WESTBROOK

Zoning Regulations

Westbrook Zoning Commission

Effective September 1, 2019

WESTBROOK, CT

CONTENTS

1. GETTING STARTED 1

A. OVERVIEW 1
B. KEY CONCEPTS 2

2. RESIDENTIAL (R) DISTRICTS 3

A. PURPOSES 3
B. PERMITTED USES AND STRUCTURES 4
C. AREA AND DIMENSIONAL STANDARDS 15

3. BUSINESS DISTRICTS 17

A. PURPOSES 17
B. PERMITTED PRINCIPAL USES AND STRUCTURES 19
C. PERMITTED ACCESSORY USES 26
D. PERMITTED ACCESSORY STRUCTURES 28
E. AREA AND DIMENSIONAL STANDARDS 29
F. CHANGE OF USE 31

4. CONSERVATION DISTRICTS 33

A. COASTAL CONSERVATION DISTRICT (CCD) 33
B. COASTAL AREA MANAGEMENT OVERLAY DISTRICT 34
C. FLOOD PLAIN OVERLAY DISTRICT (FPOD) 38
D. AQUIFER PROTECTION OVERLAY DISTRICT (APOD) 67
E. WATER RESOURCE OVERLAY (WRO) DISTRICT 68

5. SPECIAL DEVELOPMENT TYPES 73

A. PLANNED RESIDENTIAL DEVELOPMENT DISTRICT 73
B. INCENTIVE HOUSING OVERLAY ZONE (IHOZ) 82
C. CONSERVATION SUBDIVISION 89

6. USE-RELATED STANDARDS 99

A. ACCESSORY BUILDINGS 99
B. FENCES 100
C. KEEPING OF ANIMALS 101
D. ACCESSORY APARTMENTS 106
E. REAR LOTS 108
F. HOME OCCUPATIONS 109
G. PARKING OF RECREATIONAL VEHICLES 110
H. SALE OF HOME GROWN PRODUCTS 112
I. RESTRICTION ON UNREGISTERED MOTOR VEHICLES 112
J. CONGREGATE FACILITY 113
K. DRIVE-UP WINDOWS 115
L. TRAILERS AND CONTAINERS 117
M. ADULT ENTERTAINMENT BUSINESSES 121
N. MINIATURE GOLF COURSE 127
O. HELISTOP 128
P. DONATION BINS 129
Q. LODGING-TYPE FACILITIES 130
R. AGRICULTURE-RELATED ACTIVITIES 136

7. DEVELOPMENT STANDARDS 139

A. DESIGN GUIDELINES 139
B. SIGN REGULATIONS 148
C. PARKING / LOADING REQUIREMENTS 159
D. ACCESS MANAGEMENT 167
E. LANDSCAPING 168
F. SIDEWALKS 170
G. CORNER VISIBILITY 171
H. DRIVEWAYS AND PAVED APRONS 171
I. EXTERIOR LIGHTING REQUIREMENTS 172
J. PERFORMANCE STANDARDS 176
K. SOIL EROSION AND SEDIMENT CONTROL 177
L. EARTH EXCAVATION, REMOVAL AND DEPOSIT 179
M. PROTECTION OF SURFACE AND GROUND WATER 180
N. STORMWATER MANAGEMENT REGULATIONS 182

8. SPECIAL PROVISIONS 195

A. FEATURES SUBJECT TO SETBACK / COVERAGE / FLOOR AREA 195
B. DIMENSIONAL EXCEPTIONS 201
C. EXISTING USES 201
D. NON-CONFORMING SITUATIONS 201
E. JUNK 204
F. WIRELESS TELECOMMUNICATION SITES 206

9. PROCEDURES 213

A. PROCEDURAL ELEMENTS 213
B. STAFF PROCEDURES 221
C. PRE-APPLICATION REVIEWS (STAFF / ZC) 224
D. SITE PLAN APPLICATION (ZC) 226
E. SPECIAL PERMIT APPLICATION 231
F. REGULATION AMENDMENT APPLICATION 239
G. ZONE CHANGE APPLICATION 242
H. ZONING BOARD OF APPEALS PROCEDURES 246

10. REGULATORY FRAMEWORK 253

A. AUTHORITY 253
B. PURPOSES 253
C. ZONING MAP 254
D. APPLICATION OF REGULATIONS 254
E. ENFORCEMENT 256
F. SEPARABILITY CLAUSE 256
G. ELECTION OF OFFICERS 256

11. GLOSSARY 257

A. BASIC RULES 257
B. COMMON TERMS 258
C. DEFINITIONS 259

1. GETTING STARTED

A. OVERVIEW

1. The Zoning Map, which is part of these Regulations, divides Westbrook into different zoning districts.

2. These Zoning Regulations identify what is permitted within the different zoning districts.

3. The uses and activities permitted in the different zoning districts and other commonly sought information may be found by determining what zone a specific property is in (see the maps in the Appendix of these Regulations) and then referring to the provisions for the specific district:
   - Section 2 – Residential (R) Districts
   - Section 3 – Business Districts
   - Section 4 – Conservation Districts
   - Section 5 – Special Development Districts

4. Some activities will be subject to the Standards sections in the Regulations and these requirements or limitations may be found there (Sections 6 - 8).

5. If a Zoning Permit or Zoning Commission approval is required, the application requirements can be found in the Procedures section of the Regulations (Section 9).

6. Regulatory language and definitions of terms used in the Regulations are located in the back of the Regulations (Sections 10 - 11).

B. KEY CONCEPTS

1. The Regulations have been adopted to promote the public health, safety, comfort, convenience and general welfare of the community.

2. The Regulations are constructed so that, if something is not permitted, it is prohibited. In addition, uses listed as prohibited are prohibited.

3. The Regulations generally establish minimum requirements although they can also establish maximum limitations.

From the Zoning Map, *identify the zoning district* for the property you are interested in. The Zoning Map is available at Town Hall or on-line at:

www.westbrookct.us

Then, go the section of the Zoning Regulations related to that district to learn about applicable provisions.

2. RESIDENTIAL (R) DISTRICTS

This Section contains provisions for the following zoning districts:

- **RR** Rural Residential District
- **LDR** Low Density Residential District
- **MDR** Medium Density Residential District
- **HDR** High Density Residential District (including HDR-2)

Other residential districts or types may be located in Section 5 of these Regulations.

A. PURPOSES

1. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.

2. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.

3. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values in accordance with the standards in the Regulations.

B. PERMITTED USES AND STRUCTURES

Organization of Use Tables On Following Pages

1. **RESIDENTIAL-RELATED USES AND STRUCTURES**
   - Single-family detached dwelling
   - Two family dwelling
   - Congregate facility
2. **AGRICULTURE-RELATED USES AND STRUCTURES**
   - Farm
   - Outdoor Nursery
   - Greenhouse Nursery
3. **PUBLIC / INSTITUTIONAL USES AND STRUCTURES**
   - Town or Municipal Facility
   - Place of Worship
   - Educational / Other Institution
4. **BUSINESS-RELATED USES AND STRUCTURES**
   - Day-Care Center (Child Or Adult)
   - Commercial Horse Operation
   - Kennel
5. **OTHER PRINCIPAL USES AND STRUCTURES**
   - Public Utility Facilities
   - Cemetery
   - Park / Open Space
6. **PARKING / STORAGE OF COMMERCIAL VEHICLES**
7. **OTHER ACCESSORY USES AND STRUCTURES**

Legend For Approval Type

NR	Zoning Approval Not Required	
ZP	Zoning Permit Approval	(Staff)
SP1	Site Plan Application	(Commission)
SP2	Special Permit Application	(Commission)
X	Not Permitted In The District	

In the Districts listed below, buildings and land may be used and buildings may be erected or altered for the following uses indicated for that District and no other:

1. RESIDENTIAL-RELATED USES AND STRUCTURES

Single-Family Detached Dwelling	RR	LDR	MDR	HDR HDR-2	Reference
1. One (1) single-family detached dwelling	ZP	ZP	ZP	ZP	
1.1. Accessory Structures / Uses (also see Section 2.B.1.7)					
1.1.1. Uses that are customary and incidental to a single-family dwelling when in accordance with Section 6 of these Regulations	NR	NR	NR	NR	6
1.1.2. One or more structures accessory to a single-family dwelling provided that not more than one such structure may be a greenhouse or membrane structure and such greenhouse or membrane structure shall not exceed 200 SF in coverage.	ZP	ZP	ZP	ZP	6 8.A
1.1.3. Any building or structure larger than the area of the footprint of the house shall be set back from all property lines by a distance the greater of 1) the height of the accessory structure or 2) 1.5 times the setback required for the district.	ZP	ZP	ZP	SP2	6 8.A
1.1.4. Other structures and/or uses accessory to a single-family dwelling not in accordance with Section 1.1 or 1.2 above.	SP2	SP2	SP2	SP2	6 8.A
1.2. Keeping of Animals					
1.2.1. Keeping of animals when in accordance with Section 6.C	NR	NR	NR	NR	6.C
1.2.2. Kennel as an accessory use in accordance with Section 6.C	SP2	x	x	x	6.C
1.2.3. Other keeping of animals not in accordance with Section 6.C	SP2	SP2	SP2	x	

(continued)

	RR	LDR	MDR	HDR HDR-2	Reference
1.3. Business-Related Activities					
1.3.1. Home Office in accordance with Section 6.F	NR	NR	NR	NR	6.F
1.3.2. A family child care home licensed by the Connecticut Office of Early Childhood	NR	NR	NR	NR	
1.3.3. A roadside stand for sale of home grown products in accordance with Section 6.H	Approval Type Varies	Approval Type Varies	Approval Type Varies	Approval Type Varies	6.H
1.3.4. Minor Home Occupation in accordance with Section 6.F	ZP	ZP	ZP	ZP	6.F
1.3.5. A group child care home licensed by the Connecticut Office of Early Childhood	ZP	ZP	ZP	ZP	
1.3.6. Bed and breakfast establishment in accordance with Section 6.Q	SP2	SP2	SP2	SP2	6.Q
1.3.7. Boarding, lodging, or rooming facility in accordance with Section 6.Q	SP2	SP2	SP2	SP2	6.Q
1.4. Accessory Living Unit					
1.4.1. Accessory apartment in accordance with Section 6.D	ZP	ZP	ZP	ZP	6.D

Two-Family Dwelling	RR	LDR	MDR	HDR HDR-2	Reference
2. One (1) structure containing dwellings for two families	X	ZP	ZP	X	
2.1. Accessory Structures / Uses (also see Section 2.B.1.7)					
2.1.1. Uses that are customary and incidental to a two-family dwelling when in accordance with Section 6	X	NR	NR	X	6
2.1.2. Keeping of animals in accordance with Section 6.C	X	NR	NR	X	6.C
2.1.3. Home Office in accordance with Section 6.F	X	NR	NR	X	6.F
2.1.4. A family child care home licensed by the Connecticut Office of Early Childhood	X	NR	NR	X	
2.1.5. One or more structures accessory to a two-family dwelling provided that: • no accessory structure shall exceed the area of the footprint of the principal structure, and • Each dwelling unit may have one (1) greenhouse or membrane structure and each such greenhouse or membrane structure shall not exceed 150 SF in coverage.	X	ZP	ZP	X	
2.1.6. Minor Home Occupation in accordance with Section 6.F	X	ZP	ZP	X	6.F
2.1.7. Other structures and/or uses accessory to a two-family dwelling not in accordance with the above provisions.	X	SP2	SP2	X	

Congregate Facility	RR	LDR	MDR	HDR HDR-2	Reference
3. Congregate facility in accordance with Section 6.J	SP2	SP2	SP2	x	6.J
3.1. Accessory Structures / Uses (also see Section 2.B.1.7)					
3.1.1. Structures and/or uses that are customary and incidental to a congregate facility and not greater than 200 SF in area	ZP	ZP	ZP	x	
3.1.2. Other structures and/or uses accessory to a congregate facility	SP2	SP2	SP2	x	

2. AGRICULTURE-RELATED USES AND STRUCTURES

Agriculture / Aquaculture / Farming	RR	LDR	MDR	HDR HDR-2	Reference
1. A farm as a principal use in accordance with generally accepted agricultural practices as determined by the Department of Agriculture.	NR	NR	NR	X	
1.1. Structures / Uses Accessory To A Farm (also see Section 2.B.1.7)					
1.1.1. Uses that are customary and incidental to a farm	NR	NR	NR	x	
1.1.2. Structures accessory to a farm, including barns, membrane structures and/or hoophouses, when customary and incidental	ZP	ZP	ZP	x	
1.1.3. Agriculture-related uses and activities as provided in Section 6.R of the Regulations when operated on the same premises as a farm.	Approval Type Varies	Approval Type Varies	Approval Type Varies	x	6.R
1.1.4. A farm stand	SP2	SP2	SP2	x	

	RR	LDR	MDR	HDR HDR-2	Reference
2. Aquaculture	SP2	SP2	SP2		
3. Outdoor Nursery	SP2	SP2	SP2	X	
3.1.1. Uses accessory to an outdoor nursery when customary and incidental	SP2	SP2	SP2	x	
3.1.2. Structures accessory to an outdoor nursery, including one (1) membrane structure or hoophouse, when customary and incidental	SP2	SP2	SP2	x	
3.1.3. A farm stand	SP2	SP2	SP2	x	
3.1.4. Garden store or farm stand accessory to an outdoor nursery	SP2	SP2	SP2	x	
4. Greenhouse Nursery	SP2	SP2	SP2	X	
4.1.1. Uses accessory to a greenhouse nursery when customary and incidental	SP2	SP2	SP2	X	
4.1.2. Structures accessory to a greenhouse nursery, including membrane structures and/or hoophouses, when customary and incidental	SP2	SP2	SP2	X	
4.1.3. A farm stand	SP2	SP2	SP2	x	
4.1.4. Garden store and/or farmstand accessory to a greenhouse nursery	SP2	SP2	SP2	X	

3. PUBLIC / INSTITUTIONAL USES AND STRUCTURES

Town or Municipal Facility	RR	LDR	MDR	HDR HDR-2	Reference
1. Town or Municipal Facility	SP2	SP2	SP2	SP2	
1.1. Structures accessory to a Town or municipal facility when customary and incidental and less than 200 SF in area	NR	NR	NR	NR	
1.2. Other accessory structures and/or uses	SP2	SP2	SP2	SP2	

Place of Worship	RR	LDR	MDR	HDR HDR-2	Reference
2. Place of Worship	SP2	SP2	SP2	x	
2.1. Structures accessory to a place of worship when customary and incidental and less than 200 SF in area	NR	NR	NR	x	
2.2. Other structures and/or uses accessory to a place of worship	SP2	SP2	SP2		

Educational / Other Institution	RR	LDR	MDR	HDR HDR-2	Reference
3. Educational / Other Institution	SP2	SP2	SP2	x	
3.1. Structures accessory to an educational or other institution when customary and incidental and less than 200 SF in area	NR	NR	NR	x	
3.2. Other structures and/or uses accessory to an educational or other institution	SP2	SP2	SP2		

4. BUSINESS-RELATED USES AND STRUCTURES

Day Care Center	RR	LDR	MDR	HDR HDR-2	Reference
1. Day-Care Center (Child Or Adult) when located on a collector or arterial road	SP2	SP2	SP2	X	
1.1. Structures accessory to a day care center when customary and incidental and less than 200 SF in area	ZP	ZP	ZP	x	
1.2. Other accessory structures and/or uses	SP2	SP2	SP2		

Commercial Horse Operations	RR	LDR	MDR	HDR HDR-2	Reference
2. Commercial Horse Operation in accordance with Section 6.C with:					
• **Up to three horses**	NR	NR	NR	X	6.C
• **Four or more horses**	SP2	SP2	SP2	X	6.C
2.1. Structures and/or uses accessory to a commercial horse operation when customary and incidental	ZP	ZP	ZP	x	

Kennel	RR	LDR	MDR	HDR HDR-2	Reference
3. Kennel as a principal use in accordance with Section 6.C	SP2	X	X	X	6.C
3.1. Structures and/or uses accessory to a kennel	SP2	x	x	x	

5. OTHER PRINCIPAL USES AND STRUCTURES

Public Utility Facilities	RR	LDR	MDR	HDR HDR-2	Reference
1. Public Utility / Water Supply Facilities	SP2	SP2	SP2	SP2	
1.1. Substation	SP2	SP2	SP2	SP2	
1.2. Structures and/or uses accessory to a public utility facility	SP2	SP2	SP2	SP2	

Cemetery	RR	LDR	MDR	HDR HDR-2	Reference
2. Cemetery	SP2	SP2	SP2	SP2	
2.1. Structures and/or uses accessory to a cemetery	SP2	SP2	SP2	SP2	

Parks and Recreation	RR	LDR	MDR	HDR HDR-2	Reference
3. Park / Open Space	NR	NR	NR	NR	
3.1. Trails and other passive uses	NR	NR	NR	NR	
3.2. Other improvements, structures, or uses of a park or open space.	SP2	SP2	SP2	SP2	

6. PARKING / STORAGE OF NON-PASSENGER VEHICLES

1. Long-term parking and/or storage of the following non-passenger-type vehicles may be permitted in a Residential Zone subject to the following:
   a. No such vehicle may be parked on the street.
   b. No such vehicle shall be parked between the house and a road unless on the driveway.
   c. Up to two of the following types of vehicles may be stored outside per residential property and any additional such vehicles shall be stored within a building or screened from the road or abutting residential homes to the satisfaction of the Zoning Official.

Vehicle Types
• **Utility Body Pickup Truck** • **Small Dump Truck** • **Small Tow Truck(or Small Flatbed)** • **Utility Van** • **Farm Tractor**

   d. Only one of the following types of vehicles may be stored outside per residential property and any additional such vehicles shall be stored within a building or screened from the road or abutting residential homes to the satisfaction of the Zoning Official.

Vehicle Types
• **Food Truck** • **Small Box Truck** • **Semi (Cab Only)** • **Skid Steer** • **Backhoe**

2. Construction equipment being used as part of an active bona fide construction project shall not be subject to these requirements.

3. Farm equipment being used on a farm shall not be subject to these requirements.

7. OTHER ACCESSORY USES AND STRUCTURES

	RR	LDR	MDR	HDR HDR-2	Reference
1. Parking of registered motor vehicles.	NR	NR	NR	NR	
2. Parking of an unregistered motor vehicle in accordance with Section 6.I.	NR	NR	NR	NR	6.I
3. Fences in accordance with Section 6.B.	See Section 6.B	See Section 6.B	See Section 6.B	See Section 6.B	6.B
4. Generator, air conditioning condenser, compressor, propane tank (125 gallons or larger) or similar equipment when such equipment:					
a. meets the yard setbacks for an accessory structure and is located closer to the dwelling unit it serves than to any other dwelling.	ZP	ZP	ZP	ZP	8.A
b. is to be located within the yard setbacks for an accessory structure or not located closer to the dwelling unit it serves than to any other dwelling.	x	x	x	SP2	8.A
5. Solar panels that project no more than twelve inches (12”) from a wall or roof	ZP	ZP	ZP	ZP	
6. Solar panels that project more than twelve inches (12”) from a wall or roof	SP2	SP2	SP2	SP2	
7. Solar panels not attached to a wall or roof	SP2	SP2	SP2	x	
8. Parking of a recreational vehicle in accordance with Section 6.G	NR	NR	NR	NR	6.G
9. Trailer in accordance with Section 6.L.	See Section 6.L	See Section 6.L	See Section 6.L	See Section 6.L	6.L
10. Use of a temporary storage container in accordance with Section 6.L.	See Section 6.L	See Section 6.L	See Section 6.L	See Section 6.L	6.L
11. A wind turbine with rated capacity of one hundred (100) kW or less provided the total height does not exceed 100 feet and the tower is set back at least the height of the tower from the nearest property line.	SP2	SP2	SP2	SP2	

C. AREA AND DIMENSIONAL STANDARDS

Note – As per Section 5.C of the Regulations, new residential subdivisions shall be "Conservation Subdivisions" unless a waiver is granted in accordance with Section 5.C.3.

Note – The area and dimensional standards within a "Conservation Subdivision" shall be as specified in that approval.

1. LOT-RELATED STANDARDS

	RR	LDR	MDR	HDR HDR-2
1. Minimum Lot Area				
a. Front Lot	87,120 SF (2.0 Acres)	43,560 SF (1.0 Acre)	21,780 SF (0.5 Acre)	15,000 SF (0.34 Acres)
b. Rear Lot	130,680 SF (3.0 Acres)	65,340 SF (1.5 Acres)	32,670 SF (0.75 Acre)	22,500 SF (0.52 Acres)
2. Minimum Frontage				
a. Front Lot	200 feet	120 feet	100 feet	100 feet
b. Rear Lot	25 foot accessway	25 foot accessway	25 foot accessway	25 foot accessway

See Section 8.A and/or Section 8.B for possible exceptions

2. SETBACK-RELATED STANDARDS

	RR	LDR	MDR	HDR	HDR-2
1. Minimum Front Yard Setback	40 feet	30 feet	25 feet	25 feet	20 feet
2. Minimum Side Yard Setback • On a lot that conforms to lot area and frontage requirements • On a lot that does not conform to lot area and/or frontage requirements	 20 feet 20 feet	 15 feet 15 feet	 15 feet 15 feet	 15 feet 10 feet	 15 feet 10 feet
3. Minimum Rear Yard Setback	50 feet	40 feet	35 feet	35 feet	20 feet
4. Minimum setback of any building, structure, paved parking areas or septic system from any tidal wetlands, ***(see Section 4.B for possible reduction)***	50 feet	50 feet	50 feet	50 feet	50 feet

See Section 8.A and/or Section 8.B for possible exceptions and features subject to setback requirements

3. BUILDING-RELATED STANDARDS

	RR	LDR	MDR	HDR HDR-2
1. Maximum Building Coverage - (the area of a lot that may be occupied by buildings)	15 percent	15 percent	20 percent	25 percent
2. Maximum Height of A Building Or Any Other Structure except as otherwise specifically provided in these Regulations	35 feet	35 feet	35 feet	35 feet 30 feet in HDR-2

See Section 8.A and/or Section 8.B for possible exceptions and features subject to coverage and setback limitations

3. BUSINESS DISTRICTS

This Section contains provisions for the following zoning districts:

- **CTC** Commercial Town Center District
- **NCD** Neighborhood Commercial District
- **TIC** Turnpike Interchange Commercial District
- **CB** Commercial Boating District
- **RD** Resort District
- **LI** Light Industrial District
- **ID** Industrial District

A. PURPOSES

1. **Commercial Town Center (CTC) District** - The purpose of the Commercial Town Center (CTC) District is to maintain, enhance and promote a mixed-use, pedestrian-scale downtown area with a strong sense of place. The District provides for the central retail, office, cultural and governmental activities of the community as well as encouraging limited residential use. The Regulations encourage harmony and compatibility of design in an area of buildings built at different times and under no or various zoning regulations. The object is to permit the rehabilitation or rebuilding of existing buildings on or close to the street and property lines, thus preserving the historic look of the Town Center.

2. **Neighborhood Commercial (NCD) District** - The purpose of the Neighborhood Commercial District is to promote a flexible mix of residential and commercial uses that are innovative and compatible with the New England village-scale streetscape; do not generate large volumes of traffic; and are constructed of materials that preserve the residential character of the area.

3. **Turnpike Interchange Commercial (TIC) District** - The purpose of the Turnpike Interchange Commercial (TIC) District is to encourage a mix and intensity of land use along Interstate 95 which will meet community and regional needs, provide opportunities for economic development, and preserve important resources. Standards are designed to assure a high quality of development which will create a balance between community acceptance and regional needs. The larger sites and more spacious setback requirements are intended to allow for unified, coordinated growth with a diversity of quality commercial and light industrial uses.

4. **Commercial Boating (CB) District** - The primary purpose of the Commercial Boating District, (CB) is to permit the development of land for water dependent uses and subordinate accessory uses harmonious with the waterfront and compatible with the existing recreational boating services and commercial fishing trades.

5. **Resort (RD) District** - The primary purpose of the Resort District, (RD) is to permit and manage the development of a resort facility and associated activities.

6. **Light Industrial (LI) District** - The purpose of the Light Industrial District is to provide for appropriate locations and standards for light industrial-type uses.

7. **Industrial (ID) District** - The purpose of the Industrial District is to provide for appropriate locations and standards for industrial-type uses.

B. PERMITTED PRINCIPAL USES AND STRUCTURES

Within the Business Districts, uses may be combined on a single lot or within a single structure, provided that applicable standards are met for each use.

