.
(PHOTOSHOPPED)

POSSIBLY ACCEPTABLE SIGN IN PROPER CONTEXT (Town Sign)



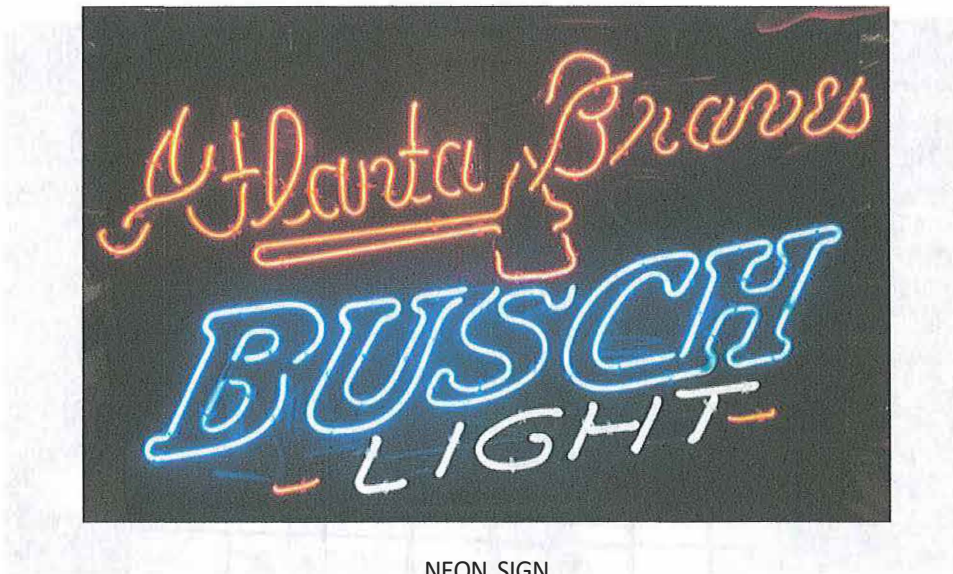
MONUMENT SIGN WITH CHANGEABLE MESSAGEBOARD COMPONENT
NO EXTERNAL LIGHTING VISIBLE

POSSIBLY ACCEPTABLE NEON SIGN
Depending on size and hours of operation



NEON OPEN SIGN

NOT AN ACCEPTABLE NEON SIGN

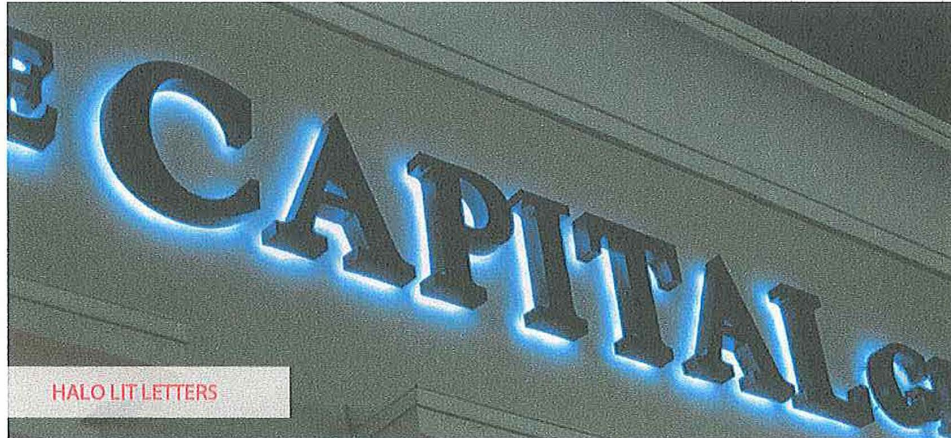


NEON SIGN

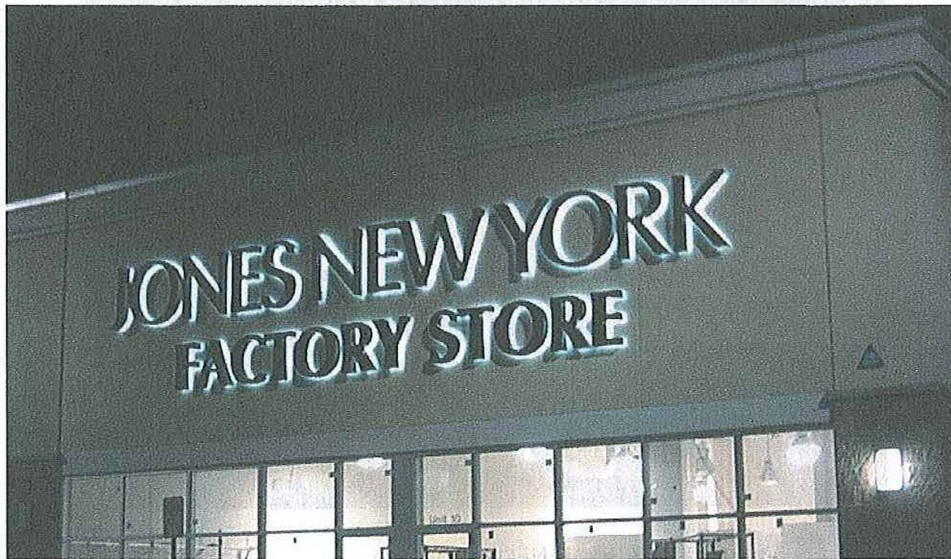
With Alcohol Ad

ACCEPTABLE SIGN

Halo (Backlit) letters



HALO LIT LETTER BUILDING MOUNTED SIGNS
(Back lighted not through letters)



BUILDING MOUNTED, BACKLIGHTED SIGN LETTERS

ACCEPTABLE WALL SIGN

Down lit



BUILDING MOUNTED, EXTERNAL DOWN LIGHTING

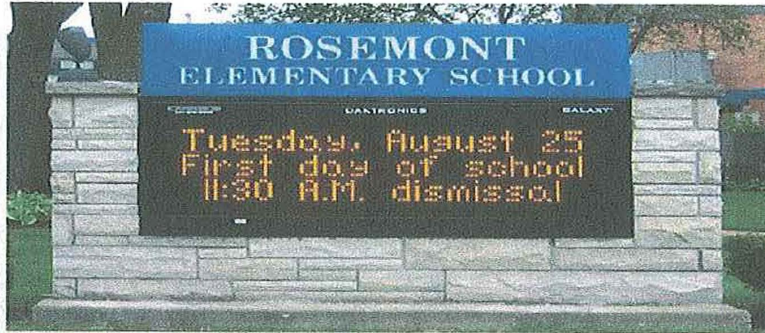
POSSIBLY ACCEPTABLE SIGN With LED

Size and no street number not acceptable.



FREESTANDING INTERNALLY LIGHTED SIGN with
Changeable time/temp. Some Landscaping

ACCEPTABLE MESSAGEBOARD SIGN, Town Property Only



LARGE MONUMENT SIGN with CHANGEABLE MESSAGEBOARD

Possible Small LED Sign

NOT RECOMMENDED SIGNS



SMALLER LED MONUMENT SIGN with FUEL PRICES and ADVERTISING (Left)



LARGE FREESTANDING POLE SIGN with LED and ADVERTISING CONTENT (Right)

NOT ACCEPTABLE SIGN

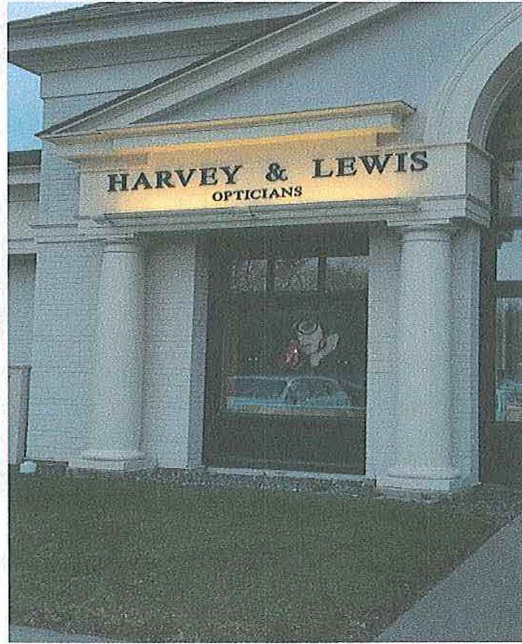


MONUMENT INTERNALLY LIGHTED LED MESSAGEBOARD SIGN
with ADVERTISING PHOTOS.
No Landscaping. Size.

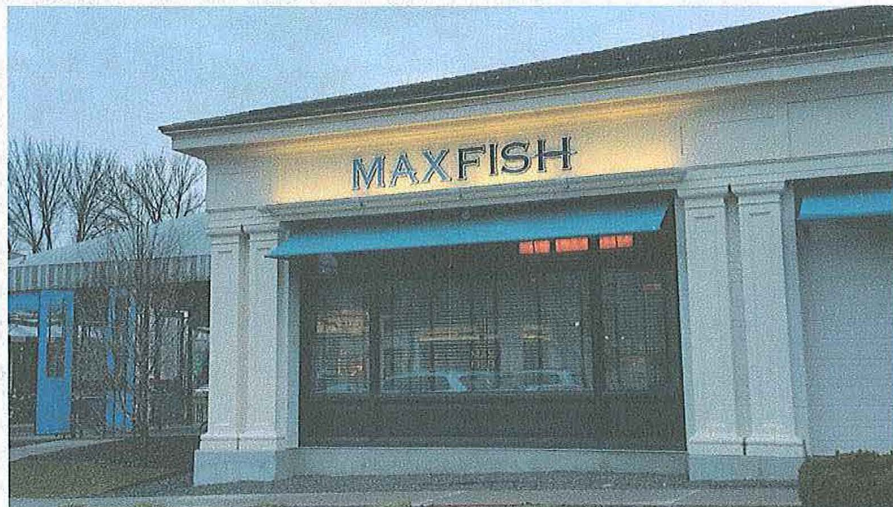
ACCEPTABLE FREE STANDING SIGN



ACCEPTABLE COMMERCIAL SIGN
Uplit sign with no spillage



PIN LETTER SIGNS with SINGLE BULB REFLECTIVE UPLIGHTING
Upscale design with no spillage above "canopy"



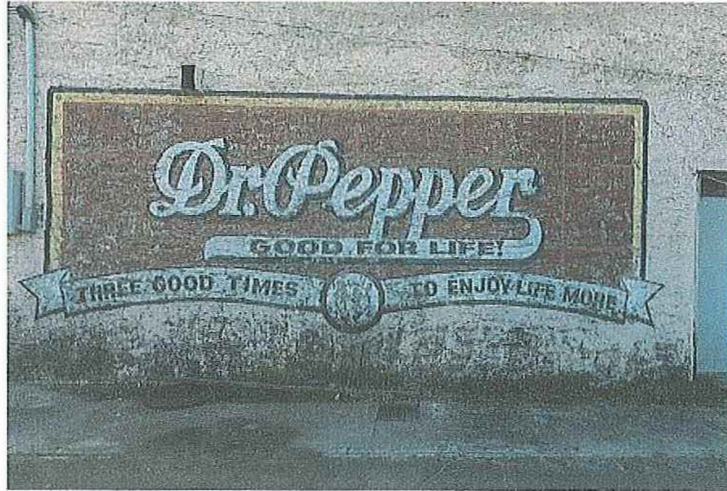
RECOMMENDED ACCEPTABLE COMMERCIAL/ AGRICULTURAL (Barn) SIGNS



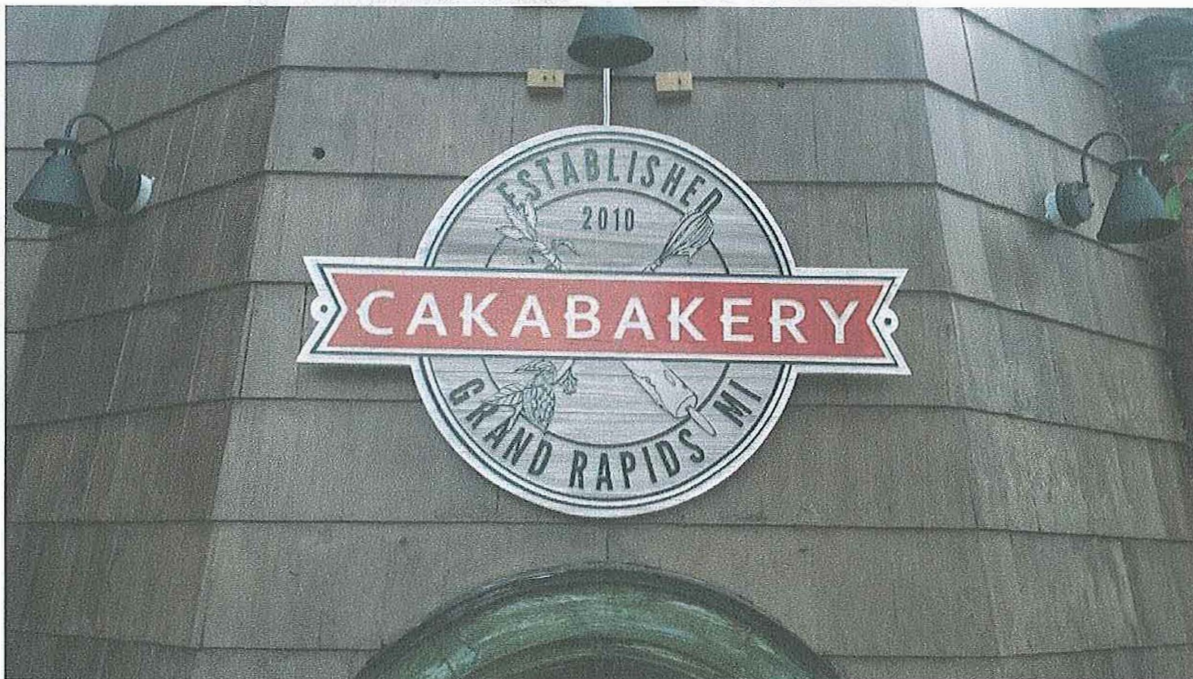
HISTORIC BLADE TYPE SIGN
PERPENDICULAR to BUILDING NO LIGHTING



HISTORIC BUILDING SIGNS. NO LIGHTING



RECOMMENDED ACCEPTABLE SIGNS



Building mounted sign with down lighting

ACCEPTABLE COMMUNITY MESSAGE BOARD SIGN

Size and Design Town only sign.



ACCEPTABLE SIGNS

Non LED

Landscaping and sign size and design



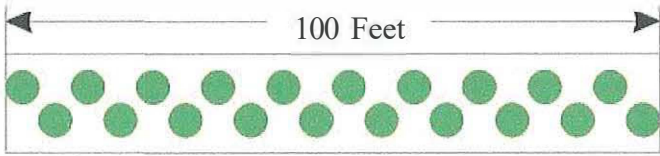
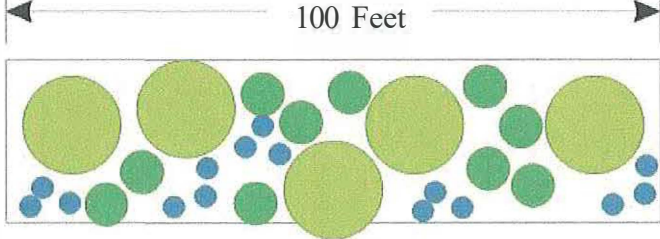
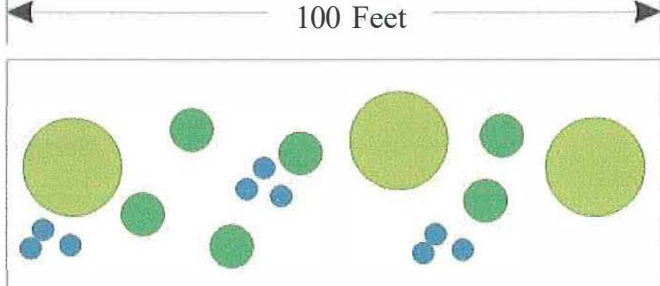


9.4. Additional Landscaping Requirements

1. Any lot containing parking facilities for ten (10) or more vehicles shall provide landscaped islands and dividers within the parking lot at a rate of 15 square feet of landscaped area per parking space, landscaped to include a minimum of one canopy tree, as defined in subsection 9.4.4, for every ten parking spaces or fraction thereof. This landscaping requirement shall be satisfied by landscaped end islands, center islands and/or dividers with a width of not less than ten (10) feet.
2. No parking areas or driveways shall be less than ten (10) feet from any portion of a building other than its garage entrance or loading area apron. Landscaping provided within this 10-foot area shall not be counted toward satisfying the parking lot landscaping requirement of this section.
3. All plant materials located adjacent to parking areas, loading areas, or driveways shall be protected by barriers, "bio-retention areas", or other means from damage by vehicles and snow plowing.
4. Landscaped Bufferyards
 - a. Landscaped buffers, where required by this section, shall conform to the standards as depicted in the following Illustration.
 - b. Within bufferyards, canopy trees shall be deciduous shade trees not less than 3 inches caliper at the time of planting with a height at maturity of not less than 35 feet.

- c. Understory trees shall be deciduous shade, ornamental or fruit trees not less than 2 inches caliper at the time of planting with a height at maturity of not less than 12 feet.
- d. Evergreen trees shall be coniferous species not less than 5 feet in height at the time of planting with a mature height of not less than 16 feet, or evergreen species not less than 2 ½ feet in spread at the time of planting.
- e. Shrubs shall be either deciduous species not less than 2 ½ feet in height at the time of planting with a mature height of not less than 8 feet, or evergreen species not less than 2 ½ feet in spread at the time of planting.
- f. Existing plant materials may be used to meet all or part of these landscape requirements if the size of existing plantings conform to these requirements..
- g. Within bufferyards, existing trees in good condition in excess of twelve (12) inches in caliper shall be preserved unless approved for removal by the Commission.

Illustration 9.2 of Potential Landscaped Bufferyards

	<p>Bufferyard A: 15 foot depth. 20 Evergreen trees.</p>
	<p>Bufferyard B: 25 foot depth.</p> <ul style="list-style-type: none"> • 5 shade trees • 10 understory trees • 15 shrubs
	<p>Bufferyard C: 45 foot depth.</p> <ul style="list-style-type: none"> • 3 shade trees • 6 understory trees • 9 shrubs

1. The first step in the process of planting is to determine the appropriate spacing for the plants. This is based on the mature width of the plants and the desired density of the planting.

2. The second step is to prepare the planting site. This involves removing any existing vegetation and soil compaction, and adding organic matter to improve soil fertility.

3. The third step is to plant the seedlings. This should be done in a grid pattern, with the plants spaced evenly apart.

4. The fourth step is to water the plants. This should be done regularly, especially during the first few weeks after planting.

5. The fifth step is to monitor the plants. This involves checking for signs of stress, such as wilting or discoloration, and taking corrective action as needed.

Illustrations are for display purposes only. When planting, please consider spacing based on the mature width of plantings. Distances of less than 100 feet should be prorated (fractions are to be rounded-up).



5. Certificate of Zoning Compliance

- a. No Certificate of Zoning Compliance shall be issued unless an as-built landscape plan is filed with the Commission that conforms to the Commission's approval.
- b. If growing conditions and/or timing prevent the implementation of the landscape plan, the Commission may authorize the issuance of a Certificate of Zoning Compliance provided the applicant posts a bond in an amount and with surety and conditions satisfactory to it securing to the Town the actual implementation of the plan within the period specified in the bond as ordered by the Commission.

6. Bonding

- a. As a condition of approval of the landscape design plan, the Commission may require a performance bond as set forth in Section 9.6 and/or a maintenance bond as set forth in Section 9.6 of these Regulations.
- b. The maintenance bond shall cover a period of up to two (2) years to enable the planted materials to take root, stabilize, and become established.

9.5 Parking and Loading Standards

9.5.1 Off-Street Parking and Loading Requirements

- A. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which after the effective date of these regulations, is erected, enlarged or altered for use for any of the following purposes.
 1. Dwelling: At least two outside parking spaces for each dwelling unit.
 2. Auditorium, Town Hall, church and other places of public assembly: At least one paved parking space for each three (3) seats based on maximum seating capacity.
 3. Restaurant or other eating establishment providing service at tables or counters in the open or under cover: At least one paved parking space for each two (2) seats.
 4. Retail stores: At least one paved parking space for each 100 square feet of store floor area, exclusive of space devoted exclusively to storage.
 5. Office buildings and professional offices such as physician's, dentists, real estate and insurance offices conducted from a business building, one space per 250 square feet of floor area.
 6. A home office: At least one (1) paved parking space for each employee plus adequate paved parking spaces for a maximum of four (4) clients.
 7. Industrial or manufacturing establishments: At least one (1) paved parking space for each 400 square feet of gross floor area, or 2 spaces for each 3 employees, whichever is greater. However, the Commission may modify this requirement if in its sole discretion it finds there is sufficient evidence submitted by the applicant with the application to justify the modification. Such information must include similar uses and the parking required to support those uses.
 1. Country club, pool club, golf club, club, lodge, athletic or sports facility or community house: At least one half (1/2) space for each fifty (50) square feet of floor area or for each existing or proposed membership unit, or one (1) space for

each unit of the facility's capacity, whichever is less. Visitor spaces are also required at 10 spaces per facility.

- B. Business and Industrial establishments shall be required to provide adequate loading space equivalent to one loading space as defined by these regulations, for each 5,000 gross square feet of floor area for each such establishment. If the use routinely receives deliveries by tractor-trailer, the loading space shall be of such size so as to accommodate the tractor-trailer.
- C. No building or use may be expanded or changed or properly diminished in size, so as to not meet the minimum parking requirements of the use or the lot on which it stands. The owner shall submit a site plan for review by the Commission. All parking shall be on the same lot as the building it serves unless a permanent plan for documented shared parking is approved by the Commission.
- D. The Commission may alter these requirements to lesser amounts than required and require the number of parking spaces which, at its sole discretion and upon submission of credible evidence substantiating the relevant parking demand to accommodate the specific proposed use.
- E. The Commission may waive the requirement for paving of parking spaces as required above, if it determines that the paved parking spaces are not necessary for control of dust, erosion from a site or for purposes of drainage control. However such a waiver must be requested in writing at the time of application, and the term paved parking may include types of surfaces which are not conventional asphalt paving, but may also include types of permeable paving as may be approved by the Town Engineer with the aim of reducing stormwater runoff from the site to a level that is below that of conventional asphalt paving.

NOTE: Diagrams of parking space dimension requirements are found in Appendix A-6 of these regulations

9.6 Erosion and Sedimentation Control Standards.

9.6.1 Purpose

The purpose of this regulation is to minimize soil erosion and sedimentation resulting from disturbance of existing ground cover where such disturbance either has or has the potential to cause erosion of earth materials and deposition of sediment into storm drains, streams, watercourses, ponds, roadways or onto the property of others.

9.6.2 Basic Requirements

No land development or disturbance which is cumulatively more than one-half (1/2) acre in area shall be undertaken in any zone unless certification of compliance with the provisions of this section has first been obtained from the Commission or its designated agent. No Zoning or Building Permit shall be issued until an Erosion and Sedimentation Control Plan has been approved by the Commission or its designated agent or it has been determined by the designated agent that an Erosion and Sedimentation Control Plan is not required.

9.6.3 Definitions

- A. Certification means a signed, written approval by the Bethany Planning and Zoning Commission or its designated agent as may be required indicating that the soil erosion and sedimentation control plan complies with the applicable requirements of these regulations.
- B. Development in this context means any earth disturbing, construction or grading activities to improved or unimproved real estate.
- C. Disturbed area means an area where the ground cover is destroyed, removed or eroded leaving the land subject to accelerated erosion.
- D. Soil Erosion and Sediment Control Plan means a plan that when implemented will prevent or minimize soil erosion and sedimentation resulting from development and creation of a disturbed area and includes but is not limited to a site plan and narrative.

9.6.4 Activities requiring a Certified Erosion and Sedimentation Control Plan

A soil erosion and sedimentation control plan shall be submitted with any application for development when the disturbed area is cumulatively more than one-half (1/2) acre.