Organization of Use Tables On Following Pages

1. **Retail-Type Uses**
2. **Restaurant-Type Uses**
3. **Service-Type Uses**
4. **Office-Type Uses**
5. **Medical-Type Uses**
6. **Lodging-Type Uses**
7. **Automotive-Type Uses**
8. **Recreation-Type Uses**
9. **Residential-Type Uses**
10. **Institutional-Type Uses**
11. **Marine-Type Uses**
12. **Industrial-Type Uses**
13. **Other Uses**
14. **Special Situations**

Legend For Approval Type

NR	Zoning Approval Not Required	
ZP	Zoning Permit Approval (Staff)	
SP1	Site Plan Application (Commission)	
SP2	Special Permit Application (Commission)	
SP3	If no Master Plan approved by Zoning Commission	Development requires Special Permit approval (Commission)
	If Conceptual Master Plan Approved As A Special Permit (Commission)	Development may proceed with approval of a Site Plan Application (Commission)
	If Detailed Master Plan Approved As A Special Permit (Commission) And Still Valid	Development may proceed with Zoning Permit approval (Staff)
X	Not Permitted In The District	

In the Districts listed below, buildings and land may be used and buildings may be erected or altered for the following principal uses indicated for that District:

1. Retail-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Retail store(s) with a building footprint of 5,000 SF or less	SP2	SP1	SP1	SP3	SP3	x	x
b. Retail store(s) with a building footprint greater than 5,000 SF	x	SP2	SP1	x	x	x	x
c. Commercial greenhouse and garden center	x	SP2	SP1	x	x	x	x
d. Wholesale business	x	x	x	x	x	SP3	SP3
e. Wholesale / retail store	x	x	SP3	x	x	SP3	SP3

2. Service-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Personal service establishment including hair salon, nail salon and/or similar establishments	SP2	SP1	SP1	SP3	SP3	x	x
b. School for training in dance, music, sports, and other avocations	SP2	SP1	SP3	SP3	SP3	SP3	SP3
c. Fitness center including personal trainer, yoga studio and similar facilities	x	SP2	SP3	SP3	SP3	SP3	SP3
d. Business service establishment	SP2	SP1	SP1	SP3	SP3	x	x
e. Bank / financial institution	SP2	SP1	SP1	x	x	x	x
f. Laundromat	x	SP2	x	SP3	SP3	x	x
g. Dry cleaner pick-up / drop-off (but not processing)	SP2	SP1	x	x	SP3	x	x
h. Pet grooming service	SP2	SP2	x	x	x	x	x
i. Other animal-related service including pet day care, animal hospital or kennel in accordance with Section 6.C	x	SP2	x	x	x	SP2	SP2
j. Mortuary / funeral home	x	SP2	x	x	x	x	x
k. Day-care center (child or adult)	x	SP2	x	SP3	SP3	x	x
l. Other service-type uses not listed	SP2	SP2	SP3	SP3	SP3	x	x

3. Restaurant-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Sit-down restaurant	SP2	SP1	SP1	SP3	SP3	SP2	SP2
b. Carry-out restaurant	SP2	SP1	SP1	SP3	SP3	x	x
c. Drive-through restaurant when in accordance with Section 6.K and provided it is not accessed from a State highway	x	x	SP3	x	x	x	x
d. Banquet Facility	x	SP2	SP3	x	SP3	SP3	x
e. Tavern	SP2	SP2	SP2	SP3	SP3	SP2	SP2
f. Brewpub	SP2	SP2	SP2	SP3	SP3	SP2	SP2

4. Office-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Business / professional office on first floor	SP2	SP1	SP3	x	x	SP3	x
b. Business / professional office on upper floor(s)	SP1	SP1	SP1	SP1	x	SP3	x

5. Medical-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Medical / Dental office	SP2	SP1	SP3	x	x	SP3	x
b. Medical Clinic	SP2	SP1	SP3	x	x	x	x
c. Hospital	x	SP2	SP3	x	x	x	x

6. Lodging-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Bed and breakfast up to seven (7) bedrooms in accordance with Section 6.Q	x	SP2	x	x	x	x	x
b. Inn up to ten (10) bedrooms in accordance with Section 6.Q	SP2	SP2	x	x	x	x	x
c. Hotels / Motels in accordance with Section 6.Q	x	SP2	SP3	x	SP3	x	x
d. Boarding, Lodging, or Rooming House up to seven (7) bedrooms in accordance with Section 6.Q	x	SP2	x	x	x	x	x
e. Resort	x	x	x	x	SP3	x	x

7. Automotive-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Automobile fueling station	x	x	SP3	x	x	x	x
b. New and/or used vehicle dealership including service	x	x	SP3	x	x	x	x
c. Automobile repair operated pursuant to a general and/or a limited repairers license	x	x	x	x	x	SP3	SP3
d. Car wash with recirculating water	x	x	SP3	x	x	x	x
e. Vehicle rental or leasing		SP2	SP3	SP3	SP3	SP3	SP3

8. Recreation-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Theater	x	SP2	SP3	SP3	SP3	x	x
b. Indoor recreation facilities such as a swimming pool, racquet sport facilities, gymnasium, bowling alley, and/or other indoor sports facility	x	SP2	SP3	SP3	SP3	SP3	x
c. Outdoor recreation facilities such as a miniature golf course in accordance with Section 6.N), batting cage, swimming pool, racquet courts, and/or other outdoor sports facility	x	SP2	SP3	SP3	SP3	x	x

9. Residential-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Single-family detached dwelling	ZP	ZP	x	x	x	x	x
b. Two-family dwelling	ZP	ZP	x	x	x	x	x
c. Three-family dwelling within an existing building provided any emergency egress / exterior stairs are shielded or fully enclosed	SP2	SP2	x	x	x	x	x
d. Mixed use building(s) with residential units limited to upper floors provided any emergency egress / exterior stairs are shielded or fully enclosed	SP2		SP3	x	x	x	x
e. Mixed use building(s) where residential units may be located on the ground floor provided the ground floor GFA of the residential units does not exceed 50% of the GFA of the building and the GFA of the residential units does not exceed 65% of the GFA of the building.		SP2			x	x	x
f. Mixed use site with residential and commercial uses in separate buildings	SP2	SP2	SP3	SP3	SP3	x	x

10. Institutional-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Town facility	SP2	SP2	SP2	SP2	SP2	SP2	SP2
b. State or Federal facility	x	SP2	x	x	x	x	x
c. Place of worship	SP2	SP2	SP2	SP2	SP2	SP2	SP2
d. Educational institution	x	SP2	x	x	x	x	x
e. Library	x	SP2	x	x	x	x	x
f. Museum	SP2	SP2	x	x	x	x	x
g. Congregate facility in accordance with Section 6.J	x	SP2	x	x	x	x	x
h. Assisted living facility, nursing home or similar facility	x	SP2	x	x	x	x	x
i. Club	x	SP2	x	SP3	x	x	x

11. Marine-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Sales and/or rental of boats and related marine equipment and supplies	x	SP2	x	SP3	x	x	x
b. Servicing of boats and/or marine engines if within a building	x	SP2	x	SP3	x	x	x
c. Servicing of boats and/or marine engines outside a building	x	x	x	SP3	x	x	x
d. Sale and dispensing of fuel dockside	x	x	x	SP3	x	x	x
e. Marina, dock, wharf, slip for boats	x	x	x	SP3	x	x	x
f. Storage of boats (excluding rack storage of any type inside or outside of a building or structure)	x	x	x	SP3	x	x	x
g. A yard or building for the storing, construction, and/or repairing of boats and/or marine engines.	x	x	x	SP3	x	x	x
h. Other boating related facilities and/or services.	x	x	x	SP3	x	x	x

12. Industrial-Type Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Light manufacturing and/or fabrication	x	x	x	x	x	SP3	SP3
b. Manufacturing	x	x	x	x	x	x	SP3
c. Truck terminal	x	x	x	x	x	SP3	SP3
d. Storage warehouse	x	x	x	x	x	SP3	SP3
e. Research laboratory	x	x	x	x	x	SP3	SP3
f. Vehicle fleet maintenance facility	x	x	x	x	x	SP3	SP3

13. Agriculture / Aquaculture	CTC	NCD	TIC	CB	RD	LI	ID
a. A farm in accordance with generally accepted agricultural practices as determined by the Connecticut Department of Agriculture.	x	x	x	x	x	NR	NR
b. Structures associated with a farm, including membrane structures and/or hoophouses, when customary and incidental	x	x	x	x	x	ZP	ZP
c. Aquaculture	x	x	x	SP3	x	SP2	SP2
d. A farm stand	x	x	x	x	x	SP1	SP1
e. Outdoor nursery and uses and structures accessory thereto, including a garden store when customary and incidental	x	x	x	x	x	SP1	SP1
f. Greenhouse nursery and uses and structures accessory thereto, including a garden store when customary and incidental	x	x	x	x	x	SP1	SP1

14. Other Uses	CTC	NCD	TIC	CB	RD	LI	ID
a. Free-standing parking lot	SP2	x	SP2	SP3	SP3	x	x
b. Commercial Horse Operation in accordance with Section 6.C	x	x	x	x	x	SP2	x
c. Public utility / water supply facilities	SP2	SP2	SP2	SP2	SP2	SP2	SP2
d. Park or open space (including trails and other passive uses)	NR	NR	NR	NR	NR	NR	NR
e. Improvements, structures, or uses of a park or open space.	SP2	SP2	SP2	SP2	SP2	SP2	SP2
f. Adult entertainment enterprise in accordance with Section 6.M	x	x	x	x	x	x	SP2

C. PERMITTED ACCESSORY USES

Legend For Approval Type

NR	Zoning Approval Not Required	
ZP	Zoning Permit Approval	(Staff)
SP1	Site Plan Application	(Commission)
SP2	Special Permit Application	(Commission)
SP3	If no Master Plan approved by Zoning Commission	Development requires Special Permit approval (Commission)
	If Conceptual Master Plan Approved By Commission	Development may proceed with approval of a Site Plan Application (Commission)
	If Detailed Master Plan Approved By Commission	Development may proceed with Zoning Permit approval (Staff)
x	Not Permitted In The District	

	CTC	NCD	TIC	CB	RD	LI	ID
a. Accessory use customary with or incidental to any of the uses permitted in the District	**Check with Staff**	**Check with Staff**	**Check with Staff**	**SP3**	**SP3**	**Check with Staff**	**Check with Staff**
b. Accessory use customary with or incidental to a Special Permit use.	**Check with Staff**	**Check with Staff**	**Check with Staff**	**SP3**	**SP3**	**Check with Staff**	**Check with Staff**

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	CTC	NCD	TIC	CB	RD	LI	ID
c. Up to three (3) video arcade devices available for public use	NR	NR	NR	NR	NR	NR	NR
d. More than three (3) video arcade devices available for public use	SP2	SP2	SP2	SP3	SP3	SP2	SP2
e. Drive-up window (only for a pharmacy or a bank) when in accordance with Section 6.K	SP2	SP2	SP3	x	x	x	x
f. Parking of Recreational Vehicles, at a Commercial Marina in accordance with Section 6.G	x	x	x	SP3	x	x	x
g. Helistop accessory to a medical clinic	x	x	SP3	x	x	x	x
h. Day care accessory to another use	x	SP2	SP3	SP3	SP3	SP3	SP3
i. Outdoor retail display or sales in conformity with minimum front yard and side yard setbacks.	SP2	SP1	SP3	SP3	x	x	x
j. Outside storage of goods and/or materials in conformity with minimum yard setbacks and/or screened to the satisfaction of the Zoning Commission as per Section 7.E.2	x	SP2	SP3	SP3	x	SP3	SP3
k. Retail and/or wholesale operations accessory to a manufacturing or storage warehouse operations (i.e.- a factory store) when: • The products offered for sale are manufactured on the premises or are part of the storage warehouse operation, and • Located in the same building as the manufacturing or storage warehouse operations.	x	x	x	x	x	SP3	SP3

D. PERMITTED ACCESSORY STRUCTURES

Legend For Approval Type

NR	Zoning Approval Not Required	
ZP	Zoning Permit Approval	(Staff)
SP1	Site Plan Application	(Commission)
SP2	Special Permit Application	(Commission)
SP3	If no Master Plan approved by Zoning Commission	Development requires Special Permit approval (Commission)
	If Conceptual Master Plan Approved By Commission	Development may proceed with approval of a Site Plan Application (Commission)
	If Detailed Master Plan Approved By Commission	Development may proceed with Zoning Permit approval (Staff)
x	Not Permitted In The District	

	CTC	NCD	TIC	CB	RD	LI	ID
a. One or more accessory structures collectively totaling no more than two hundred (200) square feet of gross floor area	**ZP**	**ZP**	**ZP**	**ZP**	**ZP**	**ZP**	**ZP**
b. One or more accessory structures collectively totaling more than two hundred (200) square feet of gross floor area	**SP2**	**Check with Staff**	**Check with Staff**	**SP3**	**SP3**	**Check with Staff**	**Check with Staff**

E. AREA AND DIMENSIONAL STANDARDS

1. LOT-RELATED STANDARDS

	CTC	NCD	TIC	CB	RD	LI	ID
1. Minimum Lot Area	15,000 SF	15,000 SF	3.0 acres	15,000 SF	15,000 SF	1.0 acre	1.0 acre
2. Minimum Frontage At The Street	50 Feet	50 Feet	250 Feet	50 Feet	50 Feet	50 Feet	50 Feet

2. SETBACK-RELATED STANDARDS

	CTC	NCD	TIC	CB	RD	LI	ID
1. Minimum Front Yard Setback	0 Feet	10 Feet	50 Feet (10 Feet with Special Permit)	20 Feet	10 Feet	40 Feet	40 Feet
2. Maximum Front Yard Setback	20 Feet	n/a	n/a	n/a	n/a	n/a	n/a
3. Minimum Side Yard Setback	6 Feet (0 Feet with Special Permit)	15 Feet	50 Feet external (10 Feet internal with Special Permit)	10 Feet	15 Feet	15 Feet	10 Feet
4. Minimum Rear Yard Setback	35 Feet	30 Feet	50 Feet	20 Feet	30 Feet	30 Feet	20 Feet
5. Minimum setback from a tidal wetland (for any building, structure, paved parking areas or septic system)	50 feet	50 feet	50 feet	50 feet (see Section 3.F.5 for possible modification)	50 feet	50 feet	50 feet
6. Minimum setback of from any residential district (for any building or other improvements other than access roads)	n/a	n/a	50 Feet	n/a	n/a	75 feet	75 feet

Note:

- **See Section 8.A for building features subject to setbacks.**
- **See Section 8.B for possible exceptions related to building height**

3. COVERAGE-RELATED STANDARDS

	CTC	NCD	TIC	CB	RD	LI	ID
1. Maximum Building Coverage	N/A	30% total (no building shall exceed 15,000 SF coverage)	30%	30%	30%	30%	40%
2. Maximum Floor Area Ratio	0.25	0.30	0.30	0.20 if a residence, yacht club, or beach club 0.30 otherwise	0.30	0.30	0.40

Note:

- **See Section 8.A for building features subject to setbacks.**

4. OTHER STANDARDS

	CTC	NCD	TIC	CB	RD	LI	ID
1. Maximum Height of A Building Or Any Other Structure	35 Feet	35 Feet	50 Feet (4 stories)	35 Feet	35 Feet	45 Feet	45 Feet
2. Minimum Separation Between Buildings On A Lot		15 Feet					

Note:

- **See Section 8.A for features contributing to coverage.**
- **See Section 8.B for possible exceptions related to building height.**

F. CHANGE OF USE

1. CHANGE OF USE

1. Minor Change of Use - The establishment or re-establishment of the same or similar use or activity or a change of use within all or part of an existing building in a Business District may occur with issuance of a Zoning Permit provided:
   a. The new use is permitted by Zoning Permit or by Site Plan Application,
   b. No expansion of the building or parking area will occur, and
   c. The number of parking spaces existing on the site or otherwise available to the uses is at least 90% of the number of parking spaces required by these Regulations, and the change of use is NOT a change of restaurant classification as provided in these Regulations (See "Food & Drink-Related Terms").

2. Major Change of Use – Any other change of use, including a change of a non-conforming use, within all or part of an existing building shall require approval of the Commission.

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4. CONSERVATION DISTRICTS

A. COASTAL CONSERVATION DISTRICT (CCD)

1. PURPOSE

The Coastal Conservation District (CCD) is intended to protect land areas that are environmentally significant and special in nature and of such character in their natural state that they should be protected from development.

2. USE REGULATIONS

1. Land in the Coastal Conservation District shall be preserved in its natural state unless authorization is granted by the issuance of a permit to conduct a regulated activity in a tidal wetland by the Commissioner of the Connecticut Department of Energy and Environmental Protection.

Duck Island and Menunketetesuck Island off Westbrook

B. COASTAL AREA MANAGEMENT OVERLAY DISTRICT

1. PURPOSE

The Coastal Area Management Overlay (CAMO) District is established to help implement the Connecticut Coastal Management Act (CGS Sections 22a-90 to 22a-111, inclusive).

2. APPLICABILITY

1. As a “restrictive” overlay district, the provisions of the Coastal Area Management Overlay (CAMO) District apply in addition to the requirements of the underlying zoning district.

2. Any application for a building, use or structure located fully or partially within the coastal boundary as defined by CGS Section 22a-94 and landward of the coastal jurisdiction line shall be considered a "Coastal Site Plan" and shall be subject to the requirements of this Section and CGS Sections 22a-105 through 22a-109.

3. This shall include, but not be limited to:
   a. Applications submitted to the Westbrook Zoning Commission for approval of a Coastal Site Plan in accordance with CGS Section 22a-109,
   b. Applications for Site Plan Approval submitted to the Westbrook Zoning Commission in accordance with CGS Section 8-2,
   c. Applications for a Special Permit submitted to the Westbrook Zoning Commission in accordance with CGS Section 8-2,
   d. Subdivision Plans submitted to the Westbrook Planning Commission for subdivision or resubdivision in accordance with CGS Section 8-25,
   e. Applications for a variance submitted to the Westbrook Zoning Board of Appeals in accordance with Subdivision (3) of CGS Section 8-6, and
   f. A referral of a proposed municipal project to the Westbrook Planning Commission in accordance with CGS Section 8-24.
   g. Shoreline flood and erosion control structures as defined in Subsection (c) of CGS Section 22a-109.

4. This may include but not be limited to:
   a. Applications for a Zoning Permit submitted to the Zoning Official unless exempted by Section 4.B.3 following.

5. Review of the “Coastal Site Plan” shall be conducted by the Commission or Board noted above as responsible for the type of application submitted and the “Coastal Site Plan” shall not need to be reviewed by any other Commission or Board of the Town of Westbrook.

3. EXEMPTIONS

The following uses and/or activities are exempt from Coastal Site Plan Review requirements:

Conservation / Agriculture

1. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources, except any structure or activity the purpose or effect of which is to control flooding or erosion from tidal, coastal or navigable waters including, but not limited to, breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline (a "flood and erosion control structure").

2. Gardening, grazing and the harvesting of crops.

Interior Modifications

3. Interior modifications to buildings.

4. Minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters provided that such new use:
   a. is permitted by right under these regulations,
   b. does not result in any addition or modification to the existing structures, and
   c. does not result in any addition or modification to the existing off-street parking area or areas on the lot in excess of those allowed under Section 7.C of these Regulations.

Activities Involving Exterior Construction

5. Construction of an individual conforming single-family residential structure except when:
   a. located on an island not connected to the mainland by an existing road bridge or causeway (i.e., on an island without motor vehicle access), or
   b. such structure is within one hundred feet (100') of the following coastal resources as defined in CGS Section 22a-93: tidal wetlands, beaches and dunes, coastal bluffs and escarpments, or coastal waters.

6. Minor additions to or exterior modification of existing buildings including detached accessory buildings (e.g., garage, utility shed) provided that such addition does not exceed 20% of the first floor area of the existing residential or commercial building or detached accessory building or 240 square feet, whichever is less, and does not require more than a 10% addition to the existing off-street parking area to meet the requirements of Section 7.C of these Regulations except:
   a. where the proposed construction or modification is in or within 25 feet of the following coastal resources as defined by section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpment, or coastal waters; or
   b. where access along a public beach may be affected; or
   c. where required regrading or fill will substantially alter the topography.

7. Construction of new or modification of existing structures incidental to the enjoyment or maintenance of residential property including but not limited to walks, terraces, driveways, decks, swimming pools, tennis courts, docks, and detached accessory buildings with footprints not exceeding 200 square feet except:
   a. where the proposed construction or modification is in or within 25 feet of the following coastal resources as defined by section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpment, or coastal waters; or
   b. where access along a public beach may be affected; or
   c. where required regrading or fill will substantially alter the topography.

8. Construction of new or modification of existing on-premise structures including fences, walls (provided they are not "shoreline flood and erosion control structures" as described in Section 4.B.3.1 of these regulations, pedestrian walks and terraces, decks, underground utilities, essential electric, gas, telephone, water and sewer service lines, septic systems, and other services, signs and other minor structures except:
   a. where any of the work or associated activities will occur within 25 feet the following coastal resources as defined by section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpments, or coastal waters; or
   b. where access along a public beach may be affected; or
   c. where required regrading or fill will substantially alter the topography.

4. STANDARDS

1. No activity for which a Coastal Site Plan is required shall be begun until such plan has been approved by the Zoning Commission or, in conjunction with an application for variance, by the Zoning Board of Appeals.

2. A Coastal Site Plan shall provide for the orientation and design of buildings that preserve visual and public access to the waterfront.

3. Docks, piers, bulkheads and other structures placed in navigable waters shall observe all waterway encroachment lines established by the Town of Westbrook.

4. Reduction or Waiver of Setback Requirement –
   a. The setback requirement for a building or structure from a regulated tidal wetland may be reduced or waived by the Zoning Commission for a marine facility or other water dependent use if the Zoning Commission determines that no adverse impacts to the tidal wetlands would result.
   b. Within the Commercial Boating (CB) District, the Commission may, upon written request from the applicant, allow development with no setback from the high tide line on any lot used in whole or in part for a water dependent use as defined in CGS Section 22A – 93 (16).

5. APPLICATION MATERIALS

1. Applications for approval of a Coastal Site Plan filed with the Commission shall comply with the provisions of Section 9.D of these Regulations, insofar as the same may be applicable thereto; provided, however, in the event such proposed activity requires a Special Permit, then said application shall conform to the provisions of Section 9.E of these Regulations.

2. In addition to the requirements set forth in Section 9 of these Regulations, the Coastal Site Plan Review application shall include:
   a. a plan showing the location and spatial relationship of coastal resources on and contiguous to the site;
   b. a description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction;
   c. an assessment of the capability of the resources to accommodate the proposed use;
   d. an assessment of the suitability of the project for the proposed site; and
   e. evaluation of the potential beneficial and adverse impacts of the project and description of proposed methods to mitigate adverse effects on coastal resources.

3. Applications to the Zoning Commission for Coastal Site Plan Review shall be accompanied by a fee established by the Commission to defray the reasonable cost of reviewing and acting upon the applications.

C. FLOOD PLAIN OVERLAY DISTRICT (FPOD)

1. STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Zoning Commission of the Town of Westbrook, Connecticut, does ordain as follows:

1.2 FINDING OF FACT

The flood hazard areas of the Town of Westbrook are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Westbrook has voluntarily participated in the National Flood Insurance Program (NFIP) since December 1, 1982. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally- subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

1.3 STATEMENT OF PURPOSE

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed:

1.3.1 To protect human life and health, and prevent damage to property;

1.3.2 To minimize expenditure of public funds for costly flood control projects;

1.3.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

1.3.4 To minimize prolonged business interruptions and other economic disruptions;

1.3.5 To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;

1.3.6 To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage;

1.3.7 To insure that potential buyers are notified that property is in a flood hazard area;

1.3.8 To prevent increases in flood heights that could further increase flood damage;

1.3.9 To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and

1.3.10 To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 OBJECTIVES

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

1.4.1 Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

1.4.2 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

1.4.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

1.4.4 Control filling, grading, dredging and other development which may increase erosion or flood damage; and

1.4.5 Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

2. DEFINITIONS

Notwithstanding any other definitions in these Regulations, the following words and phrases shall have the meaning as indicated below when used in this Section of the Regulations.

Unless specifically defined below, words and phrases used in this Section of the Regulations shall have the same meaning as they have in common usage and to give this regulation its most reasonable application.

Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE) – The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NAVD 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement – Any area of the building having its floor subgrade (below ground level) on all sides.

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 supporting foundation system.

Building – see definition for "Structure".

Coastal AE Zone – The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet during the base flood and seaward of the line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

Coastal High Hazard Area – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zones VE and Coastal AE on a Flood Insurance Rate Map (FIRM).

Cost – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or 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.

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 completed before the effective date [December 1, 1982], of the floodplain management regulations adopted by the community.

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 manufactured 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).

Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors, has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

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.

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.

Limit of Moderate Wave Action (LiMWA) – The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are seaward of the line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 4.C.5.3.1.3 of this regulation.

Manufactured Home – 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.

Manufactured Home Park or Subdivision – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value – As related to substantial improvement and substantial damage, the market value of the structure shall be the property's Total Appraised Value minus Land Value as determined by the Tax Assessor or determined by an independent appraisal by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level (MSL) – The North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction – Structures for which the "start of construction" commenced on or after December 1, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

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 the effective date, December 1, 1982, of the floodplain management regulation adopted by the community.

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.

Sand Dunes –Accumulation of sand in mounds or ridges located landward of the beach face, usually arranged parallel to the shoreline, created by constructive waves, wind, and/or manmade restoration that tend to grow landward and/or seaward in response to windblown sand accumulation trapped by vegetation.

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. 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. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones VE and Coastal AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of 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 and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections 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 a 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.

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.

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 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For 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 either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

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 presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

3. GENERAL PROVISIONS

3.1 AREAS TO WHICH THIS REGULATION APPLIES

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Westbrook, Connecticut.

3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Westbrook, Connecticut, dated February 6, 2013 and accompanying Flood Insurance Rate Maps (FIRM) dated February 6, 2013 (09007C0317J, 09007C0336J, 09007C0337J, 09007C0338J, 09007C0339J, 09007C0341J, 09007C0343J,) and August 28, 2008 (09007C0310G, 09007C0326G, 09007C0328G, 09007C0329G, 09007C0333G,), and other supporting data, 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, AE, AO, AH, Coastal AE and VE, including areas designated as a floodway on a FIRM. Zones VE and Coastal AE are also identified as Coastal High Hazard Areas. 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 a 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. Also included in the SFHA are areas of potential, demonstrable or historical flooding, including any area contiguous with, but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the where the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Land Use Office of the Town of Westbrook.

3.3 STRUCTURES ALREADY IN COMPLIANCE

A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Westbrook or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Westbrook, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Westbrook.

3.7 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

4. ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Official is hereby appointed to administer, implement and enforce the provisions of this regulation.

4.2 CERTIFICATION

Where required under this regulation, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Official.

4.3 ESTABLISHMENT OF THE FLOOD MANAGEMENT SECTION OF THE ZONING PERMIT

The flood management section of the Zoning Permit must be completed in conformance with the provisions of this regulation prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

4.4 PERMIT APPLICATION PROCEDURES

A [floodplain development/development/building/zoning] permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a zoning permit shall be made to the Zoning Official on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain, the limit of moderate wave action (LiMWA) boundary line, floodway boundary line and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Specifically, the following information is required to be submitted to the Zoning Official:

4.4.1 Application Stage

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

4.4.1.1 Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain, limit of moderate wave action (LiMWA), and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;

4.4.1.2 Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;

4.4.1.3 Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;

4.4.1.4 Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

4.4.1.5 A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it were new construction;

4.4.1.6 Where applicable the following certifications by a registered professional engineer or architect are required, and must be provided to the Zoning Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 4.C.5.3.