9.6.5 Exemptions There are no exemptions from these requirements.

9.6.6 Erosion and Sedimentation Control Plan Requirements

The submission of materials required to obtain certification shall include but not be limited to:

- A. A site plan map at a sufficient scale to show:
 - 1. the location of the proposed development and adjacent properties;
 - 2. existing and proposed topography including soil types, wetlands, watercourses and water bodies;
 - 3. all existing and proposed structures on the project site, if any;
 - 4. all proposed site alterations showing any and all disturbed areas;
 - 5. the location and design details for all erosion and sedimentation controls and devices including sizing calculations for any storm water management facilities;
 - 6. the name, address and telephone number and emergency telephone number of the person responsible for the direct implementation and maintenance of the plan.

- B. A narrative which may be attached to the site plan sheet and describing in appropriate detail:
 - 1. the sequence of all grading, development and construction activities, including a schedule for start and completion dates of all activities;
 - 2. the design criteria for proposed control measures and storm water management facilities;
 - 3. the sequence for installation of all soil erosion and sedimentation control measures as they relate directly to any proposed construction activity;
 - 4. the operations and maintenance program for proposed control measures and storm water management facilities;
 - 5. the sequence and method to be used for final site stabilization.
- C. Any other information deemed necessary and appropriate by the applicant or as may be requested by the designated agent or the Commission.

9.6.7 Standards for Issuance or Denial of Certification

- A. Plans for the control measures and facilities shall be based on the principles outlined in Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.
- B. Peak flow rates and runoff volumes shall be determined by using the rational method, the time of concentration method, the tabular method, the unit hydrography method or other such method as may be required by the Commission or its agents as deemed appropriate for the situation.
- C. The Commission may refer any such plan to the Soil and Water Conservation District for review and comment.
- D. The Commission, or its designated agent, shall either certify that the plan as filed, complies with the requirements and objectives of this section or shall deny certification when the development proposal does not comply with this section.
- E. Nothing in this section shall be construed as extending the time limits for the approval of any application submitted to the Commission.

9.6.8 Certification, Inspections and Reports

- A. Site development shall not begin unless the Erosion and Sedimentation Control Plan has been certified and implemented.
- B. Inspections shall be made by the Commission or its agent during the development to insure compliance with the certified plan. The Commission or its agent may require progress reports from the permittee to insure that the development is in compliance with the approved plan.
- C. Upon completion of all work specified in the certified plan the permittee shall notify the Commission or the designated agent and submit a report consisting of all necessary maps and materials showing that all aspects of the certified plan have been completed as approved. Upon receipt of the report and inspection by the Commission or its agent, the Commission may release any bond posted upon certifying that the provisions of the plan have been met.

9.6.9 Bonds may be required by the Commission in accordance with Section 9.6 and other applicable sections of these Regulations.

9.7 Security Requirements for all applications:

- A. Purpose. The purpose of these requirements is to allow the Commission to place appropriate security and bonding requirements on application permits in order to insure the proper and timely completion of work and the proper installation of improvements associated with an approved permit under these regulations.
- B. Performance Bond for Special Exception uses. As part of an approval for a Special Exception the Commission may require the applicant to post financial security in a form and amount satisfactory to the Commission, as surety to insure the conditions of any approval are carried out to the satisfaction of the Commission, and that in the case of a default the surety shall take timely steps to insure compliance with said conditions. The surety provided shall contain a provision that it will not be released until all work related to the approval has been performed to the satisfaction of the Commission and has so notified the surety in writing. The Commission may also accept a cash bond to insure said work under the same conditions.
- C. Bonding for improvements. The Planning and Zoning Commission may require financial security, including but not limited to bonding for proposed improvements which will become public improvements such as roads and drainage. The security must be in a form satisfactory to the Commission as outlined in these Regulations.
- D. Bonds in connection with Site Plans, (See Section 8).
- E. Bond Requirements, (All Sections).
 - A. Site Development shall not begin unless a bond, if required, has been properly posted with the Commission.
 - B. Upon completion of all work and receipt of a report and final inspection by the Commission or its agent, the Commission may release any posted bond upon certifying that the provisions of the plan have been met.
- F. Types of acceptable surety. For the purposes of these regulations, the form of surety for a bond which may be provided and accepted by the Commission is as follows:
 - A. Security in the appropriate amount consisting of:
 - 1. The pledge of a passbook savings account, or
 - 2. An irrevocable letter of credit, or
 - 3. A cash deposit with the Town of Bethany, or
 - 4. A combination of any of the above with a minimum of 10% cash, or
 - 5. Such other surety as the Commission and on advice of the Town Attorney may find acceptable.

9.8 Special Permit Standards applicable to all zones and applications:

- A. That the proposal is adequately served by a sufficient water supply, and sanitary facilities will function without pollution.
- B. That the public is able to be fully protected by fire, safety, and security equipment and is designed to eliminate hazards.

- C. That transportation services are adequate and no undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the motoring public.
- D. That it will not create, at any point of determination as set forth in the Zoning Regulations, any dangerous or objectionable elements to area residents.
- E. That no adverse effect will result to the character of the district, property values, historic features, prosperity, nor to the public health, safety and welfare of the residents of the area or the Town.
- F. That no deleterious impact to irreplaceable environmental resources will result.
- G. All applicable regulations (State, Federal, and local) have been complied with satisfying all design, procedural, and review requirements.
- H. General consistency with Bethany Plan of Conservation and Development and all amendments thereto.

SECTION 10 Administration, Enforcement and Disqualifications:

10.1 Enforcement

- A. These Regulations shall be enforced by the Zoning Enforcement Officer. In the performance of his duties, the Zoning Enforcement Officer shall have the authority and shall follow the procedures as set forth in Section 8-12 of the Connecticut General Statutes. In the appropriate case, the Zoning Enforcement Officer may refer any violations to the Town Attorney or other proper authority for action.
- B. The Zoning Enforcement Officer shall file a written quarterly report with the Commission summarizing his actions in the enforcement of these Regulations.
- C. The Planning and Zoning Commission shall approve the qualifications of the Zoning Enforcement Officer and his assistants and make recommendations to the Selectmen concerning their appointment, performance, and termination.
- D. No person shall serve as Zoning Enforcement Officer or Assistant Zoning Enforcement Officer if he is a member of the Zoning Board of Appeals.
- E. The Zoning Enforcement Officer and his assistants shall not act on any matter in which he or she has a personal or financial interest, as described in Section 8-11 of the Connecticut General Statutes.
- F. The Zoning Enforcement Officer may seek the advice of the Commission in the interpretation and application of these Regulations.

10.2 Penalties

Any person who commits, take part in, or assists in any violation of these Regulations shall be subject to the enforcement procedures, fines, and penalties as set forth in Section 8-12 of the Connecticut General Statutes and these Regulations.

10.3 Administration

- A. The Commission or the Zoning Enforcement Officer (and his/her assistants) shall administer the Zoning Regulations.
- B. The administrative powers and duties of the Zoning Enforcement Officer or his assistants shall be as follows:
 - 1) Conduct inspections pertaining to any applications filed with him and/or the Commission, if required by the Commission, for any permit required by these Regulations.
 - 2) Issue permits as authorized by, and in accordance with, these Regulations.
 - 3) Issue temporary permits for fairs, carnivals, etc. pursuant to Section 16 of these Regulations.
 - 4) Issue permits for temporary or portable structures for habitation pursuant to Section 4 of these Regulations.
 - 5) Approve the location of construction trailers, etc. pursuant to Section 4.3.H, and by reference, Section 5.1.B.1 of these Regulations.
 - 6) Issue permits for signs pursuant to Section 9.3 of these Regulations.

7) Issue permits for the construction of accessory buildings or structures pursuant to of these Regulations.

10.4 Zoning Permit Required

- A. No land shall be used (except for agricultural purposes) and no building or structure shall be used, constructed, moved, enlarged, or structurally altered (and no building permit shall be issued) until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer.
- B. A zoning permit is not required for repairs or alterations to existing buildings or structures, which do not change the use thereof or increase the existing footprint.
- C. An application for a permit shall be accompanied by the required fee and filed with the Zoning Enforcement Officer on a form to be provided by the Planning and Zoning Commission. For new buildings or structures or external structural changes to an existing building or structure, the application shall include a site development plan, in triplicate, as set forth in Section 9 of these Regulations. However, if the Zoning Enforcement Officer grants a waiver of the requirements of Section 8, the application must include, at a minimum, a plot plan of the premises showing the location and size of the proposed building or structure and all existing buildings and structures, dimensions of the lot, setback lines. Other information may be required by the Zoning Enforcement Officer to enable him to determine whether the proposed project complies with these Regulations or any permit granted by the Planning and Zoning Commission or variance by the Zoning Board of Appeals.
- D. A site permit shall expire if the work described therein is not diligently prosecuted to completion, pursuant to the requirements of Sections 8-3(i) and 8-3U) of the Connecticut General Statutes.
- E. No zoning permit shall be issued by the Zoning Enforcement Officer for the erection of a new building or structure until a Sanitary Permit shall have been first obtained from the Town Sanitarian or his agent.
- F. No permit shall be issued to place or erect any building or structure abutting any private road, private street, or joint accessway, etc. unless the owner has first recorded a signed acknowledgment with the Town Clerk's office and filed a copy with the Zoning Enforcement Officer (as set forth in APPENDIX 8 of these Regulations).
- G. A notice of zoning permit describing the permitted conduct shall be posted where it is fully visible from a public highway for the duration of the construction.

10.5 Conflicts Of Interest: Disqualification

In the performance of their duties, all members of the Planning and Zoning Commission and the Zoning Board of Appeals shall conduct themselves and follow the prohibitions as contained in Sections 8-11 and 7-148t of the Connecticut General Statutes. In the event of a disqualification, the Planning and Zoning Commission and the Zoning Board of Appeals shall follow the procedures as set forth in Sections 8-11 and 7-148t of the Connecticut General Statutes.

10.6 Temporary Permits:

- 10.6.1 The Planning and Zoning Commission may grant a temporary permit, subject to appropriate conditions and safeguards, to permit the exhibition of livestock and domestic animals in all zones; and to permit the following events if sponsored by a Bethany agency or Bethany non-profit organization. Specifically:
- A. Carnivals, including the use of amusement devices such as carousels, whirligigs, merry-go-rounds and Ferris wheels,
 - B. Flea markets or other tag sales, and
 - C. Shows, fairs and competitions including those for horses, carriages and sleighs, dogs and livestock, and
 - D. Shows for fire trucks and antique vehicles, and
 - E. Regional championship athletic events by the Bethany Park and Recreation Department, the Bethany Athletic Association or the Bethany or Region 5 Boards of Education, for a period not to exceed one (1) week in a B-I Zone if it shall find in all cases that the following conditions are met:
 1. The location and site of the use, the nature and intensity of operations involved in connection with the use, the size of the site in relation thereto and the location of the streets giving access to it, shall not adversely affect the public health, safety, welfare and property values of the neighborhood.
 2. The parking area or areas shall be of adequate size for the particular use and the entrance and exit drives shall be laid out so as to prevent traffic hazards.
 3. Activities proposed shall not produce noise, pollution or traffic at levels which in the Commission's opinion are offensive and would have a significant adverse effect on the residents of the area.
- 10.6.2 It is understood that regularly scheduled activities by the Bethany Park and Recreation Department, The Bethany Athletic Association, or the Bethany or Region 5 Boards of Education for youth athletic activities such as soccer and basketball practice and games are not subject to this requirement.
- 10.6.3 If the attendance at such events is proposed to be greater than 500 people a Special Permit is required from the Commission.
- 10.6.4 The Commission may delegate the issuance of certain temporary permits to the Zoning Enforcement Officer as described elsewhere in these Regulations.

SECTION 11 Zoning Board of Appeals.

11.1 Powers and Duties of the Zoning Board of Appeals

A. Zoning Enforcement Appeals

1. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision of the Zoning Enforcement Officer or the Assistant Zoning Enforcement Officer in the enforcement of the Zoning Regulations.
2. The Board may reverse, affirm (wholly or partly), or may modify any order, requirement, or decision appealed from in accordance with these Regulations.
3. The Board shall make such order, requirement, or decision as in its opinion should be made regarding the premises and shall have all the powers of the officer from whom the appeal has been taken but only in accordance with Section 8-7 of the General Statutes.
4. If the Board sustains or reverses (wholly or partly) any order, requirement, or decision under review, the Board shall state upon the record the reasons for its decision.

B. Zoning Variances

1. The Board shall determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the zoning district in which it is situated, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
2. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of these Regulations in the district involved nor shall it grant a variance to allow any use expressly, or by implication prohibited, by the terms of these Regulations in the district involved.
3. The variance application shall contain, at a minimum, the following information:
 - a. The specific section(s) of the Zoning Regulations that is sought to be varied;
 - b. The special conditions and circumstances that the applicant claims exist that are peculiar to the parcel of land involved, that are not generally applicable to other property in the same zoning district, and that do not result from the actions of the applicant;
 - c. The claimed exceptional difficulty or unusual hardship that exists for the property; and
 - d. The claimed reasons why and how the proposed variance will be in harmony with the general purpose and intent of the Zoning Regulations

and will not result in injury to the public health, safety, convenience, welfare, and property values.

4. The Board shall not grant a variance if the special conditions and circumstances of hardship result from the actions of the applicant.
5. The Board's decision-making shall be consistent with the following requirements:
 - a. The Board shall state upon the record, and its written decision shall contain, the reasons for its decision.
 - b. The Board shall make the following findings which shall be stated in the Board's decision:
 - 1) Whether or not the variance will be in harmony with the general purpose and intent of the Zoning Regulations;
 - 2) Whether or not the variance will result in injury to the public health, safety, convenience, welfare, and property values; and
 - 3) Whether or not special conditions and circumstances exist that are peculiar to the parcel of land involved, that are not generally applicable to other property in the same zoning district, and that do not result from the actions of the applicant.
 - c. If the Board grants a zoning variance application, it shall state upon the record the section(s) of the Zoning Regulations that is varied and shall specifically describe the exceptional difficulty or unusual hardship upon which the decision is based.
 - d. In granting any variance, the Board shall modify the relief sought so as to grant only the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - e. Approval of a variance shall be conditioned upon the applicant's filing of a copy of the variance in the Town Clerk's Office and the recording of a Board-certified copy of the variance on the Bethany Land Records. The filing and recording shall not be valid until a copy of the variance is filed on the Land Records.
6. The Board may subject a variance to appropriate conditions and safeguards in conformity with these Regulations. Violations of such conditions and safeguards shall be deemed a violation of these Regulations, subject to enforcement as provided in these Regulations and the General Statutes.
7. The Board may require the applicant to post a bond to cover the cost of work to be done in connection with the variance approval, including any conditions or special requirements established by the Board. The bond shall be in a form acceptable to the Town Attorney and in an amount acceptable to the Town Engineer.

C. Construction Within Setback

Consistent with Section 4.1(B) of these regulations, the Board may permit the construction of a new building in a location which is less than fifty feet from any property line adjacent to a public highway in order to conform with the placement of pre-existing buildings on the same lot.

D. Floodplain Appeals and Floodplain Variances

1. Consistent with Section 18.8 of these Regulations, the Board has the authority to hear and decide appeals and to grant variances regarding Section 18 "Floodplain Management Regulations" of these Regulations.
2. Applications for Floodplain Appeals and Floodplain Variances shall be filed and decided in accordance with Section 18 of these Regulations and with this Section 14 (as to Zoning Variances and Zoning Enforcement Appeals) to the extent that this Section 14 does not conflict with Section 18.8.

E. Other

1. The Board shall have such other powers and duties as provided in the Connecticut General Statutes, as amended.
2. The Board's powers and duties shall be exercised in accordance with this Section 14 and with the pertinent statutory and case law.

F. The Board shall have no jurisdiction to hear or decide any appeals from any action of the Planning and Zoning Commission, such as, but not limited to, the granting or denial of any zoning permit or special exception permit by the Commission.

G. The Zoning Board of Appeals may not grant use permits which are contrary to the Regulations.

11.2 Applications

A. Filing Procedures

- I. Any person requesting action by the Board shall apply on the official forms adopted by the Board for such purposes, which forms are available at the Office of the Bethany Zoning Enforcement Officer.
2. Completed applications shall be filed in the Office of the Bethany Zoning Enforcement Officer.
3. For the purposes of this Section, those applications discussed these Regulations shall be referred to as "zoning applications". Those applications discussed with regard to location approvals under the CGS shall be referred to as "location approval applications".
4. A complete application shall consist of the following:
 - a. A completed application form, which shall specify the property address and Assessor's map and lot number and shall include a legal description of the subject premises and a statement as to whether the same or a similar application has been previously filed concerning the subject premises. If the owner is not the applicant, the signature of the owner consenting to the application must be included.

- b. A location map detailing the location of the subject premises in relation to its neighborhood. This map may be an excerpted copy of a street map;
- c. In the case of a zoning application, the filing fee set forth in Section 129 of the Code of the Town of Bethany, and in the case of a location approval application, the filing fee, costs, and expenses set forth in Section 14-55 or Section 14-322(a) (as appropriate) of the General Statutes;
- d. In the case of a zoning application, evidence that the applicant has provided written notice of the zoning application to water companies as required by General Statutes, Section 8-3i;
- e. In the case of a Zoning Enforcement appeal, a copy of the order, requirement, or decision under review;
- f. In the case of a Zoning Variance application:
 - 1. Ten (10) copies of a Zoning Location Survey, as detailed in Regulations of Connecticut State Agencies, Section 20-300b-2(c)(2), which shall be, at a minimum, a class A-2 survey;
 - 2. If topographic conditions are claimed as a hardship, the applicant shall submit photographs and ten (10) copies of a topographic survey which clearly details the hardship conditions and which survey shall be, at a minimum, a Class T-3 topographic survey; and
- g. Such additional evidence as the Board determines is necessary to a decision on the application.

B. Waiver of Survey Requirements

- 1. The applicant may request a waiver of the A-2 surveyor T-3 topographic survey requirement by filing a written waiver request (which shall include a statement of the reasons for the request) with the application.
- 2. A Class D survey shall also accompany a request to waive the A-2 survey requirement, and the Class D survey shall contain the following information:
 - a. Lot dimensions (area; width; front, rear, and side lines; and building setbacks);
 - b. Zoning boundary lines;
 - c. Dimensions and location of buildings (present and proposed); and
 - d. Such other information which clearly defines the relief sought;
- 3. The Board, in its sole discretion, may waive the A-2 survey and/or the T-3 topographic survey requirements if it finds that the survey is not required in order to make an informed decision on the application and if each voting Board member has made a site visit to the property.

4. When deciding whether or not to waive the survey requirements, the Board shall consider the following:
 - a. The type of variance sought;
 - b. The number and degree of the variances sought; and
 - c. The extent to which other information presented to the Board adequately defines the variance sought, the reasons for it, and the conditions and dimensions of the property and buildings at issue.
5. Four (4) votes in favor are required to waive the survey requirements.
- C. If the Board determines that an application is incomplete because it does not contain all of the information required by this Section 14, the Board may deny the application.

11.3 Public Hearings

- A. The Board shall hold a public hearing prior to deciding the merits of Zoning Enforcement Appeals, Floodplain Appeals, Zoning Variance Applications, Floodplain Variance Applications, and applications for location approvals.
- B. The Board may waive the requirement for a public hearing with respect to a certificate of approval for the location of a motor vehicle dealer or motor vehicle repairer, pursuant to Section 14-55 of the General Statutes, if approval was previously granted for the location or if approval was previously granted for the location and the business is to be enlarged to include adjoining or adjacent property.
- C. The applicant shall notify surrounding property owners within one hundred (100) feet of the boundaries of the subject property of the applicant's name and time, date, place and purpose of the public hearing and shall do so by first class mail on forms provided by the Commission. Said notice shall be mailed at least ten (10) days prior to the public hearing date, not including the date of the mailing and the date of the hearing. The applicant or the applicant's agent shall provide a "certificate of mailing" at the time of the public hearing, as part of the applicant's record.
- D. Public hearings shall be noticed, conducted, and closed in accordance with applicable CT law, including the Board's Bylaws.

11.4 Voting Requirements

- A. The following actions require the concurring vote of four (4) members of the Board:
 1. Decisions pertaining to Zoning Enforcement Appeals and Floodplain Appeals;
 2. Deciding in favor of the applicant concerning a Zoning Variance or Floodplain Variance;
 3. Deciding in favor of the applicant on any matter upon which the Board is required to pass under any bylaw, ordinance, rule, or regulation; and
 4. Waiver of survey requirements pursuant to these Regulations.
- B. Unless required otherwise by law or by of these Regulations, Board actions require a majority vote of a quorum of the Board.

SECTION 12 Regulation Amendments, Text or Map:

- 12.1 These regulations may from time to time be amended, changed or repealed as provided in the Connecticut General Statutes. No application for a change in zone boundaries of property or properties shall be received by the Commission unless accompanied by an affidavit that the present owner or owners of record of abutting properties, including those across any road or street, within 500 feet from any portion of the property line of the property proposed for the amendment has each been sent notice describing the proposed change and a copy of the application by registered mail. The signed registered certifications shall be submitted to the Commission no later than the commencement of the required public hearing on the matter.
- 12.2 Any person circulating petitions in relation to any proposal to be considered by the Commission shall show in writing on the petitions in circulation, the reasons and purposes for such petition support and shall certify under the penalties of perjury, over his signature and address on each petition, that the signature of each person whose name appears on the page is the legally authorized signature and that the circulator either knows each signer personally or that each signer has satisfactorily identified himself to the circulator.
- 12.3 A fee as required by the Town ordinance for such applications shall be submitted to the Commission with the application.
- 12.4 The Commission may request the proposed map or text change be submitted in a particular form or format, or in a particular size or computer compatible text or graphic format. Should the Commission decide to approve the amendment, the regulation, text or map, amendment shall not receive final approval until the amendment is submitted in the required form or format. Any cost to put such amendment into the required form or format shall be borne by the applicant.
- 12.5 Any proposed amendment shall be prepared in complete and accurate fashion as required whether a text or map amendment. Proposed map amendments shall be prepared, signed and sealed by a licensed surveyor.

SECTION 13 Alcoholic Liquors:

13.1 No structure shall be used for serving alcoholic liquors, and no alcoholic liquors, as defined in the Liquor Control Act of the Connecticut General Statutes, shall be served for consumption on the premises, if the structure or use is located within a radius of 500 feet of a lot having frontage in the Residential Zone in Bethany or any adjacent town or within a radius of 1500 feet from:

- a. a church or any religious institution, or
- b. any type of school or child day care center, or
- c. a library, or
- d. a municipal park or playground

13.2 Temporary Permits for specific activities such as fairs or festivals may be granted by the Commission upon application and satisfaction of the requirements of a Special Permit.

13.3 Permits for the relocation of alcoholic liquor sales may be requested from the Commission upon application for and satisfaction of all Special Permit requirements. Public hearing is required.

No alcoholic liquor sales may be permitted in a residential zone.

SECTION 14 Wireless Communications Under Town Authority:

14.1. Purpose. In accordance with the terms of the Federal Telecommunications Act of 1996, this section of these regulations is intended to accommodate the needs of residents and businesses and the general public while protecting public health, safety and general welfare of the Town and minimizing any adverse visual and operational effects of towers and wireless communications facilities through careful analysis, design, siting and screening.

14.2 Objectives

- A. To accommodate the need for public and quasi-public telecommunications facilities, including antennae, while regulating their location and number;
- B. To minimize the negative effect on adjoining property values;
- C. To minimize adverse visual effects due to the location of such devices by:
 - 1. Ensuring optimum design, siting and screening in keeping with the Town's rural character; and
 - 2. encouraging a grid of minimally intrusive installations such as microcells; and
 - 3. Avoiding sites of high visibility, including ridgelines and prominences.
- D. To reduce the number of towers needed to serve the community both now and in the future, by maximizing the use of existing and approved suitable facilities, (including existing towers, buildings and other facilities) to accommodate new wireless telecommunication antennae;
- E. To avoid injury and potential damage to adjacent properties from tower failure through assurance of high structural standards and setback requirements;
- F. To minimize any potential for environmental damage associated with the installation or use of such equipment.

14.3 Definitions

- A. Antenna - A device used to receive or transmit electromagnetic waves. Examples include but are not limited to single pole antennas (omnidirectional or whip), panel antennas and satellite or microwave dish antennas (concave or convex).
- B. Base Components - All the structures or buildings and equipment (except the tower and antenna) associated with daily operation of a Wireless Communications Facility.
- C. Carrier - A company that provides wireless services.
- D. An acronym for "Cell On Wheels". A COW does not include mobile motorized transient vans parked less than one day.
- E. Co-Location - Installation of antennas of two or more Wireless Telecommunications Service Providers at a single Wireless Communications Facility.
- F. Federal Communications Commission (FCC) - The Federal agency responsible for licensing and regulating wireless communications providers. The FCC has primary regulatory control over carriers through its powers to control interstate communications commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.

- G. Grid System - A network of Wireless Communications Facilities comprising the geographic service region of a Wireless Telecommunications Service Provider.
- H. Lattice Structure - A free standing/self-supporting or guyed Tower with three or four surfaces designed as an open steel-lattice space frame.
- I. Monopole - A free standing/self-supporting tubular tower of varying diameter depending upon antenna and equipment loading.
- J. Site - The specific location of a Wireless Communication Facility.
- K. Tower - A structure intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles, and lattice construction steel structures.
- L. The term shall include all guy lines and other required supporting devices such as platforms. The term shall not include amateur radio operator's equipment, the operation of which is licensed by the FCC and which is not used for any commercial purposes.
- M. Tower Height - The distance from the lowest ground elevation of any portion of the tower to the topmost point of the tower.
- N. The Act - The 1996 Federal Telecommunications Act.
- O. Wireless Communications Facility - The site with a parcel of land or a building (also known as a cell or cell site) where equipment and devices (whether mounted on a tower or not) collect telecommunications or radio signals from a mobile radio communication source and transmit those signals. Radio and television broadcast facilities are also wireless communications facilities.
- P. Wireless Telecommunications Services, Commercial - The operations of a Wireless Telecommunications Service Provider at the location of a Wireless Telecommunication Facility.
- Q. Wireless Telecommunications Service Provider - An entity authorized by the FCC to be a signal carrier for cellular telephones, personal communication services (PCS), specialized mobile radio (SMR) enhanced specialized mobile radio (ESMR), and paging services or other modes of communications as described in the Federal Telecommunications Act of 1996.

14.4 General Requirements. The following information, standards, application requirements, procedures and considerations for approval shall apply to the installation, placement, replacement, expansion, extension of height, setbacks, construction, and screening of telecommunications towers and antennae within the Town of Bethany. It is strongly recommended that, at the earliest stages of developing a proposal, the applicant arrange to have an informal meeting with the Commission staff or its consultants to discuss these requirements.

- A. Co-Location is encouraged for any telecommunications facility in all applications where feasible. The Commission may require co-location after independent outside evaluation of the feasibility of co-location as determined by a study done for the Commission by a qualified outside professional consultant selected by the Commission at the applicant's

expense. The applicant shall incur any and all costs of the study, for which payment shall be made at the time of application to the Commission.

- B. The Commission may require a fence with a height of eight (8) feet around any approved tower and the base equipment.
- C. If the site is not already adequately screened by virtue of its location or natural features so as to protect the rural character of the Town, as viewed from public roads and potential and/or existing private residences, the Commission may require landscaping around the fence which accomplishes this. The applicant and the property owner shall be responsible for the maintenance of the plantings to ensure their continued effectiveness.
- D. Only unmanned equipment facilities including buildings shall be permitted and shall not exceed five hundred (500) square feet of area per carrier per location and shall not be more than 12 feet in height. Manned facilities incidental to the site such as a business office, maintenance depot and /or vehicle storage are not permitted under this section and must be applied for and permitted under other applicable sections of these regulations.
- E. No signage or illumination of any form shall be permitted on the tower or antenna unless required by the FCC, FAA or the Connecticut Siting Council.
- F. A contact person shall be designated in writing by the applicant as the person to contact regarding any matters concerning the proposed facility if and when constructed. The designation shall include at least the name, address and telephone number of the designated contact person and shall be included with the application and shall also be displayed on a sign mounted at the entrance to the facility. The purpose of this is to designate the person to whom should be reported any electro-magnetic interference with receptor devices on adjoining or nearby properties, with emergency services communications, any violations of these regulations, or any public safety and/or emergency conditions existing at the site. The contact person shall reply in writing within 2 business days to the person making the contact with a copy to the Zoning Enforcement Officer of the Town of Bethany and shall take prompt action appropriate to the nature of the reported condition.
- G. Directional or panel antennae shall in no case exceed six (6) feet in height or two (2) feet in width. Omni-directional antenna (e) shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- H. Satellite and microwave dish antennae shall not exceed two (2) meters in diameter. Building or rooftop mounted antennae shall be located so as not to be visible from abutting public streets or adjoining residences. The Commission may require appropriate screening.
- I. Any tower and/or antennae shall be designed and certified by a Connecticut Licensed Professional Engineer to withstand sustained winds in compliance with prevailing Connecticut standards while minimizing the height and visual impact.
- J. Service providers shall submit full information establishing that they have exhausted all technically feasible alternatives for minimizing the size and visual impact of the proposed installation and for sharing space or using an existing facility or structure before any permit for a new tower shall be granted.

- K. In all cases where the Commission determines that an expert/peer review of the applicant's application, service area, tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such expert/peer review. This payment shall be made to the Town in accordance with Section 13.6.G. at the time of application. The required deposit will be used for performing the required reviews.
- L. Where tower location is proposed for a residential zone, the applicant shall fully demonstrate that no locations in a business and industrial zone can fulfill the requirements of the proposed installation.
- M. The Commission may require the posting of a bond to secure compliance with the approved installation of all towers and/or antennae to ensure the timely and proper removal of said facilities upon discontinuance or cessation of use. The bond shall conform to Section 12 requirements.
- N. Towers must be a non-contrasting blue, gray or other neutral color as approved by the Commission.
- O. An "as-built" certification as to location and all required Connecticut standards shall be submitted to the Zoning Enforcement Officer upon completion of construction.
- P. Any freestanding, ground mounted tower must be surrounded by a minimum of one hundred (100) feet of tree screening.

14.5 Permitted Uses

- A. Uses permitted as-of right; subject to other applicable zoning regulations and permitting requirements.
 - 1. Amateur (Ham) radio facilities, when proposed and used for personal and non-commercial purposes.
 - 2. Dishes for personal use for reception of television and microwave signals, not for rebroadcast, when said dishes are less than 1 meter in diameter.
 - 3. Dishes less than 2 meters in diameter for business use in a B and I zone.
- B. Uses permitted by Administrative Permit from the Zoning Enforcement Officer:
 - 1. Antennae mounted on or in existing structures which are totally screened from view or are architecturally treated so as to blend harmoniously with the architecture of the building and which do not exceed the height restrictions for the structures in the zone where they are located or do not exceed the height of any pre-existing non-conforming structure to which they are attached.
 - 2. Additions to existing towers provided that those additions would have minimal adverse visual impact.
- C. Uses requiring Site Plan approval by the Commission: The following uses must meet all general requirements but shall only be required to comply with Section 13.6. paragraphs A, B, D, F and H.

1. Antennae that comply with Section 13.5. B., except that the total (mount and antenna) height proposed is greater than that allowed for other structures in the zone location proposed but is not higher than fifty (50) feet maximum.
 2. Antennae which are a total height, (mount and antenna) of not more than fifty (50) feet, but which are freestanding or attached to an existing utility pole or are architecturally treated or disguised, such as a flagpole.
- D. Uses Allowed Only By Special Exception after compliance with all requirements including all portions of Section 13.6. All applications under section 13.5 D. for a wireless telecommunications facility, tower or site shall require a site plan and special exception application, which may only be approved by the Commission after the required public hearing.
1. All proposed telecommunications applications and uses which do not meet the requirements of A., B., or C. above.

14.6 Application Requirements. In addition to the general requirements, a Site Plan or Special Exception application, as appropriate, shall be submitted and shall be accompanied by the following as required in Section 13.5.

- A. A narrative description and plans including elevations, of the proposed antennae, or antennae mount or tower, associated equipment and stabilizing materials, if any. Height, design features, access roads, power lines and all other pertinent features including landscaping shall be shown and described.
- B. A map showing the extent of existing coverage from sites within the Town of Bethany and any adjacent community and the service area of the proposed facilities.
- C. A topographic profile showing the proposed tower and its associated equipment. This profile shall cover at least twice the proposed service area diameter.
- D. Architectural renderings, accurate photo simulations or similar accurate products showing sightline views, profiles and elevation drawings of the tower from all adjoining properties. Simulation photographs showing the maximum visual impact from all properties from which the tower is visible shall also be submitted for review.
- E. A statement containing a description of the siting criteria and the process by which other potential sites were considered. The application and this statement shall show and propose at least one alternative site for the location of the proposed facility.
- F. The applicant shall be required to fly a balloon at the height of the proposed tower for a period of 14 days at the direction of the Commission during the application process.
- G. The applicant shall provide a deposit of \$10,000 at the time of application for a Section 13.5 D. application and \$2,000 for a Section 13.5 C. application, which shall be used for outside consultant review of the application. Any money remaining from the review shall be refunded to the applicant upon decision and expiration of the appeal period. If more than \$10,000 is required, it shall be paid prior to any approval of the application by the Commission.
- H. A description of technical alternatives and their costs for any proposed tower or other mount.

I. A detailed statement describing the potential environmental impact of the proposed facility and mitigation measures to be taken.

14.7 Height and Area Requirements

A. No tower may be proposed which exceeds twenty (20) feet above the average tree height in the area of the tower. However, no tower may be approved which exceeds 100 feet in height.

B. Towers which exceed 100 feet in height and exceeds the standards of 14.7. A. may be approved by the Commission by Special Permit, if the Special permit/Special Exception standards are met.

B. All existing setback requirements shall govern except as may be noted herein.

C. No tower may be located on any parcel of land smaller than the minimum lot size for the zone in which it is located, although the tower may be on leased land on a legally sized lot.

D. No tower may be closer to any property line than 125% of the proposed tower height unless approved by Special Permit and shown to be safe by current engineering standards.

E. No tower may be located within 1000 feet of an established historic district or a federal, state or locally designated historic structure, unless architecturally disguised and approved by Special Permit by the Commission.

14.8 Decision Guidelines. When deciding upon an application for a telecommunication facility the Commission shall review all the above noted material and in addition shall be guided by the following location and installation preferences. The following are ranked in order of preference with No. 1 being the most preferred.

Notes: Attempts to mitigate any negative impacts from a proposed tower installation shall be employed most rigorously in the least preferred locations. Preference shall be given to applications for facilities located on Town owned property.

1. Totally enclosed within existing structures.

2. On existing utility structures such as chimneys, silos, water tanks, utility poles and the like with visual mitigation, a Section 13. 5. C. application is preferred.

3. On government or institutional structures including buildings, towers, church steeples, cupolas, and observation decks with visual mitigation.

4. On existing approved towers

5. On new towers in commercial or industrial zones.

6. On new towers in a residential zone.

14.9 Discontinuation of Use. The following shall apply to the removal of discontinued towers, antennae and related appurtenances:

A. The owner/operator of any antenna (e) shall submit a report annually, on the date of the initial approval, indicating whether the facility is still in active use.

B. A facility not in use for more than twelve (12) months shall be removed by the service facility owner. This removal shall be completed within 90 days of notification from the Planning and Zoning Commission to do so. Following the removal the site shall be restored to its original condition.

SECTION 15 Savings Clause:

15.1 Should any section of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole or any other part thereof.

SECTION 16 Repealer:

16.1 The Zoning Ordinance, originally adopted April 21, 1952 and last revised February 27, 2015 of is hereby repealed and declared null and void.

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SECTION 17 Effective Date and Repeal:

- 17.1 The initial effective date of these Regulations is April 21, 1952. The effective date of these Regulations, as amended, shall be January 10, 2021.
- 17.2 These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.
- 17.3 The Zoning Regulations of the Town of Bethany, Connecticut, previously adopted, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations, and all amendments thereto, shall not affect or impair any act done, offense committed or right occurring, occurred or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not affected.
- 17.4 The Official Zoning Map dated July 1998, which is on file in the offices of the Planning and Zoning Commission and Town Clerk of the Town of Bethany is also upon adoption of these Regulations, hereby made an integral part of these Regulations.
- 17.5 Revision Dates. Amendments of June 1, 1965, May 1, 1969, February 1, 1977, July 1, 1981, July 26, 1982, July 17, 1989, March 27, 1991, March 25, 1992, August 1, 1993, January 1, 1994, January 19, 1994, April 18, 2001, March 20, 2002, December 10, 2003, January 7, 2004, January 12, 2005, June 29, 2005, July 12, 2006, August 2, 2006, December 5, 2007, March 5, 2008, July 16, 2008, August 27, 2008, April 7, 2010, June 2, 2010, April 6, 2011, December 7, 2011, June 4, 2014, August 6, 2014, and February 4, 2015, and October 30, 2015, and December 1, 2017, and have been incorporated.

Appendix 1.

Zoning Boundary Description

Note: Latest Zoning Map dated July 1998

as done by EnviroGraphics/Marin Environmental.

The following description represents a chronology of the boundary description and changes to date.

Appendix 1.

Zoning Boundary Description

Note: Latest Zoning Map dated July 1998.

as done by EnviroGraphics/Marin Environmental.

The following description represents a chronology of the boundary description and changes to date.

Boundaries

- a. The boundaries of zones are established as shown on the Zoning Map, Town of Bethany, Connecticut dated July 12, 1962 • • • and filed in the office of the Town Clerk, which map is hereby declared to be a part of these regulations.
- b. An extension of the B-I Zone was adopted and became effective on June 1, 1965,,to include the area bounded south.erly by Fairwood Road, easterly by Amity Road approximately 530 feet, northerly by land now or formerly of Sylvia umphrey, and westerly by a line .parallel to,, and 1,000 feet westerly of, the westerly line of Amity Road.

*Zoning Map Revised February 1, 1977.

- c. Proposal to Rezone - On February 1, 1977, the Commission rezoned from Business-Industrial to R-65,000 lots #1 through #25 of .Blue Ridg_e Acres subdivision off Amity Road and also property fronting on Falls Road _owned by Johnson and Dorothy S. Parker and by Mrs. Edward H. Hinman. The area rezoned is bounded as-follows:

The subject property is bounded as follows:

Starting at the northwest side of Meyers Road:

WESTERLY: approximately 1,475 feet by AT&T;

NORTHERLY: approximately 750 feet by Roger L. & Mary Ellen Simon;

EASTERLY: approximately 425 feet by Dorothy Dube;

NORTHERLY: approximately 314.6 feet by Dorothy Dube;

EASTERLY: approximately 500 feet by Meyers Road;

NORTHERLY: approximately 600 feet by Patricia Winer and Angelica Harter;

EASTERLY: approximately 200 feet by Patricia Winer and Angelica Harter;

EASTERLY: approximately 600 feet by the South Central Connecticut Regional Water Authority;

SOUTHERLY: approximately 250 feet by the South Central Connecticut Regional Water Authority;

EASTERLY: approximately 1,000 feet by the South Central Connecticut Regional Water Authority;

SOUTHERLY: approximately 500 feet by the South Central Connecticut Regional Water Authority;

WESTERLY: approximately 1,025 feet by Yale University;

SOUTHERLY: approximately 700 feet by Yale University; and

EAST: by two lots on Amity Road, currently owned by G. Thomas and Dominick Vitagliano (one of 14.3 acres between Falls Road and Pleasant Drive, and the other of 3.2 acres between Pleasant Drive and the State Police Barracks);

NORTH: by the State Police Barracks and the town owned Airport property;

WEST: by the Hunters Trail subdivision (Spring Valley) and property owned by the Estate of Sherman P. Woodward; and

SOUTH: by Falls Road.

- d. Proposal to rezone - Effective July 26, 1982, the Commission rezoned from Business - Industrial to R-65,000 the area of Blue Ridge Acres Subdivision off Amity Road bounded as follows:

Commencing on the North line of Falls Road at the Southeast corner of Lot No. 17; thence,

EASTERLY: by a bent line by the East line of Falls Road, 610 feet, more or less;

EAST: By Amity Road, 1,350 feet, more or less;

NORTH: by Pleasant Drive, 500 feet, more or less;

WEST: by lots 14, 15, and 16, 924 feet, more or less;

SOUTH: by a portion of Lot No. 18, 80 feet, more or less;

WEST: again by Lot No. 17, 333.76 feet, more or less.

- • Zoning Map Revised July 26, 1-982.

- e. - Proposal to rezone - Effective February 15, 1988, the Commission rezoned from Residential R65 and R 130 and Business and Industrial to R65 on the northwest side of Meyers Road and R 130 on the southeast side of Meyers Road.

WESTERLY: approximately 450 feet by Old Amity
Road to the southwest side of Meyers
Road.

f_ Proposal to rezone - Effective October 15, 1989, the Commission rezoned from R-65,000 to R-130,000 property of Monument Stables Corporation, located on the southerly side of Beacon Road, Route 42,

The subject property is shown on a reference map entitled "Map for Requested Zoning Change; Land of Monument Stables, Inc; Bethany, 1/2 Connecticut; Scale 1" = 200'; February 10, 1989", prepared by William E. Gilbert Associates.

The subject property is bounded as follows:
Commencing at a point located at the southerly street line of Beacon Road said point being the intersection of the southerly street line of Beacon Road and the westerly street line of the proposed Horseshoe Hill Road, and the northeasterly property corner of land now or formerly John, Donna and Marta Pelverts;

Thence proceeding southerly along the westerly street line of Horseshoe Hill Road a distance of 340.69 feet more or less to other land of Monument Stables Inc.;

Thence continuing southerly along the westerly property line of other land of Monument Stables Inc., a distance of 351.98 feet more or less to an iron pipe;

Thence proceeding in an easterly direction along the southerly property line of other land of Monument Stables Inc. a distance of 771.85 feet more or less to a stone wall and line of Ernest and Gail Mann;

Thence proceeding southerly, southeasterly, and easterly along land of Ernest and Gail Mann (a distance of 884.58 feet more or less to land of Henry R. and Helen J. Riley;

Thence proceeding in a southerly direction along a stone wall in part and the westerly property line of land of Henry F. and Helen J. Riley a distance of 509.52 feet more or less to an iron pipe;

Thence proceeding southerly; westerly. southerly again, easterly and southerly again along land of Yale University a distance 242 1 feet more or less in all to land of Robert H. Geiss and Klaus F.S, Sauerbier-;

Thence proceeuing westerly. along the noftherly property of land of Robert H. Geiss and Klaus F. S. Sauerbier a distance of 370 feet more or less to rand of Joseph Jr. and Estelle Fannucci;

Thence proceeding northerly along .the e?sterly property line of Joseph Jr. and Estelle Fannucci a distance of 120 feet more or less;

Thence proceeding westerly 1833 feet more or less aloag the northerly property lines of Joseph_Jr. and Estelle Faouucci, Alfred W. and Lois A. DiMarzio, Cornell J. Bialicki, Ernest Tropan, Joseph and Linda Bagley, Wit liam Bernhardt, Peter Radzuinas Jr. and Hershel Schlank to Old Lebanon Road;

Thence proceeding northerly along t easterly street line of Old Lebanon Road a distance of 1150 feet more or less to land of **Howard** Hurlburt;

Thence proceeding in a northeasterly direction a distance of 1760 feet more or less along land of Howard Hurtb-urt, Robert W. and C_{IV} stal A. Reil, and John, Donna and- Marta Pelverts;

Thence proceeding in a northerly direction along the caste"rly property line of John, Donna and Marta Pelverts a distance of 346 feel more or less to the point of commencement.

Interpretation of Boundaries:

- a. For purposes of these regulations and unless otherwise indicated on the Zoai□g Map by fixed lines or dimensions, the boundaries of zones are either street lines. street lines extend d. waterways. or lines drawn parallel to street lines and dimensioned as to depth.
- b. In cases of uncertainty the Cornmissioo shall determine the location of the boundaries of zones.

g

Proposal to rezone - Effective November 20, 2002, the Commission rezoned a portion of land from Business and Industrial Zone to R65 Zone and rezoned a portion of land from R65 Zone to Business and Industrial Zone off Russell Road as follows:

Parcels changed from B&I Zone to R65 Zone

All those two certain parcels, each being a portion of "Parcel C" as shown on a map entitled "Property Survey - Land of Gail H. Sweet- 55 Russell Road, Bethany, Connecticut," Scale 1" = 40, made by Mattson Associates, LLC, -Cheshire, Connecticut and dated October 16, 2003, which map is on file with the Bethany Town Clerk, bounded generally:

First Parcel

NORTH: by Russell Road, 26.69 feet;
EAST: by Parcel B, as shown on said map, 100 feet, more or less; and
WEST: in part by a segment of the line shown on said map as "Existing Zone Line - R65 ZONE - B&I ZONE", 80 feet, more or less, and also in part by land now or formerly of Vera L. Maron, 15 feet, more or less.

Second Parcel

NORTH: by a segment of the line shown on said map as "Proposed location of new zone line," 248 feet, more or less;
EAST: in part by land now or formerly of Lawrence A. Corrone, and in part by land now or formerly of William R. Grieger and Timothy Kraus, a total of 803.28 feet;
SOUTH: by land now or formerly of Robert and Carlo B. Camp, as shown on said map, 20 feet, more or less; and
WEST: by a segment of the line shown on said map as "Existing Zone Line - R65 ZONE - B&I ZONE", 769 feet, more or less.

Parcel changed from R65 Zone to B&I Zone

All that certain triangular parcel, being a portion of "Parcel B,, as shown on a map entitled "Property Survey - Land of Gail H. Sweet - 55 Russell Road, Bethany, Connecticut," Scale 1" = 40' made by Mattson Associates, LLC, Cheshire, Connecticut and dated October 16, 2003, which map is on file with the Bethany Town Clerk, bounded generally:

- EAST: by a segment of the line shown on said map as "Existing Zone Line - R65 ZONE - B&I ZONE", 278 feet;more or less;
- SOUTH: by Parcel C, as shown on said map, 91 feet, more or less; and
- WEST: by Parcel C, as shown on said map, 290 feet, more or less.

- h. Proposal to rezone:- Effective December 10, 2003, the Commission rezoned a portion of land from Business and Industrial Zone to R65 Zone off Cheshire Road as follows:

Commencing at a point on the northerly highway line of Cheshire Road (CT Route No. 42), said point being the southwesterly corner of land now or formerly of Yeshiva of New Haven, Inc. and also being the southeast corner of the herein described parcel of land; thence running along the said northerly highway line of Cheshire Road (CT Route No. 42) the following courses and distances: S 79° 36' 36" W 22.41', on a curve to the left having a radius of 1,186.30' and an arc length of 178.84' and S 59° 19' 44" W 46.30', to a point; thence turning and running N 25° 41' 20" E 509.70' across other land of Antoinette M. Oldakowski, to a point; thence turning and running along said land of Yeshiva of New Haven, Inc. the following courses and distances: S 66° 50' 09" E 162.36', S 28° 12' 10" W 140.24' and S 19° 11' 56" W 210.58', to the point and place of beginning.

Said parcel contains 70,050 S.F. or 1.61 Acres.

Appendix 2.