(a) Non-residential flood-proofing must meet the provisions of Section 4.C.5.3.1.2;

(b) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 4.C.5.3.1.3;

(c) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 4.C.5.3.4;

(d) Breakaway walls must meet the design criteria specified in Section 4.C.5.3.2.9 and 5.3.2.10; and

(e) Structural anchoring must meet the design criteria specified in Section 4.C.5.3.2.4 and 5.3.2.5.

4.4.2 Construction Stage

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Official of the following as is applicable:

4.4.2.1 Lowest floor elevation shall be verified for:

(a) A structure in Zones A, AE, AO or AH is the top of the lowest floor including basement);

(b) A structure in Zones VE and Coastal AE is the lowest horizontal structural member (excluding pilings or columns);

(c) A non-residential structure that has been dry flood-proofed is the elevation to which the flood-proofing is effective. (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);

4.4.2.2 Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

4.5 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Zoning Official shall include, but not be limited to:

4.5.1 Review all permit applications for completeness, particularly with the requirements of Section 4.C.4.4.1.

4.5.2 Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.

4.5.3 Review all permit applications to assure that the permit requirements of this regulation have been satisfied.

4.5.4 Review all permit applications to assure that all necessary federal and state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Wetlands Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.

4.5.5 Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.

4.5.6 Notify the adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Land and Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

4.5.7 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.5.8 Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvement or repair to a structure that has sustained substantial damage.

4.5.9 Obtain, record and maintain the elevation (in relation to mean sea level) to which all new construction, substantial improvement or repair to a structure that has sustained substantial damage has been flood-proofed.

4.5.10 In coastal high hazard areas (VE and Coastal AE Zones), obtain, record and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction, substantial improvement or repair to a structure that has sustained substantial damage.

4.5.11 When flood-proofing is utilized for a particular structure, the Zoning Official shall obtain certification from a registered professional engineer or architect, in accordance with Section 4.C.5.3.1.2.

4.5.12 Where interpretation is needed as to the exact location of boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Official shall make the necessary interpretation utilizing any data available to render a decision. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

4.5.13 Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.

4.5.14 When base flood elevation data or floodway data have not been provided in accordance with Section 4.C.3.2 and 4.4, the Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this regulation.

4.5.15 In Coastal High Hazard Areas (VE and Coastal AE Zones), certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash, in accordance with Section 4.C.5.3.2.

4.5.16 In Coastal High Hazard Areas (VE and Coastal AE Zones), the Zoning Official shall review plans for adequacy of breakaway walls, in accordance with Section 4.C.5.3.2.

4.5.17 All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Zoning Official for public inspection.

4.5.18 Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Zoning Official demonstrating compliance with the approved plans and standards set forth in Section 4.C.4.4.

5. PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

5.1.1 New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.

5.1.2 New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.

5.1.3 New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5.1.4 New construction, substantial improvements, and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

5.1.5 The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.

5.1.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5.1.7 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

5.1.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

5.1.9 In all flood zones, underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. In VE and Coastal AE zones, above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE). Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 4.C.5.3. In A and AE zones, above-ground storage tanks which are located outside or inside of a structure shall be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.

5.1.10 In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division prior to any alteration or relocation of a watercourse.

5.1.11 If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

5.1.12 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., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.

5.1.13 Compensatory Storage - The water holding capacity of the floodplain, except those areas that 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 of 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.

5.1.14 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 an increase in flood stage or flood velocity.

5.2 STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS, ADOPTED FLOODWAYS, AND/OR FLOOD MAPPING

5.2.1 The Zoning Official shall require base flood elevation (BFE) data be provide with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval. The Zoning Official shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 4.C.4.4 and Section 4.C.5.3. If no BFE can be determined, the lowest floor, including basement, must be elevated to three (3) feet above the highest adjacent grade next to the structure.

5.2.2 When BFEs have been determined within Zone AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

5.2.3 The Zoning Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community 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 (1.0) foot at any point within the community.

5.2.4 The Zoning Official shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 4.C.4.4 and Section 4.C.5.3.

5.2.5 Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AE and AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

5.3 SPECIFIC STANDARDS

5.3.1 Construction Standards in Special Flood Hazard Areas (SFHA), Zones A and AE.

5.3.1.1 Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

5.3.1.2 Non-Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

(a) Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or

(b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Zoning Official on the FEMA Floodproofing Certificate, Form 81-65.

(c) Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

5.3.1.3. Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings.

All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:

(a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

(b) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;

(c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Zoning Official;

(d) Openings shall not be less than three (3) inches in any direction in the plane of the wall;

(e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;

(f) All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.

(g) Electrical, plumbing, HVAC duct work, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated to one (1.0) foot above the BFE in the space, may subject the structure to increased flood insurance rates.

(h) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.3.1.3 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 4.C.5.3.1.3 (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 4.C.5.3.1.2.

5.3.2 Construction Standards in Coastal High Hazard Areas, Zones VE and Coastal AE

Located within the Special Flood Hazard Areas (SFHA) are areas designated as Coastal High Hazard Areas. These areas have additional flood hazards associated with wave wash, erosion scour, and high wind. Therefore, the following provisions shall apply:

5.3.2.1 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be located at least 25 feet landward of the reach of mean high tide.

5.3.2.2 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be elevated so that the bottom of the lowest horizontal structural member (excluding pilings, pile caps, and columns) is elevated at least one (1.0 foot) above the base flood elevation (BFE), with all space below the lowest horizontal supporting member open and free of obstruction so as not to impede the flow of water. Basement floors that are below ground on all sides are prohibited.

5.3.2.3 The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE and cannot be located below the structure. Any service equipment that must be located below the BFE must be floodproofed to prevent water from entering during conditions of flooding. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls designed to breakaway under flood loads.

5.3.2.4 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be securely anchored on pilings or columns.

5.3.2.5 All pilings and columns and the attached structures shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State or local building codes.

5.3.2.6 A registered professional engineer or architect shall develop structural specifications and plans for the construction and shall certify that the design, specifications and plans for construction are in accordance with acceptable standards and are in compliance with the provisions contained in 5.3.2.1 –5.3.2.4.

5.3.2.7 There shall be no fill used for structural support. Minor grading and the placement of minor quantities of non-compacted fill shall be permitted for landscaping and drainage purposes under and around buildings, and for support of parking slabs, pool decks, patios and walkways installed at current grade. The fill must wash out from storm surge, thereby rendering the building free of obstruction, prior to generating excessive loading forces, ramping effects, or wave deflection. The Zoning Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by a registered professional engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered:

(1) Particle composition of fill material does not have a tendency for excessive natural compaction;
(2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
(3) Slope of fill will not cause wave run-up or ramping.

5.3.2.8 There shall be no alteration of sand dunes that would increase potential flood damage.

5.3.2.9 Prior to construction, plans for any structures that will have breakaway walls, lattice work or insect screening must be submitted to the Zoning Official for approval.

5.3.2.10 Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the structure on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of such wall. Enclosures of 300 square feet or more are subject to increased insurance premiums.

5.3.2.11 Areas enclosed by breakaway walls shall contain hydraulic flood vents per the requirements of Section 4.C.5.3.1.3.

5.3.2.12 If breakaway walls, lattice work or insect screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage. Enclosures of 300 square feet or more are subject to increased insurance premiums.

5.3.2.13 Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, lattice work, or insect screening as provided for in 5.3.2.8 and 5.3.2.9 of this section.

5.3.2.14 To protect the building envelope, an exterior door shall be installed at the top of the stairs that provides access to the lowest (habitable) floor of the structure.

5.3.2.15 The base of a chimney or fireplace shall not extend below the BFE plus one foot. When vertical support is required, a chimney or fireplace shall be vertically supported on pile or column foundations embedded at least as deep as the rest of the structure foundation or deeper where needed to support the chimney against water and wind loads. The chimney and fireplace system shall be designed to minimize transfer of water and wind loads to the structure or structure foundation.

5.3.3 Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

5.3.3.1 In Special Flood Hazard Areas (SFHA) with Zones A and AE, any manufactured (mobile) home to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards for Zones A and AE as per Section 4.C.5.3.1. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE 24. This includes SFHAs 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 park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.

5.3.3.2 In Special Flood Hazard Areas (SFHA) with Zones VE and Coastal AE, any manufactured (mobile) home to be newly placed, undergoing a substantial improvement or repaired as a result of sustained substantial damage, shall be elevated so that the bottom of the lowest horizontal structural member located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards for Zones VE and Coastal AE as per Section 4.C.5.3.2. This includes SFHAs 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 park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.

5.3.3.3 All manufactured (mobile) homes within 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.

5.3.3.4 All manufactured (mobile) homes within SFHA shall be installed using methods and practices that 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.

5.3.3.5 Recreational vehicles placed on sites within Zones A and AE in the SFHA shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 4.C.5.1 and the elevation and anchoring requirement of Section 4.C.5.3.3.1, 5.3.3.3, and 5.3.3.4. 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.

5.3.3.6 Recreational vehicles placed on sites within Zone VE and Coastal AE in the SFHA shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 4.C.5.1, the VE and Coastal AE Zone construction requirements of Section 4.C.5.3.2, and the elevation and anchoring requirement of Section 4.C.5.3.3.2, 5.3.3.3, and 5.3.3.4. 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.

5.3.4 Floodways

Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, 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 practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

5.3.5 Standards for Development in Areas of Shallow Flooding (Zones AO and AH)

Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

5.3.5.1 For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.

5.3.5.2 For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:

(a) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or

(b) Together with attendant utility and sanitary facilities be completely flood-proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must either be certified by a registered professional engineer or architect.

5.3.5.3 On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

5.3.5.4 Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 4.C.5.3.1.3 for hydraulic flood vents.

6. DESIGN STANDARDS FOR SUBDIVISION PROPOSALS

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

6.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

6.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

6.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

6.4 The Zoning Official shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 4.C.4.5.13. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

7. VARIANCE PROCEDURES

7.1 ESTABLISHMENT OF VARIANCE PROCESS

7.1.1 The Zoning Board of Appeals, as established by the Town of Westbrook, shall hear and decide appeals and requests for variances from the requirements of this regulation.

7.1.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Official in the enforcement or administration of this regulation.

7.1.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Middlesex County, as provided in Section 8-8 of the General Statutes of Connecticut.

7.1.4 The Zoning Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

7.2 SPECIFIC SITUATION VARIANCES

7.2.1 Functionally Dependent Use or Facility

Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 4.C.7.4.

7.2.2 Floodway Prohibition

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

7.3 CONSIDERATIONS FOR GRANTING OF VARIANCES

In reviewing such applications for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 7.3.1 – 7.3.11. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

7.3.1 The danger that materials may be swept onto lands causing injury to others;

7.3.2 The danger to life and property due to flooding or erosion damage;

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

7.3.4 The importance of the services provided by the proposed facility to the community;

7.3.5 The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

7.3.6 The availability of alternative locations not subject to flooding or erosion damage for the proposed use;

7.3.7 The compatibility of the proposed use with existing and anticipated development;

7.3.8 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

7.3.9 The safe access to the property in times of flood for ordinary and emergency vehicles;

7.3.10 he heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

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

7.4 CONDITIONS FOR VARIANCES

7.4.1 Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

7.4.2 Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.

7.4.3 No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.

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

8. ENFORCEMENT

8.1 Each Zoning Permit shall authorize, as a condition of approval, the Zoning Official or designated agents to make regular inspections of the subject property. The Zoning Official or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.

8.2 If the Zoning Official finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Zoning Official shall:

8.2.1 Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the prohibited activity cease and ordering the property owner to either seek to obtain a Zoning Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.

8.2.2 Notify the Zoning Commission and request that a hearing be held before the Zoning Commission to revoke any Zoning Permit(s) in force. The Zoning Official is authorized to issue a Cease and Desist Order to prevent further work from being conducted.

8.2.3 The Zoning Official may suspend or revoke a Zoning Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application, including application plans. Prior to revoking any permit, the Zoning Official shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

8.2.4 Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 4.C.9.0.

8.2.5 In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Official may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 4.C.3.0 of this regulation, or may direct the Director of Public Works to cause such work to be done and to place a lien against the property.

8.2.6 Any person subject to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Zoning Official to the Zoning Board of Appeals, in accordance with Section 4.C.7.0 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning Official was in error or unwarranted.

9. PENALTIES FOR VIOLATION

Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of $250.00 per day or imprisoned for not more than ten (10) days for each day of violation, or both, and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Westbrook from taking such lawful action as is necessary to prevent or remedy any violation.

D. AQUIFER PROTECTION OVERLAY DISTRICT (APOD)

1. PURPOSE

The Aquifer Protection Overlay District is a State-mandated regulation intended to protect major public water supply wells in sand and gravel aquifers to ensure a plentiful supply of public drinking water for present and future generations.

2. DISTRICT PARAMETERS

1. The provisions of the Aquifer Protection Overlay District shall apply to any area in Westbrook identified as a "Level A Aquifer Protection Area (Final)" by the Connecticut Department of Energy and Environmental Protection.

2. As a "restrictive" overlay district, the provisions of the Aquifer Protection Overlay District (APOD) apply in addition to the requirements of the underlying zoning district.

3. STANDARDS

1. Activities within the Aquifer Protection Overlay District shall be subject to the Aquifer Protection Regulations adopted by the Town of Westbrook in accordance with CGS Section 22a-354a et seq.

E. WATER RESOURCE OVERLAY (WRO) DISTRICT

1. PURPOSE

The purpose of the Water Resource Overlay District is to protect the public health by preventing contamination of the ground and surface water resources providing public water supply for the Town of Westbrook.

2. DISTRICT PARAMETERS

1. The provisions of the Water Resource Overlay District shall apply to any area in Westbrook identified as a "Water Resource Overlay District" on the Zoning Map.

2. As a "restrictive" overlay district, the provisions of the Water Resource Overlay (WRO) District apply in addition to the requirements of the underlying zoning district.

3. Where the bounds of the Water Resource Overlay Districts are in doubt or dispute, as delineated on the Westbrook Zoning Map, the burden of proof shall be upon the owners of the land in question to show where they are located.

3. DEFINITIONS

The following definitions shall be applicable to Water Resource Overlay Districts:

AQUIFER - a geologic formation composed of rock or sand and gravel capable of yielding usable amounts of water.

DISPOSAL - the deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

GROUND WATER - all the water beneath the surface of the ground.

HAZARDOUS MATERIAL - any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of, into, or on any land or water in this Town. Any substances deemed a hazardous waste under Section 3001 of the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations Part 261, shall also be deemed a hazardous material for purposes of this Regulation.

INDUCED INFILTRATION - the process by which water in a stream or lake moves into an aquifer because of a hydraulic gradient from the surface water toward a pumping well or wells.

IMPERVIOUS - impenetrable by surface water.

RECHARGE Area - any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any surface drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to any such area.

SECONDARY RECHARGE AREA - the watershed, to the boundaries of the topographical divide, of any recharge area.

SEPTAGE - sludge produced by domestic waste that is pumped from septic tanks.

SOLID WASTE - discharged solid materials, including, for example, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.

STRATIFIED DRIFT - unconsolidated, sorted sediment composed of layers of sand, gravel, silt or clay deposited by meltwaters from glaciers.

STRUCTURE - anything constructed or erected, except a boundary wall or fence, the use of which requires location on or attachment to the ground.

4. USE LIMITATIONS

1. Within a Water Resource Overlay District, the following uses are ***not permitted*** regardless of the provisions for the underlying zone:
   a. Manufacture, use, storage, transport, or disposal of hazardous materials as a principal activity.
   b. Underground storage of hazardous materials, fuel oil, gasoline as an accessory activity.
   c. Truck terminal with more than five (5) trucks.
   d. Car wash, repair garage, auto body shop, and marine repairs.
   e. Dry cleaners, photo processors, furniture strippers, and machine shops.
   f. Junkyard, salvage yard.
   g. Road salt stockpile.
   h. Sanitary landfill, septage lagoon, wastewater treatment facility for household, municipal or industrial wastes.

2. If any of the following uses are allowed in the underlying zone, such use(s) may only be permitted in a Water Resource Overlay District by granting of a Special Permit by the Commission and any such application shall include the supplemental application information as described below in addition to any other information required by Section 9 of these regulations:

Use	Supplemental Information Required
a. Above ground storage of hazardous materials as an accessory activity in quantities greater than associated with normal household use, other than fuel storage for residential heating purposes.	1. A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials to be used, generated, or stored on the premises in quantities greater than associated with normal household use. 2. The location of the proposed storage of items. 3. A description of provisions for storage and disposal methods. 4. A description of the measures proposed to protect all storage containers from vandalism, corrosion, and leakage, and to provide for control of spills. 5. Evidence of qualified professional supervision of the design of such storage system and installation of such storage facilities or containers.

b. Exceeding thirteen percent (13%) impervious coverage of the total lot area of the site OR Retaining less than thirty percent (30%) of the lot area of the site in its natural vegetative state with no more than minor removal of existing trees and vegetation.	1. Evidence that such run-off will be recharged on-site and diverted towards areas covered with vegetation for surface infiltration to the maximum extent possible. 2. Evidence that dry wells shall be used only where other methods are unfeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants. 3. The plan shall also include a maintenance schedule and identify the person responsible for the maintenance of the dry well.
c. Any use discharging 1,500 gallons per day or more of domestic waste (such as to an on-site septic system) OR Structure(s) served by on-site sewage disposal systems located on a parcel with a total lot area of one acre or less	1. Evidence of qualified professional supervision of design and installation, including a narrative assessment of nitrate, coliform, and hazardous material (if any) impact on groundwater quality.

5. APPLICATION PROCESSING

1. Upon receipt of a Special Permit application under this Section, the Commission shall transmit one (1) copy each to the Westbrook Planning Commission, the Westbrook Conservation Commission, the Town Sanitarian, and the Connecticut Water Company for their written recommendations.

2. Special Permits required under this Section shall be granted only if the Commission determines that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not be reduced below Federal or State standards or action levels for drinking water, or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration. It is the burden of the applicant to demonstrate to the Commission that those requirements are met

3. In making such determination regarding groundwater quality, the Commission shall give consideration to:
   a. the recommendations of the other Town agencies to which the application was referred,
   b. the simplicity, reliability, and feasibility of the control measures proposed, and
   c. the degree of threat to groundwater quality which would result if the control measures failed.

4. In its decision, the Commission shall explain any departures from the recommendations of the other Town agencies.

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5. SPECIAL DEVELOPMENT TYPES

A. PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

1. PURPOSE

The Planned Residential Development District (PRDD) is intended to provide for alternatives forms of residential development in areas that the Commission determines are suitable for such development because of:

- the availability of adequate infrastructure (such as water, wastewater, or highways);
- favorable soil and environmental conditions;
- opportunities to preserve significant open space, recreational, agricultural or other valuable land by creative site design; or other relevant factors.

2. ELIGIBLE LOCATIONS

1. Any applicant under this regulation shall have the burden of establishing to the satisfaction of the Zoning Commission that any proposed use is consistent with the purposes of the District, the comprehensive zoning plan for the Town, and is compatible with land use patterns on adjoining properties.

2. Public water service shall be provided to the PRDD by a water company approved by the Connecticut Department of Public Health.

3. A PRDD shall not be permitted in the Light Industrial (LI), Industrial (I), Turnpike Interchange Commercial (TIC), Commercial Boating (CB), or High-Density Residential (HDR or HDR-2).

4. Locations in proximity to existing commercial districts, public transit, and / or along a main roadway are preferred. Adequate access, in the sole discretion of the Commission, is required.

5. Development of a PRDD requires a zone change and such zone change shall only be designated on the Zoning Map after approval by the Commission of a Schematic Development Plan. The Commission acts in its legislative capacity when it approves, modifies and approves, or denies the zone change application and Schematic Development Plan.

6. Since the Commission has significant discretion when deciding whether to approve or deny a zone change request, potential applicants are encouraged to request a pre-application review by the Commission as provided in Section 9.C.2 of these Regulations.

3. PERMITTED USES

1. Multiple single-family detached dwellings.	*
2. Two-family dwellings.	*
3. Multiple-family dwellings.	*
4. An affordable housing development and/or affordable housing units as defined in Section 11 (Glossary).	*
5. Accessory buildings customary and incidental to the foregoing residential uses.	*
6. Accessory uses customary and incidental to the foregoing residential uses including a home office (but not a minor home occupation or major home occupation).	**NR**

NR	Zoning Approval Not Required
ZP	Zoning Permit Approval (Staff)
SP1	Site Plan Application (Commission)
SP2	Special Permit Application (Commission)

4. DEVELOPMENT STANDARDS

Unless otherwise approved by the Commission as provided in this Section, the following provisions shall be the minimum standards for development in the PRDD.

1. Area and Dimensional Standards -

a. Standards		
1. Minimum Parcel Size (one or more parcels with a consolidated development concept)		Five times the minimum lot size required for the existing district where it is proposed unless modified by the Commission as per Section 5.A.4.1.b. below
2. Minimum frontage		50 feet
3. Maximum Density	Base	Four (4) units per acre of developable land
	If at least 20 percent of the units are deed restricted for the life of the development as affordable units to persons or families earning 80 percent or less of the area median income	Six (6) units per acre of developable land
	If a "set-aside development" or "assisted housing" as defined in CGS Section 8-30g(a) unless Westbrook is exempt from CGS Section 8-30g	Eight (8) units per acre of developable land or as otherwise determined by the Commission
4. Minimum Building Setbacks: a. 100 feet to any RR District boundary b. 50 feet to any MDR, LDR or HDR District boundary c. For any other District boundary, the requirements of the underlying district shall apply unless modified by the Commission as per Section 5.A.4.1.b. below		
5. Minimum building separation		24 feet unless modified by the Commission as per Section 5.A.4.1.b. below
6. Maximum number of units per building		Four (4) unless modified by the Commission as per Section 5.A.4.1.b. below
7. Setback from tidal wetlands (for building, structure, parking areas, road, driveway or septic systems)		50 feet
8. Impervious Coverage a. RR District b. any other District		 30% 50%
9. Building Height		35 feet

b. Possible Modifications –

1. The applicant may propose, and the Commission may consider, a modification of one or more of the Basic PRDD Standards set forth in this Section 5.A if it specifically finds that:
   a. such modification will assist in the provision of affordable housing units; or
   b. such modification:
      i. would not unreasonably affect the character of, the neighborhood of the property proposed for the PRDD;
      ii. would not unreasonably affect property values in the neighborhood of the property proposed for the PRDD; and
      iii. that such modification is reasonably necessary to accommodate an important physical design element of the proposed PRDD.
2. The reasons for said finding shall be clearly stated on the record.
3. Where modifications to bulk requirements are requested, the Commission may consider:
   a. buffering between buildings or between buildings and property lines provided by natural changes in topography, existing forest areas to remain, proposed landscaping, and other measures to assure privacy for the dwelling units;
   b. clustering of buildings on portions of the site that will have a lesser impact on natural or coastal resources or that will preserve portions of the site that merit preservation for their habitat, scenic, historic, or other values or resources;
   c. the design features of the buildings that reduce their perception of mass, or reflect traditional New England architecture, or that encourage groundwater recharge and low impact development.
4. The Commission may also condition the approval of any PRDD on the addition or inclusion of standards that are more stringent than the Basic PRDD Standards if it finds that such condition is reasonably necessary to protect public health, public safety, natural resources, or property values.

2. Design –

a. Architectural and site designs shall be compatible with the neighborhood.
b. Buildings shall be designed to harmonize with each other and shall be of such scale and mass that they relate to each other and to the street.
c. The placement, size and unit count for all principal buildings shall provide for a safe, efficient and harmonious grouping, (shall be in character with the neighborhood in which it is located), and shall include front, side and rear yard requirements that are sufficient to ensure unit privacy.
d. No more than two (2) feet of foundation or other wall above the final grade shall be without some aesthetic texture and/or color treatment or foundation plantings.

3. Landscaping And Buffers –

a. The PRDD shall be suitably landscaped in all areas not covered by impervious surfaces and such suitable landscaping, may include lawns or existing vegetation.
b. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable.
c. A suitably landscaped buffer, fencing or a combination of planting and fencing shall be provided along the property line.
d. Landscaped buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier.
e. Where property to be developed as a PRDD abuts property in a different residential zone:
    i. the PRDD shall have a 25-foot minimum vegetated buffer which shall be landscaped naturally or through plantings and shall be permanently maintained.
    ii. Every effort shall be made to retain existing vegetation.
    iii. The Commission may require larger buffers or specific vegetative screening were necessary to shield adjacent properties.

4. Open Space or Recreational Areas -

a. Unless modified by the Commission as provided in Section 5.A.4.1.b, no less than 50% of the area of any PRDD in the RR District and no less than 20% in any other district shall be designated as open space/recreation area in locations and configurations acceptable to the Commission.
b. The proposed ownership of the proposed open space/recreation area (public entity, land trust, private association of property owners, or other) shall be declared by the applicant and determined acceptable by the Commission.
c. Open space areas shall encompass land having meaningful ecological, aesthetic and/or recreational characteristics.
d. All proposed Open Space shall be referred to the Conservation Commission at least 35 days before the public hearing. In deciding the suitability of the proposed Open Space, the Zoning Commission shall consider the comments of the Conservation Commission.
e. Conservation Commission approval shall be required for any proposed Conservation Restriction or Easement (see Appendix A) or open space transfer to the Town.

5. Parking Requirements –

a. Two parking spaces shall be provided for each dwelling unit.
b. The Commission may require, in its discretion that at least one of the spaces shall be in a garage.
c. The Commission may require additional parking spaces for guests.