Best Management Practices

for the

Keeping of Horses in Residential Areas
(source: Cooperative Extension Service)

KEEPING HORSES IN RESIDENTIAL AREAS

By Jim Gibbons
Cooperative Extension
Community Resource
Development Agent

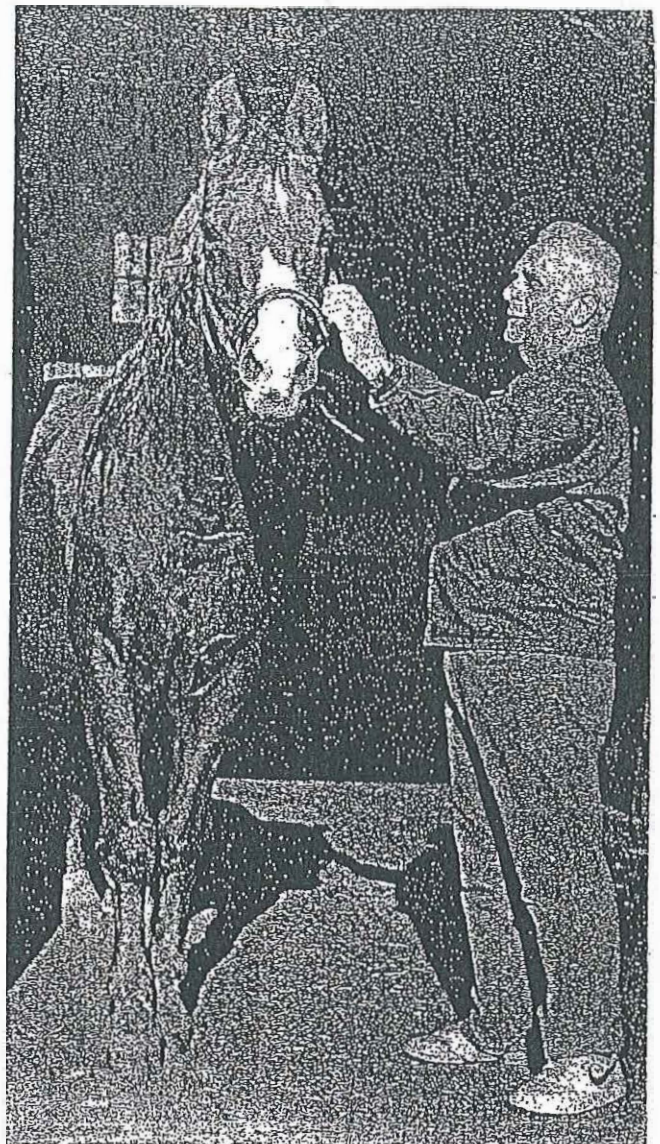
Introduction



According to the American Horse Council and the Animal Science Department of the College of Agriculture at The University of Connecticut there were approximately 46,000 horses in Connecticut in 1985. Connecticut had the largest horse population of any New England state and had more horses per square mile (11) than any other state.

Horses provide economic benefits to the state. The annual contribution to the state's economy by horse owners is approximately \$56 million. Trailer registrations alone contribute \$20,000. Several industrial plants in the state are involved in the manufacture of horse products including: Smith Worthington in Hartford, the oldest continuous saddle maker in the United States; North and Judd in New Britain, the nation's leading manufacturer of saddle and harness hardware and second in the nation in manufacturing bits, stirrups and spurs; and Capewell Manufacturing in Hartford, the world's largest manufacturer of horseshoe nails.

At the turn of the century there were 17 million horses in the U.S. By 1915 that figure peaked at 21 million: most of the horses were on farms and ranches and were used for work. By 1957 horse numbers had drastically declined to 3 million.



Since then there has been a smashing comeback. This comeback has occurred not on the farm, but in suburbia where horses are kept for pleasure instead of work. In the U.S. 80% of the horses are kept for recreation; 10% for breeding, racing, and for working.

In addition to their economic and recreational value, horses also serve educational and therapeutic functions. More than 1,300 Connecticut youngsters are involved in 4-H horse projects under the guidance of 100 adult leaders. Horseback riding is being increasingly used as a form of therapy for handicapped individuals.

As the horse has moved from the farm to built-up areas it has encountered a few people who are not happy to have it as a neighbor. In some instances conflicts have developed when neighbors claim a horse is not cared for properly or is creating a neighborhood nuisance. Poor manage-

ment may cause state and local agencies to establish restrictive regulations that might affect all horse owners. These conflicts can be reduced if a few basic management practices are followed. Good management can protect the horse owner from legal sanctions and will prevent soil erosion and water pollution. Finally, good management is the key to having a healthy horse.

Horse Wastes

A horse drinks 8 to 12 gallons of water a day and sometimes more during warm weather. A 1,000 lb. horse ridden 1 to 3 hours daily will eat 10 to 15 lbs. of hay and 4 to 10 lbs. of grain. Each horse will generate 9 to 10 tons of manure per year. In addition to manure, urine and used bedding should also be considered horse-generated wastes. The most common stall bedding is a 6" layer of wood chips, which are replaced daily in a well managed stable. These wastes, if improperly managed, may attract flies or rodents and may generate odors. However, the major concern about horse wastes is as a water contaminant, because of nutrient or coliform bacteria generation. Unmanaged horse wastes can become a part of the ground surface runoff. Nutrient elements or coliform bacteria present in horse wastes may enter wetlands or watercourses

and pollute ponds, lakes or reservoirs or percolate into the groundwater. Nutrients produce plants and algae and damage the water by overfertilization. One pollutant is the nitrate form of nitrogen in horse urine. Excessive nitrate levels in drinking water can be a health problem, especially to infants (Blue Baby Syndrome). Coliform organisms are always present in human and animal waste and indicate that more serious disease-causing bacteria may be present. Bacterial pollutant sources should be kept out of drinking water supplies and water used for recreation.

Existing Regulations Pertaining to Animal Wastes

The Connecticut Public Health Code, enforced by the local health officer, can require that manure be kept covered, stored in watertight pits or chambers and be removed at least once a week during the period from May 1st to October 1st. Also a 100' setback of manure piles from reservoirs and a 50' setback from a tributary to public water supply is mandated by the code.

The health code also states that barns, stables and manure piles which are a breeding place for flies may be declared a public nuisance and can be shut down by the health director.



The Department of Environmental Protection has the authority to regulate any activity where animals are kept in such a manner as to pollute the waters of the state. Serious horse-related pollution problems have resulted in the issuance of formal abatement orders to both horse and property owners. Section 22-279 of the General Statutes states that the Commissioner of Agriculture may quarantine all animals that are kept in unsanitary conditions which endanger the public health or health of the animal.

Connecticut's Inland-Wetlands Act generally excludes agriculture from regulation but one cannot engage in a farming activity that blatantly destroys a wetland or pollutes the waters of the state.

Some local zoning regulations limit the number and types of animals one can keep, limit animals to certain areas, or require minimum lot sizes before animals are allowed. Some municipalities also have ordinances that control the keeping of animals.

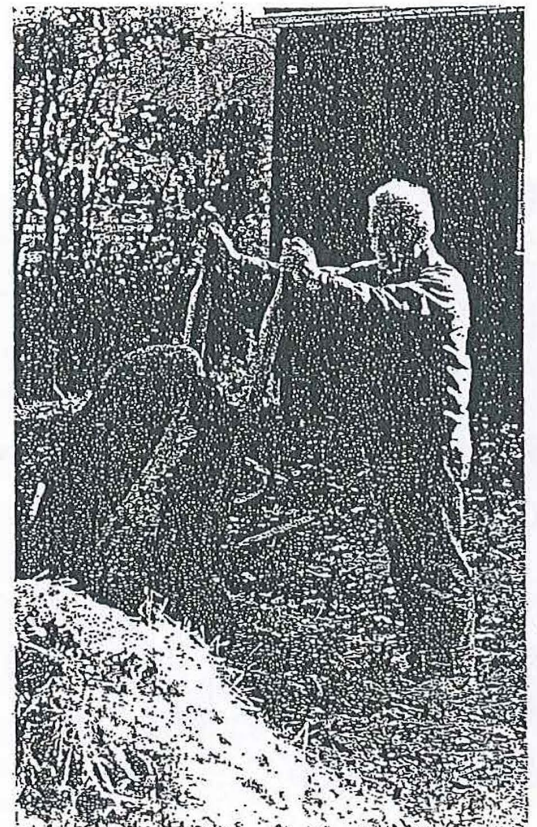
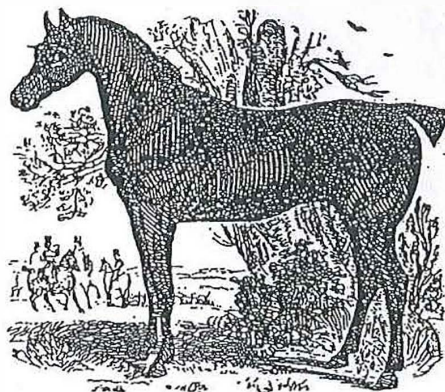
Site Planning and Waste Management

Before purchasing a horse, the land where the horse will be kept should be examined. Areas that are poorly drained, contain steep slopes or

are excessively rocky should be avoided as they present conditions that could adversely affect the horse. Ideal sites are level and well drained; requiring little or no landscaping for fence and barn construction. However, even the best land and facilities can be ruined by poor management, particularly waste management. Large acreage and expensive barns do not guarantee a successful operation, but good management will. Probably the most famous horses in the world, the Lipizzaner Stallions of the Spanish Riding School of Vienna, are kept in a major city with no adverse effects because they are properly managed.

Generally, horse wastes are stockpiled before final disposal. Some suggestions for storage and disposal to reduce problems are listed below:

- 1) Keep manure away from wetlands, wells, water bodies and watercourses and avoid manure piles.
- 2) Manure storage areas should be easily accessible by man and farm equipment to facilitate proper removal.
- 3) Spread manure whenever possible as piles can breed diseases. The recommended application rate on pasture is 10 tons of manure per acre in the fall after the pasture season and before the ground freezes. Avoid spreading manure on pastures during



the grazing season for internal parasite control.

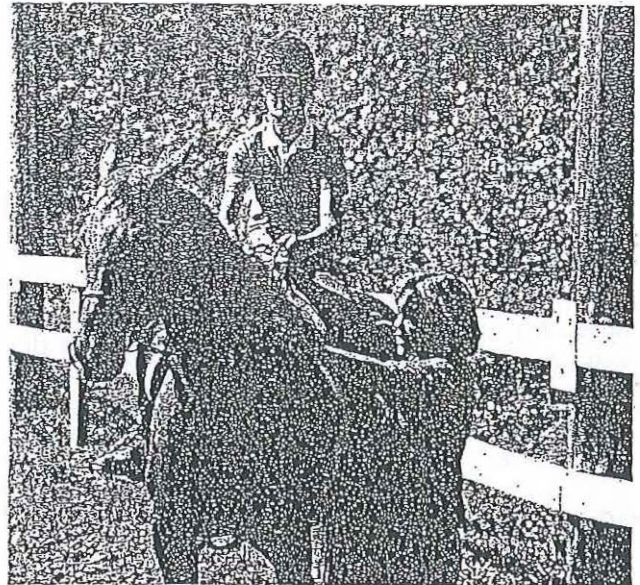
- 4) Periodically *cover* manure with lime to reduce odor. Cover manure with plastic sheets or a roof to keep moisture out and minimize runoff.
- 5) As horse manure quickly breaks down to inoffensive organic material with some nutrients, people find it valuable for fertilizer. It also improves friability of soil. Placing an ad in your local paper for free manure could result in a quick disappearance of your manure pile. Some horse owners sell manure to neighbors, landscapers, or nurseries.

FREE: Horse Manure.
We will help load it
onto *your* truck. 38
Standard Lane, New-
ville. 666-0000

- 6) As flies breed where decaying organic material accumulates, manure piles should be removed and if possible spread thinly on fields to kill fly eggs and maggots by drying. In cases of heavy fly infestation, apply insecticides at 10' to 14 day intervals to reduce the fly population. Spray when larvae are first seen for better control. The latest pesticide information is available through your county Cooperative Extension Service.
- 7) In densely built-up areas it may be necessary to daily bag manure during the summer months and take it to a suitable disposal area. In other areas weekly removal of manure in pastures and paddocks is suggested.
- 8) Large operations should have a complete manure management system.
- 9) Avoid keeping horses on hills. Especially avoid slopes where manure might move downhill toward homes, watercourses or public rights-of-way.

Soil Erosion And Management Practices

Soil erosion caused by horses is directly related to the system of management used by the owner. At one extreme are management practices where horses are kept in the stall most of the time with appropriate exercise directed by a human. At the other extreme are horses who are continually kept outdoors. The more time a horse spends on



the land, the more potential exists for overgrazing and destruction of the ground cover. When the ground is not stabilized by vegetative cover, soil particles can be easily moved by rain and wind. These soil particles may eventually find their way into watercourses or wetlands and pollute these areas through siltation, which can kill fish, wildlife and flora, and destroy a stream's ability to carry water and prevent floods. Many horses used for recreation spend most of their time in a stall with limited "turn out" time. This type of management helps to reduce ground cover destruction and is especially suitable in areas with limited acreage.

With this management plan in mind, let us consider "turn out" areas as they relate to soil erosion. Turnout areas fall into two categories, paddocks and pastures. Paddocks are well fenced, rather small holding areas ranging in size from 1000sq.ft. to 1/4 acre per horse. Paddocks are heavily used and due to their small size are usually bare of ground cover. Hence, it is important that paddocks be located in areas that are level and contain well-drained soils. In some locations it may be necessary to install diversion ditches, berms or curtain drains to divert water away from these exposed areas. In heavy rain, hay bales might be used as temporary silt screens to prevent paddock soil from entering adjacent streams or wetlands. Of all types of horse-keeping areas, paddocks are the areas which should be located furthest away from water bodies. Animal access to streams should be avoided or limited as horses will push soil into the watercourse when they go to drink. Bridges should be provided where horses must cross streams.

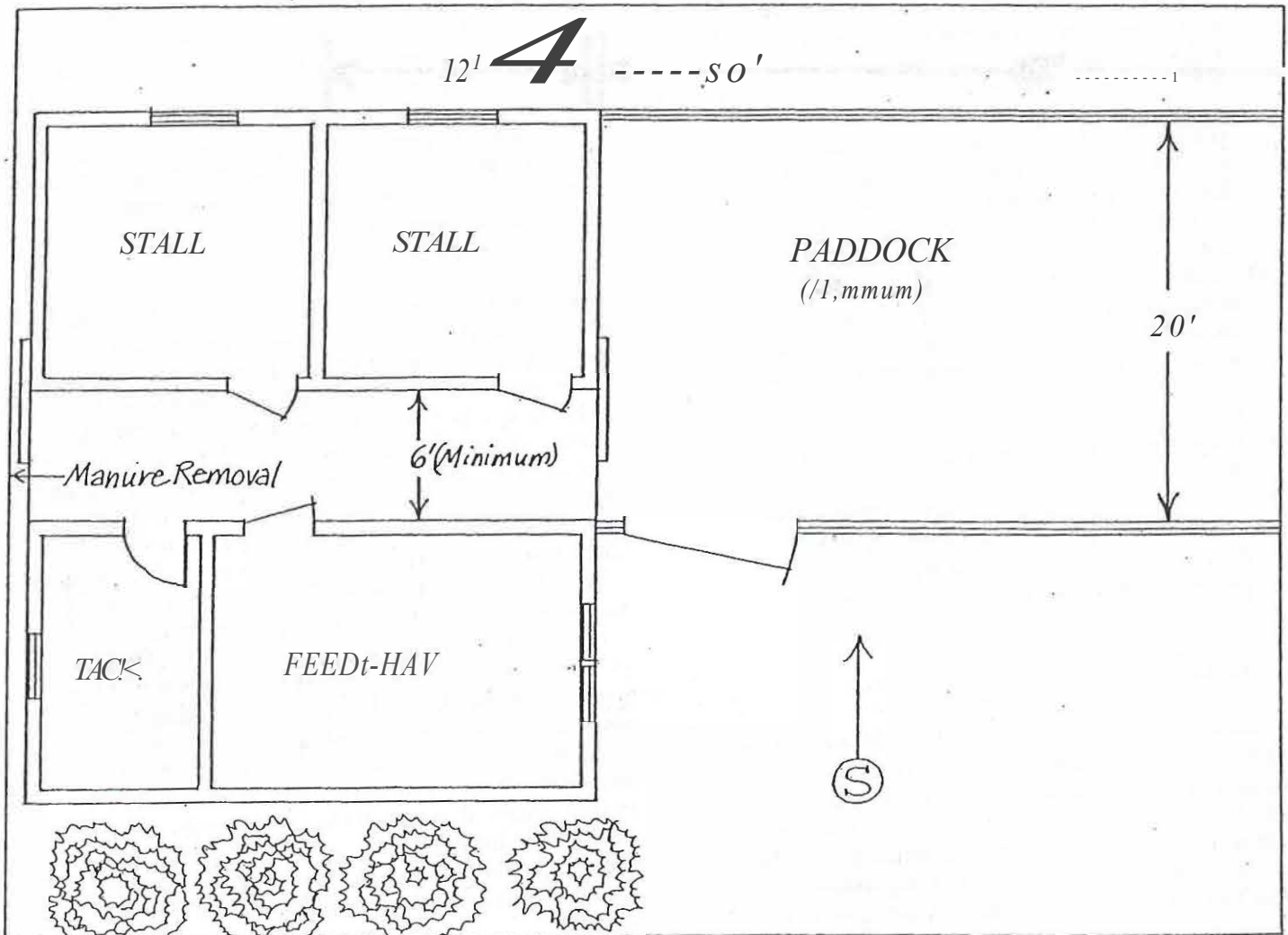
Pastures are used to provide feed for the horse. If using improved pasture, 1 to 1-1/2 acres per horse should be provided, depending on the quality of the pasture. This area should be divided into thirds and the horse rotated to a new section every 3 weeks or when the grass has been grazed off. This system of rotational grazing helps prevent overgrazing and thus reduces soil erosion. Whichever system of horse management you prefer, carefully analyze its impact on the land and water. Choose a management plan that will not cause soil erosion and water pollution. If you are to be a good neighbor these practices are as important as how you feed and water your horse.

Other Management Suggestions

- 1) Keep animals off septic systems as they can punch through grass to expose seepage.
- 2) Exposed areas should be set back from roads, side yards and neighbors.
- 3) Screen paddocks and barns. Good landscaping

ing creates a good impression. Buffer areas along property lines. Evergreens provide a year-round buffer that reduces noise, odor and dust.

- 4) Clear area of trees that horses might bite. They can girdle the tree by chewing off bark and the tree may eventually fall on the horse, house, or a neighbor. If horses gnaw the bark off trees check their diet for fiber deficiencies. If trees are desired in pastures or paddocks put fencing around the tree trunks to protect them from being girdled.
- 5) Fill or avoid low areas; puddles breed flies and attract rodents.
- 6) Clean up paddock area to reduce odors and parasites.
- 7) Horses require 50 to 60 sq. ft. of shade in warm weather. In some cases artificial shade such as a overhang or a three sided shed will have to be provided.
- 8) Remove any wild black cherry trees from keeping areas as they can be poisonous to horses.



Fences

It has been said that good fences make good neighbors. This is particularly true when one has animals. Connecticut state law requires that animals must be confined on the property of their owner or keeper and that fences must be maintained so as to properly enclose animals. Any damage caused by a wandering horse is the legal responsibility of the horse owner.

Fences keep horses in and people and predators out. They also separate stallions and mares, restrict animal access to lush spring pastures or help in rotating animals on pastures.

Fence costs have risen sharply, as a result many people put up poorly-made fences or postpone making needed repairs. Some owners don't pay attention to their fence until part of it is on the ground and the horse is consuming the neighbor's lawn and shrubs.

Fence Materials-

Barbed wire should never be used to confine horses as it can cause severe injuries.

Wood, plank, board; split rail, rail, etc. - is safest for horses. Wood fencing is expensive to put up and maintain, but it is effective and attractive if properly cared for.

A very common fence in Connecticut is the post and rail fence made with red cedar posts and native hardwood rails. Railroad ties are also used as posts. Posts should not be more than 10 feet apart.

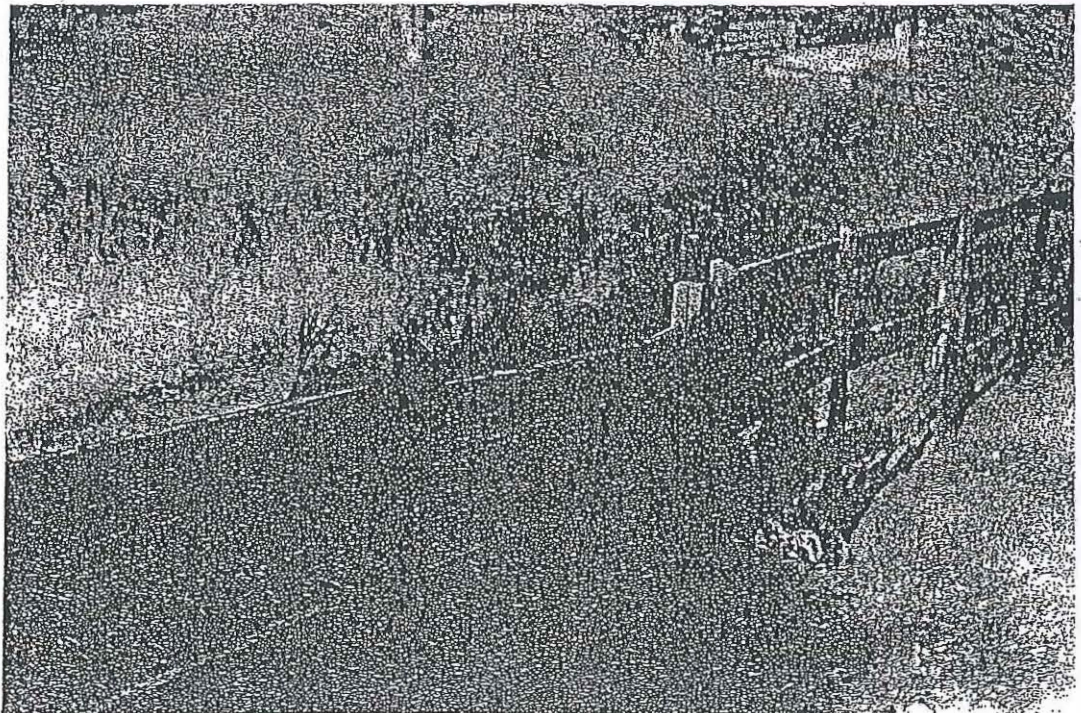
Metal fences include woven wire, chain link, cable, barbless wire and plain wire. One of the most common fences used for horses is woven wire with 4" openings usually installed at a height of 48". This type of fencing has a long life with reasonable initial cost and maintenance requirements that are less than wood.

If you are introducing a horse to an area with wire fence, tie strips of ribbon or cloth every 4 feet on the top strand to help the horse see the wire so it will not run into the fence.

If electric fencing is desired it is important to use only approved safe systems. *Horses must be trained to avoid an electric fence* as some animals don't naturally respect them. Electric fencing is often used in conjunction with some other type of fencing.

Shelter

In the Northeast rapid changes in weather demand that shelter be provided for animals. Shelters do not have to be elaborate. In many cases existing structures can be converted into



barns. A three-sided shed open to the south, well bedded and free from drafts and rain is in most cases the ideal shelter.

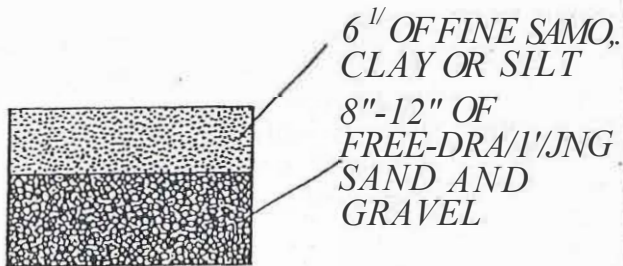
flooring in barns is important in keeping stalls dry and clean and preventing injury to horses. Brick, concrete, wood and asphalt are all used. A most satisfactory base for a stall is 8"-12" of free-draining sand and gravel, set on a level, well-drained site. This base is then covered with 6" of fine sand, silt or clay found in sand-washing tailings purchased from sand washing operations. This material compacts to a desired density, gives a good "cushion" and has enough vertical permeability to allow excess urine to

drain off. In addition, this material is free from stones and is inexpensive. The one disadvantage is that the silt will have to be restored every two years or so, as cleaning gradually removes it. Many horsemen desire a hard aisle surface paved with asphalt, roughed concrete or paving brick. This makes for ease of cleaning and permanence. These surfaces, however, can be slippery to flat-shod horses. It may therefore be desirable to cover hard aisle surfaces with rubber floor mats.

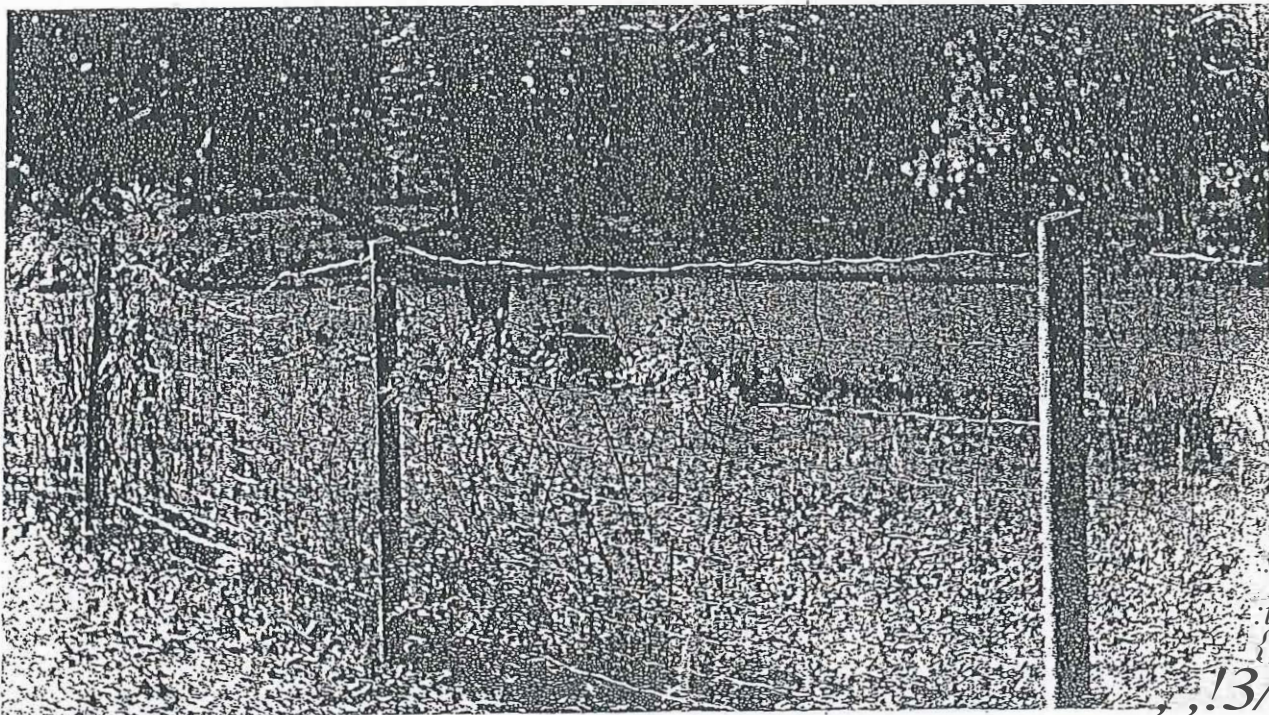
Enclosed stables must be properly ventilated and free from drafts. This helps reduce odors and is necessary for the good health of the horse. Daily cleaning of stalls is the most important chore needed to keep neighbors and animals happy. Top-quality stable management calls for performance horses to be fed a grain ration three times a day, the stall thoroughly cleaned after the first feeding, and manure removed after each of the other two feedings.

A good barn design with attractive fencing does much to make a horse acceptable in a suburban area. Build a barn large enough to not only shelter animals, but to provide storage for bulky feeds and equipment as well. As a rule of thumb, devote 1/3 of your barn space for animal shelter, 1/3 for roughage and bedding and 1/3 for alleyway and feed grain. Feed should be stored out of the reach of horses. Keep feed in rodent-free containers. One rat will eat 27 pounds of feed a year. A 30 gallon metal trash can will hold

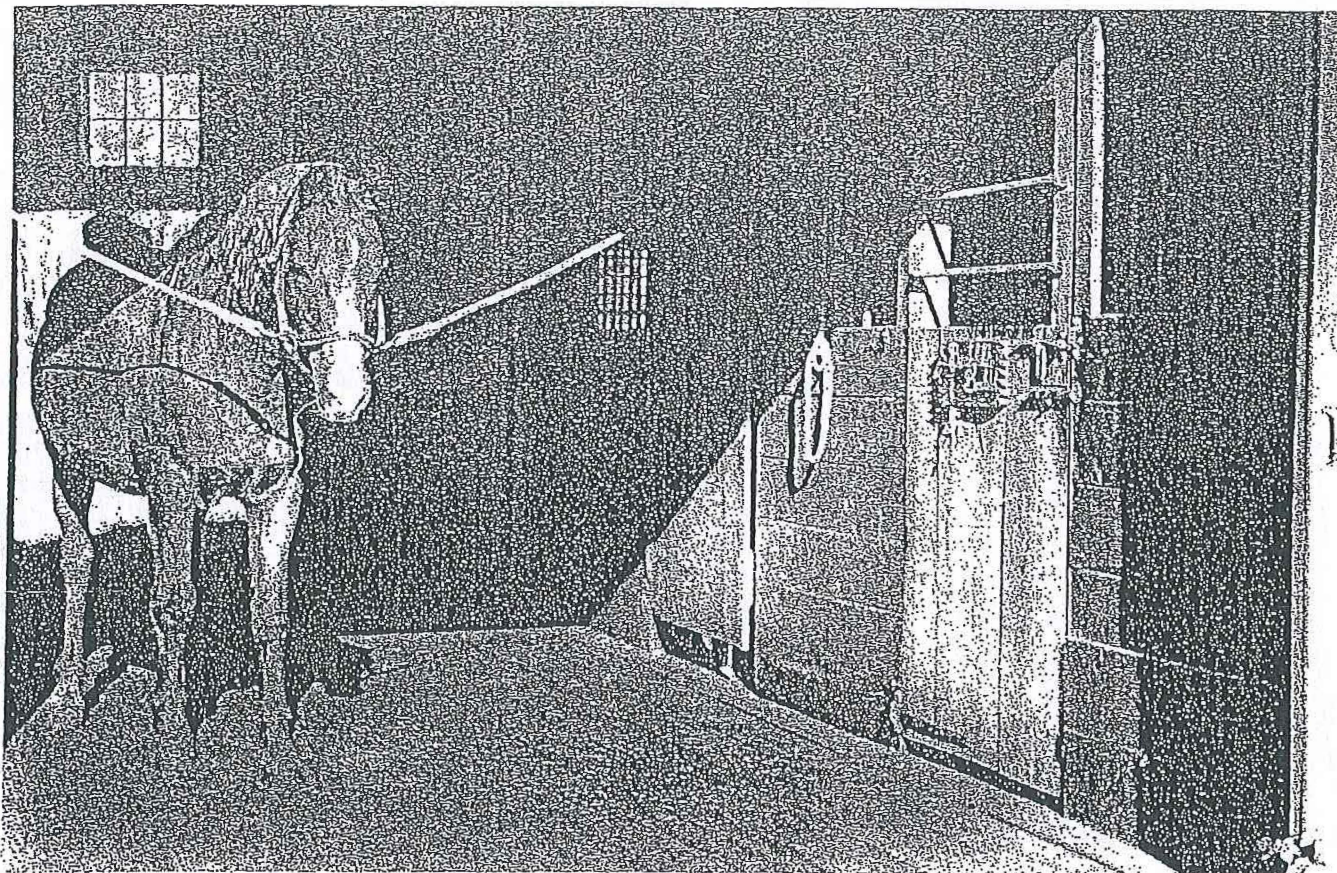
A BASE FOR A STALL:



*ON A LEVEL,
WELL-DRAINED SITE*



1/3



a 100 pound sack of feed and makes an excellent rodent-proof container. A cat can also help reduce rodent population.

Don't build barns in Wet, rocky or steep slope areas. Build in areas that are reasonably high and well drained yet level enough to easily plate building and exercise areas. A site with a gentle south or southwest slope is ideal; Barns built in wet areas tend to attract rats as they prefer to live close to food, shelter and water.

Use the soil survey of your area to help plan your animal operation and conservation measures. The Soil Conservation Service can assist you with conservation and site planning.

Land Requirements

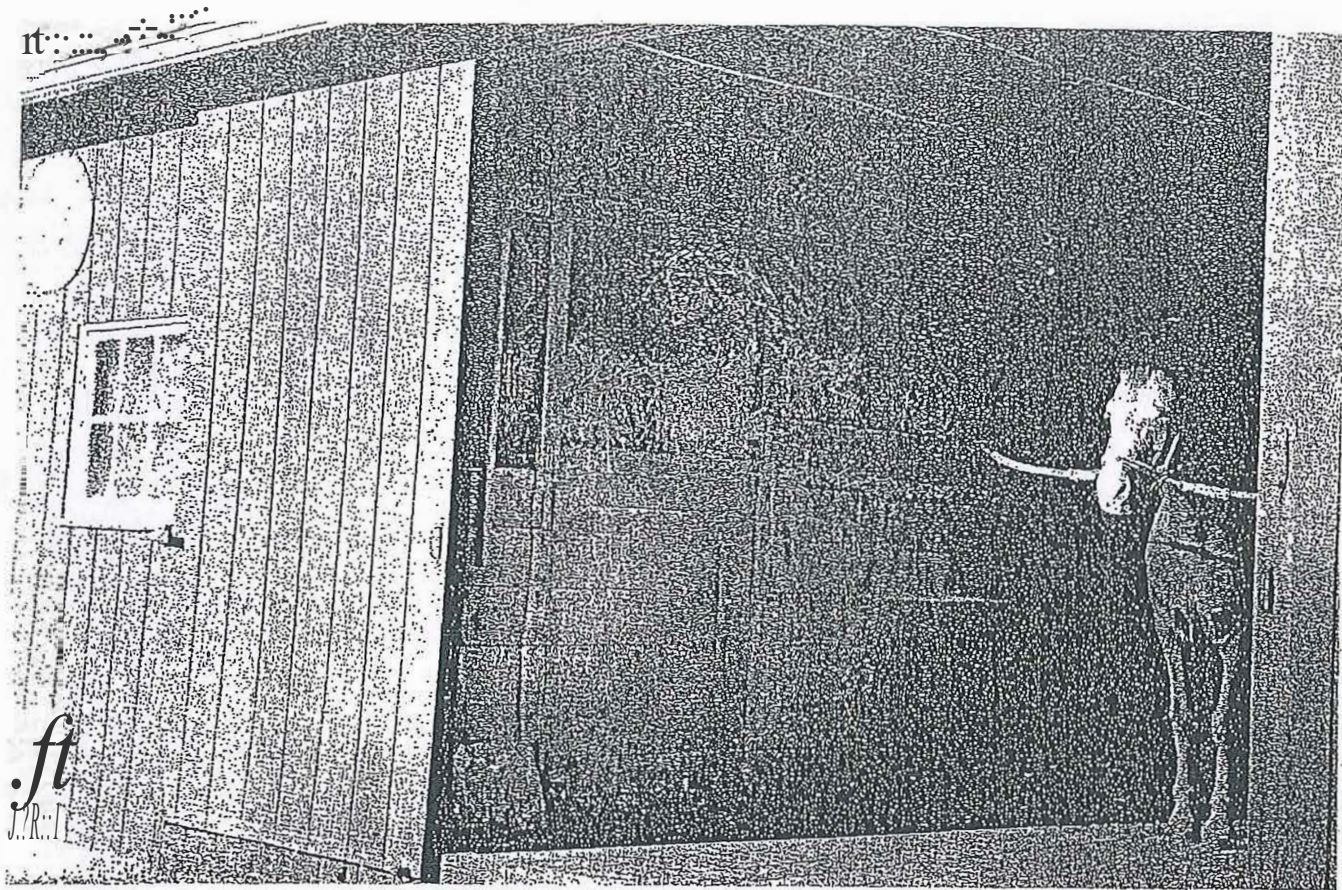
One of the most common misconceptions regarding horses is the amount of land needed to keep them in a safe and healthy manner.

Many zoning regulations have established land requirements for keeping horses that are excessive

and arbitrary when compared to what livestock experts suggest. Some zoning regulations require 2, 3 or even 5 acres before a horse will be allowed. These requirements are much greater than the keeping area of 1,000 sq. ft. often cited by those familiar with horses.

Most horses are kept in stalls, in fully enclosed barns or in three-sided sheds surrounded by a fenced exercise area. Stalls range in size from 8'x8' for a pony to 16'x16' for a stallion or 16'x20' or larger for foaling mares. The average horse needs a 10'x10' or 12'x12' stall. Stalls should be able to safely accommodate the horse and its attendant. A minimum ceiling height of 8' should be provided for the horse while at least 12' is needed for a horse and rider.

Many horses are fed a purchased feed of grain and hay and hence do not need large pastures for their basic supply of food. A paddock of 1,000 sq. ft. will serve most hobby or 4-H horse keeping operations. If competitive riding is planned, The National Horse Show Association recommends 110'x220' for indoor horse show rings and 120'x240' for outdoor rings.



Pasture

Fields can be used either as exercise areas or as pasture. The function of a pasture is to produce nutritious feed for the horse. Pastures are frequently overgrazed, reducing yields and encouraging weed growth.

As horses move around the weed infested lot looking for edible plants, the sod is churned-up, further reducing grass growth. To avoid these conditions; feedlots and exercise areas should be separated from improved pastures.

There are basically two types of pasture: permanent and improved cropland. Permanent pasture is land left unplowed or unseeded for many years and is usually located on wet, rocky or steep sites. Cropland is tillable land that is more productive than permanent pastures when it is limed, fertilized and seeded. In most areas of Connecticut, lime is needed to correct soil acidity and fertilizer must be applied periodically. Before making these improvements to your pasture, obtain a soil test kit from your nearest Extension Service office.

How Much Pasture

As a general rule provide 1 acre of improved pasture per animal unit to provide grazing through the growing season in Connecticut. An animal unit equals 1 horse or cow or 5 to 7 sheep or goats. It must be emphasized, however, that a horse does not necessarily require 1 acre of land. This standard only applies when pasturing is used as a management system to provide feed.

Use Rotational Grazing

A system of alternate grazing produces more feed than continuous grazing on the same field. Divide the acre into thirds and rotate animal every 3 weeks or more frequently if grass is grazed off.

Avoid grazing when soils are wet and soft as the soil becomes packed and poor pasture results. Grasses should reach 5 inches before grazing is begun. Cut at least once a season to control weeds. Cutting once in June and again in August results in even better weed control. Remove

animals from pasture in late September to mid-October so a fall growth of 3" is achieved before winter.

Whenever a horse is introduced to fresh green grass after long periods of stabling or confinement in paddocks, care should be taken to provide short initial grazing sessions to minimize the chances of the horse getting colic.

Riding Horses On Public Highways

As more people are using public highways to exercise their horse, it is important that they know the laws pertaining to this activity.

According to Section 14-293a of the Connecticut General Statutes, any person riding a horse on a public highway shall conform to the regulations governing highway use, traffic control and highway safety. In municipalities with charters, laws can be established to regulate the driving or leading of animals through the streets and to provide for the removal of any offensive manure found in the streets.

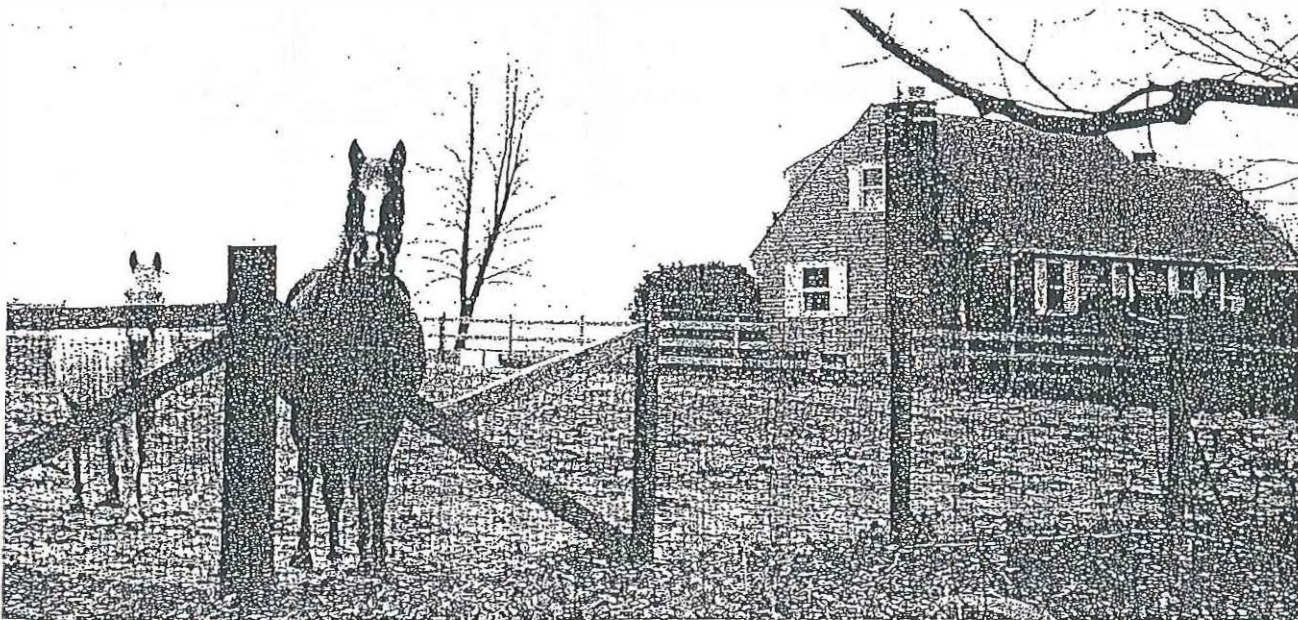
Connecticut has also passed a law protecting the horse and rider from motorists who frighten the animal by honking horns, speeding, or other thoughtless behavior. Such drivers could be cited for a motor vehicle violation.



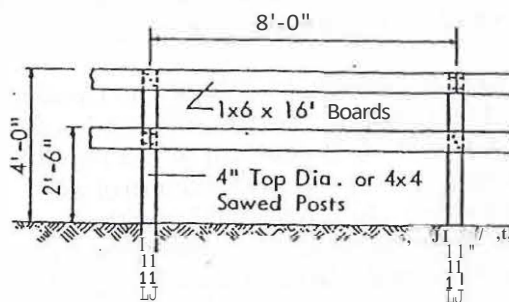
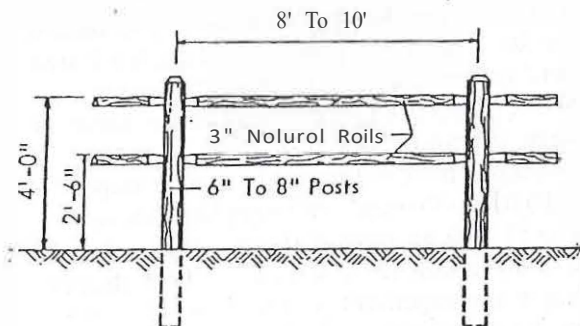
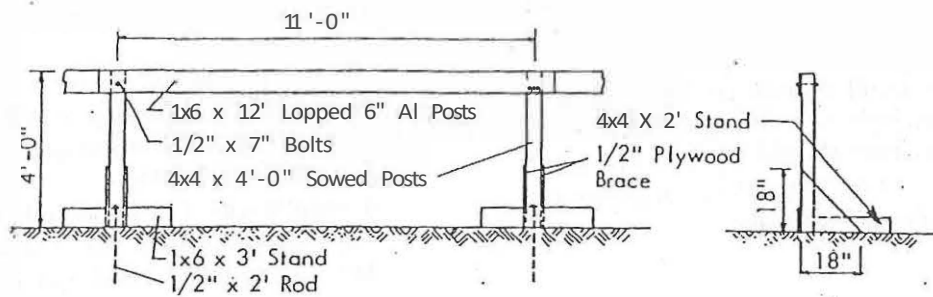
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HELPFUL HINTS TO MAKE YOUR HORSE A GOOD "NEIGHBOR"

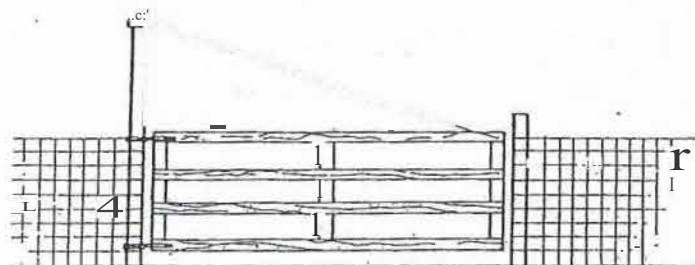
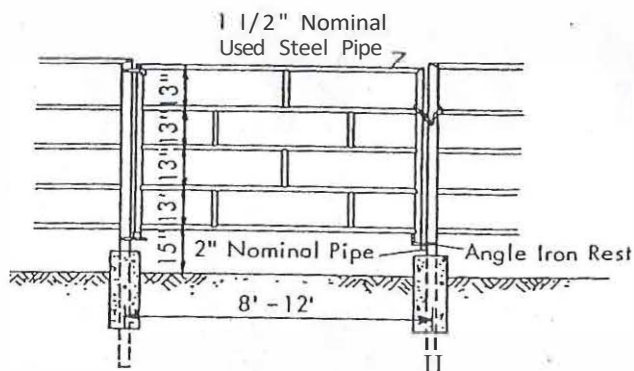
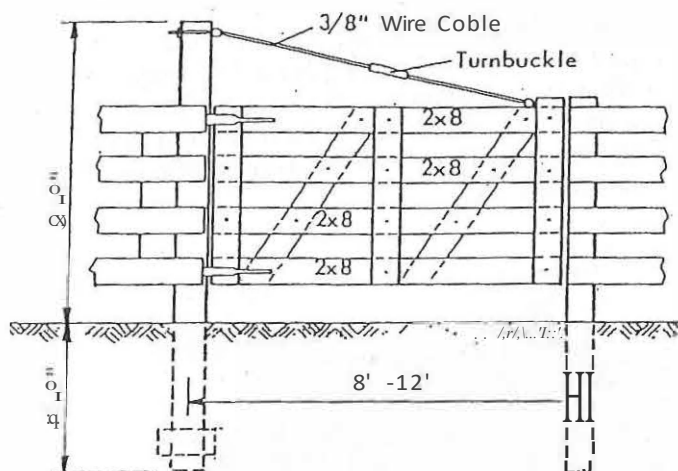
- Before you build a barn or fence, put in an electrical hookup, dig a well, etc., contact your local building inspector to see what permits are needed.
- Comply with local zoning laws and pertinent state statutes. See "State Regulations Pertaining To Keeping Animals And Farming" by C. James Gibbons, The University of Connecticut Cooperative Extension Service, 1984.
- Let your neighbors know what you intend to do. Talk over proposed plans for barns and fences and ask for their opinions when your operation might affect them or their property.
- Become involved in public policy issues related to farming and keeping animals.
- Cruelty to animals is the quickest way to call attention to your place. Know proper horse management and have your veterinarian or certified animal scientist periodically visit your horse.
- Don't ride on other people's property without their permission.
- Remind other horse owners of potential problems. Constructive criticism, when taken, can help avoid larger problems later on.
- Know what you are getting into. Ask yourself if you can truly afford to keep animals and properly maintain the areas where they will be kept. Contact your Extension agent and ask for farm planning assistance.