6. Road Specifications and Layout –

a. Road and driveway construction requirements shall be consistent with the Town of Westbrook road and driveway design standards as applicable.

7. Other Requirements –

a. Except as these regulations may otherwise provide, or as the Commission may specify in approving any PRDD, the general requirements of these Zoning Regulations shall apply to the PRDD

5. ZONE CHANGE APPLICATION PROCEDURE

1. **Petition**–
   a. A petition for a zone change to a PRDD and simultaneous submission of a Schematic Development Plan shall be made to the Commission pursuant to the provisions of these Regulations.
   b. The petition for a zone change shall:
      i. contain all the information required by Section 9.G of these Regulations,
      ii. include a written explanation of the method of preservation and maintenance of all open space portions of the land, and
      iii. specify any other regulations that the petitioner(s) propose to be adopted as additional or supplementary regulations for the PRDD.
   c. The Commission may require additional specific impact statements, technical reports or other documentation (e.g. stormwater management study, drainage study, traffic study, environmental impact study, etc.) as may reasonably be necessary to make an informed determination of the appropriateness of the proposal to the site and its fulfillment of the purpose and intent of these Regulations.
   d. The Commission may require information generally required in the Final Site Development Plan if it feels such information is necessary to make an informed judgment. Preliminary findings for all site investigations shall be provided.

2. **Schematic Development Plan** - The PRDD Schematic Development Plan shall include the following information in schematic form at a minimum scale of 1" = 100':
   a. A location map showing the location of the PRDD in relation to surrounding streets and thoroughfares, existing zoning of surrounding areas, existing land use on the site and surrounding areas within 500 feet.
   b. North arrow, date and scale.
   c. A certified boundary survey conforming to the-standards of Class A-2.
   d. A topographic survey including contours at two-foot intervals in areas to be developed or otherwise disturbed, and ten-foot contour intervals for areas to remain undisturbed; flood plain delineations as shown on the most recent Flood Insurance Rate Map, Town of Westbrook; boundaries of all inland and tidal wetlands and watercourses as defined by CGS Sections 22a-29 and 22a-38; and existing water and/or sewer service within 500 feet of the property boundaries.
   e. All currently existing buildings or structures within 100 feet of the boundary lines of the PRDD.
   f. A master plan that clearly identifies proposed land uses, the approximate location of residential lot lines and number of homesites, the location and type of proposed accessory and active recreational uses, the location of proposed open space, prominent natural environmental features such as large areas of exposed ledge, specimen trees, lakes, ponds, streams or swamps, and the proposed location of roads, easements, buffers, public areas, and other major facilities.
   g. A table showing acreage for each category of land use including residential areas, roads, open space, commercial and community/open-space support uses, recreation, wetlands and watercourses, slopes greater than 20%, and a table of net residential densities.
   h. Significant wildlife habitat and significant historical, archaeological or architectural features map.
   i. Soils map.
   j. Vegetation map, including existing tree lines.
   k. Areas having slopes greater than 20% based on a scale of 1" = 100' and a contour interval of 2 feet.

l. A proposed utility service concept plan including soil test results, electric, telephone, gas, television, sanitary sewers, storm drainage, potable water supply and water supply for fire protection.
m. Illustrative landscaping plan prepared by a licensed landscape architect, showing landscaped areas, buffers, typical cross-sections, and any special landscape features.
n. A typical dwelling unit location plan including a siting of individual dwelling units in residential development areas.
o. Scale architectural elevations and sections, preliminary plans, renderings, or other illustrations of the visual character and architectural style of the development.

3. **Required Referrals And Subsequent Consideration** -
   a. The Zoning Commission shall refer any application in the manner required by statute to the Planning Commission, the regional planning agency, adjoining municipalities, required water companies, and the Office of Long Island Sound Programs.
   b. The Zoning Commission shall also refer any application that includes a shared septic system or a system with a design flow exceeding 2,000 gpd (gallons per day) to the Water Pollution Control Commission at least thirty-five days prior to the public hearing.
   c. The Zoning Commission shall consider all comments received from the above agencies and shall require a two thirds (2/3) vote of all the members of the commission to approve any application which receives a negative recommendation from one or more of these agencies.

4. **Required Notifications** -
   a. The applicant shall mail notification of the public hearing to at least one (1) owner of each of the properties listed in Section 6.C.5.1.e 4 not more than fifteen (15) nor less than ten (10) days before the date set for the public hearing.
   b. The text of said notice shall be the public hearing notice provided by the Zoning Commission.
   c. Evidence of such mailing, in the form of U.S. Post Office certificates of mailing, shall be submitted to the Zoning Official not less than five (5) days prior to the public hearing date.
   d. No application for a PRDD shall be approved if the applicant fails to provide evidence of this notification.

6. SPECIAL PERMIT REQUIRED

1. A separate Special Permit application must be granted by the Zoning Commission before any use authorized in a PRDD may be established.

2. No Special Permit may be granted for any buildings, structures or other uses in a PRDD unless the buildings, structures and uses substantially conform to the Schematic Development Plan submitted with the petition for establishment of the PRDD, except to the extent the Commission may require or approve modifications in that plan.

3. The petitioner(s) may submit the Special Permit application at the same time as the Zone Change petition is submitted.

4. The Commission shall follow the procedures set forth in Section 9.E of these Regulations for making a decision on the Special Permit application.

7. SPECIAL PROVISIONS FOR AFFORDABLE HOUSING UNITS

1. For any application including affordable units, the Special Permit application shall include the following:
   a. Documentation demonstrating that the appropriate percentage of dwelling units will be rented or conveyed subject to a restriction requiring that, for the specified period after the initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve them as affordable units. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Connecticut Department of Housing or other agency designated.
   b. An affordability plan that details the administration, monitoring and enforcement of the requirement for dwelling units to be sold or rented at below-market rates as described above. The plan shall include:
      i. proposed deed restrictions or covenants,
      ii. lease agreements,
      iii. common interest ownership documents, bylaws, rules and regulations,
      iv. sample income calculations,
      v. a sample calculation of the maximum sales prices or rents of the affordable dwelling units, and
      vi. other information to establish compliance with the affordability requirement.
   c. An affirmative fair housing marketing plan governing the sale or rental of all dwelling units.
   d. Documentation as to management, organization and incorporation of applicable ownership associations.

2. For any application including affordable units, the Special Permit application shall include:
   a. A map designating the specific units subject to the affordability restrictions along with a note indicating that any change in the location or type of unit shall require a modification of the Special Permit application.
   b. A description of the projected sequence in which the market rate dwelling units and the affordable dwelling units will be built and offered for occupancy.

3. Affordable units shall:
   a. be built to the same specifications as market-rate units within the development,
   b. reflect the same unit mix as the market rate units, and
   c. be equitably located throughout the development.

4. For any application including affordable units:
   a. The Special Permit application shall designate the person, entity or agency that will be responsible, for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the applicable income limits and sale price or rental restrictions for the Town of Westbrook including the name, address and other contact information.
   b. The Commission may require, as a condition of approval, the use of a different Administrator than proposed by the Applicant or may condition the approval on performance standards and monitoring requirements for the Administrator.
   c. The Administrator shall be required to submit a report on an annual basis to the Zoning Official demonstrating compliance with the Affordability Plan, Deed Restrictions and these regulations.

5. In accordance with CGS Section 8-2i, the Commission may waive any design standard or other requirement that would unreasonably impair the economic or physical feasibility of constructing a development providing for the minimum number of affordable housing units.

6. Prior to issuance of a Certificate of Zoning Compliance, the name, contact information and qualifications of the person, entity or agency designated as the Administrator of the Affordability Plan shall be confirmed with the Zoning Official.

7. The name, contact information and qualifications of the person, entity or agency designated as the Administrator of the Affordability Plan shall be kept current for the duration of the restrictions and covenants.

8. Upon notification or discovery of a reasonable belief of non-compliance with the Affordability Plan or the Deed Restrictions, either the Administrator or the Zoning Official, shall have the power, at any reasonable time, to inspect the property and to review the records of the Administrator in order to determine compliance of the Attainable Units with the Affordability Plan.

9. Should the Administrator or the Zoning Official determine that the sale, rental, or occupancy of any unit does not comply with the Plan, it shall have all powers granted to it by the Connecticut General Statutes, including CGS Section 8-12, and under the Deed Restrictions, to assure compliance.

8. SPECIAL REQUIREMENTS

1. In the event that there is a conflict between the provisions of Section 5.C and any other Section of these Regulations the provisions of the Section 5.C shall apply.

2. In the event that there are properties adjacent to the proposed development site which are capable of future development, and which have no other suitable access for such development, the Commission may require access to said properties by setting aside, for future development, a fifty (50) foot wide right-of-way.

3. The applicant may request an approval of the development to be completed in stages provided that:
   a. Each stage shall be capable of independent existence without the completion of succeeding stages, and shall contain a proportionate share of any required open space, and the construction of any recreation facilities or other amenities, even if said facilities are located in another phase of the development.
   b. Each phase shall contain the required percentage of affordable units.
   c. Buffer requirements shall not apply to the common line between stages of development.

B. INCENTIVE HOUSING OVERLAY ZONE (IHOZ)

1. PURPOSE

The Incentive Housing Overlay Zone (IHOZ), as authorized by CGS §8-13n to §8-13x, is intended to allow for compact housing in certain zoning districts that have the transportation connections, nearby access to amenities and services, infrastructure and on-site septic capacity necessary to support higher density residential development than would be allowed in the underlying district. Except as modified in this Section, the provisions of the underlying district shall govern.

2. ELIGIBLE LOCATIONS

1. Only land within the following district(s) and served by public water shall be considered for an IHOZ:
   a. Rural Residential (RR),
   b. Low Density Residential (LDR),
   c. Medium Density Residential (MDR),
   d. Neighborhood Commercial (NCD),
   e. Commercial Town Center (CTC), or
   f. Turnpike Interchange Commercial District.

2. Lands within the Floodplain Overlay District shall not be eligible for an IHOZ.

3. Land zoned for IHOZ shall be consistent with the State and local Plans of Conservation and Development and meet at least one of the following criteria:
   a. An area within 1 mile of a public transit facility or with available bus service.
   b. An area of already concentrated development such as the Town Center or Flat Rock Place.
   c. An area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an IHOZ.

4. Land zoned as an IHOZ need not be contiguous if part of a single integrated plan. Parcels within an integrated plan may not be separated by more than 1500 feet.

3. APPROVED INCENTIVE HOUSING OVERLAY ZONES

The IHOZ's adopted to date are located as shown on the Westbrook Zoning Map and described as follows:

1. Old Clinton Rd. - Parcel IDs 175/061 & 062– 3.25 acres (underlying district-RR)

4. SUBZONES AND PERMITTED USES

1. The applicant may request and the Commission may designate subzones within an overall IHOZ in which different types of uses may be permitted and such subzones may overlay each other as well as overlay the underlying district.

2. Within any IHOZ, there may be one or more subzones, designated as:
   a. Single Family - SF Subzone,
   b. Duplex - D Subzone,
   c. Townhouse - TH Subzone,
   d. Multi-Family - MF Subzone or
   e. Mixed-Use - MU Subzone (only permitted in the NCD, CTC and TIC Districts).

	SF Subzone	D Subzone	TH Subzone	MF Subzone	MU Subzone
1. Single family dwellings for one (1) family on common land	SP				
2. Conservation Subdivisions, in accordance with Section 5.C					*
3. Duplex		SP			
4. Townhouse dwelling			SP		
5. Multifamily dwelling				SP	
6. Mixed use buildings and/or mixed use sites provided: a. non-residential uses shall be in accordance with requirements of the underlying district b. the minimum residential densities are met for the total incentive housing development					*
7. Accessory uses customarily incidental to the above permitted uses	SP	SP	SP	SP	SP
8. A principal or accessory uses as permitted in the underlying district	See underlying district	See underlying district	See underlying district	See underlying district	See underlying district

NR	Zoning Approval Not Required
ZP	Zoning Permit Approval (Staff)
SP1	Site Plan Application (Commission)
SP2	Special Permit Application (Commission)

5. DEVELOPMENT REQUIREMENTS

1. **Minimum Density Requirement** – In accordance with CGS Sections 8-13n to §8-13x inclusive,:
   a. A development within an Incentive Housing Overlay Zone shall meet or exceed the following minimum density based on the amount of developable land as defined below:

Single Family	6 units/acre of developable land
Duplex	10 units/acre of developable land
Townhouse	10 units/acre of developable land
Multi-Family	20 units/acre of developable land
Mixed Use	Where an incentive housing development contains non-residential uses, the land occupied by non-residential uses shall be included in the residential density calculation. The residential densities are calculated by apportioning the total acreage of the incentive housing development in the same proportion that each type of housing bears to the total number of dwelling units.

   b. For the purposes of this Section, the term "developable land", in addition to the definition in the Glossary (Section 11), shall not include:
      i. existing or proposed roadways, drainage easements, common driveways, or other common areas;
      ii. land within fifty (50') feet to an active railroad line;
      iii. land within fifty (50') of a tidal wetland; and
      iv. land required to maintain a 15' buffer to another district.
   c. In no event shall the density of any incentive housing development be less than 1.25 times the density of the underlying residential or mixed-use district;
   d. Notwithstanding the above, the required density for an incentive housing development proposed by a public agency or non-profit organization where 100% of the proposed residential units will be subject to an incentive housing restriction, may be reduced subject to the granting of a waiver by the Secretary of the Office of Policy & Management in accordance with Connecticut General Statute §8-13n(b)(3).
   e. For any incentive housing development to be developed in phases, each phase shall comply with the minimum residential densities and the incentive housing restrictions set forth in this section.

2. **Minimum Frontage -** minimum 50 ft.

3. **Bulk Requirements** - Minimum yard setback requirements, maximum coverage and maximum height for the underlying zoning district shall apply (including, in a mixed-use subzone, the bulk requirements for non-residential uses) unless otherwise approved by the Zoning Commission. In granting reductions in these bulk requirements of the underlying zone, the Commission may consider:
   a. buffering between buildings or between buildings and property lines provided by natural changes in topography, existing forest areas to remain, proposed landscaping, and other measures to assure privacy for the dwelling units;
   b. clustering of buildings on portions of the site that will have a lesser impact on natural or coastal resources or that will preserve portions of the site that merit preservation for their habitat, scenic, historic, or other values or resources;
   c. the design features of the buildings that reduce their perception of mass, or create privacy between units, or reflect traditional New England architecture, or that encourage groundwater recharge and low impact development.
   d. modifications the Commission finds will achieve a harmonious mixed use plan.

4. **Setback from Tidal Wetlands** - No building, structure, paved parking areas or septic systems shall be erected or placed within 50 feet of any tidal wetlands.

5. **Setback from Railroad** - No building, structure or paved parking area shall be located within 50 feet of the center line of a railroad track.

6. **Buffers** - A suitably landscaped buffer at least 15 feet in width, solid fencing or a combination of planting and fencing shall be provided along the property line where any Incentive Housing Zone abuts any other property line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier.

7. **Grouping** - In no case shall the number of Townhouse units in a single building exceed four (4). The total number of Multi-Family units in a single building shall not exceed eight (8). The shortest distance between any two structures shall not be less than 24 feet unless the Commission determines that the design of the proposed development is benefited by closer spacing.

8. **Design Standards** –
   a. Incentive housing developments shall be designed in accordance with the General Design Requirements in Section 7 of these Regulations.
   b. In adopting the design criteria of Section 7.A and the Special Permit criteria in Section 9.E, the Commission has considered design standards that:
      i. ensure that development is complementary to adjacent neighboring buildings or structures and consistent with the housing plan provided for in CGS Section 8-13p;
      ii. address the scale or proportions of buildings; site coverage; alignment, width or grade of streets or sidewalks; type or location of infrastructure; location of building or garage entrances; off-street parking; protection of significant natural site features; location and design of open spaces; signage; and setbacks and buffering from adjacent properties, etc. provided that the applications of such standards will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in this Section; and
      iii. do not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in CGS Sections 8-13m through 8-13x.

9. Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership.

6. OPEN SPACE

1. Land for parks, playgrounds, recreation areas or open spaces shall be provided and reserved in each incentive housing development as deemed appropriate by the Commission in accordance with the Open Space Criteria established in Section 5.C.5 of these Regulations.

2. In determining the need for the reservation of open space, the Commission will be guided by, but not limited to, a standard of ten percent (10%) of the land area of the incentive housing development. In determining the sufficiency of the reservation of open space, the Commission may find that the need for such open space within the incentive housing development will be satisfied by a lesser area, that an alternative arrangement is preferable, or that open space is not necessary because:
   a. adequate existing parks, playgrounds, recreation areas or open space areas are available in the neighborhood; and/or
   b. there is no land in the incentive housing development suitable for such reservation.

3. The Commission shall determine the most appropriate method of disposition of the open space after considering the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development, the recommendation of the Conservation Commission, the desirability and suitability of public access and use, and the scope of the incentive housing development. The following disposition options may be utilized:
   a. Deeded to the Town, State, U.S. Fish and Wildlife Service, Westbrook Land Conservation Trust or a homeowner's association.
   b. Held in corporate ownership by owners of lots within the development.
   c. Subject to the grant of a perpetual easement.
   d. Any combination of the above or any suitable alternative approved by the Commission.

4. Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and its Legal Counsel for guaranteeing the following:
   a. Continuity of proper maintenance for those portions of the common open space land requiring maintenance.
   b. When appropriate, availability of funds required for such maintenance; and
   c. Recovery of loss sustained by casualty, condemnation or otherwise.

5. Title to the open space land shall be unencumbered and shall be transferred at a time approved by the Commission.

6. Land reserved for open space shall not be used for the storage of equipment or the deposit of debris and shall not be altered except in accordance with an approved plan or as outlined in a conservation restriction. Any physical improvements to open space areas approved as part of the incentive housing development shall be completed prior to issuance of a certificate of zoning compliance unless secured through submission of a financial guaranty in the amount of the estimated cost of the improvement(s).

7. AFFORDABILITY REQUIREMENTS

An application to establish an Incentive Housing Overlay Zone shall include the following:

1. Documentation demonstrating that at least twenty percent (20%) of the dwelling units in an incentive housing development shall be rented or conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons earning less than or equal to eighty percent (80%) of the median income pay thirty percent (30%) or less of their annual income. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Office of Policy and Management, or any other successor agency designated in accordance with CGS Sections 8-13m to 8-13x.

2. An affordability plan that will detail the administration, monitoring and enforcement of the requirement for dwelling units to be sold or rented at below-market rates as described above. The plan shall include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and CGS Sections 8-13m to 8-13x.

3. Documentation indicating the name, address and other contact information for the agency that will administer the sale or rental of dwelling units that are subject to the below-market sale or rental in accordance with this Section. The Commission may require, as a condition of approval, the use of a different Administrator than proposed by the Applicant or may condition the approval on performance standards and monitoring requirements for the Administrator.

4. Documentation as to management, organization and incorporation of applicable ownership associations.

8. APPLICATION PROCEDURES

1. The Zoning Commission shall conduct a public hearing in connection with all Site Plan Applications for an incentive housing development provided that a decision on the application is rendered within 65 days unless the timeframe is extended in accordance with State law. The applicant shall meet the notification requirements for a public hearing as stipulated in Section 9.A.6.

2. In establishing a subzone, the Commission shall have the discretion to exclude one or more uses that would otherwise be permitted in an incentive housing development in that subzone, including uses permitted in the underlying district, which exclusions, if any, shall be stated in the resolution creating or amending the subzone and shall become part of the text describing the incentive housing zone.

3. In approving each subzone, or any IHOZ as a whole, the Commission shall find that any application for an incentive housing zone or subzone complies with the provisions of this Section.

4. **Conditions of Approval** - The Commission may modify any design standards that would unreasonably impair the economic or physical feasibility of constructing dwellings at minimum densities or with required incentive housing restrictions set forth in this Section.

5. The Commission shall approve an IHOZ subject only to conditions:
   a. necessary to ensure substantial compliance of any proposed development with the requirements of this Section, the design standards of these regulations and, if applicable, the subdivision regulations; and
   b. conditions acceptable to the applicant including those to mitigate any extraordinary adverse impacts on nearby properties or the environment.

9. ENFORCEMENT

1. Following approval by the Commission, the availability of the Administrator shall be confirmed with the Zoning Official prior to issuance of a Certificate of Zoning Compliance and kept current for the duration of the restrictions and covenants.

2. Following approval by the Commission, the Administrator shall submit a report on an annual basis to the Zoning Official demonstrating compliance with the Affordability Plan, Deed Restrictions and these regulations.

3. As a requirement of approval, the Administrator or the Zoning Official shall be authorized, at any reasonable time, to inspect the property and to review the records of the Administrator in order to determine compliance of the IHOZ units with the Affordability Plan.

4. Should the Administrator or the Zoning Official determine that the sale, rental, or occupancy of any unit does not comply with the Plan, it shall have all powers granted to it by the Connecticut General Statutes, including 8-12, and under the Deed Restrictions, to assure compliance.

C. CONSERVATION SUBDIVISION

1. PURPOSE

The purpose of this Section is to provide an opportunity for the preservation and protection of the Town of Westbrook's natural resources by permitting a transfer of density within a subdivision by way of reduction in the minimum lot size otherwise required in a specified zoning district in return for the dedication of designated areas as Open Space(s); provided, however, that the total number of lots in the subdivision developed under these Regulations does not exceed the number otherwise permitted under these Regulations and the Subdivision Regulations, Town of Westbrook, except as may be permitted under Section 5.C.4.5 below.

2. REVIEW AGENCY

1. As allowed for in CGS Section 8-2, the Westbrook Planning Commission is hereby designated to hear and decide upon applications for a Special Permit for a Conservation Subdivision.

3. CONSERVATION SUBDIVISION REQUIRED

1. The Conservation Subdivision shall be the required design for subdivisions in the Town of Westbrook, unless a determination is made by the Planning Commission in accordance with Section 5.C.3.2 that the parcel will be more effectively developed as a conventional subdivision.

2. A Conservation Subdivision is not the required design if, upon written request from the applicant, the Planning Commission finds the applicant has demonstrated that a Conservation Subdivision will not achieve the required findings of Sections 5.C.8 and 5.C.9 as effectively as a Conventional Subdivision.

3. Any applicant filing a written request in accordance with Section 5.C.3.2 shall submit a Conceptual Conservation Subdivision Design Plan with the application form.

4. If the Conservation Subdivision is not the required design, open space or fee-in-lieu-of open space shall be provided in accordance with CGS Section 8-25(a) in lieu of Section 4.3 of the Subdivision Regulations.

4. STANDARDS

1. **Applicable Standards** - All subdivisions and lots must, except as otherwise provided in this Section 5.C, comply with all applicable sections of these Regulations and the Subdivision Regulations, Town of Westbrook and all applicable provisions of federal, state and local law.

2. **Maximum Number of Lots** – The maximum number of lots within a Conservation Subdivision shall be determined as follows:
   a. From the total parcel area, subtract the area of any area designated as inland wetland, tidal wetland, watercourse, or special flood hazard area (excluding 500-year frequency flood hazard areas) or any area of the parcel containing slopes in excess of twenty percent (20%) to determine the amount of "buildable area" on the parcel.
   b. Multiply the amount of "buildable area" on the parcel by the following density factor to determine the maximum number of lots permitted within the conservation development:

Zoning District	Density Factor
RR	0.4 lots per acre of buildable area
LDR	0.8 lots per acre of buildable area
MDR	1.6 lots per acre of buildable area
HDR / HDR-2	2.32 lots per acre of buildable area

3. **Area and Dimensional Requirements** - Where the Planning Commission approves a Special Permit for a Conservation Subdivision, the "area and dimensional standards" of the underlying zone as provided in Section 2.C of these Regulations shall be superseded to the extent, but only to the extent, approved by the Planning Commission in connection with a Conservation Subdivision.

4. **Open Space Requirement** –
   a. Conservation subdivisions shall provide for the dedication of at least fifty (50) percent of the total area of the parcel to be subdivided as Open Space except that the Planning Commission may, in its sole discretion, by a vote of at least two-thirds (2/3) of all its members, allow the provision of less Open Space upon an affirmative finding by the Planning Commission of the following:
      i. No additional lots will be created;
      ii. Significant open space areas of at least one-third of the total area of the subject parcel will be preserved and/or protected, unless the Commission finds that a lesser percentage will preserve a significant natural resource or other resource identified in the Plan of Conservation and Development;
      iii. The allowance will not have a significant adverse impact on adjacent property or on the public health and/or safety; and
      iv. The granting of such an allowance by the Planning Commission will not significantly violate the Plan of Conservation and Development, as adopted and amended from time to time.
   b. Open Space dedication must be in accordance with the provision of Sections 4.3 et seq. of the Subdivision Regulations, Town of Westbrook and any revisions thereto.
   c. Conservation Subdivisions shall be designed so that the Open Space land is contiguous within the subdivision or to other existing or proposed Open Space to the maximum extent practicable and consistent with the purposes of these Regulations.

5. **Perimeter Buffer** –
   a. The Conservation Subdivision shall have a minimum twenty-five (25) foot buffer.
   b. Where visual screening at eye level is provided by existing vegetation, site features such as ledge, or significant changes in topography, these may be substituted for installation of new vegetation.
   c. Vegetation not surviving or determined to be in an unhealthy growing condition in the first season shall be replaced in the following season.
   d. The Planning Commission may require larger buffers or specific vegetative screening where necessary to shield adjacent properties.
   e. In locations where existing man-made features such as roads or buildings restrict the available room for vegetative screening, fences and other structures may be substituted so long as they provide visual screening at eye level.
   f. The Planning Commission may require a cash bond prior to the sale of the first lot in the subdivision for installation or maintenance of buffer vegetation or structures when it deems it necessary by virtue of the extent, or vulnerability, of new vegetation to be established, or the visual severity of impact upon existing land uses. Such bond shall not be held for more than one (1) year following acceptance of public improvements.
   g. The Buffer may overlap Open Space or be part of a proposed lot as long as there is a sufficient legal mechanism to assure that it will be maintained. Such legal mechanism shall be subject to review and approval by the Commission's legal counsel.
   h. The buffer shall be permanently maintained by the individual lot owners or by the homeowners' association, where one exists. Such obligation shall be reflected in the Declaration of Restrictions for the subdivision, and shall be enforceable by the Town of Westbrook, acting by and through its Planning Commission or designated agent.

6. **Density Bonus** –
   a. In order to encourage dedication of appropriately located and sized Open Spaces areas, the Planning Commission may grant a lot-density bonus where in excess of fifty percent (50%) of the land within the proposed subdivision is designated for public use and/or resource protection. Such bonus shall be calculated as follows:

      For each two percent (2.0%) of the area of the parcel as open space which exceeds the fifty percent (50%) threshold, the applicant may add one percent (1.0%) to the density factor in Section 5.C.4.2.b. The Commission may round up any fractional lot calculation to the next highest integer.

      - **Scenario** - 60% of parcel proposed for dedication as open space in the RR District
      - The amount of open space proposed is 10% higher than the 50% threshold
      - The applicant may propose units based on a 5% increase in the density factor
      - The applicant could calculate the total number of lots based on 0.42 lots per buildable acre
      - Commission could round up a fractional remainder to the next highest integer

   b. The Planning Commission may accept additional Open Space area on the subject parcel or elsewhere in Westbrook in exchange for the lot-density bonus when it finds that the additional Open Space serves a beneficial natural resource protection or recreational purpose and that it benefits the future residents of the subdivision.

5. OPEN SPACE CRITERIA

1. In determining the appropriateness of the proposed Open Space area, the Planning Commission shall consider:
   a. the purposes of this Section,
   b. the Westbrook Plan of Conservation and Development,
   c. the Open Space Plan, prepared by the Westbrook Conservation Commission in cooperation with the Westbrook Planning Commission,
   d. the Westbrook Coastal Resource Management Plan, and
   e. the review considerations contained in Section 5.C.8 of these Regulations.

6. RECOMMENDED DESIGN PROCESS

1. It is recommended that the design process follow this sequence:
   a. delineation of areas of the parcel which are inland wetland, tidal wetland, watercourse, special flood hazard area, or which contain slopes in excess of twenty percent (20%).
   b. delineation of all potential Open Space,
   c. designation of potential house sites,
   d. location and alignment of access road(s),
   e. establishment of lot lines.

2. **Pre-Application Conference** (OPTIONAL) -
   a. It is strongly recommended that one or more pre-application conference(s) with staff to discuss conceptual aspects of the proposed Conservation Subdivision and the proposed plan.
   b. The pre- application conference is recommended to allow the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of maps, plans and documents required for informal consideration or formal application.
   c. Proceeding without such a meeting may increase the likelihood of longer approval times or denials based on insufficient information necessary for the Planning Commission to make an informal decision.
   d. No comments made during either the pre-application conference with staff, or the Informal Consideration of preliminary plans outlined below, shall be deemed to constitute any portion of the application for approval of a Conservation Subdivision, or be construed as any decision, prejudgment, or determination concerning the ultimate formal application.

3. **Informal Consideration** (OPTIONAL) –
   a. It is recommended that, prior to submission of a formal application for a Conservation Subdivision, the applicant initiate an Informal Consideration review as is provided for in Subsection 2.1 of the Subdivision Regulations, Town of Westbrook.
   b. A conceptual Conservation Subdivision Design Plan shall be provided for the consideration of the Planning Commission.
   c. The Planning Commission may provide informal, non-binding suggestions to the applicant.

7. APPLICATION PROCEDURES

1. A conservation subdivision application shall be processed as a Special Permit application by the Planning Commission subject to the provisions of Section 9.E except that Conservation Subdivisions located in an Incentive Housing Zone shall be processed in accordance with Section 5.B of these Regulations.

2. The application processes for the Special Permit and subdivision or resubdivision approval shall proceed concurrently.

3. The Planning Commission shall provide the forms upon which application shall be made, and shall be designated to hear these applications, as allowed for in CGS Sections 8-1c and 8-2.

4. The forms, number of copies of applications, plans, and fees required to be submitted shall be the same as required in Sections 2.2 et seq. of the Subdivision Regulations, Town of Westbrook, as may be amended.

5. The applicant shall pay the fees established for Special Permit and subdivision applications as defined in the Code of Ordinances, Town of Westbrook Connecticut, Section 9-3, any additional fees required under the Subdivision Regulations, Town of Westbrook and any fees required by the State of Connecticut are to be paid through the Town.

6. **Required Plans** -
   a. Conceptual Conservation Subdivision Plan consisting of a scaled schematic plan showing (It is suggested that the applicant utilize the Pre-application Conference(s) and Informal Consideration process in developing the Conceptual Conservation Subdivision Plan):
      i. any portion of the land that is wetlands and watercourses,
      ii. flood zone A or V (elevation determined or not),
      iii. slopes of 20% or greater;
      iv. coastal resources and land within the CAM boundary,
      v. lands shown on the Town's Open Space Plan,
      vi. proposed easements, deed restrictions or other public encumbrances of the land,
      vii. proposed street locations and alignment with existing streets,
      viii. lot lines, and
      ix. adequacy of each lot to accommodate a house, well and septic system.

7. **Proposed Area Regulations** –
   a. The Plan shall include a table with the proposed "area and dimensional standards" for each lot which shall specify the lot area, frontage, yards, and other "area regulations" that shall be applied in the proposed subdivision.
   b. Buffers from Tidal Wetlands and Maximum Height Requirement shall not be subject to modification.
   c. Approval of the proposed "area regulations" shall be at the sole discretion of the Planning Commission, which may approve lesser reductions in "area regulation" than those proposed.
   d. Uses allowed in the zoning district in which a Conservation Subdivision is proposed shall apply unless specifically restricted by the applicant as part of the Conservation Subdivision.

8. **Soil Testing Results** –
   a. Test holes and percolation test results shall be provided for up to a maximum of fifty percent (50%) of the potential lots determined by the Sanitarian to be the most difficult on which to locate on-site septic systems or shall be provided for the area proposed for a community system.
   b. The number and locations of all test holes and percolations tests shall be determined by the Town Sanitarian.

9. **Legal Documents** –
   a. An application shall not be considered complete unless accompanied by copies of:
      i. existing and proposed easements (including, but not limited to, driveways, drainage, grading, or Conservation Restrictions;
      ii. deeds (including, but not limited to streets, Open Space, lot-line changes, or dedication of land to the Town of Westbrook);
      iii. the proposed Certificate of Incorporation, if any, provided that any such articles of incorporation of the homeowners' association shall provide that:
         (1) no dissolution of the association or modification of the provisions within, by a majority of all its members, shall become effective without the consent of the Town of Westbrook Planning Commission.
         (2) upon any dissolution of the association, the Open Space shall revert to the Town, which may take action to:
            (a) accept it under the provisions of the conservation restriction included as an appendix to the Subdivision Regulations, Town of Westbrook
            (b) convey it to a land trust organization or a suitable non-profit conservation organization, or
            (c) permit it to be developed for a public use consistent with the purposes of Section 5.C.5.;
      iv. By-Laws, Rules or Regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision;
      v. proposed Covenants and Restrictions to be placed in the deeds of conveyance to the lot owners;
      vi. any proposed deeds, agreements, conveyances or restrictions necessary for the creation of Open Space; and
      vii. any other documents as may be necessary.

10. **Technical Information** - All plans, analyses, certifications, parcel history plans, state permits, sanitarian approvals, Coastal Site Plan reviews, adjacent owners list, passive solar energy schemes, and other information required for subdivision approval listed in Section 2.2 Formal Application, inclusive, of the Subdivision Regulations, Town of Westbrook.

11. **Third Party Review** - Where significant environmental impact may be involved, the Planning Commission may request a review of the application and site by a third party with recognized professional expertise, to be chosen by the Planning Commission and, if required, paid for by the applicant as a cost of the Planning Commission's processing of the application.

8. REVIEW CONSIDERATIONS

In evaluating a proposed Conservation Subdivision, the Planning Commission shall consider the subject site's characteristics with respect to how well the design achieves the following:

Open Space Preservation / Enhancement

1. provides Open Space that is reasonably contiguous, as close to a single block as practicable, contained within logical, straightforward boundaries and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust, or such other equivalent handbook as the Planning Commission may identify or approve;

2. consolidates Open Space so that resource areas are not divided into numerous small parcels located in various parts of the development;

3. avoids long thin strips of Open Space unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails;

4. provides Open Space which generally abuts existing or potential Open Space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations);

5. provides Open Space designed as part of larger contiguous and integrated greenway systems;

6. creates a pedestrian circulation system that assures safety and ease of walking on the site, and between properties and activities or special features within the neighborhood and the Open Space system;

7. footpaths that are aligned to provide the greatest access to house sites as possible and connect with off-road trails, which in turn can link with existing or potential Open Space on adjoining undeveloped parcels;

Natural Resource Protection

1. excludes wetlands, flood plains, and coastal resources from the development area to the greatest extent possible;

2. protects and preserves aquifers, floodplains, wetlands, ledge outcroppings and steep slopes from clearing, grading, filling, or construction;

3. maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and watercourses;

4. protects and provides for wildlife habitat and corridor areas especially if for species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Connecticut Department of Energy and Environmental Protection;

5. provides or maintains existing desirable trees along roads, in existing hedgerows and between fields or meadows whenever possible;

6. utilizes native species shade trees and flowering shrubs with high wildlife conservation value in landscaped common areas such as community greens, cul-de-sac islands, and both sides of new streets;

Farm / Forest Protection

7. accommodates continuance of agricultural use, or where encroachment on these soils is unavoidable, keeps dwellings to the far edge of fields;

8. preserves existing locally significant, prominent, open agricultural landscape vistas and views along public thoroughfares and places homes facing across a broad grassy expanse (i.e. utilizing the concept of “foreground meadows”);

9. preserves and maintains existing fields, pastures, meadows, orchards, minimizes disturbance of prime agricultural soils, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses;

10. locates development in those woodlands that are in poor condition with limited management potential;

11. provides protection for large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or avoids those which are degraded by invasive vegetation or on highly erodible soils with slopes greater than 10%;

Cultural Resource Protection

1. within open space areas, includes sites of historic, archeological, or cultural value, such as stonewalls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds and their environs, insofar as needed to safeguard the character of the feature;

2. Within lot areas, excludes sites of historic, archeological, or cultural value, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds and their environs, insofar as needed to safeguard the character of the feature to the greatest extent possible;

Scenic Resource Protection

3. protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads or established buffer zones along the scenic corridor of rural roads with historic buildings, stonewalls, hedgerows, etc.;

4. allows for unblocked or uninterrupted scenic views and vistas, particularly as seen from public thoroughfares;

5. maximizes the view of the Open Space from each lot without loss of buffer vegetation protecting wetlands and watercourses and other sensitive natural resources;

6. avoids disturbing prominent hilltops or ridges avoids locating new construction on prominent hilltops or ridges by taking advantage of lower topographic features;

Design Creativity

7. utilizes creative approaches to “area and dimensional standards” such as one side yard setback being consistently smaller so as to better accommodate side-opening garages or wider drives for parking of vehicles or to create more appealing outdoor rooms;

8. maintains the sense of enclosure in existing wooded areas by making provisions to preserve existing vegetation, and avoids large trees when designing such development features as buildings, roads, yards, septic disposal fields, etc. to the fullest extent practicable;

Community Enhancement

9. provides active recreational areas in locations that meet neighborhood and/or community- wide needs and offer convenient access and adequate screening from nearby house lots.

9. FINDINGS

In granting a Special Permit under this Section 5.C, the Planning Commission shall consider:

1. all findings required for Special Permit under Section 9.E of these Regulations;

2. compliance with the above Open Space criteria and subdivision guidelines;

3. the ability of the proposed lots to accommodate structures of an appropriate size and character for the neighborhood;

4. the recommendations for Open Space within the Westbrook Plan of Conservation and Development;

5. the suitability of areas within the proposed Conservation Subdivision for Open Space purposes in light of the topography, size, shape, and character of the land to be subdivided, and its relationship to other existing or proposed areas of Open Space;

6. the maintenance, insurance, and other burdens placed upon the residents of the Conservation Subdivision, and/or the Town of Westbrook;

7. any burden imposed by the proposed Conservation Subdivision on existing and proposed areas of Open Space;

8. recommendations of the Board of Selectmen, the Westbrook Inland Wetlands and Watercourses Commission, the Recreation Commission, the Conservation Commission, the Westbrook Zoning Commission, and any other public or private agencies or authorities providing comment to the Planning Commission;

9. public access to the Open Space;

10. the opportunity to concentrate building lots so as to avoid:
    a. environmentally sensitive areas, such as inland or tidal wetlands, flood plains, aquifers, steep slopes, exposed rock outcroppings, wildlife habitats and corridors, large, contiguous forest tracts, or scenic vistas, or
    b. culturally valuable sites such as those with archeological or historical resources, or
    c. natural resource abundant sites such as prime agricultural soils, forests, historic streetscapes and historic areas, and active farms;

11. the opportunity to concentrate development on areas of a site that have already been disturbed or that present the opportunity for creative reuse of existing buildings.

6. USE-RELATED STANDARDS

A. ACCESSORY BUILDINGS

Accessory buildings or uses are permitted in any district provided that:

1. No accessory building or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory except that a barn or other structure accessory to a farm shall not be subject to this provision.

2. Unless specifically permitted by these Regulations or specifically approved by the Commission by Special Permit, no accessory building shall be located on a lot in a manner which causes it by size, height, color or design to dominate over the principal building.

3. The location of an accessory building on a lot shall comply with all applicable yard setbacks and building coverage requirements except that accessory buildings or structures two hundred (200) square feet or less, may be located in the rear yard a distance from the rear lot line equal to the side yard requirement of the district in which it is located.

B. FENCES

1. The following fences do not need to comply with yard setback requirements:
   a. Fences in residential districts which are less than 78 inches in height.
   b. Deer fences constructed as a barrier to animals entering or leaving an enclosed area in conjunction with an agricultural use provided that such deer fence is less than 96 inches in height.

2. Other fences shall comply with the yard setback requirements unless otherwise permitted by the Commission through the granting of a Special Permit.

3. Electrical, barbed wire fence, or other fences considered hazardous shall be prohibited in residential districts except:
   a. when used to provide security to a public utility structure or tower, or
   b. where constructed as a barrier to animals entering or leaving an enclosed area in conjunction with an agricultural use except that "agricultural use" shall not include small flower or vegetable gardens.

4. Fences intended to guard commercial or industrial property against unauthorized entry or to protect stored goods and products from theft and other unauthorized handling shall be exempt from height and yard setback requirements subject to approval of a Special Permit application.

5. Fences that are adjacent to a driveway that do not meet yard setbacks, shall not exceed a height of 3'-6" and shall be at least 40% transparent within 10 feet of the edge of the street pavement.

6. On a corner lot, fencing along intersecting streets that does not meet yard setbacks, shall not exceed a height of 42 inches and shall be at least 40% transparent within 25 feet of the intersecting street lines.

C. KEEPING OF ANIMALS

1. INTERIOR OF A RESIDENCE

1. The keeping of any animal(s) as personal pets within the residence of the owner shall be in accordance with the Health Code.

2. KENNEL

1. Up to three (3) dogs and/or three (3) cats over the ages of six months are permitted before the property is considered a kennel.

2. **Kennel** – The minimum setback for any building or fenced area used for the accommodation of dogs or cats as part of a kennel shall be 75 feet from any property line.

3. HORSES, LIVESTOCK, RABBITS, AND/OR FOWL

1. Keeping of horses, livestock, rabbits, and/or fowl shall be in accordance with the Health Code, generally accepted agricultural practices established by the Connecticut Department of Agriculture, and with the following:

	Horses /Livestock	Rabbits	Fowl
Farm	Not limited provided the operation is operated in accordance with the Health Code and generally accepted agricultural practices established by the Connecticut Department of Agriculture		
Residential District – Parcels with less than one (1.0) acre of lot area that is not wetlands and not watercourse	Not permitted	Up to four (4) rabbits	Not permitted
Residential District – Parcels with one (1.0) to two (2.0) acres of lot area that is not wetlands and not watercourse	Not permitted	Up to four (4) rabbits	Up to six (6) chickens No roosters
Residential District - Parcels with more than two (2.0) acres of lot area that is not wetlands and not watercourse	Up to one (1) horse or livestock per one-half (1/2) acre Additional horses or livestock shall require preparation of an animal management plan and approval of a Special Permit Application by the Commission	Up to twelve (12) rabbits More than 12 rabbits (a rabbitry) shall require preparation of an animal management plan and approval of a Special Permit Application by the Commission	No more than ten (10) fowl per acre No roosters More than 10 fowl per acre shall require preparation of an animal management plan and approval of a Special Permit Application by the Commission

2. **Horses / Livestock** - Within any Residential District, the minimum setback for any building used for the accommodation of horses and/or livestock shall be 75 feet from any property line.

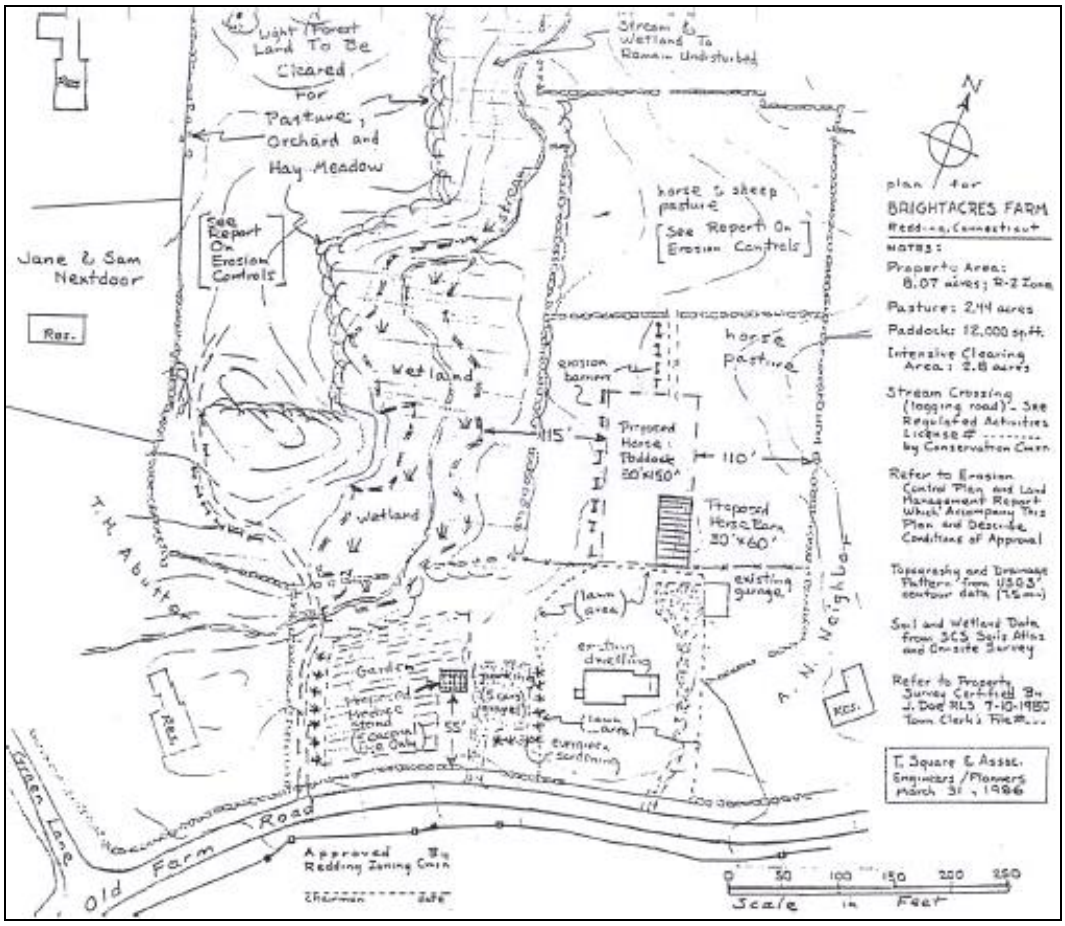
3. **Rabbits** – Within any Residential District, the minimum setback for any building or enclosed land for the accommodation of rabbits shall be 40 feet from any property line.

4. **Fowl** - Fowl shall be confined to a fenced enclosure located in a rear yard and at least 15 feet from any property line. Any building used to house fowl shall be at least 20 feet from any property line.

5. For the keeping of multiple categories (livestock, rabbits, fowl) on parcels with two (2.0) or more acres, no lot area shall be allocated to support more than one category.

6. Where an "animal management plan" is required:
   a. The "animal management plan" shall consist of a map of the site and its immediate environs drawn to scale based on an aerial photograph or other source sketch.
   b. The "animal management plan" shall show the extent of the proposed operations, approximate slopes and drainage patterns, general location of streams, wetlands, buildings, fence lines, and roadways, and shall be accompanied by a written description which explains in detail how the operations shall be conducted, parties responsible, and demonstrates sound animal management practices.
   c. When satisfied that the "animal management plan" demonstrates that no adverse impact will result to the site or adjacent area, the Zoning Official may approve the zoning permit with conditions required to protect the environment of the site.

Example of an "Animal Management Plan"



Zoning Regulations, Redding, CT

4. COMMERCIAL HORSE OPERATIONS

1. **Purpose** - It is the purpose of this Section of these Regulations to permit commercial horse operations within residential districts in a way that is compatible with the overall character of existing residential areas and so as to not degrade the natural environment or negatively impact the public health, safety, and property values. These regulations are intended to set the minimum necessary standards for the keeping of horses for commercial purposes that are consistent with generally accepted agricultural practices for such animals.

2. **Lot Requirements:**
   a. Notwithstanding any other limitations in these Regulations, commercial horse operations shall have at least two (2) acres of land area for the first horse and at least one-half (1/2) acre of land area per horse above that.
   b. The areas where the horses shall be generally kept, which includes barns, stalls, paddocks, and rings, shall consist of land area not less than 1/8 acre per horse.
   c. On-site septic systems shall not be located within the paddock, corrals, or riding ring areas or otherwise be included in the keeping area calculation.

3. **Included Uses** - For the purposes of this Section of the Regulations, commercial horse operations shall be considered to include one or more of the following to the extent approved by the Commission:
   a. Commercial horse stables (no permit required for up to three horses with a Special Permit required from the Commission for four horses or more)
   b. Riding academies.
   c. Livery and boarding stables.
   d. Animal and convalescent stables.
   e. Breeding stock farms.
   f. Private club riding stables.

4. **Minimum Setbacks**:
   a. All buildings or structures used for the keeping of horses shall be located at least seventy-five (75) feet from any property line except that the Commission may reduce this requirement as part of the Special Permit when the Commission finds that adequate separation is provided to surrounding properties as a result of topography, existing vegetation, fencing, or screening.
   b. Any proposed riding rings and horse trailer storage areas shall be located at least fifty (50) feet from any property line except that the Commission may reduce this requirement as part of the Special Permit when the Commission finds that adequate separation is provided to surrounding properties as a result of topography, existing vegetation, fencing, or screening.
   c. There shall be no storage of horse excrements or bedding materials within seventy-five (75) feet of any well, wetland, or septic system or within seventy-five (75) feet of a property line.

5. **Parking**:
   a. There shall be one (1) off-street parking space per horse stall.
   b. All parking shall be located at least fifty (50) feet from any property line.
   c. Additional parking shall be provided for special events or activities.

6. **Management**:
   a. The stabling of horses and management of all feed and waste materials shall be in accordance with generally accepted agricultural practices as established by the Department of Agriculture and shall conform to all State and local laws, regulations, and codes.
   b. There shall be no external floodlighting that transmits beyond the property boundaries.
   c. Training, lessons, and other events or activities involving persons other than the owners of the horses shall only occur during the hours of 7:00 A.M., to 8:00 P.M. unless permission for such activity is specifically granted by the Commission.
   d. Amplified sound systems shall not be utilized unless permission for such activity is specifically granted by the Commission.

D. ACCESSORY APARTMENTS

1. PURPOSE

The purpose of this Section is to provide for housing that responds to changing family needs and smaller household sizes and to encourage a more efficient use of existing housing stock in a manner that maintains the appearance and character of the single family neighborhoods in which they are located.

2. GENERAL REQUIREMENTS

Accessory apartments shall be allowed as a permitted use in the RR, LDR, MDR and HDR Districts subject to the following:

1. The lot upon which the accessory apartment is proposed shall have a minimum lot size of 15,000 square feet.

2. The accessory apartment shall be located within the primary residence or attached garage except that the Commission may, by Special Permit, allow an accessory apartment within a detached building when situated on a parcel of two (2) acres or more.

3. Only one accessory apartment shall be allowed on a lot.

4. The owner of the property on which the accessory apartment is located shall occupy either the primary residence or accessory apartment. For purposes of this section, "owner" may include the holder(s) of a life estate; or the beneficiaries of a trust created by a person(s) who was the owner(s) of record immediately preceding the conveyance to such trust, and such owner(s) reside on the property by virtue of their status as trust beneficiaries.

5. In accordance with the provisions of the CGS Section 8-6(a), the provisions of this Section 6.D shall not be varied by the Zoning Board of Appeals.

6. No permit for an accessory apartment shall be issued unless the building housing such apartment is served by a subsurface sewage disposal system that is fully code-compliant with all current requirements of the Connecticut Public Health Code and the Westbrook Sewer Avoidance Ordinance (except for the 100% reserve area), including any additional design requirements of the accessory apartment. An as-built plan of the installed system, showing compliance with this requirement, must be submitted to the Westbrook Health Department for approval prior to application for the accessory apartment permit. Additional soil testing may be required by the Health Department to meet this requirement.

7. The primary structure and the accessory apartment shall be served by a single electrical meter. Separate meters may be allowed where the applicant demonstrates a legitimate need for such a separate meter.