FENCES



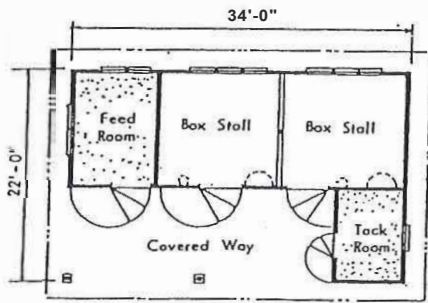
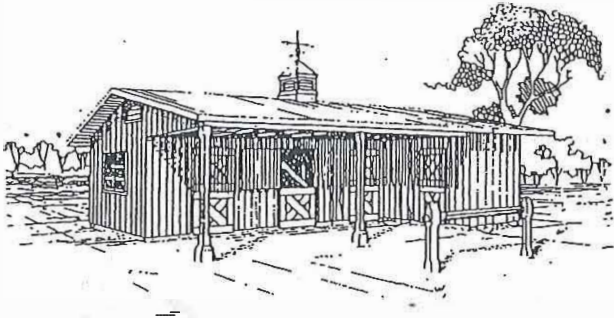
GATES



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 Gate Will Swing ck To
 The Fence On Either Side

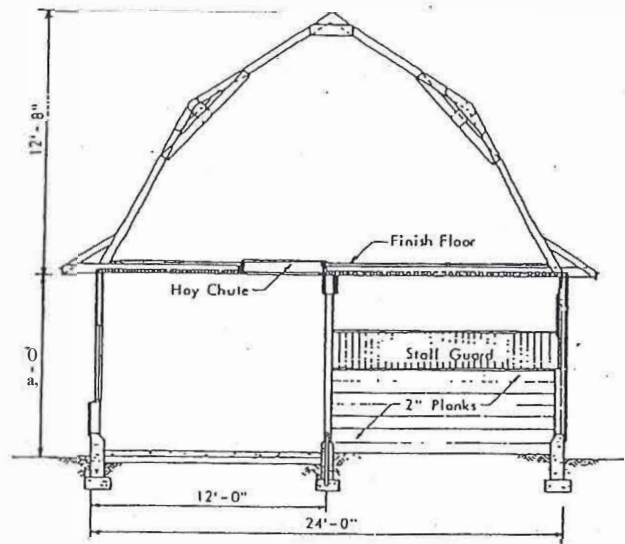
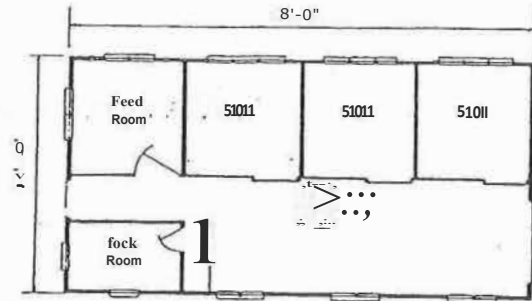
Two-Stall Barn USDA 5838

Two 12' x 12' box stalls with clay floors, a 6' x 8' tack room, and an 8' x 12' feed room are features of this 22' x 34' horse-barn. There is a useful covered way, and Dutch doors provide entry to the stalls. The barn may be expanded to house more horses-

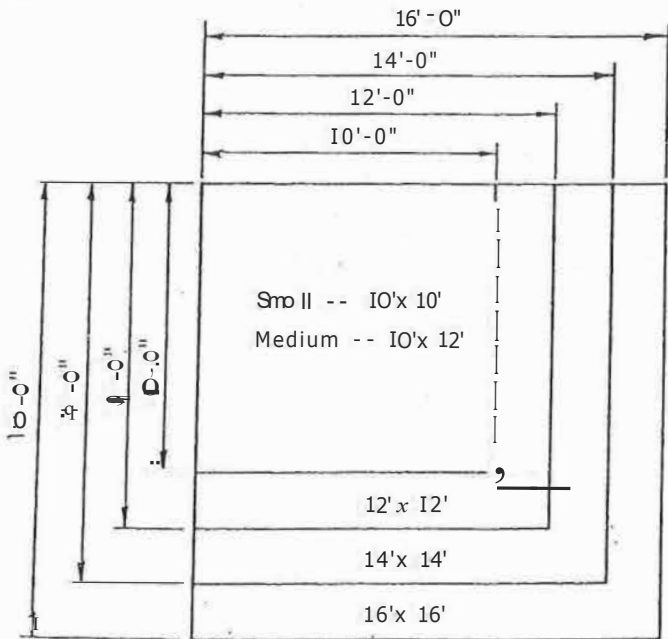


Three-Stall 1½ Story; Barn USDA 6024

This plan features three stalls, a feed room, a tack room and a 12' x 36' working alley. There is ample overhead storage for hay and bedding. The barn is 24' X 48'.



Box stall sizes



The drawings are taken from the Midwest Plan Service publication No. 15, *Horse Handbook; Housing and Equipment*. Copies of the *Handbook* may be obtained for \$5.00 (including postage and handling) from the Department of Agricultural Engineering, U-15, 1376 Storrs Rd., The University of Connecticut, Storrs, CT 06268.

Appendix 3.

Bethany Residential Driveway Specifications

L Common to all Residential Driveways and Common Driveways

A. Constructed and maintained in such a way that the condition of the driveway shall not hinder the passage and operation of emergency apparatus in any weather or traffic conditions. NFPA shall be used on driveway design as a guide to determine these specs for each individual site.

B. Driveway Entrance.

1. A ~~minimum~~ radius of 25 ft measured at the inside curb for 90° intersections.
 - a) Connecting the public road with any common or single driveway.
 - b) Connecting a common driveway with another common driveway.
 - c) Connecting a common driveway with a single driveway.
2. The radius shall increase from the 25 ft. radius proportionally for every decrease in the angle at the intersection. For example:
 - a) 80° driveway angle shall have a 35 ft radius measured at the inside curb.
 - b) 70° driveway angle shall have a 45 ft. radius measured at the inside curb.
3. Free of obstacles at the driveway entrance (utility poles, trees, ledge, mail and paper boxes, certain types of storm drains, etc.).
4. Paved 20 ft. from the public road

C. House numbers.

1. Placed in such a way as to guide emergency vehicles to the proper address.
 - a) Public road and the common driveway.
 - b) Common driveway and a single driveway.
 - c) Common driveway and common driveway when there are multiple common driveways.
2. Minimum of 3 inches on both sides.
3. Reflective.
4. Pre and post construction.

D. Bridge.

1. Support the weight of fire apparatus.
2. The same travel width as the driveway.
3. DOT approved guard rails.
4. DOT approved reflectors.

E. 10% slope or greater.

1. Paved (that portion of).

F. Driveway construction.

1. Base and surface shall support the weight of fire apparatus.

II. Single Dwelling Driveway

A. Less than 100 ft.

1. 10 ft. wide.
2. 14 ft. height clearance.

Bethany Residential Driveway Specifications

10/16/98

- B. Greater than or equal to 100 ft.
 - 1. 14 ft wide.
 - 2. 14 ft. height clearance.
- C. Greater than or equal to 500 ft.
 - 1. 14 ft wide.
 - 2. 14 ft height clearance.
 - 3. Turnoff every 500 ft (large enough to accommodate fire apparatus) and portions thereof.
- D. Turns.
 - 1. A minimum of 25 ft. radius at the inside of the curb.
 - 2. A minimum of 50 ft. radius at the outside of the curb.
 - 3. Minimum of 14 ft. wide.
- E. Steep slopes on either side (10% or more).
 - 1. 14 ft. wide.

m. Two and Three Dwellings per Common Driveway

- A. Any length
 - 1. 14 ft wide.
 - 2. 14 ft height clearance.
 - 3. Maintenance contract.
 - 4. Individual driveways shall be 14 ft. wide and have a clearance of 14 ft. in height.
- B. Turns.
 - 1. A minimum of 25 ft. radius at the inside of the curb.
 - 2. A minimum of 50 ft. radius at the outside of the curb.
 - 3. A minimum of 20 ft. wide.

Appendix 4.

Bathory Water Source Specifications

(As most recently amended)

BETHANY, CONNECTICUT

BETHANY VOLUNTEER FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

Revised 01/13/2009



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BETHANY FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

02/20/2014

- J. NFPA: National Fire Protection Association they develop, publish, and disseminate more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks.

II. General Requirements of a Water Source

A. Administration:

- a) The minimum development of any water source supply for the purpose of fire protection shall follow this procedure and all applicable NFPA and ISO requirements. All Fire protection facilities that are constructed shall be sized and constructed in accordance with current NFPA and ISO guidelines.
- b) The developer/owner shall provide the Planning and Zoning Board the design documentation for review as part of the regular site plan and or subdivision plan approval process.
- c) Design Documentation and Review:
 - i. A site plan/subdivision plan shall be provided for review that includes all of the information required by the Planning and Zoning Board and the information listed below.
 - ii. A plan which shows the location of the water source and delineates the protected property or properties within the specified travel distance of 2,000 feet. The furthestmost house shall not be more than 3,000 feet from the water source.
 - iii. The location of the proposed hydrant(s) shall be shown.
 - iv. A vehicle pad shall be shown if a hydrant is being proposed.
- d) A design package for the type of water source to be used shall be submitted for review to the Planning and Zoning Board as part of the site plan application. All designs and calculations shall be stamped by a Licensed Civil Engineer. The design package shall include the following information:
 - i. The design and construction methods to be employed in creating the water source.
 - II. The calculations used to determine the capacity of the water source.
 - III. The design calculations used to determine the size of the cistern.
 - iv. If a natural existing water supply is used, data establishing the normal water level and the low level on a 50-year drought shall be supplied.

B. Location:

Purpose

It is the purpose of this document is to establish a standard that requires a property owner to provide a water source, or providing a monetary contribution of 7,500 dollars per residential building lot toward the installation of a cistern prior to the issuance of certificate of occupancy.

The objective of the firefighting water supply provisions contained in the building and standard regulations are to ensure that there is sufficient water available for firefighters to effectively control a fire in the building and assist in protecting building occupants, contents and the building itself. Higher risk buildings have a larger fire flow requirement that exceed the scheme capacity and is calculated by a licensed fire protection engineer.

I. Definitions

- A. **Approved:** Accepted by the authority having jurisdiction.
- B. **Authority Having Jurisdiction:** The organization, office or individual responsible for approving" equipment, an installation or procedure. In the context of the regulation the authority having jurisdiction shall be the Planning and Zoning Board, BVFD, FMO and the Code Enforcement Office.
- C. **Cistern:** is a large, watertight concrete, fiberglass, or reinforced polyethylene plastic tank installed in the ground and shall be a minimum of thirty thousand (30,000) usable gallons, and not less than the minimum as determined by NFPA 1141, 1142 and reference standards of those publications for the required minimum fire flow.
- D. **Dry Hydrant:** A permanent piping system, normally a drafting source that provides access to a water source other than a municipal or community-type water system.
- E. **ISO Insurance Services Office** is a for profit cooperation that is used to rate community fire defenses. ISO then sells that data to the insurance industry for the purposes of establishing insurance rates
- F. **Municipal-Type Water System:** A system having water pipes serving hydrants and designed to furnish, over and above domestic consumption, a minimum flow of 1000 gallons per minute and 20 pounds per square inch residual pressure for a 2 hour duration.
- G. **Protected Property/Easement:** Property protected by a water source that is minimally adequate in volume and duration and by a fire department capable of using this water source to suppress a possible fire within a property.
- H. **Vehicle Pad:** A level, hard surfaced area adjacent to a hydrant that is large enough and configured so as to allow a fire truck to be connected to the dry hydrant.
- I. **Water Source:** A body of water that is a man-made or a natural and that has sufficient water to suppress a possible fire within a property.

BETHANY FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

02/20/2014

- A. Residential Zones: No more than 2,000 feet from any building lot and or greater then a total of 3,000 feet of travel distance from a water source (not including the access way to rear lots or any building lots on common drives or private roads). The location must be by the FMO and the BVFD Water Source Officer prior to the commencement of installation.
- B. Commercial and Industrial Zones -The number and placement of water sources shall be determined by a certified fire protection engineer using NFPA and ISO publications, and approved by the FMO and the BVFD Water Source Officer prior to the commencement of installation.
- f.. " l] wntPr c;urces and hydrant , shall be located at least 100 feet from any structure.
- C. Fire Department Access:
- a) The access apron shall be at least 50 feet long and 15 feet deep, with the deepest point at the hydrant and meet NFPA.
 - b) Where a fire department apparatus turnaround is required, it shall be provided such that the pumper apparatus operating at the water source does not obstruct a vehicle turning around.
 - c) The fire department apparatus access road and or apron (at least 20 feet in width) shall be provided to the hydrant.
 - d) All roadway, emergency access entrances and driveways will be engineered to carry a minimum of 80,000 pounds.
 - e) The access road will be shaped to allow fire apparatus traveling in either direction easy access, and the ability to pass in a safe manner.
 - f) Approved fire lane signs and pavement markings shall be provided 10 feet on each side of the dry hydrant and a reflective dry hydrant sign provided behind and above the hydrant per NFPA.
- D. Ownership and Bounding:
- a) All required water sources shall be bonded as part of the overall bonding requirement which shall be recommended by the Planning and Zoning Board and approved by the Board of Selectmen.
 - b) Maintenance bond(s) shall be posted for water sources, cisterns and buried tanks and shall be held for a period of 2 years. The bond will be released by the Board of

BETHANY FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

02/20/2014

Selectmen upon recommendation by the Planning and Zoning Board and inspection and approval of the system by the BVFD, and the FMO and acceptance of the water source.

- c) The Association, owner or developer shall own and maintain the water source until, if and when, the roadway and infrastructure is accepted by vote of the town legislative body and Planning and Zoning.
- d) The single property owner/developer shall own and maintain the water source and provide the Town of Bethany with a written easement that allows for fire suppression and testing use of the water source, unless such a water source becomes part of a future development that includes it as an adequate water supply, it shall be maintained by the Town of Bethany.
- e) If the water source is located within a development that has an Association form of ownership i.e., Condominium or Homeowners Association etc., the responsibility for maintenance of the water source shall remain with the Condominium/Homeowners Association unless an agreement can be made with the Town of Bethany.
- f) The BVFD shall be responsible for refilling the cistern after fire suppression, testing and training uses, unless the cistern is determined to be in failure and until it is repaired.
- g) The single property owner/developer or Condominium and or Homeowners Association form of ownership shall maintain year round access to the water source and vehicle pad which shall include snow removal unless the roadway and infrastructure is maintained by the Town of Bethany.

III. Acceptance Requirements

- A. Drawings: Four sets of "As Built" drawing shall be provided to the BVFD and the FMO describing the installed water source in its entirety. At a minimum the drawing(s) shall include the following information:
 - i. Location of the water source, access ports, system size, and piping arrangement. Including the size of all inlets, outlets, inspection ports, etc
 - ii. The hydrant manufacturer including address & phone number, model, and type installed.
 - iii. The strainer manufacturer, address and phone number, size, and type of the intake and/or strainer.
 - iv. The cisterns manufacturer, address and phone number, dimensions, capacity, location (including depth below ground level) of the tank (if used).

BETHANY FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

02/20/2014

- B. Any other devices or procedures included in the Hydrant setup such as supporting devices, valves, drains, silt damns, tanks, pumps, cisterns, hatchways, piping, etc.
- C. Owner's Manuals and all other documentation shall be provided to the BVFD, and the FMO.
- D. Any device or procedure pertinent to the operation and maintenance of the water source shall be provided to the BVFD, and the FMO.
- E. A "No Parking Fire Hydrant" sign and post shall be installed. The sign shall be of equal quality as posted on Bethany's roadways.
- F. Inspection and Acceptance Testing:
 - a. The water source shall be inspected by the Code Enforcement Office, its designee or the authority having jurisdiction during its construction/installation. An inspection schedule shall be established for each specific project.
 - b. A successful flow test of 1,000gpm for $\frac{3}{4}$ of the water sources rated capacity shall be conducted by the BVFD or their designee prior to approval of the system.
 - c. A licensed engineer shall sign-off that the water source has been built using current specifications as referenced in this regulation and applicable within NFPA and ISO.

IV. Water Sources

- A. Ponds or Lakes as Water Sources:
 - a) A pond or lake, whether it is a manmade or natural, shall meet the specifications as set by the US Department of Agriculture, Soil Conservation Service unless privately owned in its entirety without public easement or a flow exiting the body does not exist.
 - b) The water source must be available 365 days a year. The minimum capacity shall be 250,000 gallons of useable water. The FMO and BVFD will need certification of the water capacity available during a 50-year drought cycle. The certification must be provided by a licensed geological engineer or hydrologist.
 - c) A dry hydrant shall be installed that meets the design standard of this Regulation, NFPA, and ISO. All work shall be inspected by the Code Enforcement Office, its designee or the authority having jurisdiction during its construction/installation. An inspection schedule shall be established for each specific project.

BETHANY FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

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- d) The lift from the water source to the hydrant shall not exceed 15 feet and total head loss will not exceed 20 feet.
- e) The pipe connecting the water intake with the dry hydrant shall be at least 4 1/2 feet deep to prevent freezing. The pipe shall be installed level from the water intake to the 45° riser to the hydrant. The pipe shall have a minimum of a 6-inch diameter or larger to meet the minimum flow requirements stated in Inspection and Testing. All piping will be a minimum of schedule 40 PVC or equivalent.
- f) The water intake shall be one of the following:
 - i. Galley type: The galley shall be deep enough to provide for year round water source, including the 50-year drought level. The galley shall be installed to prevent silting. The galley shall be installed on a cement pad or equivalent to prevent settling. The galley shall be installed to prevent objects such as stones, fish, frogs and plant debris from entering the intake.
 - ii. Strainer type: The strainer shall be corrosion resistant screen with a clapper end cap. The strainer shall be deep enough to provide for year round water source and shall be surrounded by 2 feet of water in all directions, including the 50 year drought cycle.

B. Cisterns:

- a) Will be fiberglass, concrete with liner or other non-permeable materials, of a sound engineering design to be trouble free and designed to last a minimum of 30 years.
- b) The water source must be available 365 days a year. The minimum capacity shall be 30,000 gallons. Depending on the development layout/configuration, additional gallon requirements may be imposed at the discretion of the FMO upon review of the fire flow requirements as determined by a certified fire protection engineer of record.
- c) The tanks must be buried so that the top is 4 1/2 feet deep to prevent freezing and that the bottom is no more than 20 feet from the centerline of the dry hydrant head.
- d) The tanks must be contiguous, not partitioned.
- e) The tanks shall provide for one 22 inch diameter "Access way" with a ladder, one Dry Hydrant connection, one fill connection and a vent. A 48-inch diameter riser pipe with concrete cover shall be installed over the access way.
- f) The water intake shall be placed 6 inches from the bottom of the tank.

BETHANY FIRE DEPARTMENT

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- g) The pipe connecting the water intake with the dry hydrant shall have a minimum of a 6-inch diameter schedule 40 PVC or equivalent. Situations may exist which dictate that a larger diameter pipe shall be installed in order to satisfy the flow requirement as required stated in Inspection and Testing.
 - h) The vent shall be a schedule 40 PVC pipe, two 90 degree elbows with a perforated cap.
 - i) The fill connection shall be a 6-inch schedule 40 PVC pipe with one 90-degree elbow. The fill connection shall consist of two 2 1/2 inch female national standard threads and plug.
 - j) The vent and fill pipes shall be painted green.
 - k) All connections must be airtight.
 - l) The tanks shall be initially filled to capacity with clean water.
 - m) An over flow protection shall be incorporated.
 - n) Run-off from the surrounding terrain shall not enter the tanks
 - o) A tank full indicator or visual hatch shall be installed that will allow anyone filling or inspecting the tank to easily know that the tank is filled.
 - p) Tanks shall be installed and tested according to the manufacturer instructions.
- C. Municipal/Public Water Supplies:
- a) Extensions of municipal water service for the Town of Bethany may be allowed if approved by the Board of Selectmen and or its proprietor and shall fully meet the design and installation requirements of the governing Water Department.
 - b) The water source must be available 365 days a year. The minimum capacity shall be 250gpm for 2 hours. Depending on the development layout/configuration, additional gallon requirements may be imposed at the discretion of the FMO upon review of the fire flow requirements as determined by a certified fire protection engineer of record.

D. Community Water Systems:

BETHANY FIRE DEPARTMENT

WATER SOURCE SPECIFICATIONS

02/20/2014

- a) If a community water system is used within a subdivision to provide the fire suppression water requirement, the system shall be designed and constructed to meet NFPA standard #24 (Standard for the Installation of Private Fire Service Mains). The design and flow capacities of the complete system shall also meet the criteria of the American Water Works Association for the size subdivision being supplied.
- b) The water source must be available 365 days a year. The minimum capacity shall be 250gpm for 2 hours. Depending on the development layout/configuration, additional gallon requirements may be imposed at the discretion of the FMO upon review of the fire flow requirements as determined by a certified fire protection engineer of record.

V. Fire Department Connection

- A. *The fire department connection shall consist of the following:*
 - a) A dry type hydrant painted yellow with a 6 inch female coupling using **National Standard Threads**, and plug.
 - b) Two 45-degree elbows and connecting pipe constructed of schedule 40 PVC pipe with airtight fittings.
 - c) Support framework, bars or form to relieve horizontal and vertical strain on the dry hydrant. This may be combined as part of the barricades as described in paragraph II. D.
 - d) The dry hydrant must incorporate a Post-Indicating valve (PIV) when the water level may rise within 4 1/2 feet of the surface. The valve size must match the size of the supply pipe.
 - e) The hydrant must be elevated 2 feet from the center of the hydrant to the ground. The hydrant must face the access lot.
 - f) The hydrant shall be protected with at least two barricades painted green or brown. These barricades must be placed in such a way as not to interfere with the operation of hydrant and fire apparatus. The barricades may be constructed of (but not limited to) 4-inch steel cement filled tubes, fence, guard rails, boulders, Upright Yews, or Eastern Red Cedar.
 - g) The hydrant must be close enough to the access lot to allow fire apparatus using 10 feet of 6-inch suction hose to complete the connection.

Appendix 5

Bethel Planning and Zoning Commission
General Inclusion application requirements

(As most recently amended)

Application Requirements, General

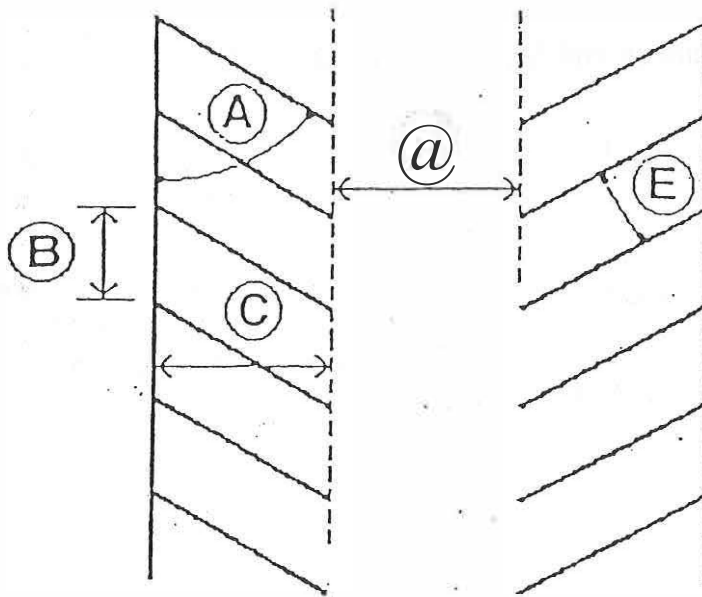
The following list of items is provided for general guidance to applicants. These items are in addition to any specific application requirements found in the applicable Section(s) of these Regulations. They must be submitted in order for the application to be deemed complete by the Commission prior to any Commission action.

1. Application form as provided by the Commission. This form must be completely filled out.
2. A proper fee as determined by local ordinance, must be paid to the Commission prior to any Commission action.
3. Survey of property. May be required to be A-2 degree of accuracy. Survey must show all property in question and all abutting property required by these regulations unless otherwise indicated by the Commission.
4. Plans of the proposed project. The Commission may require these plans to be completed. Sealed and signed by the appropriate professional. These plans may include but are not limited to:
 - Architectural Plans
 - Engineering Plans
 - Grading Plans
 - Cross Sectional Plans
 - Future Development Plans
 - Surveys and Survey Plans
 - Water Supply Watershed Plans
 - View Shed Plans (telecomm. Applications)
 - Others
5. The Commission may also request studies from various professionals/experts which address relevant issues which are pertinent to the proposal. These may include but are not limited to:
 - Traffic Studies
 - Hydrology Studies
 - Groundwater Level Studies
 - Parking Studies
 - Traffic Circulation Studies
 - Needs Assessments
 - Others

Appendix 6.

Bethany Planning and Zoning Commission
Schematic Parking Diagrams

(As most recently amended)



(R)	Parking Angle	00	45°	60°	90°
(R)	Curb Length per Space	23'	13'	10'	9'
(C)	Space Depth	9'	18'	19'	18'
(a)	Access Aisle Width	15'	15'	18'	25'
(R)	Space Width	9'	9'	9'	9'

Figure 6_1: Minimum Dimensions for Parking Areas

Appendix 7

Recommended Plantings for the
Business and Industrial Zones

RECOMMENDED PLANTINGS FOR BUSINESS & INDUSTRIAL ZONES

Bethany is located within Climate Zone 5 / 6. This means that plants chosen should be able to withstand winter temperatures as cold as -20' F. Here is a preliminary list of RECOMMENDED plants for consideration. In rating a plant's "Deer Resistance", please note that nothing is deer resistant in our region! The rating of Excellent, Good, Fair and Poor was arrived at via comments and recommendations from the sources listed below.

CANOPY TREES:

	Average Height	Average Width	Hardiness Zones	Deer Resistant?	Salt Tolerant
Trident Maple	20' - 30'	20' - 30'	4 - 8	Good	
Red Maple	40' - 50'	30' - 40'	3 - 9	Good	
Silver Maple	50' - 70'	35' - 50'	3 - 9	Good	
Sugar Maple	60' - 75'	40' - 50'	4 - 8	Good	
Birch (any type)	30' - 70'	25' - 60'	4 - 9	Excellent	Yes
European Hornbeam	40' - 60'	30' - 40'	4 - 7	Excellent	
American Beech	50' - 70'	50' - 70'	3 - 9	Good	
Amur Chokecherry	35' - 45'	20' - 25'	2 - 6	Fair	Yes
Green or White Ash	50' - 60'	25' - 30'	3 - 9	Excellent	Yes
Honeylocust	70' - 100'	50' - 70'	3 - 8	Good	
Southern Magnolia	50' - 80'	30' - 50'	6 - 10	Excellent	Yes
Shumard, Red or White Oak	60' - 100'	50' - 80'	4 - 9	Fair	Yes
Littleleaf Linden	60' - 70'	30' - 50'	3 - 7	Fair	
Horse Chestnut	75' - 90'	50' - 70'	4 - 8	Fair	Yes

Also consider:

Buckeye, Red cedar, Apple, Cottonwood, White Spruce, Colorado Spruce, White Pine, Douglas Fir

UNDERSTORY / ORNAMENTAL TREES:

	Average Height	Average Width	Hardiness Zones	Deer Resistant?	Salt Tolerant
Amur Maple	15' - 18'	18' - 20'	2 - 6	Good	
Japanese Maple	15' - 20'	10' - 15'	5 - 8	Good	
Paperbark Maple	20' - 30'	15' - 30'	4 - 8	Good	
Downy Serviceberry	15' - 25'	20' - 30'	4 - 9	Fair	
Redbud	20' - 30'	25' - 35'	3 - 9	Fair	
Flowering Dogwood	20' - 25'	20' - 25'	5 - 9	Fair	
Kousa Dogwood	30' - 30'	20' - 30'	5 - 8	Excellent	
Star Magnolia	15' - 20'	10' - 15'	4 - 9	Excellent	Yes
Saucer Magnolia	20' - 30'	20' - 30'	5 - 9	Excellent	Yes
Japanese Flowering Crabapple	15' - 25'	15' - 25'	3 - 8	Fair	
Witch Hazel	20' - 30'	15' - 20'	3 - 8	Fair	Yes
Purple-L13af Plum	15' - 30'	15' - 25'	4 - 8	Poor	Yes
Kwanzan (Japanese) Cherry	30' - 40'	30' - 40'	5 - 8	Good	
Bradford Pear	30' - 50'	20' - 35'	4 - 8	OK	

Also consider:

Beach plum, Black cherry, Choke Cherry, Sassafras

SHRUBS:

	Average Height	Average Width	Hardiness Zones	Deer Resistant ?	Salt Tolerant
Azalea	3' - 8'	3' - 8'	4 - 7	Fair - Poor	
Butterfly Bush	4' - 8'	3' - 6'	5 - 9	Excellent	
Boxwood (any type)	1' - 6'	2' - 6'	5 - 9	Excellent	
Cotoneaster	2' - 3'	5' - 8'	6 - 9	Fair - Poor	
Forsythia	8' - 10'	7' - 10'	6 - 9	Good	Yes
Large Fothergilla	6' - 10'	5' - 9'	4 - 8	Fair	
Hydrangea (almost any type)	3' - 5'	3' - 10'	3 - 9	Fair	Yes
Holly (almost any type)	3' - 6'	3' - 10'	4 - 9	Good	
Inkberry	4' - 6'	4' - 6'	3 - 9	Good	
Winterberry	6' - 10'	6' - 10'	3 - 9	Good	Yes
Juniper (almost any type)	1' - 6'	3' - 6'	3 - 8	Good - Fair	
Mountain Laurel (any type)	7' - 15'	7' - 15'	4 - 9	Good	
Northern Bayberry	5' - 12'	5' - 12'	2 - 6	Good	Yes
Andromeda	9' - 12'	6' - 8'	5 - 8	Excellent	
Rhododendron (any type)	6' - 10'	5' - 8'	4 - 8	Fair - Poor	
Spirea (any type)	3' - 8'	3' - 6'	2 - 8	Good	
Lilac (any type)	4' - 15'	4' - 12'	3 - 7	Fair - Poor	
Viburnum (any type)	4' - 15'	4' - 18'	3 - 8	Fair	

Also consider:

Sweet Pepper Bush, Sweet Fern, Panic Grass, Blueberry, Rugosa Rose

GROUNDCOVER:

Bearberry
 Spring Heath
 Edging Candytuft
 Shrubby Cinquefoil
 Snowberry
 Lilly-of-the-Valley
 Lavender
 Hens-and-Chicks
 Myrtle

DUE TO THEIR INVASIVE NATURE, PLEASE TRY TO AVOID PLANTING THE FOLLOWING:

Barberry	Norway Maple
Bittersweet	Plane Tree Maple
Burning Bush	Russian or Autumn Olive
Honeysuckle	Privet
Multiflora Rose	

Acknowledgements:

Drzewucki, Jr., Vincent. 1998. *Gardening in Deer Country*. The Brick Tower Press, New York, NY 10128
 Kellum, Jo (Writer & Illustrator). 2001. *Landscaping 1-2-3*. Meredith Books, Des Moines, IA 50309
 Seaton, Nancy. 2003 Curator of Lily Pool Terrace & Magnolia Collection. Brooklyn Botanic Garden Brooklyn, NY 11225

Appendix 8

Private Road, Street,
Accessway Acknowledgement

(See Regulations, Section 13.4.F)

(Private Road, Street, Accessway)

Acknowledgment

I/We affirm, understand, and acknowledge as follows:

1. The private road/accessway abutting my/our property located at _____ is not a public highway;
2. The road/accessway will not be offered for acceptance by the Town as a public highway unless and until it has been constructed to Town Road Specifications at no cost to the Town;
3. A licensed, professional engineer shall certify the construction of the road/accessway; and
4. A one-year maintenance bond shall be provided to the Town at the time of the road's acceptance.

Date: _____

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Appendix 9
Aquifer Protection Area Regulations
And Map Area
For
Bethany, Connecticut

Effective October 1, 2006

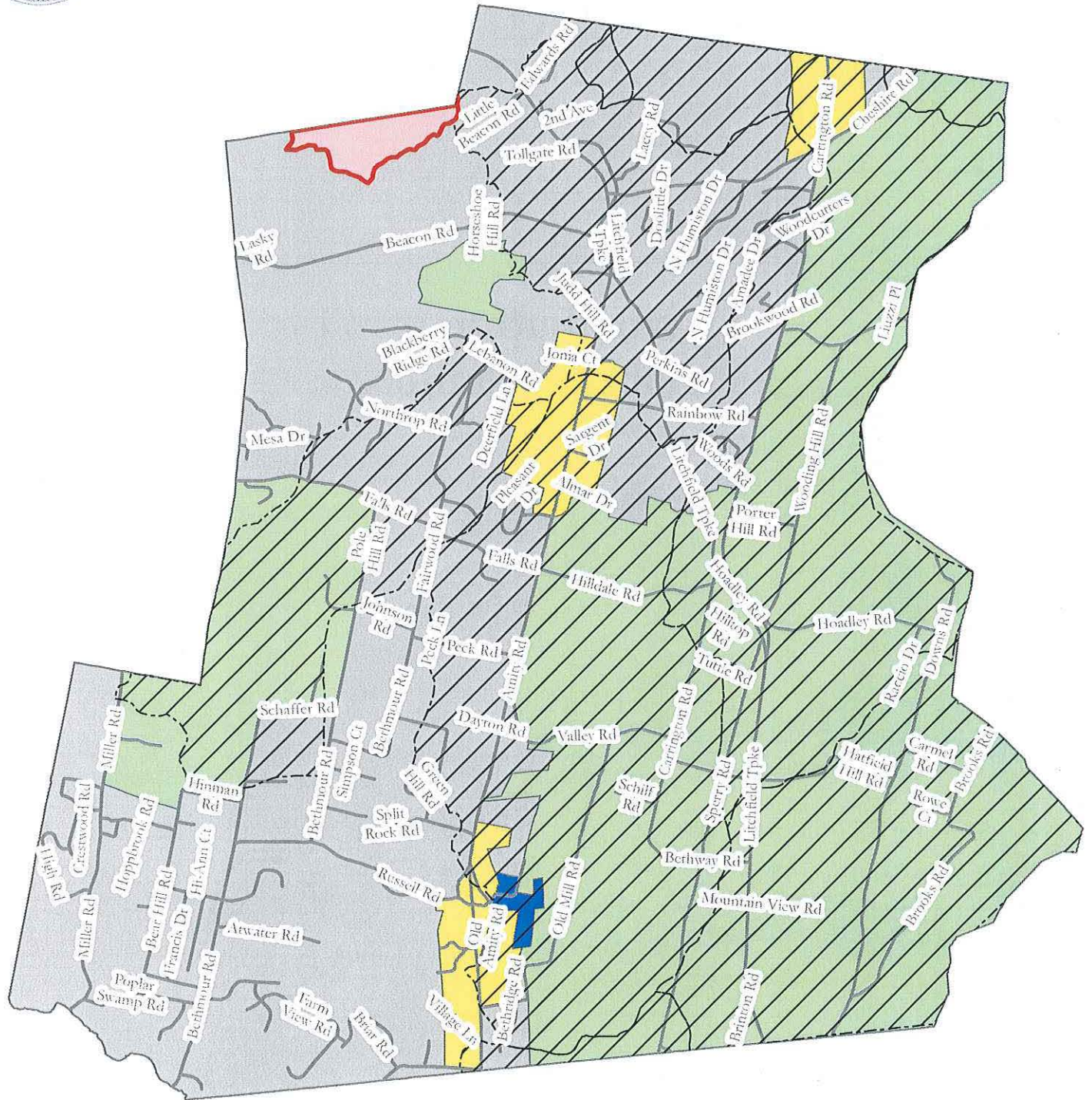
Amended March 5, 2008, Effective May 1, 2008







Amended April 6, 2011, Effective April 15, 2011



Town of Bethany, CT

Zoning Districts



- ZONE**
-  Housing Opportunity Development
 -  B-I
 -  R-130
 -  R-65
 -  Aquifer Protection Area
 -  PWS Watersheds

Disclaimer:
 This map is for informational purposes only.
 All information is subject to verification by any user.
 The Town of Bethany and its mapping contractors
 assume no legal responsibility for the
 information contained herein.



Aquifer Protection Area Regulations Bethany, CT

SECTION 1. Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the Town of Bethany by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
 - (2) delineating aquifer protection areas on the city/town zoning or inland wetland and watercourse areas maps;
 - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
 - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the Town of Bethany.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The Planning & Zoning Commission of the Town of Bethany is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective January 26, 2006 (?), and shall implement the purposes and provisions of the APA Ordinance and the Act.

- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the Town of Bethany pursuant to the Act.

SECTION 2. Definitions

- (a) As used in these regulations, the following definitions apply:
 - (1) "Affected water company" means "affected water company" as defined in §22a-354h of the Connecticut General Statutes;
 - (2) "Agency" means the board or commission authorized by the municipality under §22a-354o of the Connecticut General Statutes;
 - (3) "Agriculture" means "agriculture" as defined in the §1-1(q) of the Connecticut General Statutes;
 - (4) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
 - (5) "Application" means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
 - (6) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
 - (7) "Area of contribution" means "area of contribution" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
 - (8) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;
 - (9) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;

- (22) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;
- (23) "Owner" means the owner or lessee of the facility in question;
- (24) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (25) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (26) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (27) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (28) "Professional engineer" means a professional engineer licensed in accordance with chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (29) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (30) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (31) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;
- (32) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (33) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (34) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;
- (35) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in

- (10) "Commissioner" means the commissioner of environmental protection, or his or her agent;
- (11) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;
- (12) "Facility" means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person;
- (13) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (14) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (15) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (16) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (17) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (18) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (19) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB);
- (20) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;
- (21) "Lubricating oil" means oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;

§22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:

- (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i) an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,
- (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,
- (C) on-site storage of hazardous materials for the purpose of wholesale sale,
- (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,
- (E) salvage operations of metal or vehicle parts,
- (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit from the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, (v) swimming pools,
- (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (H) production or refining of chemicals, including without limitation hazardous materials or asphalt,
- (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,
- (J) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,

- (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations,
- (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
- (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,
- (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,
- (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,
- (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching,
- (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,
- (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes,
- (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,
- (X) storage of de-icing chemicals, unless such storage takes place within a weather-

tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,

- (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area,
- (Z) dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,
- (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and
- (BB) pulp production processes that involve bleaching;
- (36) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
- (37) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
- (38) "Storage" means the holding or possession of any hazardous material;
- (39) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
- (40) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;
- (41) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
- (42) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile;
- (43) "Waters" means "waters" as defined in §22a-423 of the Connecticut General Statutes;
- (44) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and

- (45) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

SECTION 3. Delineation of Aquifer Protection Area Boundaries

- (a) The zoning, planning, or planning and zoning commission shall delineate the aquifer protection areas on the Town of Bethany zoning district map or, if zoning district maps do not exist, the inland wetland and watercourse areas map adopted pursuant to §22a-42a the Connecticut General Statutes. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
- (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of Bethany.
- (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
- (A) a map or detailed description of the subject aquifer protection area; and
- (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
- (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
- (A) A map to scale delineating (i) the aquifer protection area boundary mapped under section 3(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;
- (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:
- (i) Such notice shall include at least the following:
- (aa) A map showing the aquifer protection area boundaries and the

proposed extension of such boundaries,

- (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and
 - (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;
- (ii) Such notice shall be effectuated by the following:
 - (aa) Delivery of notice by certified mail to those individuals and entities identified in subsection (b)(1)(B) of this section, or
 - (bb) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2'); and
 - (iii) a summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.
- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with subsection (a) of this section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
 - (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the Office of the City/Town Clerk or the Agency.
 - (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with subsections (a) or (b) of this section.

SECTION 4. Prohibited and Regulated Activities

The following regulated activities are not prohibited in aquifer protection areas:

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in subsection (b) of this section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
 - 1) A registered regulated activity which is conducted in compliance with

Section 22a-354i-9 of the Regulations of Connecticut State Agencies or section 12 of the APA Regulations; and

- 2) A regulated activity which has received a permit issued pursuant to Section 22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of the APA Regulations.
 - 3) A regulated activity which is on any municipally owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, provided:
 - (1) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, and
 - (2) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Environmental Protection and in accordance with the provisions of Section 22a-354i-7 of the Regulations of Connecticut State Agencies.
- (c) The following are not regulated activities:
- (1) Any activity conducted at a residence without compensation;
 - (2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;
 - (3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;
 - (4) any activity provided all the following conditions are satisfied:
 - (A) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (B) such activity involves no more than 10% of the floor area in the building where the activity takes place,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times,
 - (D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and
 - (E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with

SECTION 5. Activities Regulated by the State

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas that are specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities.
- (b) Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.

The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this section in accordance with the Connecticut General Statutes §22a-354p(g).

SECTION 6. Application for an Exemption from Prohibition or Regulation

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

SECTION 7. General Registration, Permit Application and Transfer Procedures

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under sections 8 or 9 of the APA Regulations shall be

such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;

- (5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:
 - (A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,
 - (B) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times, and
 - (D) such activity does not involve: (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and
- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2000) gallons or less provided all the following conditions are satisfied:
 - (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
 - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms, and
 - (C) all associated piping is either above ground, or has secondary containment.

(d) Determination of a non-regulated activity

- (1) Any person proposing to carry out a non-regulated activity, as set forth in section 4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
- (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

assigned or transferred except with written approval by the Agency.

- (g) The agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the property affected by a decision of such agency is within five-hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site 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 sewerage system with the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

SECTION 8. Registration Requirements

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, or for any municipally owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map, shall register the activity in accordance with this section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.
- (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
 - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration with the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning map or inland wetland map. Any person submitting a registration pursuant to the requirements of this subsection shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.
- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with section 18 of the APA Regulations. Such registration forms may be obtained from the Bethany Town Clerk or the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
 - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,

- (B) owner of such facility if different than the registrant, and
 - (C) manager or operator overseeing the operations of such facility;
- (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
 - (3) an identification of the regulated activity or activities conducted at the facility, as described in 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and
 - (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
 - (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
 - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
 - (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
 - (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the

registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.

- (f) The following general provisions shall be included in the issuance of all registrations:
 - (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
 - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
 - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
 - (5) if a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.
- (g) If a regulated activity which is eligible for registration in accordance with subsection (a) of this section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or municipal aquifer protection agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in subsection (f)(5) of this section.
- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

SECTION 9. Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.

- (b) The Agency shall process permit applications for those registrants that have registered pursuant to section 8 of the APA Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within sixty-five (65) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these time frames, provided the total extension of all such periods is sixty-five (65) days or less.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with section 18 of the APA Regulations. Such permit application forms may be obtained from the Bethany Town Clerk or the Agency. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:
 - (1) The information as required for a registration under section 8(b) of the APA Regulations shall be provided for the proposed regulated activity;
 - (2) a confirmation and certification that the existing and proposed activity:
 - (A) remains and shall remain in compliance with section 12(a) of the APA Regulations,
 - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
 - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;
 - (3) a materials management plan in accordance with section 12(a) of the APA Regulations;
 - (4) a storm water management plan in accordance with section 12(b) of the APA Regulations;
 - (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five years immediately preceding the date of the application:
 - (A) any criminal conviction involving a violation of any environmental protection law,

- (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars imposed in any administrative proceeding, and
 - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;
- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
 - (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

- (e) The Commissioner, any affected water company or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- (g) The Agency may hold a public hearing on an application for a permit in accordance with section 10 of the APA regulations.
- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
 - (1) the proposed regulated activity shall take place at a facility where a registered regulated activity occurs;

- (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with section 12(a)(3) of the APA Regulations;
 - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with sections 12(a) and 12(b) of the APA Regulations;
 - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with subsection (d)(2) of this section;
 - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
 - (6) the proposed regulated activity shall be conducted in accordance with section 12 of the APA Regulations;
 - (7) the existing regulated activity is being conducted in accordance with section 12 of the APA Regulations; and
 - (8) the certification required under subsection (d)(7) of this section has been signed by the applicant and the individual responsible for preparing the application.
- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this section to assure protection of the ground water, including, but not limited to the following:
- (1) best management practices in addition to those set forth in section 12 of the APA Regulations; and
 - (2) ground water monitoring.
- (j) The following general provisions shall be included in the issuance of all permits:
- (1) the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;
 - (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or

municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;

- (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
 - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this section.
 - (5) The Agency shall notify the applicant or permittee within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
- (k) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
- (l) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

SECTION 10. Public Hearings Regarding Permit Applications

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each city/town where the affected aquifer, or any part thereof, is located.
- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.

- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.
- (g) In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 9(c), totals sixty-five (65) days or less.
- (h) The applicant or permittee shall be notified of the Agency's decision in accordance with section 9(k) of the APA Regulations.

SECTION 11. Bond and Insurance Relevant to Permit Applicants

- (a) An applicant may be required to file a bond as a condition of the permit.
- (b) Any bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

SECTION 12. Best Management Practices

- (a) Every regulated activity shall be conducted in accordance with the following:
 - (1) hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:
 - (A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in section 2 of the APA Regulations,
 - (B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,
 - (C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,
 - (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger,

without overflow of released hazardous material from the containment area,

- (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,
 - (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
 - (G) hazardous material shall be stored only in an area that is secured against un-authorized entry by the public, and
 - (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;
- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
 - (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a 25% increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
 - (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
 - (5) a materials management plan shall be developed and implemented in accordance with the following:
 - (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
 - (i) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,

- (ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:
 - (aa) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (bb) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (cc) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,
 - (iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,
 - (iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and
 - (v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;
- (B) when a materials management plan is required under either section 8(c) or 9(d) of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
- (C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency.

- (b) The development and implementation of a storm water management plan required for regulated activities in accordance with sections 8(c) and 9(d) of the APA Regulations, shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

SECTION 13. Other State, Federal and Local Laws

- (a) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Bethany, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the Town of Bethany zoning or subdivision regulations.

SECTION 14. Enforcement

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:
 - (1) Issue a notice of violation.
 - (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
 - (B) The Agency may request that the person appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under subsection (2) of this section or other enforcement proceedings as provided by law.

- (2) Issue a written order.
 - (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.
 - (B) Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.
- (3) Suspend or revoke registration or permit.
 - (A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
 - (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the Town of Bethany.
- (c) An order issued pursuant to subsection (b)(2) shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to subsection (b)(3) of this section.
- (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

SECTION 15. Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.

- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the date that the filing date. The provisions of this section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

SECTION 16. Appeals

- (a) Appeal of the Agency's regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

SECTION 17. Conflict and Severance

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

SECTION 18. Registration and Permit Application Fees

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Town of Bethany at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection (f) of this section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on a fee schedule adopted by the Agency.
- (e) Boards, commissions, councils and departments of the Town of Bethany are exempt from all fee requirements.
- (f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully

the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:

- (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
- (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the City/Town for reviewing and processing the application.

(g) Extra Assessments

In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred in processing the registration or permit application the applicant/registrant may be assessed an additional fee not to exceed actual cost.

For the purpose of this assessment, an “outside consultant” means a professional who is not an employee of the Town of Bethany including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

- (h) The Agency shall state upon its record the basis for all actions under this section.

SECTION 19. Effective Date of Regulations

The APA Regulations, APA boundaries and amendments thereto, shall become effective upon (1) the Commissioner’s determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the City/Town Clerk.

APPENDIX 10

DIGITAL MAPPING DATA SUBMISSION REQUIREMENTS

1. Submission of a hardcopy map format, without digital data, will be subject to additional fees.
2. All digital mapping data must be delivered in one of the following formats: (To be verified by Town Engineer of GIS Consultant).
 - a) AutoCAD dwg.
 - b) AutoCAD dxf.
 - c) Arc/Info shape file
 - d) Arc/Info export file (eOO)
 - e) ArcGIS personal geodatabase
3. If delivered as a series of tiled CADD files, the features that cross sheet boundaries must precisely match at the join lines.
4. Line features in CADD files will employ line styles for graphically differentiating features, such as dashed lines for unpaved roads. Continuous lines that have been broken to appear like dashed lines are not acceptable.
5. All text in CADD files will be in separate layers. Map features under test should not be erased in order to make the text clearer, such as contour lines and their associated elevation value text.
6. Features must be thematically organized in the CADD or GIS data structure. For example, there must be separate CADD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CADD layer or GIS file will not be accepted.
7. The submission of data must also include documentation on the method used to gather the data along with an estimation of the horizontal and vertical accuracy and date of data capture.
8. All features represented in a digitally submitted AutoCAD or GIS drawings must be registered to the CT State Plane Coordinate System using NAD 1983 datum.
9. The fee for any revision to the GIS mapping as a result of an approved subdivision plan shall be paid by the applicant. No map shall be deemed complete and ready for recording with the Town Clerk unless this fee has been received from the applicant.