3. DESIGN STANDARDS

Accessory apartments shall be created only in conformance with the following design standards:

1. The maximum gross floor area of the accessory apartment shall not exceed 1,000 square feet or 30% of the total floor area of the principal dwelling within which it is located, whichever is less.

2. There shall be no more than two bedrooms in the accessory apartment.

3. There shall be provided at least two off-street parking spaces for the primary residence and at least one off-street parking space for each bedroom in the accessory apartment.

4. The accessory apartment shall be designed to maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the primary residence.

5. Exterior entrances to the apartment shall be located so as to appear as a single family dwelling with one major entrance to the building, with the second entrance being subordinate and a variation from the main entrance.

6. The fire escape or outside stairway, if any, shall be enclosed.

4. ADDITIONAL APPLICATION REQUIREMENTS

In addition to the application requirements for issuance of a Zoning Permit outlined in Section 9.B, the applicant shall provide sufficient architectural drawings, clear photographs or sketches to demonstrate conformance with the design standards outlined in Section 6.D.3.

5. CONDITION OF APPROVAL

As a condition of the issuance of a Zoning Permit, the property owner shall file on the Land Records, a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner stating that:

1. The accessory apartment shall not be sold separately.

2. The unit is restricted to the approved size.

3. The zoning permit for the accessory apartment shall be in effect only so long as either the primary residence or the accessory apartment is occupied by the owner of record.

E. REAR LOTS

Rear lots, located in a residential district, having less than the street frontage required by that district shall be permitted provided that:

1. The lot conforms to all requirements prescribed for the district in which it is located, except that the lot area shall be at least one and one-half (1½) times the minimum required for the district, exclusive of the area of the accessway.

2. Each rear lot has access to a street by means of an unobstructed, legal accessway:
   a. Held in the same ownership as the rear lot.
   b. A minimum of twenty-five (25) feet in width.

3. Each rear lot shall be served by its own driveway located entirely within the accessway except when all of the following conditions are met:
   a. Common driveways for serving rear and/or frontage lots may be permitted in a subdivision approved by the Planning Commission, in order to reduce the impact on the environment, reduce impervious surface, reduce the number of curb cuts and reduce the number of common driveways.
   b. Each rear lot served by a common driveway shall demonstrate, by the submission of detailed plans, that it is capable of being served by its own driveway constructed within the boundary lines of each such lot, which driveway would meet the Design Standards of Section 4.5.15, Driveways and Aprons, of the Subdivision Regulations of the Town of Westbrook
   c. The maximum number of residential lots served by a common driveway shall not exceed four (4), only two (2) of which may be rear lots.
   d. To insure proper maintenance, a note referencing the deed restriction for any lot utilizing a common driveway shall be placed on the approved subdivision plan and filed in the Land Records of the Town of Westbrook. The wording of this deed restriction shall follow the format of "A Declaration of Easement for Driveways and Utilities" as adopted by the Planning Commission and published as an Appendix to the Subdivision Regulations as the same may be amended from time to time.

F. HOME OCCUPATIONS

1. A home-based business may be conducted in a residential dwelling as provided in these Regulations.

2. Any home-based business shall comply with the following conditions and requirements:
   a. Such occupation shall not require the storage of any materials or products on the premises outside of the structure in which it is located.
   b. Such occupation shall be clearly secondary to the use of the dwelling for residential purposes.
   c. Such operation shall not change the residential character of the dwelling in any visible manner.
   d. Such occupation shall not create objectionable noise, smoke, odor, toxic fumes, vibration, or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property values in the neighborhood.
   e. Such occupation shall not create interference with radio or television reception in the vicinity.
   f. Such occupation shall not create a health or safety hazard.
   g. Such occupation shall be carried on only by the inhabitants of the residence, except that one additional person may also be employed.
   h. Such occupation shall not have any outside storage, exterior display or advertisement regarding any service available on the premises. However, a single sign meeting the requirements of Section 7.B of these Regulations may be erected.
   i. Such occupation shall not increase the traffic or vehicular congestion in the neighborhood.
   j. Off-street, on-site parking in accordance with Section 7.C of these Regulations shall be provided for the residence, except that, in addition one (1) space shall be provided for each employee.

3. In addition to the above, a home office used in whole or in part for business purposes shall comply with the following conditions and requirements:
   a. the area devoted to the home office shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
   b. the home office shall not have any non-resident employees.

4. In addition to the above, no parking area for employees or the general public associated with a minor home occupation shall be located on any grassed area or between any street line and a front yard setback.

5. Any home-based business which requires a Zoning Permit shall make application on the form provided by the Zoning Official and, if required by such Zoning Official, shall be accompanied by a copy of a plan drawn to scale which indicates clearly the dimensions of the lot on which such use is to be located, including a description of what area is to be devoted to the home occupation use and other information as may be required by the Zoning Official to indicate compliance with all the conditions and requirements listed herein.

G. PARKING OF RECREATIONAL VEHICLES

1. GENERAL REQUIREMENTS

Outside of the Commercial Boating (CB) District, no recreational vehicles may be parked on any lot unless such lot contains a dwelling as a primary use of said lot and no recreational vehicle shall be parked on any lot except in compliance with the following provisions:

1. Nothing in these Regulations shall prohibit the storage of not more than one (1) recreational vehicle at any given time on the property of the owner or occupant of the residence which is located on said lot.

2. Said recreational vehicles shall not be used for human habitation.

3. Outside of the Commercial Boating (CB) District, any recreational vehicle shall only be stored in a side yard or a rear yard and shall be screened from the street and from adjacent properties to the satisfaction of the Zoning Official if located within the minimum yard setback.

4. Said recreational vehicles shall not exceed the following lengths by district:
   a. RR: unrestricted
   b. LDR: thirty-four (34) feet
   c. MDR: twenty-six (26) feet
   d. HDR: twenty (20) feet
   e. CTC: twenty (20) feet
   f. CBD: twenty (20) feet

5. Any recreational vehicle exceeding sixteen (16) feet in length shall be kept at least ten (10) feet from any side or rear yard, and in no case shall such vehicle be stored in the front yard.

2. RECREATIONAL VEHICLE IN A COMMERCIAL MARINA

Recreational vehicles may be only parked at Commercial Marinas in accordance with the following requirements:

1. Any such recreational vehicle shall:
   a. be built on a single chassis;
   b. not be larger than 400 square feet when measured at the largest horizontal projection; and
   c. not be designed for use as a permanent dwelling.

2. No marina shall have:
   a. more than one recreational vehicle per half acre of land area, or
   b. more than five (5) recreational vehicles per marina.

3. Recreational vehicles shall only be occupied by persons having a boat slip at the subject marina, and at no time used for storage of materials or stored on the lot.

4. Any such recreational vehicle may be utilized for short-term human habitation, but only between April 1st and October 31st.

5. Recreational vehicles shall not be located in designated parking spaces.

6. Dumpsters and restrooms must be adequate to accommodate recreational vehicle inhabitants; any Recreational Vehicle shall have provisions for disposal of wastewater, including both “grey water” from sinks, showers, and tubs, and “black water” from toilets, in accordance with the Public Health Code.

7. Recreational vehicles must be parked at least twenty (20) feet from any property line, and above the high tide line.

8. A recreational vehicle placed on the site of a commercial marina must be:
   a. fully licensed, and
   b. “ready for highway use” (to prevent recreational vehicles from being permanently placed in the floodplain) by virtue of it:
      i. being on its wheels or jacking system,
      ii. being attached to the site only by quick disconnect type utilities, and
      iii. having no permanently attached additions.

9. Recreational vehicles shall not be inhabited during major storm events, and shall be removed from the marina whenever local or state officials suggest evacuation of low-lying areas.

H. SALE OF HOME GROWN PRODUCTS

1. Any agricultural product grown on any lot in any zoning district within the Town of Westbrook may be sold on a temporary or seasonal basis from that property on which said product is grown.

2. **Standards –** Any roadside stand shall comply with the following requirements:
   a. such stand shall be located at least twenty feet (20') from any side lot line and may be located within the required front yard setback provided the stand shall be located on that property on which said product is grown, ,
   b. adequate parking is provided, and
   c. the location of such stand shall not create a hazardous situation in terms of access, parking and/or sight lines,
   d. the location of such stand shall not create an unsightly condition that would set it apart in its surroundings or degrade property values in the neighborhood.

3. **Permit Requirements -**
   a. A roadside stand of up to 32 square feet may be established without obtaining a zoning permit provided such stand is not built on a permanent foundation and can be easily relocated as needed.
   b. A roadside stand larger than 32 square feet may be established with a zoning permit provided such stand is not built on a permanent foundation and can be easily relocated as needed.
   c. A roadside stand built on a permanent foundation or which cannot be easily relocated shall require approval by the Commission.

I. RESTRICTION ON UNREGISTERED MOTOR VEHICLES

1. Exterior parking or storage of one (1) unregistered motor vehicle is permitted in any residential district provided such vehicle is maintained in what appears to the Zoning Official to be roadworthy condition.

2. In a residential district, any unregistered vehicle not maintained in what appears to the Zoning Official to be roadworthy condition shall only be parked or stored:
   a. within a building, or
   b. in a side yard or a rear yard provided that any such vehicle parked or stored within the minimum yard setback shall be screened from the street and from adjacent properties to the satisfaction of the Zoning Official.

3. Vehicles used on a farm or those stored on a Connecticut Department of Motor Vehicles licensed premise are exempted, but in no event shall such vehicles be kept in front of any building or front building line.

J. CONGREGATE FACILITY

1. PURPOSE

Congregate facilities are intended to allow for residential dwelling units in conjunction with common facilities and services, including administrative areas, common dining facilities, recreational facilities and health care facilities.

2. STANDARDS

In addition to any other requirements of these Regulations, the proposed congregate facility shall comply with the following standards:

1. **Lot Requirements** –
   a. The congregate facility shall be located on a lot having a minimum Lot Area of five (5) acres.
   b. The site shall have direct access to frontage on a state highway or approved Town street.

2. **Number of Dwelling Units** - The average density on the lot shall not exceed six (6) bedrooms per acre of land.

3. **Building / Dwelling Design** –
   a. All stairways and/or stairwells shall be enclosed within the main structure.
   b. No building shall have more than two (2) stories, or exceed thirty-five (35) feet in height.
   c. The project shall be designed in accordance with any applicable design standards and shall devote considerable attention to building massing and articulation, roof forms, and other building features and siting in order to be visually compatible with the setting.
   d. Any building or other structure shall be located at least fifty (50) feet from any street line or property line.
   e. Any building in a congregate facility shall have an architectural design which visually breaks up the building mass.
   f. In no event shall there be more than twenty-five (25) dwelling units in a single story structure or fifty (50) dwelling units in a two (2) story structure.
   g. All buildings shall conform to all State and Federal requirements for the handicapped.

4. **Site Design** –
   a. Roadways, driveways, curbing and other paved areas shall conform in both design and construction standards to the Subdivision Regulations of the Town of Westbrook.
   b. Off-street parking shall be provided as required by these Regulations.
   c. All congregate facilities shall have sidewalks constructed along the frontage at the street, on all interior roads, connecting to the sidewalk at the street, and within the site for the safe passage of pedestrians throughout the project.
   d. All sidewalks shall be constructed in accordance with Section 7.F of these Regulations.

5. **Utility Requirements** - Such development shall include the following requirements:
   a. Each congregate facility shall be served by a public water supply as defined in the Connecticut General Statutes.
   b. Where feasible, all electric and telephone lines and cable TV lines shall be located underground.

3. SPECIAL REQUIREMENTS:

1. In the event that there is a conflict between the provisions of this Section and any other Section of these Regulations, the provisions of this Section shall apply.

2. In the event that there are properties adjacent to the proposed development site which are capable of future development, and which have no other suitable access for such development, the Commission may require access to said properties by setting aside, for future development, a fifty (50) foot wide right-of-way.

K. DRIVE-UP WINDOWS

1. A drive-up window for a restaurant shall only be permitted within the TIC district by granting of a Special Permit by the Zoning Commission and such restaurant shall not be accessed directly from a State highway.

2. A drive-up window for a bank shall only be permitted within the TIC, CTC, and NCD districts by granting of a Special Permit by the Zoning Commission.

3. A drive-up window for a pharmacy shall only be permitted within the TIC, CTC, and NCD districts by granting of a Special Permit by the Zoning Commission and such drive-up window shall only be permitted for the presentation of prescriptions and the pickup of prescription medications and related medicines and supplies.

4. The drive-up service must be ancillary and subsidiary to the primary use and shall not constitute the entire establishment.

5. Unless otherwise authorized by the Zoning Commission as part of the Special Permit, hours of operation for a drive-up window shall begin no earlier than 6:00 AM and end no later than 10:00 PM.

6. Drive-up windows must meet the following design criteria:
   a. Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes.
   b. Waiting lanes for all uses should be designed for the maximum length possible. At a minimum, waiting lanes should accommodate 90 percentile of peak hourly queue flows, allowing 20 feet per vehicle. The applicant shall provide data about the peak flows of the drive component of the business.
   c. All access/egress lanes shall be fourteen (14) feet in width.
   d. No more than two (2) drive-up lanes at any one facility shall be permitted, one of which must utilize pneumatics or electronics for transfer of services.
   e. Any lane shall be separated by a physical barrier from any driveway or parking area.
   f. Directional signs should be placed and waiting lines should be designed so that waiting cars do not block sidewalks, public streets, or travel lanes of a parking area.
   g. Landscaping, waiting-lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.
   h. All lights and illuminated materials must be screened from the view of adjoining residentially zoned properties.
   i. The volume of the communications system must not exceed 55 decibels at any adjoining property line or at any public roadway, walkway or access way.
   j. Site design and establishment operation should attempt to minimize air pollution and wasteful consumption of fuel.
   k. Where possible the drive-up window should be located at the rear of the building and not be visible from any public roadway.

7. The following must be included as a part of the Site Plan Application.
   a. Design and placement of signs and pavement markings and their role in facilitating the safe and smooth flow of traffic.
   b. Details of pedestrian and vehicular circulation.
   c. Details of waiting lanes, such as location and design of curbs, gates, bollards and chains, pavement markings and similar devices.
   d. The placement of outdoor lighting and the methods used to shade the light from the view of adjacent properties.

8. If the approved use of any drive-up window is discontinued, changed or modified, a new Site Plan Application must be submitted to the Zoning Commission for approval.

L. TRAILERS AND CONTAINERS

1. TEMPORARY STORAGE TRAILER / CONTAINER (Residential Districts)

In a Rural Residential District, Low Density Residential District, Medium Density Residential District, or High Density Residential District, a temporary storage container not used for human habitation may be temporarily sited on a parcel of land in compliance with the following provisions:

1. One (1) temporary storage container up to eight feet by eight feet by sixteen feet (8' x 8' x 16') may be located on the same lot as the main structure for:
   a. up to thirty (30) days without obtaining zoning approval, or
   b. up to 12 months if associated with a valid building permit for reconstruction or rehabilitation of a building.

2. The use of a temporary storage container shall require issuance of a Zoning Permit in the following situations:
   a. There will be more than one (1) temporary storage container on the property,
   b. Any temporary storage container is larger than eight feet by eight feet by sixteen feet (8' x 8' x 16'), or
   c. Any temporary storage container will be on the property for:
      i. more than 30 days but less than 60 days in a twelve month period.
      ii. more than 12 months if associated with a valid building permit for reconstruction or rehabilitation of a building.

3. The use of a temporary storage container shall require issuance of a Special Permit by the Commission in the following situation(s):
   a. a temporary storage container will be on the property for more than 60 days in a twelve month period , or
   b. a temporary storage container associated with a valid building permit for reconstruction or rehabilitation of a building will be on the property for more than 12 months.

4. In no case shall a temporary storage trailer be located in a Residential District.

Example Of A Type Of Temporary Storage Container

Example Of A Type Of Temporary Storage Trailer

2. TEMPORARY STORAGE TRAILER / CONTAINER (Non-Residential Districts)

In any Neighborhood Commercial, Commercial Boating, Light Industrial, Industrial or Turnpike Interchange Commercial District, a Zoning Permit for a temporary storage trailer or a temporary storage container may be granted when found to be in compliance with the following provisions:

1. One (1) temporary storage trailer or temporary storage container may be located on the same lot as the main structure in the listed Districts for up to ninety (90) cumulative days in a calendar year and after that time any such temporary storage trailer or temporary storage container shall be subject to Section 6.L.3 below.

2. The Zoning Permit application shall be accompanied by a scale drawing or aerial photograph showing the proposed location of the temporary trailer or temporary storage container and the location of buildings on neighboring lots.

3. Adequate screening shall be provided to the satisfaction of the Zoning Official such that the temporary storage trailer or temporary storage container will not create an unsightly condition that would set it apart in its surroundings or reduce property values in the neighborhood.

4. In no case shall a temporary storage trailer be located in the Commercial Town Center District.

5. In no case shall a temporary storage trailer or temporary storage container be used for human habitation.

3. NON-TEMPORARY STORAGE TRAILER / CONTAINER (Non-Residential Districts)

1. Any storage trailer or storage container located on the same lot for more than ninety (90) cumulative days in a calendar year shall be considered a permanent storage trailer and shall only be permitted if a Site Plan Application is approved by the Zoning Commission.

2. In the listed Districts, the use of a storage trailer or storage container for more than ninety (90) days may be granted by the Commission when found to be in compliance with the following provisions:
   a. Storage trailer(s) or storage container(s) must be located on the same lot as the main structure.
   b. In the Neighborhood Commercial District, no more than one storage trailer or storage container will be allowed on any lot.
   c. In the Commercial Boating District, Light Industrial, Industrial and Turnpike Interchange Commercial District, no more than two (2) trailers or storage containers will be allowed on any lot.

3. Proposed trailer(s) or storage container(s) must be suitably screened to the satisfaction of the Commission so as not to be visible from any property or street line, must meet all the setback requirements and must be located in the rear yard. Should suitable screening not be possible, a storage trailer or storage container shall be enclosed with walls and a roof of a design which is weather proof, structurally sound and complementary to the main structure.

4. In no case shall a permanent storage trailer or storage container be located in a Residential District or in the Commercial Town Center District.

5. In no case shall storage trailer or storage container be used for human habitation.

4. CONSTRUCTION TRAILER / CONTAINER

In any District, a permit for one or more construction trailers (construction storage and/or construction office) may be granted by the Zoning Official when found to be in compliance with the following provisions:

1. Trailer(s) must be located on the project site.

2. Application must be accompanied by a drawing to a scale of not more than forty (40) feet to an inch showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.

3. No trailer shall be placed in a manner which would create a hazardous or unsafe condition.

4. No construction trailer shall be placed at an approved location prior to two (2) weeks before the start of construction or site development nor shall it remain for a period greater than two (2) weeks after completion of construction or site development.

5. The Zoning Official may require the relocation or removal of a trailer(s).

6. In no case shall a construction trailer be used for human habitation.

5. DISASTER RESPONSE TRAILER

1. When a dwelling has been destroyed or rendered uninhabitable by a natural disaster, a mobile home or trailer for the temporary use by the occupant(s) of the dwelling may, subject to granting of a Zoning Permit by the Zoning Official, be placed on the lot during the reconstruction of the dwelling for a period not to exceed six (6) months.

2. One (1) six-(6) month extension may be granted by the Zoning Official upon receipt of a written request from the property owner.

6. MOBILE HOMES

1. No mobile home shall be permitted in any district except:
   a. At a location occupied by a mobile home prior to the date of adoption of these Regulations.
   b. If permitted as a disaster response trailer in accordance with Section 6.L.5.

2. If a mobile home is removed from any location for a period of twelve (12) months, a mobile home may not thereafter occupy such location.

7. TRAILER CAMPS OR MOBILE HOME PARKS

1. No parcel of land or premises in any district shall be used as a trailer camp or mobile home park.

2. Any trailer camp or mobile home park existing at the time of adoption of these Regulations may not be expanded. However, individual spaces within the camp or park may be combined into larger spaces provided such combination does not increase the number of spaces, trailers or mobile homes.

M. ADULT ENTERTAINMENT BUSINESSES

1. PURPOSE

The purpose of this section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics, particularly when concentrated under certain circumstances, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

Persons under the age of eighteen (18) may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or guardians. Closed booths, cubicles, studios and rooms within adult-oriented establishments have been used by patrons, clients and customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms.

It is not the intent of the Zoning Commission, in enacting these regulations, to deny any persons rights to speech protected by the United States Constitution and/or the Constitution of the State of Connecticut, nor is it the intent of the Zoning Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually- oriented films, video, tapes, books and/or other materials. Further, by enacting these regulations, the Zoning Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually-oriented materials protected by the United States Constitution and/or the Constitution of the State of Connecticut, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually- oriented materials may have to sell, distribute or exhibit such materials. These regulations prevent clustering of these uses in any one location and thereby protect health, safety, general welfare, and property values in the Town of Westbrook.

2. DEFINITIONS

ADULT ENTERTAINMENT BUSINESS - Any establishment which is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or a combination of the following types of businesses: adult amusement machine, adult arcade, adult book store, adult cabaret, adult entertainment enterprise, adult machine, adult motion picture theater, adult novelty business, adult-oriented establishment, adult personal service business.

ADULT AMUSEMENT MACHINE - Any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

ADULT ARCADE - Any establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE - An establishment that has more than 50% of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

1) books, magazines, newspapers, periodicals, or other printed matter, or photographs, films, videotapes, video discs, motion pictures, video cassettes, slides, or other photographic reproductions or visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET - A cabaret which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.

ADULT ENTERTAINMENT ENTERPRISE - Any exhibition of any motion pictures, video tapes, live performances, displays or dances of any type, which have as a significant or substantial portion of such performances any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas” defined below.

AMUSEMENT MACHINE - Any machine which upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated.

ADULT MOTION PICTURE THEATER - An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions or visual representations are shown and in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. Those movies which are rated "R", "PG13", "PG", and "G" are not included.

ADULT NOVELTY BUSINESS - A business where the sale of devices of simulated human genitals or devices designed for sexual stimulation and which excludes minors by virtue of age is more than 10% of the business' gross revenues, stock in trade, display space, floor space, or movie display time per month.

ADULT-ORIENTED ESTABLISHMENT - Any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment, when such establishment is operated or maintained for a profit, direct or indirect.

ADULT PERSONAL SERVICE BUSINESS - A business where a person, while nude or partially nude, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age is more than 10% of the business' gross revenues, stock in trade, display space, floor space, or movie display time per month. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed to persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.

ADULT USES - The definition of adult uses specified the following types of establishments, which are not otherwise described or defined under the CGS Title 53a-193 through 53a-197 inclusive, regarding obscenity and related offenses.

PARTIALLY NUDE - Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

SPECIFIED ANATOMICAL AREAS - Less than completely or opaquely covered:

(1) human genitals and pubic region;
(2) buttocks;
(3) female breasts below a point immediately above the top of the areola and;
(4) human male genitals in a discernibly turgid state even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES –

(1) human genitals in a state of sexual stimulation or arousal;
(2) acts of human masturbation, sexual intercourse, or sodomy;
(3) fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

Specified anatomical areas" and "specified sexual activities" as used in these regulations, do not include materials depicted in:

- any medical publications, or films,
- any bona fide educational publications or films,
- any art or photography publications which devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography,
- any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of news, or
- publications or films which describe and report different cultures which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

3. SPECIFIC CONDITIONS

An adult entertainment business may be approved by Special Permit in the Industrial District only, provided the following standards and criteria are met in addition to any other standards, criteria and requirements of these Regulations.

1. No such adult entertainment business shall be located within the separation distance in the following table:

Separation	Use / District
300 feet	Residential use
300 feet	Residential district classified RR, LDR, MDR, HDR
300 feet	TIC district
1,000 feet	Another adult entertainment business
1,000 feet	Property line of an educational institution, day care center, library, museum, park, playground or other recreational facility, whether commercial or nonprofit, or any other area where numbers of minors regularly travel or congregate, in any district
1,000 feet	Property line of any church, convent, monastery, synagogue, or similar place of worship, or cemetery

   Such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the property containing or proposing to contain an adult entertainment use to the nearest property line of the identified use or district except that, if the adult entertainment business is within a shopping plaza, having a developed building of 5,000 square feet in size or larger, then the distance shall be measured from all entrances to such shopping plaza.

2. No accessory apartment or apartments or other dwelling units shall be permitted on the premises of an adult entertainment business.

3. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting or describing any sexually explicit activities or anatomical areas from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

4. In accordance with CGS Section 8-6, these adult entertainment business regulations shall not be varied by the Zoning Board of Appeals to permit an adult entertainment business nor shall such a use be permitted by way of variance.

5. No adult entertainment business shall include the installation of any enclosed booths, cubicles, rooms, or stalls within such adult entertainment business for the purpose of viewing adult entertainment.

6. Any adult entertainment business shall state on any plan submitted that any room or other area used for the purpose viewing adult entertainment shall be well lighted and easily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

4. SAVINGS CLAUSE

Should any court of competent regulations to be unconstitutional or statutorily illegal, such decision shall affect only such section, clause or provision so declared unconstitutional or illegal and shall not affect any other section, clause or provision of these regulations.

N. MINIATURE GOLF COURSE

A miniature golf course may be permitted as a principal or accessory use in the District(s) so indicated in these Regulations, subject to a Special Permit in accordance with these regulations and the following provisions:

1. Hours of operation shall be subject to approval by the Commission

2. The facility must be staffed during hours of operation.

3. Any lighting used to illuminate the property shall be in accordance with the Exterior Lighting requirements in Section 7.I of these Regulations.

4. Any noise amplification devices shall be subject to approval by the Commission.

5. The facility shall be operated in such a manner so as to be in compliance with Section 7.J of the Zoning Regulations.

6. Any buffer or setback to tidal wetlands required by these Regulations shall be measured from the perimeter of the miniature golf facility.

O. HELISTOP

1. A Helistop may, by Special Permit, be permitted in the TIC Zone as an accessory use in conjunction with a Medical Clinic.