APPENDIX 11

LAND USE-RELATED APPLICATIONS

FEE SCHEDULE

ARTICLE I. LAND USE-RELATED APPLICATIONS

§ 129-1. Fee schedule established.

Pursuant to Section 8-1c of the Connecticut General Statutes, the following schedule of fees shall pertain to the processing of applications by the Planning and Zoning Commission, the Zoning Board of Appeals, and the Inland Wetlands and Watercourses Commission, and the Zoning Enforcement Officer; and such fees shall be paid at the time the application is filed:

A. Zoning permit for zoning approval of construction:

1. Residence or residential property:

a. New construction:

- (1) By ZEO: One hundred twenty five dollars (\$125)
- (2) By Commission: One hundred fifty dollars (\$150)

b. Addition:

- (1) By ZEO: Seventy five dollars (\$75)
- (2) by Commission One hundred dollars (\$100)

c. Modification to existing, valid permit:

- (1) By ZEO: Fifty dollars (\$50)
- (2) By Commission: One hundred dollars (\$100)

d. Site Plan Review:

- (1) By ZEO: One hundred seventy five dollars (\$175)
- (2) By Commission: Two hundred dollars (\$200)

2. Business or business property:

a. New construction:

- (1) By ZEO: Two hundred twenty five dollars (\$225)
- (2) By Commission: Two hundred fifty dollars (\$250)

b. Addition:

- (1) By ZEO: One hundred twenty five dollars (\$125)
- (2) By Commission: One hundred fifty dollars (\$150)

c. Modification to existing, valid permit:

- (1) By ZEO: One hundred twenty five dollars (\$125)
- (2) By Commission: One hundred fifty dollars (\$150)

d. Site Plan Review:

- (1) By ZEO: Three hundred twenty five (\$325)
- (2) By Commission: Three hundred fifty dollars (\$350)

e. Change of use:

- (1) By ZEO: One hundred twenty five dollars (\$125)
- (2) By Commission: One hundred fifty dollars (\$150)

- B. Special Exception permit, with required public hearing: Three hundred fifty dollars (\$350)

- C. Subdivision:
 - 1. Per lot fee for subdivision without public hearing: Three hundred dollars (\$300)
 - 2. Per lot fee for subdivision or re-subdivision with public hearing: Three hundred fifty dollars (\$350)
 - 3. Special Exception rear lot; application fee, with public hearing: Three hundred fifty dollars (\$350)
 - 4. Per lot fee for special exception rear lot: One hundred fifty dollars (\$150)
 - 5. New road review fee, per 100 feet or any portion thereof: One hundred dollars (\$100)

- D. Zoning change:
 - 1. Text change (each): Five hundred fifty dollars: (\$550)
 - 2. Map change (each): Five hundred seventy five dollars: (\$575)

- E. Home occupation, professional office, or roadside stand permit: Seventy five dollars (\$75)

- F. Certificate of Zoning Compliance:
 - 1. Residential: Fifty dollars (\$50)
 - 2. Business: Seventy five dollars (\$75)

- G. Sign Permit: Fifty dollars (\$50)

- H. Temporary sign or other permit: Fifty dollars(\$50)

- I. Hearing petition: Three hundred fifty dollars (\$350)

- J. Earth removal:
 - 1. Administrative permit: Three hundred dollars (\$300)
 - 2. Special Exception permit with public hearing: Five hundred fifty dollars (\$550)

- K. Flood Hazard Area permit: Two hundred fifty dollars (\$250)

- L. Hearing fee, if not included above: Three hundred fifty dollars (\$350)

- M. Zoning Board of Appeals applications with public hearing: Three hundred fifty dollars (\$350)

- N. Inland Wetlands and Watercourses Commission applications
(NOT ADDRESSED IN THIS DOCUMENT)

Appendix 12

Special Permit Application Process Narrative

APPLICATION PROCESS FLOW CHART NARRATIVE

INTRODUCTION

This guide describes the Bethany Planning and Zoning Commission's land use permitting process. It takes an applicant step by step from the initial phase of preparing a Special Permit/ Special Exception application through construction. While the Planning Department strives to keep this document up-to-date, various amendments to the regulations will impact how the process works. The Town of Bethany seeks excellence in land-use applications, the details of which are firmly grounded in the Zoning and Subdivision Regulations, and other documents such as the Town Code. Applicants need to be aware of various regulatory requirements since they must be followed in order to successfully obtain a Special Permit/ Special Exception Permit.

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POST CONSTRUCTION STEPS / 7

Commonly used abbreviations:

ZR = Zoning Regulations

PZC = Planning and Zoning Commission

IWWC = Inland Wetland and Watercourse Commission

POINT OF CONTACT

Planning & Zoning Department

Zoning Enforcement Officer

Bethany Town Hall

4 Peck Road

Bethany, CT 06524

Phone: (203) 393-2100

Email: ikearns@bethany-ct.com

PRELIMINARY STEPS

A. ZONING DISTRICT. Determine the Zoning District your property is located in, and the zone's permitted uses, accessory uses and special permit uses (see ZR Table 5.1.2 for residential zones and ZR Table 5.2.2 for commercial/industrial zones). Is the proposed use allowed in the district? Are any buffer or non-infringement areas required? Pay close attention to the actual use of abutting properties since many zones have buffer requirements to protect adjacent land uses.

B. AQUIFER PROTECTION OVERLAY DISTRICT (APOD). Certain land uses located in the APOD may be prohibited or restricted (ZR 7.7). Check with Planning staff to see if the property is located in this zone.

C. FLOOD HAZARD OVERLAY DISTRICT (FHOD). Determine if the property is in the Flood Hazard Overlay District. The Zoning Regulations have additional requirements for properties that are located in a FEMA-designated Flood Hazard Area (ZR 7.6). Planning staff can determine if your property is located in the flood zone.

D. PARKING REQUIREMENTS. Parking requirements must be satisfied to obtain zoning compliance (ZR 9.4). Keep in mind the need for handicapped spaces and loading spaces.

E. SIGNAGE. Signage is often an after-thought, but it is always a critical component of commercial development. Signage information is located in ZR 9.3.

F. ARCHITECTURAL STYLE. The PZC will provide commentary on submitted site plan and special permit applications for commercial, industrial, institutional, and multi-family residential developments, with regard to the scale, massing, colors and proportions of buildings, landscaping, public spaces, lighting and signage. Please check with Planning Department staff for guidance on how this process works.

G. NON-CONFORMITIES

Non-Conforming Lot -- A property that fails to meet the Bulk Requirements of the Zoning District in which it is located.

Non-Conforming Use -- A use which is not permitted in the Zoning District in which the property is located.

Legal Non-Conformity -- A use that is allowed to continue to operate on the site and could receive additional permits (sometimes called "Grandfathering"). No action can be undertaken without approval from the Zoning Enforcement Officer.

Illegal Non-Conformity -- An illegal use constituting a violation of the Zoning Regulations that could be subject to Zoning Enforcement Action to remedy the violation.

H. LOT COVERAGE. Each Zoning District has its own lot coverage requirements, which can significantly impact an applicant's proposal. Please familiarize yourself with this requirement. See Section 4 to determine the lot coverage requirements allowed on the property.

I. INLAND WETLANDS AND WATERCOURSES.

1. Activities within or near freshwater wetlands, ponds or streams are not regulated by the PZC; rather, they fall under purview of the Bethany Inland Wetland and Watercourse Commission (IWWC). If there are inland wetlands or watercourses upon or adjacent to the property, it will be probably be necessary to retain services of a Certified Soils Scientist to flag and map the boundaries of these features. The IWWC also regulates activities within the upland review area, measured 100 feet horizontally from the edge of a wetland or watercourse.
2. Applicants must proceed through each permitting process independently of the other. Under the Connecticut General Statutes, the submission of a Special Permit/ Special Exception application cannot precede the submission of an IWWC application. An application to the IWWC must be approved PRIOR TO the PZC's approval of a Special Permit/ Special Exception application.

J. CONSERVATION COMMISSION. All applications shall be referred to the Conservation Commission for review and comment. These comments shall be transmitted to the PZC no later than the start of the required public hearing on the matter.

APPLICATION SUBMISSION

A. PRE-APPLICATION MEETING. A pre-application review with Planning Department staff, while not mandatory, allows an applicant to discuss pertinent regulations and procedures. The objective is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal costs associated with preparing a detailed application, and to reduce time spent on formal plan reviews and public hearings. However, a positive pre-application meeting shall not be considered approval of a project or any of its elements. Please contact the Planning Office to schedule a meeting – (203) 393-2100.

B. APPLICATION. Applicants are required to submit the following documentation:

1. 11 copies of a completely filled in Application Form (including "Complete Application Checklist")
2. Application Fee per Town Ordinance
3. 11 copies of a Site Plan
4. 5 copies of all supporting documents as required by zoning regulations (Application Documents)
5. One copy of the following:
 - Property Deed / Legal Description
 - List of all abutting property owners. Abutting property owners include properties across any street, highway, stream, and right-of-way.

C. SUBMISSION. Deliver the application to the Planning Department for processing. New Submissions are received by the PZC at their Regular Monthly Meeting, held on the first Wednesday of each month.

D. STAFF REVIEW. Site Plan submissions shall be deemed complete when the Planning Department has certified it contains all items as specified by the Zoning Regulations. If an application lacks required information, including waivers that have not been requested and justified, such deficiencies shall be noted in the staff report to the Commission. Incomplete applications risk denial. Staff conducts a technical review of the application, and will develop comments for use by the applicant.

E. SUBMISSION DEADLINES. Applicants are encouraged to modify the site plan or other application materials based on comments received from staff or outside reviewing agencies or consultants. Modified plans must be received by the Planning Department not less than **7 calendar days prior to the initial scheduled Public Hearing**. After the initial public hearing, applicants are permitted to submit revised information sought by the PZC not less than five (5) calendar days before the date of the continued hearing, if necessary.

WRITTEN IMPACT STATEMENT

Applicants seeking a Special Permit / Special Exception are required to prepare and submit an Impact Statement, Narrative regarding the application. The Impact Statement shall provide the following information. Descriptions of proposed activities and anticipated impacts must be robust and clearly worded. Mitigation measures should not be worded with implied meaning; rather, such measures shall be explicitly specified in the report.

- General description of existing conditions including, but not limited to, environmental features, traffic, zoning, character of the area and public utilities.
- Description of the proposed activity and its expected impact in reference to the natural environment, stormwater drainage, roadways and traffic, zoning and character of the surrounding area.
- Proposed mitigation measures, defined as strategies intended to minimize both on-site and off-site impacts caused by the proposed development. The timing for implementation of mitigation measures should be clearly specified, along with the name and contact information for the party responsible for such measures.
- Anticipated demand on utilities and public facilities including groundwater or sanitary disposal, existing drainage systems, water supply and fire protection. The Commission may require such information incorporated into the findings of fact or placed on the Site Plan.
- Existing and proposed hours of operation for each use on the site.

PUBLIC HEARINGS

A. SCHEDULING THE PUBLIC HEARING.

All Special Use Permit applications require a public hearing. The PZC has 65 days from the Date of Receipt to schedule and open a public hearing. Once opened, a public hearing may be continued for up to 35 days. Applicants may grant the Commission an extension for hearing scheduling pursuant to state law (see C.G.S. Section 8-7d).

B. NOTIFICATION. Once a public hearing for a Special Use Permit is scheduled the applicant must mail written notification of the hearing time, location, and date of the hearing to all abutting property owners. This notification must be mailed not less than 15 calendar days prior to the public hearing and a proof of mailing, in the form of Certified Mail receipts or a Certificate of Mailing must be brought to the Planning Department at least 5 days prior to the public hearing.

C. ATTENDANCE. Applicants are expected to be present for all meetings at which their business is on the agenda. The PZC will not discuss an application prior to the opening of the advertised public hearing.

D. BONDING. The Commission may require the posting of a Performance Bond in an amount and of duration necessary to assure and guarantee completion of site improvements such as, but not limited to, site grading, stormwater drainage, lighting, screening, landscaping, and other improvements indicated on the final site plan. The total estimated Performance Bond shall also include a 15% addition to cover contingencies and engineering costs which may be incurred by the Town. As a condition of approval, the applicant may also have to post a bond in an amount equal to costs deemed necessary by the Director of Public Works or Town Engineer for installing and maintaining appropriate sediment and erosion control measures.

E. VOTES. After close of a public hearing, the PZC has up to 65 days during which a decision can be rendered. The Commission has three options: 1) approve an application and site plan as presented; 2) grant approval subject to modifications or changes; or 3) deny an application.

F. NOTICE OF DECISION. The PZC's decision is not final until a legal notice has been posted in the local newspaper, which per statute must be published within 15 days of the decision. Applicants should also be aware of the legal appeal period which is 15 days from the date of legal notice publication.

STANDARDS FOR GRANTING A SPECIAL USE PERMIT

After the close of a public hearing, the PZC must find that the following conditions are fulfilled by the proposal:

1. That the proposal is adequately served by a sufficient water supply, and sanitary facilities will function without pollution.
2. That the public is fully protected by fire, safety, and security equipment designed to eliminate hazards.
3. That transportation services are adequate and no undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the motoring public.
4. That it will not create, at any point of determination as set forth in the Zoning Regulations, any dangerous or objectionable elements to area residents.
5. That no adverse effect will result to the character of the district, property values, historic features, prosperity, nor to the public health, safety and welfare of the residents of the area or the Town.
6. That no deleterious impact to irreplaceable environmental resources will result.
7. All applicable regulations (State, Federal, and local) have been complied with satisfying all design, procedural, and review requirements.

8. Consistency with Bethany Plan of Development and all amendments thereto.

APPROVAL STEPS

A. APPROVAL NOTIFICATION. A letter will be sent to the applicant outlining the following steps:

1. Final plans cannot be submitted until the applicant has received written stipulations from the PZC. Final plans will not be signed until such stipulations have been included as plan modifications or conditions. **PZC stipulations must be printed onto the final plans by the applicant.**

2. A "proof" copy of the final plans is submitted to the Planning Department for review and comment (This is not required for applications where the PZC has not modified the plans).

3. All final documents related to the project must be delivered to the Planning Department. These may include: required bonds, easements, open space dedication, etc. A Zoning Permit Application will not be approved until items have been submitted, or a schedule for submission has been agreed upon by the Planning Department.

4. Final plans required are as follows:

One (1) plan set on Mylar. Mylars are required to meet requirements of C.G.S. Section 7-31.

Five (5) sets of plans on paper. The Planning Department may choose to waive this requirement, when it is deemed appropriate to do so.

Submission of plans in digital format (AutoCAD).

B. COMMISSION SIGNATURES. The Planning Department submits final plans for the PZC Chairperson's signature. Plans are normally signed at the Commission's next Regular or Special Meeting.

C. PLAN RECORDING. After signing, Special Use Permit plans must be filed on the Land Records in the Town Clerk's Office. A copy of the Town Clerk's recording must be delivered by the applicant to the Planning Department as part of a Zoning Permit application.

D. ZONING PERMIT.

1. A Zoning Permit is required prior to commencing any construction. The Zoning Permit application is submitted to the Zoning Enforcement Officer.

2. A Zoning Permit will not be issued until all of the approval requirements have been satisfied (See Construction Requirements below).

E. BUILDING PERMIT. Check with the Building Official's Office at (203) 393-2100.

CONSTRUCTION REQUIREMENTS

A. EROSION AND SEDIMENTATION CONTROL. Required Erosion and Sedimentation Control measures must be installed prior to commencement of any construction activity. Failure to maintain Erosion and Sediment Controls will result in issuance of a construction Cease-and-Desist Order or other enforcement actions such as bond revocation by the Town.

B. BONDING. All required bonds must be posted with the Planning Department prior to the commencement of any construction activity, or the issuance of a Zoning Permit in accordance with CGS.

C. INSPECTION FEES. Any required inspection fees must be paid to the Town of Bethany prior to the commencement of any construction activity, or the issuance of a Zoning Permit.

D. PRE-CONSTRUCTION MEETING. A pre-construction meeting shall be scheduled with the Planning Department:

1. The pre-construction meeting may involve several town agencies, including, but not limited to: Town Engineering, Highway, Police, Wetlands, Building, and Zoning.
2. The applicant must provide the name, telephone number and email address of the construction project manager. This person must be able to be contacted 24/7.
3. A timetable of the proposed construction, and weekly reports of construction progress are to be faxed or emailed to the Planning Department as required at the preconstruction meeting.

POST-CONSTRUCTION STEPS

A. CERTIFICATE OF ZONING COMPLIANCE. The applicant shall schedule a site inspection with the Planning Staff and/or Zoning Enforcement Officer.

B. CERTIFICATE OF OCCUPANCY. The applicant shall schedule a CO inspection with the Building Official's Office. **It is illegal to occupy a building until a Certificate of Occupancy has been issued.**

C. BOND RELEASE. Bond release requires approval from the PZC.

1. Written bond release request is submitted by applicant.
2. Staff conducts a site inspection to determine if the landscaping, screening and site stabilization has been completed in accordance with the approved plans. A written recommendation is forwarded to the PZC.
3. A Maintenance Bond equal to 10 percent of the Performance Bond shall remain in place for a period of one year to guarantee workmanship and materials.
4. The remainder of the original bond amount will be released if the final site inspection is satisfactory.

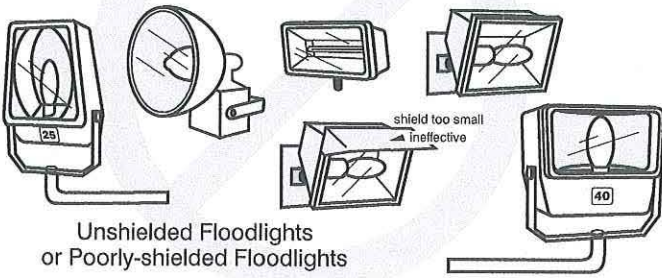
Appendix 13

Examples of Acceptable and Non-Acceptable Lighting Fixtures

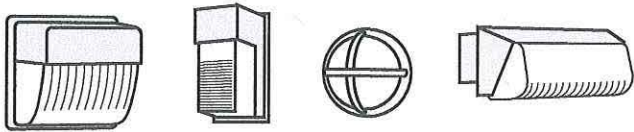
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

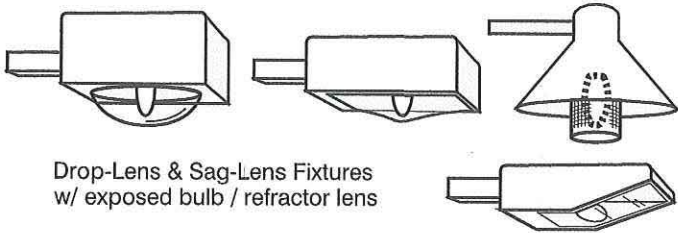
Fixtures that produce glare and light trespass



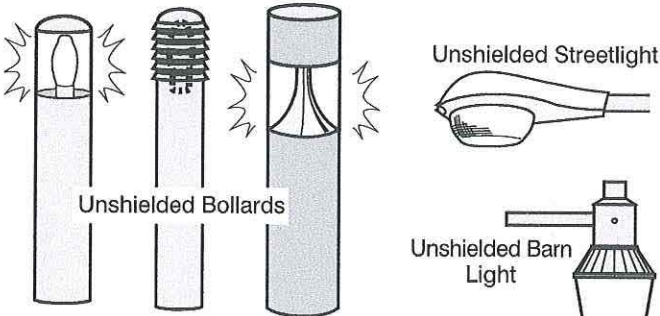
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



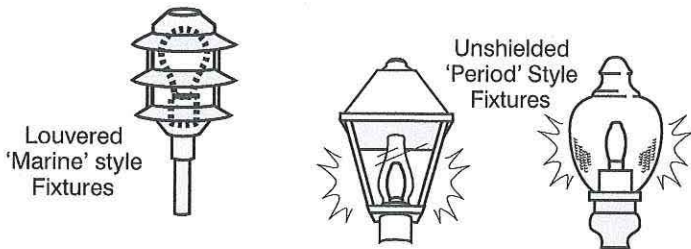
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Bollards

Unshielded Streetlight

Unshielded Barn Light

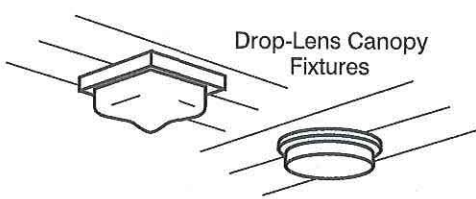


Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures



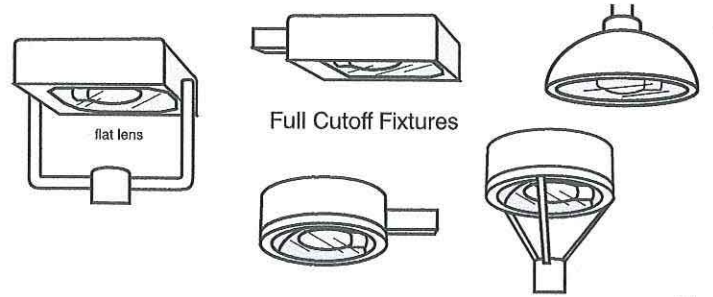
Unshielded PAR Floodlights



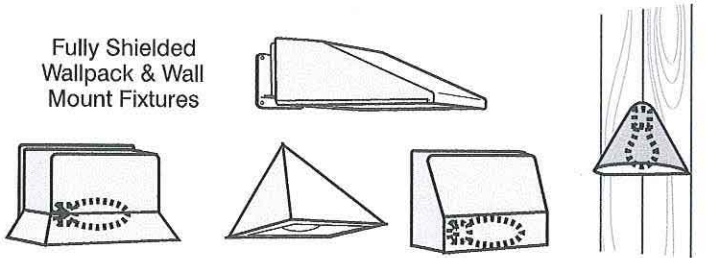
Drop-Lens Canopy Fixtures

Acceptable

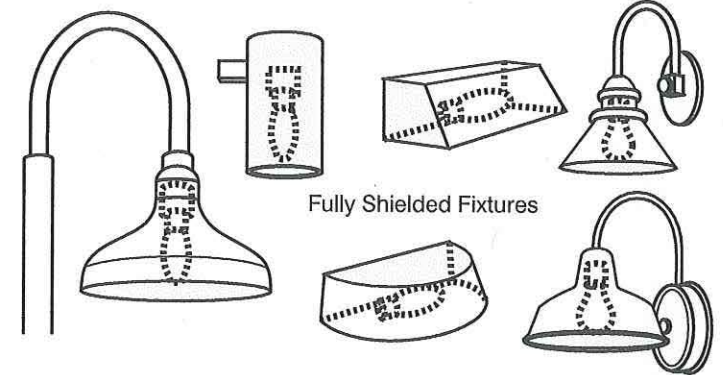
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



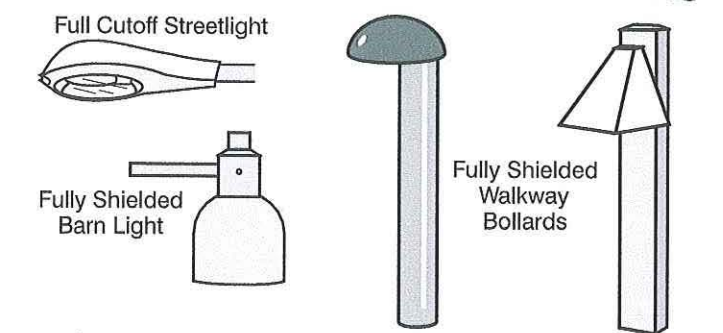
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures



Full Cutoff Streetlight

Fully Shielded Barn Light

Fully Shielded Walkway Bollards

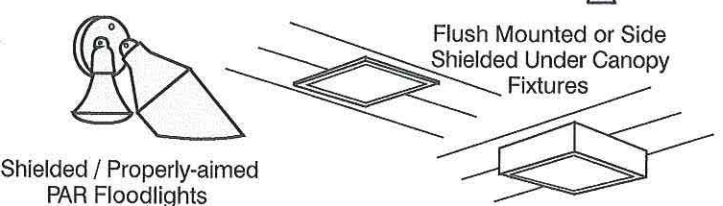


Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures

bulb shielded in opaque top

bulb shielded in opaque top



Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