2. Such Helistop shall be limited to serving medical facilities engaged in air ambulance, or other hospital/medical facility related functions.

3. The design of the Helistop shall meet the criteria provided for "Hospital Heliports" in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-2B dated September 30, 2004, as revised or amended.

4. Prior to operation, the Helistop shall receive any and all licenses required for such facilities by applicable State or Federal law or regulation.

5. No Helistop shall be located less than two hundred fifty (250) feet from a Residential District as measured from the center of the touchdown and liftoff area of the Helistop to the Residential District boundary.

6. No maintenance or supply facility or facility for the storage of aviation fuel shall be permitted on the site.

7. A Helistop facility for landings and takeoffs shall be graded and designed to prevent volatile levels of flammable liquids or the vapors of such liquids from entering buildings, spreading onto automobile parking areas, roads or drives, or from entering the drainage systems of the site, or adjoining roads or properties.

8. Fire protection measures and equipment shall meet NFPA recommendations as enumerated in the FAA Heliport Design Guide and all expense associated with such measures and equipment shall be borne by the Helistop owner or operator.

9. The Helistop shall be located on the same lot as the Medical Clinic.

P. DONATION BINS

1. Unless otherwise exempt, no unattended donation bin shall be placed, operated or maintained until an application has been completed and approved by the Zoning Official.

2. **Contents of Permit Application** -
   a. The permit application shall be made on a form provided by the Zoning Official and shall include the name, address, e-mail, website (if available) and telephone number of both the property owner and the unattended donation box's operator.
   b. For the purpose of this application, the property owner shall be designated as the applicant.
   c. Written proof shall be provided to establish that the operator of the unattended donation box is qualified to solicit charitable donations of salvageable personal property and is registered as a 501 (c) 3 organization.
   d. The physical address of the proposed site and a drawing sufficient to indicate the proposed location of the unattended donation box on the lot, as well as the size and color of the proposed unattended donation box.
   e. A color photograph of the lot showing the location where the unattended collection box shall be located.
   f. A schedule for the regular emptying and maintenance of the proposed donation box.

3. **General Requirements** -
   a. The property owner and operator shall be individually and severally responsible for operating and maintaining, or causing to be operated and maintained, the unattended donation box;
   b. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;
   c. Unattended donation boxes shall be locked or otherwise secured;
   d. Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, e-mail, and phone number of both the property owner or their agent and the operator;
   e. Unattended donation bins shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Zoning Enforcement Office;
   f. The property owner and operator shall be individually and severally responsible for maintaining, or causing to be maintained, the area surrounding the unattended donation bins free of any junk, garbage, trash, debris or other refuse material;
   g. The property owner and operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the unattended donation bins within 24 hours of written or verbal notice from the Zoning Official, Fire Marshall, Director of Health or the Office of the First Selectman;
   h. No unattended donation bin shall be placed within 400 feet from another unattended donation bin on the same lot;

4. No unattended donation bin shall be placed on required parking spaces or so as to restrict road or highway visibility, interfere with the safe and orderly movement of vehicular or pedestrian traffic or otherwise pose a hazard to traffic.

Q. LODGING-TYPE FACILITIES

The following designation and categories are for zoning purposes and determining compliance with these Regulations and are irrespective of what a facility may choose to call itself or how the building code or the fire code may classify such use.

1. BED & BREAKFAST ESTABLISHMENT

1. **Purpose** - It is the purpose of this section to:
   a. allow for a subordinate, residentially-scaled use of an owner occupied residential dwelling,
   b. have guest rooms, without their own separate cooking facilities, for overnight use of transients, and
   c. allow for such uses and the economic development opportunities that come with such establishments while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located.

2. **Standards** –
   a. There shall be no more than seven [7] guest rooms.
   b. Guest rooms shall have no individual cooking or food warming facilities.
   c. The owner of the premises on which the use is conducted must reside on the premises and it must be the owner's legal place of residence.
   d. Morning meals shall be prepared only and such meals shall only be served to registered guests of the Bed & Breakfast establishment.
   e. The Bed & Breakfast facilities, the parking area and any exterior modifications or additions to the building or structure, shall be such as to preserve the residential appearance of the property in question.
   f. Any alterations to the building or structure shall be compatible with the character of the area, ensure the residential character of the buildings, and preserve the existing features of the building.
   g. Any recreational facilities on the property shall be for the use of occupants of the property and registered guests only.
   h. Off-street parking shall be in accordance with the applicable provisions of these Regulations and shall be provided on the premises of the Bed & Breakfast.
   i. Landscaping for the entire property shall provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.
   j. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission.
   k. Bed & Breakfasts shall be permitted a sign to identify the property, provided said sign is in conformance with the applicable provisions of these regulations.

3. **Application Requirements** – With regard to an application to establish a Bed and Breakfast:
   a. The site plan shall be prepared and sealed by an Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut except that the requirement for an A-2 map survey may be waived at the commission's discretion.
   b. Floor Plan(s) prepared and sealed by an Architect licensed in the State of Connecticut showing:
      i. A floor plan of the dwelling with the dimensions and square footage of all rooms in the structure which shall document all existing and proposed conditions.
      ii. Areas proposed to be dedicated to:
         (1) owner's residential use.
         (2) guest accommodations demonstrating occupancy of no more than seven [7] guest rooms.
      iii. It is the responsibility of the owner to update the documentation for any proposed changes.

4. **Required Findings** - Before approving a Special Permit for a Bed & Breakfast establishment, the Zoning Commission shall find that:
   a. the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed.
   b. the proposed use is in conformance with the requirements of these Regulations.
   c. the proposed use will, based on information provided by the applicant, meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to bed and breakfasts.

2. INN

1. **Purpose** - It is the purpose of this section to:
   a. allow for a residentially scaled use of an owner-occupied residential building located in certain business districts,
   b. have guest rooms, without their own separate cooking facilities, for overnight use of transients, and
   c. allow for such uses and the economic development opportunities that come with such establishments while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located.

2. **Standards** –
   a. There shall be no more than ten [10] guest rooms.
   b. Guest rooms shall have no individual cooking or food warming facilities.
   c. An Inn is a special category in which non-lodging uses may be permitted and such non-lodging uses may include:
      i. a dining room / restaurant which may also serve meals to persons other than registered guests of the establishment provided that:
         (1) All food prepared in connection with an Inn shall be served on the premises.
         (2) No on or off premises catering activities or take-out service shall be permitted.
      ii. conference and meeting room facilities for use by guests as well as the public at large, and
      iii. other non-lodging uses that may be permitted at the discretion of the Commission.
   d. Off-street parking shall be in accordance with the applicable provisions of these Regulations and shall be provided on the premises of the Inn.
   e. Landscaping for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.
   f. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission, unless they determine that adequate parking is available in the immediate area.
   g. Inns shall be permitted a sign to identify the property, provided said sign is in conformance with the applicable provisions of these regulations.

3. **Application Requirements** - With regard to an application to establish an Inn:
   a. The site plan shall be prepared and sealed by a Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut except that the requirement for an A-2 map survey may be waived at the commission's discretion.
   b. Floor Plan(s) prepared and sealed by an Architect licensed in the State of Connecticut showing:
      i. A floor plan of the dwelling with the dimensions and square footage of all rooms in the structure, which shall document all existing and proposed conditions.
      ii. Proposed area to be dedicated to guest accommodations demonstrating occupancy of no more than ten (10) guest rooms.
      iii. A floor plan of all non-lodging amenities and their support facilities for any restaurant or conference/meeting room facilities that may be proposed.
      iv. The floor plan shall take into account any loading dock facilities that may be necessary to service the Inn.
      v. Proposed area to be dedicated to owner's residential use.

4. **Required Findings** - Before approving a Special Permit for an Inn, the Zoning Commission shall find that:
   a. the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed.
   b. The proposed use is in conformance with the requirements of these regulations.
   c. the proposed Inn and all of its associated non-lodging uses, the parking area and any exterior modifications or additions to any existing buildings or structures, shall be such as to present a residential appearance of the property.
   d. any alterations to the building or structure shall be compatible with the character of the area, ensure the residential character of the buildings and preserve the existing features of the building.
   e. the proposed use will, based on information provided by the applicant, meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to Inns.

3. HOTEL/MOTEL

1. **Purpose** - It is the purpose of this section to allow for the establishment of motels and hotels with guest rooms, without their own separate cooking facilities, for overnight use of transients and for related non-lodging uses while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located.

2. **Standards** -
   a. Minimum Lot Requirements: Lot Area per guest room – 1,100 square feet.
   b. Each rooming unit shall have a minimum floor area of 250 square feet and shall contain private bathing, lavatory and flush toilet facilities.
   c. There shall be provided lobby and common floor area, excluding hallways, equal to at least 5% of the total floor area of all rooming units, but not less than 300 square feet.
   d. Guestrooms shall have no individual cooking or food warming facilities with the exception of a microwave oven and refrigerator.
   e. A Hotel/Motel shall not exceed two and one half (2-½) stories and thirty five (35) feet in height.
   f. No Hotel/Motel shall be approved by the Zoning Commission unless the building is served by an approved sanitary sewerage system and public water supply.
   g. Unless otherwise approved by the Commission, any recreational facilities on the property shall be for the use of guests/occupants of the property and registered guests only.
   h. Off-street parking shall be in accordance with the applicable provisions of these Regulations and shall be provided on the premises of the Hotel/Motel.
   i. Landscaping for the entire property shall provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.
   j. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood.
   k. Hotel/Motels shall be permitted a sign to identify the property, provided said sign is in conformance with applicable provisions of these Regulations.

3. **Application Requirements** - With regard to an application to establish a Hotel/Motel :
   a. The site plan shall be prepared and sealed by a Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut.
   b. Floor Plan(s) showing the proposed Rooming Units and the proposed Common Floor Area and building elevations prepared and sealed by an Architect licensed in the State of Connecticut.:

4. **Required Findings** - Before approving a Special Permit for a Hotel/Motel, the Zoning Commission shall find that:
   a. the proposed use, its parking area and any exterior modifications or additions to the building or structure, has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which it will be located.
   b. Any alterations to an existing building or structure shall be compatible with the character of the area and the architectural character of the existing structure to which the addition will be built.
   c. The proposed use is in conformance with the requirements of these regulations.
   d. the proposed use will, based on information provided by the applicant, meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to Motels and Hotels.

4. BOARDING, LODGING AND ROOMING HOUSES

1. **Purpose** - It is the purpose of this section to allow for the establishment of Boarding, Lodging and Rooming Houses, without their own separate cooking facilities, for overnight use of transients or permanent use of inhabitants while at the same time ensuring that the intensity and impacts of such uses are consistent and in harmony with the immediate area within which such facilities are located. Any recreational facilities on the property shall be for the use of guests/occupants of the property and registered guests only.

2. **Considerations** – Before approving any application for establishment of a Boarding, Lodging or Rooming House, the Commission shall find that the applicant has demonstrated the following:
   a. The Boarding, Lodging and Rooming House accommodations shall exist entirely within the principal dwelling and shall not be located in an accessory structure unless the applicant can demonstrate that the auxiliary Boarding, Lodging or Rooming House space will have entry from a central point and avoid a motel-like appearance and be consistent with the appearance of surrounding properties.
   b. Guest rooms shall have no individual cooking or food warming facilities.
   c. The common dining room shall only serve meals to persons who are occupants of the Boarding, Lodging or Rooming House.
   d. No off premises catering activities or take-out service shall be permitted.
   e. The parking area and any exterior modifications or additions to the building or structure shall maintain the architectural appearance of the property in question and be compatible with the character of the area and the architectural character of the existing structure to which the addition will be built.
   f. Adequate off-street parking shall be provided on the premises in accordance with the provisions of these Regulations and shall be screened from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood.
   g. Any signage shall be in conformance with applicable provisions of these Regulations and shall be approved by the Zoning Commission.
   h. Landscaping shall be provided for the entire property that will provide screening from uses of differing intensities and provide visual breaks along structures that will help them blend better with buildings in the district of differing scales.
   i. The proposed use will meet all requirements of the State of Connecticut Public Health Code, the Connecticut State Fire Safety Code requirements and any applicable local health codes as the same apply to Boarding, Lodging and Rooming Houses.

3. **Application Materials** – With regard to an application to establish a Boarding, Lodging or Rooming House:
   a. The site plan shall be prepared and sealed by a Land Surveyor or Professional Engineer, as is applicable, licensed in the State of Connecticut except that the commission may waive the requirement for an A-2 survey.
   b. Floor Plan(s) prepared and sealed by an Architect licensed in the State of Connecticut showing the interior configuration of the building.

4. **Findings** - Before approving a Special Permit for a Boarding, Lodging or Rooming House, the Zoning Commission:
   a. shall make a finding that the proposed use has been designed to minimize significant impacts on surrounding roads and adjacent properties and the neighborhood within which the use is proposed and is in conformance with the requirements of these Regulations.
   b. may evaluate the impact(s) of a Boarding, Lodging or Rooming House on the surrounding neighborhood and modify a proposal at the Commission's discretion to minimize said impact(s) on surrounding properties.

R. AGRICULTURE-RELATED ACTIVITIES

1. MINOR NON-AGRICULTURAL USES

1. Any working farm or any agricultural, horticultural or agri-business operation may complement their agricultural activities by any or all of the following subject to the parameters provided in this Section:
   a. Pick-your-own operations or similar on-farm processing operations,
   b. Events of limited duration that are open to the public, including (but not limited to) hayrides, corn mazes, festivals, education, training, and other similar activities provided such activities comply with all applicable state and municipal health codes.
   c. Outdoor recreation activities such as bird watching, snowshoeing, and/or other passive recreational activities.

2. Authorization to conduct such activities may be conducted subject to the following hierarchy:

a. Events conducted on thirty (30) or fewer days per calendar year	No Zoning Permit Required
b. Events conducted on more than thirty (30) days per calendar year	Zoning Permit (Staff)

3. It shall be the responsibility of the owner to provide adequate off-street parking for the event, provide safe and adequate access and egress, and to manage traffic flow as may be necessary.

4. Any Zoning Permit application shall, at a minimum, include a letter describing the proposed activities) and an aerial photograph or hand drawn map depicting the location of the proposed activities.

5. The Zoning Official may forward any Zoning Permit application to the Commission for action and the Commission may require the submission of additional information or may deny the permit request if the proposed activity will not be appropriate for the proposed location.

2. MAJOR NON-AGRICULTURAL USES

1. Special events for large numbers of people including (but not limited to) farm-to-table dinners, retreats, weddings, workshops, classes based on the following hierarchy:

a. Inside A Permanent Structure	
• A single event in a calendar year with no amplified sound outdoors	No Zoning Permit Required
• A second event in a calendar year with no amplified sound outdoors	Zoning Permit (Staff)
• Events conducted on three (3) or more occasions per calendar year OR involving amplified sound outdoors	Special Permit (Commission)
b. Inside A Temporary Tent Or Other Structure	
• A single event in a calendar year with no amplified sound	No Zoning Permit Required
• A single event in a calendar year with amplified sound	Zoning Permit (Staff)
• A second event in a calendar year with no amplified sound	Zoning Permit (Staff)
• A second event in a calendar year with amplified sound	Special Permit (Commission)
• Events conducted on three (3) or more occasions per calendar year	Special Permit (Commission)
c. Outside A Tent Or Other Structure	
• A single event in a calendar year with no amplified sound	Zoning Permit (Staff)
• A second event in a calendar year OR involving amplified sound	Special Permit (Commission)

2. Adequate parking and traffic control shall be provided for any such event.

3. Adequate sanitary facilities shall be provided for any such event.

4. Any Zoning Permit application shall, at a minimum, include a letter describing the proposed activities and an aerial photograph or hand drawn map depicting the location of the proposed activities.

5. The Zoning Official may forward any Zoning Permit application to the Commission for action and the Commission may require the submission of additional information or may deny the permit request if, in the Commission, the proposed activity will not be appropriate for the proposed location.

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7. DEVELOPMENT STANDARDS

A. DESIGN GUIDELINES

The following design guidelines are intended to help applicants achieve overall design objectives of the Town of Westbrook. These architectural guidelines are not intended to:

- constitute a rigid set of requirements, or
- dictate one particular architectural style, or
- discourage the use of progressive sustainable materials or new technologies.

Unless modified by the Commission, the following design elements shall be incorporated into proposed plans.

The applicant shall note, in the application, any deviation from adherence to the design guidelines and provide a written explanation of the reason(s) why a specific standard cannot be met including a description of how other design elements have been incorporated to meet the intent of the unmet standard or achieve overall design objectives.

As used in this Section:

- **The word "shall" means that the relevant standard, criterion or action will be applied unless the applicant demonstrates to the satisfaction of the Zoning Commission that it would be unreasonable or undesirable to do so.**

- **The word "should" means that the relevant standard, criterion or action will generally be applied but the applicant may offer, and the Zoning Commission may approve, an alternative standard, criterion or action if the Zoning Commission determines that the outcome will accomplish the intended result.**

1. SITE-BASED GUIDELINES

1. Frontage Improvements

a. Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

2. Access and Circulation

a. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion.
b. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone.
c. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s).
d. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential districts, access to adjacent sites shall be by common driveways where feasible. The Commission may require present or future sharing of such driveways.

3. Handicap Accessibility

a. All developments shall comply with handicap accessibility requirements mandated by local, state, and federal laws.

4. Emergency Services

a. All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection.
b. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

5. Utilities

a. Electric, telephone and cable television lines on the lot shall be installed underground unless determined to be impractical by the Zoning Commission.
b. Utility services located out of doors, such as transformers and electric or gas meters, shall be screened from view.
c. Transformer or terminal equipment shall be visually screened from view from street and adjacent property.
d. Dish antennae shall be screened from view to the extent practical.

6. Solid Waste Disposal

a. Provision shall be made for the collection, storage and disposal of solid wastes, accumulated in connection with the proposed use
b. All development, except a single-family home, shall designate and locate on any required plans, a solid waste / recycling container area suitably screened on three (3) sides and containing adequate containers for the proper separation of solid waste and recycling.
c. The location of a designated solid waste container area shall be such as to facilitate the servicing of the solid waste container(s) and shall not be located in any parking space, loading / unloading zone or fire lane.

7. Landscaping and Screening

a. Landscaping shall be provided and permanently maintained on the lot with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and stormwater runoff, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and watercourses.
b. The use of native plant species, where feasible, is strongly encouraged.
c. The introduction of invasive plant species is prohibited and eradication of existing invasive species may be a required element of the landscaping plan.
d. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide strong, clear boundaries between different land uses or different neighborhood densities.
e. The use of stone walls and decorative fences along the street line is encouraged.
f. To the extent feasible, parking areas should be designed using materials that are different from the asphalt paving of the street or access drive since changes in material help to create pleasant spaces that can be enjoyed when cars are not occupying them.
g. In addition to the requirements of Section 7.E, all portions of the Lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways, shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain if deemed suitable by the Commission.
h. Low Impact Development techniques shall be fully integrated with the overall landscaping of the site.
i. Failure to maintain any landscaped area or buffer strip required by these regulations shall constitute a violation of these Regulations.

8. Lighting

a. Light fixtures which cast light primarily downward shall be used.
b. Fixtures that shield lamps and diffuser lenses from direct sight lines are preferred.
c. The height of light fixtures shall be in proportion to the building mass, preferably no more than fourteen (14) feet high.
d. Ground oriented, pedestrian-scale lighting shall be considered as an alternative to pole mounted fixtures along pedestrian walkways.
e. Warm lighting colors are preferred; blue-white color is discouraged.

2. BUILDING-BASED GUIDELINES

1. General

a. Buildings and structures shall be designed to harmonize and be compatible within the District and shall be of such scale and mass to relate well to each other and the street and, preserve and enhance the aesthetic qualities associated with a coastal New England community.
b. In so far as the majority of buildings in Westbrook are of a traditional style and construction, preserving and enhancing aesthetic quality means adhering to the patterns of design and the materials and methods of traditional architecture where appropriate.

2. Mass / Bulk

a. Lengthy, unbroken facades should be avoided.
b. As a general guide, the maximum horizontal length of an unbroken façade plane on a commercial building should be seventy-five (75) feet and on a residential building should be forty (40) feet.
c. Façade offsets should be sufficient to create a strong shadow line.
d. Visual and functional focal points should be established for all large developments.

3. Roof

a. Roof lines should be simple, functional and reflective of the broader community building stock.
b. Multiple changes in roof slope should be avoided.
c. Where gabled or hipped roofs are proposed, they should have a pitch not less than five (5) inch rise in a twelve (12) inch run.
d. Roofs should project enough beyond the façade to create an overhang and cast a shadow.
e. Preferred roof materials are slate, standing seam metal, wood, or architectural asphalt shingles.
f. Innovative designs such as green roofs are encouraged.
g. Roof mass and building façade should form a consistent composition.
h. False details such as mansard roofs, partial HVAC screens and truncated roof structures should be avoided.
i. Dormer roofs should be compatible in design and pitch with the primary roof and the dormer window size and style should relate to the windows in the rest of the building.
j. Dormers should be set within the field of the roof - back from the face of the main building and below the ridge of the main roof.
k. Gabled or hip dormers should be placed in relation to the pattern of windows on the body of the building.
l. If the dormer is to contain more than one window, a shed dormer is generally preferred.
m. Shed dormers should start below the spring line and not extend the entire length of the primary roof.
n. The pitch of a shed dormer should not be flatter than four inch (4”) rise in a twelve inch (12”) run..

4. Mechanical Equipment

a. Mechanical equipment should be concealed within the volume of the roof or enclosed within a structure.
b. Where this is not possible, mechanical elements should be located so that they are not visible from public streets or adjacent residential uses or districts and/or are visually screened by fencing, landscaping, or other means.

5. Building Materials

a. Portions of a building visible from a street should be of natural looking materials such as brick, stone, wood clapboards and cedar shingles. The Zoning Commission may, based on samples submitted by the applicant, allow the use of other materials (composite, fiber cement or high quality vinyl) for clapboards and shingles instead of wood.
b. Cladding the chimney in the same material as the building should be avoided.
c. All facades facing or visible from public roads should be designed to match or complement the main entrance façade.
d. The number of different materials used on the exterior should be limited to avoid visual overload.
e. Where changes in material occur, they should follow the basic guidelines below:
    - Changes in material should only occur between major building volumes – either vertically or horizontally.
    - Materials should always be placed such that visually "heavier" materials are below visually "lighter" ones.
    - Transition elements/trim should be used at vertical changes in material.

6. Building Features

a. Windows should be appropriately scaled and arranged with a balanced spacing and conscious rhythm.
b. True divided lite or simulated divided lite (SDL) windows are encouraged where they are appropriate to the architectural style of the building.
c. Shutters should be operable or appear operable and be sized to fit the window when closed.
d. Architectural detailing should be historically correct and applied consistently throughout.
e. Main entrances should be clearly visible and identifiable from the primary public vantage points or public right-of-way with a logical and visually appealing approach.
f. All exterior components, such as signs, lighting, accessory structures and other elements should be in scale with, and complementary to, the main entrance façade.
g. Buildings should be oriented and designed to incorporate energy conservation principles.
h. Standardized buildings or structures that identify the owner or occupant by a trademarked architectural style that is not in harmony with the surrounding neighborhood or overall design objectives of the district are discouraged.

3. USE-BASED GUIDELINES

1. Multi-Family Residential Uses - General

a. Town Homes - Town home developments should be designed to have the appearance of individual units through the use of a variety of compatible colors, patterns and roof pitches or changes in building mass.
b. Duplex Buildings - Duplex housing should be designed to have the appearance of large single family homes. Where multiple duplexes are located in a single development, the style and color of the individual buildings should be varied.
c. Garages - To the extent feasible, garage doors in residential developments should not be in the same plane as the principal structure. If located such that the doors face the street or common driveway, garage doors in residential developments should be set back from the front of the building by a minimum of five feet. Where there is a two-bay garage, the use of two separate garage doors rather than one large door is preferred unless it can be located to the side or rear of the main facade.
d. Balconies and Decks - Balconies and decks should not be incorporated in the front façade of residential buildings unless they are consistent with the architectural style of the building.
e. Stairways and Stairwells - All stairways and/or stairwells shall be enclosed within the main structure.

2. Multi-Family Residential Uses – Visitability

a. In addition to the required handicap accessible requirements mandated by state and local building codes, multi-family residential developments are encouraged to take into consideration how the disabled or physically challenged visit a building and circulate within it.
b. The concept of "visitability" promotes development that accommodates the needs of everyone, even if the dwelling unit is not specifically designed to be handicap accessible.
c. Visitability helps to promote social interaction by allowing neighbors to be comfortable visiting other neighbors.
d. Visitability can be accomplished by incorporating simple design elements into the development as listed below:
   - Make at least one entrance handicap accessible.
   - Provide one bathroom on the first floor and make it handicap accessible.
   - Allow handicap accessible access between the main living areas and dining spaces.
   - Make public spaces and recreation areas handicap accessible and reduce barriers throughout.
   - Landscape with the elderly and disabled in mind (i.e., accessible garden spaces, containers, etc.)

4. ZONE-BASED GUIDELINES

1. Commercial Town Center (CTC) District

a. The Commission encourages architectural and site designs which:
   - promote the aesthetic qualities associated with a small New England village,
   - enhance the Commercial Town Center District, and/or
   - are consistent with the POCD and the Town Center Vision Study.

b. Buildings in this District shall be designed or redesigned to harmonize and be compatible within the District and shall be of such scale and mass that they relate well to each other and the street.

c. Desirable architectural form in the Town Center includes:
   - buildings with New England scale and mass (i.e., 2-3 stories) that create enclosure and define the public space of the street by holding a strong edge;
   - traditional building proportions that relate to human scale;
   - gabled roofs or other traditional rooflines that incorporate dormers and ornate cornices, large chimneys, etc.;
   - residential-scale windows and doors / frequent door openings;
   - mix of residential and commercial use (particularly with housing on the second story);
   - use of natural construction materials that provide texture (preferably locally-sourced materials);
   - buildings that provide “landmark value” to the street (e.g., towers, belfries, articulated silhouettes);
   - unobtrusive parking with narrow curb cuts (i.e., located to the rear or side of buildings); and
   - compact, high-density development and pedestrian-oriented streets.

d. The following design elements shall be incorporated into the proposed site plan whenever possible:
   - Stone Walls
   - Split Rail Fences / Picket Fences
   - Clapboards
   - Appropriate scale of trim detail
   - Cedar Shake Shingles
   - Peaked Roofs
   - Multi Pane Windows / Shutters
   - Flower Beds / Flowering Shrubs / Trees- mixed hardwood & evergreen
   - Decorative lighting

e. Within the Commercial Town Center District, shared parking shall be encouraged or required and parking on all lots is encouraged to be located at the rear of the buildings.

f. Unless modified by the Zoning Commission, granite curbing shall generally be required whenever new curbing is required on any public street frontage and may be required in private parking lots.

2. Neighborhood Commercial District (NCD)

a. Site Development -
   1. Stone walls, split rail, board, picket, and wrought iron fences are encouraged.
   2. New site structures, including accessory buildings and street furniture shall be of appropriate materials and scale, and be appropriately located in relationship to the site and streetscape.

b. Landscaping -
   1. Street trees at a minimum rate of one tree for every fifty (50) feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. These trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.
   2. Street trees, either deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three (3) inch caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions.
   3. Landscaping shall provide a transition between buildings of different size, scale, architecture or use and to provide continuity of rural design.
   4. Landscaping shall provide shade and visual interest on pedestrian walkways between buildings and from buildings to parking areas and shall be lighted to provide safety and security.
   5. The required front yard, excluding access-ways, shall be green-space, which includes grass, sod, groundcover, flowers, shrubs, and trees, etc.
   6. Mixed hardwoods with colorful fall foliage, evergreens, flowering shrubs, flower beds and planters are encouraged.
   7. All building foundation areas shall be landscaped with suitable trees and shrubs.
   8. Storage areas, service areas, and trash receptacles shall be screened by fencing and plantings.

c. Design of Buildings –
   1. Architectural and site designs that promote the aesthetic qualities associated with a small New England village and enhance the neighborhood commercial district are encouraged.
   2. Structural rehabilitation, wherever feasible, will be encouraged in order to preserve and enhance the diverse qualities of the area.

d. Building Form & Materials -
   1. Commercial and office structures shall be designed to be compatible with the character of single family residential structures. Scale, materials and building forms are necessary elements of continuity.
   2. To harmonize with the residential character of the area, roof structures shall be gabled or hipped and visible from the street with a pitch not less than four and one half (4.5) inch rise in a twelve (12) inch run.
   3. Roof materials shall be slate, standing seam metal, wood, asphalt, or slate shingles.

e. Color and Materials -
   1. Building and roof colors should be subdued, with natural earth tones and compatible colors predominating.
   2. Natural materials, such as brick, stone or wood or materials natural in appearance are preferred.
   3. Metal buildings and large areas of exposed concrete are prohibited.
   4. Windows shall be appropriately scaled with detailing such as shutters and wide board-trim.

3. Turnpike Interchange Commercial (TI)

a. Building Form and Materials -
   1. Structures shall be designed to be compatible with New England character.
   2. Lengthy, unbroken facades shall be avoided.
   3. As a general guide, the maximum horizontal length of an unbroken facade plane should be seventy-five (75) feet.
   4. Facade offsets shall be sufficient to create a strong shadow line.
   5. Roof lines should be simple, functional and reflective of the broader community building stock.
   6. Where gabled or hipped roofs are proposed, they should have a pitch not less than four and one-half (4.5) inch rise in a twelve (12) inch run.
   7. Roofs should project enough beyond the façade to create an overhang and cast a shadow. Roof mass and building façade should form a consistent composition.
   8. False details such as mansard roofs, partial HVAC screens and truncated roof structures should be avoided.
   9. Mechanical equipment shall be concealed within the volume of the roof or enclosed within a structure. Where this is not possible, mechanical elements shall be located so that they are not visible from public streets or adjacent residential uses or districts and shall be landscaped.

b. Color and Materials -
   1. Building and roof colors shall be subdued, with natural earth tones and compatible colors predominating. Primary colors shall be avoided.
   2. Portions of a building visible from a street will be of natural materials, such as brick, stone or wood or materials natural in appearance are preferred.
   3. Windows shall be appropriately scaled with detailing such as shutters and wide board trim.

c. Outdoor Storage -
   1. Within the Turnpike Interchange Commercial District, all outdoor storage shall be visually screened from access streets, highways and adjacent property. Outdoor storage shall include all company owned and operated motor vehicles, with the exception of passenger vehicles. No storage shall be permitted between a frontage street and the building line.

B. SIGN REGULATIONS

1. PURPOSE

The purpose of these sign regulations is to:

- encourage the effective use of signs as a means of communication by discouraging excessive visual competition in signage;
- ensure that signs aid orientation and adequately identify uses and activities to the public;
- maintain and enhance property values and preserve the small town character of Westbrook and maintain an orderly and attractive community appearance;
- reduce distractions and obstructions from signs which would adversely affect traffic and pedestrian safety; or otherwise endanger public, health and safety;
- balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs; and
- ensure the fair and consistent enforcement of sign regulations, while providing for effective means of communication, consistent with constitutional guarantees.

This Section may regulate signage based on the function of the sign and may place restrictions on the time, place, and/or manner of such signage to promote the purposes outlined above.

This Section does not regulate, nor is it intended to regulate, the message displayed on any sign, building design or any display not defined as a sign.

It is not nor will it be the intent of the Town and its enforcement agent(s) to interpret, restrict or regulate the messages contained on signage in the Town.

2. DEFINITIONS

For the purposes of this Section, certain terms are defined as follows:

SIGN - A device for visual communication that is used to bring the subject to the attention of the public. Signs DO include every billboard, illustration, insignia, lettering, picture, logos, lights, or other graphic representations, display, banner, pennant, flag, inflated figures or devices, 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 (a) located out-of-doors, or (b) located indoors and clearly visible from outside of the building. In some cases, the architectural design or presentation of a building may be considered a sign.

The term "sign" shall also include any natural object or objects which are painted or arranged so as to represent or display any graphic representation.

The term "sign", however, shall not include any flag, pennant or insignia of any governmental unit or non-profit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Westbrook or State of Connecticut, nor any illustrations, insignia or lettering which are integral and a permanent part of the architecture of a building approved under a Site Plan Application and/or by Special Permit.

Merchandise displayed on the exterior of a premises shall be considered a sign when it contains advertising. Displayed merchandise without advertising will be considered outside storage and may require a modification to or approval of a Site Plan and/or Special Permit.

SIGN AREA - The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edges or points of the sign. Any sign may be double faced, and when a sign is attached to the ground only one (1) face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign.

BANNERS - Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic or fabric of any kind.

BILLBOARD - Any sign meeting the following criteria except that it shall not include any sign(s) approved under Section 7.B, or approved as part of a Site Plan Application, per Section 9.D, or Special Permit, per Section 9.E, of these Regulations:

- Any sign greater than one hundred and fifty (150) square feet which is a free-standing structure, or is mounted upon the roof or wall of a building, and which is visible from any public street or highway.
- Any sign which is visible from a street from which the property on which the sign is located does not have direct vehicular access.

CANOPY SIGN - A sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

ELECTRONIC MESSAGE DISPLAY SIGN - A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. Such sign shall include, but not be limited to, exposed light emitting diode (LED) illumination in a panel array or similar configuration, whether the words, symbols, figures, or images are static or dynamic. 6.

FLAG SIGN - A sign constructed of cloth or fabric material that has letters relating to the operation of a commercial business on it. National flags or flags of political subdivisions shall not be considered flags for the purpose of these regulations.

FREESTANDING SIGN - A self-supporting sign not attached to a building or wall and in a fixed location. This does not include portable or trailer-type signs.

HANGING SIGN - A sign which is attached to a building or wall in a manner so that its leading edge extends more than six inches beyond the surface to which it is affixed or the architectural feature, pole or frame from which it is suspended.

ILLUMINATED SIGN - A sign that is illuminated in any manner by an artificial light source.

INTERNALLY LIT SIGN - A sign that is illuminated from sources inside the sign.

PORTABLE SIGN, GROUND – A sign not permanently attached to the ground or other permanent structure. Such signs include A-frame, sandwich board, and/or similar signs. Such signs shall not include banners, pennants, or flags.

PORTABLE SIGN, VEHICULAR - A sign designed to be transported, whether on its own trailer, wheels or otherwise. Such signs include signs attached to or painted on vehicles or boats parked and visible.

POST AND ARM SIGN - A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

WALL SIGN - A sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertised surface.

3. EXEMPT / ALLOWED / PROHIBITED SIGNS

1. **Exempt Signs** – The following signs are exempt from the provisions of this Section of the Regulations:

Sign Type		Maximum Size
a.	Legal Obligations: Any sign required by a valid and applicable federal, state, or local law, regulation, ordinance or judicial order.	n/a
b.	Traffic Signs: Any sign installed on public ways by the Connecticut Department of Transportation or Town of Westbrook for road identification or traffic management.	n/a
c.	Holiday Decorations: Holiday lights and decorations with no commercial message.	n/a
d.	Historical Signs: Memorial plaques or monuments, building markers, or historical plaques and similar items displayed for non-commercial purposes.	n/a
e.	Private Directional Sign - Private warning, directional, and traffic signs, with no advertising thereon.	2 SF

2. **Allowed Signs** – The following signs are allowed without the need to obtain a Sign Permit provided the sign complies with the provisions of this Section of the Regulations:

Sign Type		Maximum Size
a.	Municipal Announcements – Temporary announcement signs by the Town of Westbrook.	n/a
b.	Institutional Sign - On any lot containing a farm, church, place of worship, parish hall, cemetery, museum, school, charitable institution, recreational facility, nature preserve, wildlife sanctuary, public utility or facility of the Town of Westbrook, State of Connecticut or the Federal Government, 1 sign not to exceed eight (8) square feet in sign area or a height of seven (7) feet.	8 SF
c.	Municipal Facility - One freestanding sign for each municipal facility identifying the name of the facility. Where a message board is included in the sign, an additional 12 square feet is allowed for a total size not to exceed forty-four (44) square feet.	32 SF (44 SF)
d.	Residential Real Estate Sign - On a lot where residential premises are for sale or for rent, one (1) real estate sign not referring to any other premises.	4 SF
e.	Non-Residential Real Estate Sign - On a lot where non-residential premises are for sale or for rent, one (1) real estate sign not referring to any other premises.	32 SF

(continued)

Sign Type		Maximum Size
f.	Tag Sale - Tag sales of personal household premises. Signs to be displayed no earlier than seven (7) days prior to the sale date. Signs to be removed once the tag sale is concluded.	4 SF each
g.	Construction Sign(s) - Building contractors' and designers' signs pertaining to buildings under construction and such signs shall be removed within thirty (30) days after completion of the project.	4 SF for all contractors
h.	Home Occupation- one non-illuminated sign freestanding or attached to the building but not painted on the building, which identifies a permitted home occupation which exists on the property where the sign is located.	4 SF
i.	Farm Sign - On any lot containing a farm, 1 sign not to exceed a height of seven (7) feet.	8 SF
j.	Flagpole – One flagpole per site flying up to three non-commercial flags (including official flags of the town, state, or nation).	24 SF total
k.	Flag Sign – One (1) building-mounted flag per business with a flag (including an "open" flag) flown only during the hours the business is open.	8 SF
l.	Town-Wide Special Events - Establishment of temporary signs by municipal, civic, or religious organizations for periods not exceeding fifteen (15) consecutive days, and totaling not more than forty-five (45) days in any calendar year, for the purpose of announcing special events provided: • Such signs are posted on private property with the permission of the landowner. • Such signs do not create a hazard by design, location, construction or method of display. • Any person posting any such sign shall obtain other permits as may be required by State and Local agencies.	32 SF at the site of the event 4 SF elsewhere
m.	Election Signs - Elections signs may be erected as follows: • Regular election - signs permitted not earlier than the first Tuesday after Labor Day prior to the election day. • Primary, special election or referendum signs permitted not earlier than twenty-five (25) days prior to balloting. • Signs shall be removed within five (5) days of the balloting or election.	32 SF

3. **Prohibited Signs** – The following signs are prohibited:

Sign Type	
a.	Billboards - Billboards shall be prohibited throughout the Town of Westbrook, anything in these regulations to the contrary notwithstanding.
b.	Off Site Signs - Off-site advertising signs
c.	Roof Sign - Any sign located on any roof or extending above the roofline of any building.
d.	Casual Sign - Any sign attached to a tree, fence or utility pole, or painted or drawn on a rock or other natural feature and intended for commercial purposes.
e.	Intruding Sign - Any sign projecting beyond any property or street line except as may be specifically allowed by Section 7.B.4.
f.	Vehicle Sign - Any vehicle, boat, or trailer which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises shall be parked on a public right-of-way or in any other location which is clearly for the purpose of public visibility. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle but rather to regulate the stationary location of such vehicles.
g.	Flashing Sign - Any sign involving flashing lights, strobe lights, rotating lights, or similar intermittent lighting except as may be specifically allowed by Section 7.B.6..
h.	Moving / Inflated Sign – Any revolving, waving or moving sign or any sign including or involving any visible moving parts or any sign involving inflated air or ground object(s), flying, hung or standing outside of the advertised structure or any flag sign other than specifically allowed above.
i.	Hazard Creating Signs - Any sign that: • simulates emergency lights on emergency vehicles or traffic control signals or devices. • hides from view any traffic control device, signal or sign. • obstructs road or highway visibility, interferes with the safe and orderly movement of traffic, or otherwise poses a hazard to traffic.

4. REGULATED SIGNS

Unless otherwise listed as an exempt sign, allowed sign, or prohibited sign in Section 7.B.3, advertising and other signs may be permitted as provided below.

1. **Residential Development Sign** -
   a. One freestanding sign identifying the name of a residential development shall be allowed at each entrance to the development subject to issuance of a Sign Permit.
   b. The sign shall not exceed sixteen (16) square feet.
   c. The width of the sign shall not exceed six (6) feet.
   d. The height of the sign shall not exceed six (6) feet.

2. **Building-Mounted Business Signage** – One sign per demised tenant space or building and-mounted to, but not painted on, the building, as follows:
   a. One square foot of sign area per lineal foot of building width facing the street providing access to the property, not to exceed 32 SF per business, subject to issuance of a Sign Permit.
   b. Tenant spaces or buildings located on corner lots may, on the secondary frontage, have a second sign up to 50 percent of the area of the principal sign, subject to issuance of a Sign Permit.
   c. Where a second sign is permitted, the sign area allowed for both signs may be combined and then divided between the two signs, subject to issuance of a Sign Permit, provided the sign facing the access street cannot be smaller than the secondary sign.
   d. Signs attached to the wall of a building may project not more than twenty-four (24) inches into a sidewalk, driveway, walkway, roadway, parking area, or accessway provided that such projection does not occur within ten (10) feet vertical clearance of the ground.
   e. Unless otherwise permitted by the Zoning Commission, no sign and no sign face shall be taller than it is wide
   f. The Commission may, by Special Permit, allow a larger building-mounted sign subject to the following:
      i. The applicant shall demonstrate how the location or setback of the building makes a complying sign ineffective.
      ii. The applicant shall demonstrate how the size of the building or tenant makes a complying sign inequitable in terms of sign area.
      iii. An overall signage plan for the property shall be prepared showing how signage will be designed and located to enhance the visual appearance of the entire property.

3. **Window Signage** – Signage installed on or near a window is permitted:
   a. without the need to obtain a Zoning Permit provided that the area of such signage shall not exceed 25 percent of the area of the window pane.
   b. with approval of the Zoning Commission when the area of such signage exceeds 25 percent of the area of the window pane.

4. **Detached Business Sign** – By issuance of a Zoning Permit, one detached sign per property as follows:
   a. The area and height of the detached sign shall not exceed the following:

	Maximum Size	Maximum Height
1. Commercial Town Center (CTC):	9 square feet	8 feet
2. Neighborhood Commercial (NCD):	16 square feet	8 feet
3. Turnpike Interchange Commercial (TIC)	32 square feet	25 feet
4. Commercial Boating District (CB):	22 square feet	8 feet
5. Industrial District (ID):	32 square feet	8 feet
6. Light Industrial District (LID):	32 square feet	8 feet
		Measured from the average existing site grade to any portion of the detached sign or its support structure

   b. The Commission may, by Special Permit, allow a larger detached sign, a higher detached sign, and/or more than one detached sign per property subject to the following:
      i. The applicant shall demonstrate how the characteristics of the site or the use relative to other parcels in the area or within Westbrook make a complying sign ineffective and/or how an alternative sign design would enhance the overall signage approach for the site or enhance the area.
      ii. An overall signage plan for the property shall be prepared showing how signage will be designed and located to enhance the visual appearance of the entire property.
   c. No detached sign shall project over or hang over any sidewalk, driveway, walkway, roadway, parking area, or accessway.
   d. Any detached sign in the Commercial Town Center (CTC) district shall require a Special Permit.
   e. A detached sign shall require a Special Permit from the Zoning Commission except that a detached sign may be authorized by Zoning Permit when:
      i. the property shall have received approval from the Zoning Commission for a signage plan for the property, and
      ii. Signage on the property shall be in conformance with that signage plan.

5. **Municipal Facility**– Notwithstanding the provisions of Sections 7.B.6, the Zoning Commission may, by Special Permit, authorize electronic message display signs on municipal properties located in the Medium Density Residential District (MDR) and the Neighborhood Commercial District (NCD) for public service announcements, subject to the following:
   a. The electronic message display shall be limited to not more than 60% of the total sign area
   b. Not more than one electronic message display sign shall be allowed on a property.
   c. The electronic message display shall be limited to static messages (no movement of words, symbols, figures or images) of at least ten (10) second duration with a fade or dissolve transition between messages.
   d. The brightness of the electronic message display shall be dimmable and automatically adjusted in relation to ambient light (by use of a photocell).
   e. The brightness of the electronic message display shall not, in the opinion of the Commission, be considered inappropriate or obnoxious.
   f. If the Commission determines that the brightness level is inappropriate, the sign operator shall be notified and shall appear before the Commission to discuss alternative approaches.
   g. If an alternative arrangement shall not be found acceptable by the Commission within 30 days of notification of the sign operator, the sign shall be turned off until the sign operator submits a report from a sign illumination specialist reporting on the level of brightness and recommending an appropriate brightness level acceptable to the Commission.
   h. The Zoning Official shall be provided with a key to a lockbox containing a breaker switch for the sign.

5. GENERAL REQUIREMENTS FOR SIGNS

1. Unless exempted by Section 7.B.3.1, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an application for a Sign Permit has been completed and approved by the Zoning Official.

2. **Contents of Permit Application** -
   a. An accurate plan showing the proposed location of the sign on the subject property in relation to property lines, existing signs, and principal buildings and other site improvements, if any.
   b. A color photograph of the lot showing where the sign will be located.
   c. An accurate elevation drawing of the proposed sign and the supporting structure or building façade intended to receive the sign, showing the sign dimensions, area, and height above finished grade, and proposed location of the sign in relation to the building façade and roof line.
   d. The property address, the name and address of the property owner, and, if the applicant is not the property owner, the written consent of the owner or his/her agent to the placement and maintenance of the proposed sign.
   e. The name and address of the business and the name, address and phone number of the applicant.
   f. The name, address, phone number and license number of the sign contractor, if any.
   g. The aggregate area of all existing signs on the lot.
   h. The type of construction, sign supports, and any mechanical or electrical details.
   i. Date of submission.

3. **Forfeited Signs** - Any unauthorized sign installed or placed on municipal property, including a road right-of-way, without a permit, shall be forfeited and subject to removal and disposal by the Zoning Official or his/her authorized agent. In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

4. **Sign Content** - A sign otherwise authorized by this Section of the Regulations may contain non-commercial content, provided that the sign otherwise conforms to the provisions set forth in this Section of the Regulations.

6. SIGN ILLUMINATION

Except where an electronic message display sign has been explicitly approved by the Commission, the following provisions govern the illumination of signs in all Districts:

1. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare or light trespass.

2. Internally illuminated signs are not permitted in any district except the TIC District.

3. No sign shall use or be illuminated by lighting of flashing, intermittent or varying intensity, including, but not limited to, flashing, beacon, strobe, rotating beacon, chasing or zip lights.

4. No sign shall be illuminated by exposed tubes, bulbs or similar exposed light surfaces, or by exterior spot lighting or other illumination that would cause glare observable to a residential district or property or hazards to vehicular traffic.

7. PORTABLE SIGNS

Ground portable signs as defined in this Section of the Regulations up to 16 SF in sign area may be displayed during the hours the business is in operation shall be permitted in the Turnpike Interchange Commercial District (TIC), Commercial Boating District (CB) Resort District (R) and Neighborhood Commercial District (NCD), under the following restrictions and conditions:

1. A Zoning Permit shall be obtained for such ground portable sign.

2. Only one (1) ground portable sign shall be allowed per lot, except that if the lot has more than four hundred (400) feet of road frontage then one (1) additional ground portable sign shall be permitted.

3. Said sign shall not exceed sixteen (16) square feet in sign area and shall not exceed four (4) feet in width or five (5) feet in height. Said sign may be double-faced and, for the purpose of area computation, only one (1) face shall be counted in determining conformity with the area requirements of this paragraph.

4. Said sign shall describe or display only current factual information concerning present activities (including retail sales or services) on the subject lot.

5. Said sign shall not extend into the right of way line or sidewalk on said lot. It also shall not impede sight lines or ingress and egress to said lot.

8. PRE-EXISTING SIGNS

1. **Existing Signs** - Nothing in this Regulation shall prohibit or modify the right of property owners to continue to use, maintain and exhibit signs which have been legally established and are existing on the effective date of this Regulation.

2. **Signs in Violation** –
   a. Any illegal sign in violation of the regulations, in effect at the time of these revisions are enacted, does not become a legal non-conforming sign to these regulations.
   b. Any permitted or pre- existing non-conforming structure supporting such sign will be permitted to remain provided the owner of the property establishes his intent to continue the use of said structure for the sign of another business in the future.

C. PARKING / LOADING REQUIREMENTS

1. PURPOSE

This Section of the Regulations is intended to require, to the extent feasible and practical, the provision of parking and loading facilities to serve existing and proposed uses.

2. BASIC PROVISIONS

1. To serve every use of land or improvement thereon, except as may be permitted by the Commission in the Commercial Town Center District (CTC), there shall be provided:
   a. permanent and conveniently available spaces for off-street parking of motor vehicles.
   b. areas affording uncongested and safe access between such spaces and a street.

2. No use of land or improvement thereon shall commence until required off-street parking and truck loading space has been completed in accordance with this Section.

3. Each parking space shall be nine (9) feet in width by eighteen (18) feet in length except:
   a. Parallel parking spaces shall be nine feet (9’) in width by twenty-two feet (22’) in length
   b. handicapped parking spaces shall conform in both number and dimension to the current requirements of the State of Connecticut.

3. REQUIRED NUMBER OF PARKING SPACES

1. Unless modified in accordance with Section 7.C.3.3 below Section 7.C.3.4 below , parking spaces shall be provided in not less than the number indicated below and the parking requirement for multiple use properties shall be determined by tabulating the parking requirement for each of the uses and adding them together:

RESIDENTIAL-TYPE USES	Minimum Number of Spaces
1. One and Two Family Dwellings	Two (2) spaces for each dwelling unit.
2. Multiple Family Dwellings	Two (2) spaces for every unit or one (1) space for every bedroom, whichever is greater.
3. Customary Home Occupation	In addition to the requirement for the dwelling unit, one (1) space for every employee and one (1) visitor space.
4. Boarding, Lodging and Rooming Houses	One (1) space for every guest room, two (2) spaces for the resident family plus one (1) additional space for each employee.
5. Congregate Facility	Unless otherwise approved by the Commission, one (1) space for every unit, plus one (1) space for every three (3) units to be designated as visitor parking plus one (1) space for every staff member during largest shift.
6. Convalescent or Nursing Home	One (1) space for every three (3) beds plus one (1) space for every employee during the largest shift.

RETAIL / SERVICE-TYPE USES	Minimum Number of Spaces
7. Retail Store, Personal Service Shop or Studio	Unless otherwise approved by the Commission, 5 spaces plus 4 spaces for every 1,000 SF of gross floor area up to one hundred thousand (100,000) square feet and 3.5 spaces for every 1,000 SF of gross floor area exceeding one hundred thousand (100,000) square feet.
8. Restaurant, Cafe or Tavern	One (1) space for every three (3) seats plus one (1) space for every three (3) tables, or 13.33 spaces for every 1,000 SF of gross floor area plus one (1) space for every employee during the largest shift, whichever is greater.
9. Day-Care Facilities	One (1) space per staff member, including teachers, administrators and voluntary assistants, plus one (1) space for every six (6) enrollees as determined by the licensed capacity.
10. Repair Garage	A minimum of ten (10) spaces or four (4) spaces for every bay, whichever is greater.
11. Bowling Alley	Four (4) spaces for every lane.
12. Spa or Physical Fitness Center	Four (4) spaces for every 1,000 SF of gross floor area.

OFFICE-TYPE USES	
13. Business / Professional Office, Bank, Financial Institution	Four (4) space for every 1,000 SF of gross floor area.
14. Medical or Dental Clinic, Medical / Dental Office	Unless otherwise approved by the Commission, five (5) spaces for every 1,000 SF of gross floor area plus one and one- half (1½) spaces for every doctor or dentist.

INDUSTRIAL-TYPE USES	
15. Manufacturing/Industrial Establishments	2.5 spaces for every 1,000 SF of gross floor area.
16. Warehouse/Storage Building	1.33 spaces for every 1,000 SF of gross floor area.

LODGING-TYPE USES	
17. Bed & Breakfast	One (1) space for every guest room, two (2) spaces for the resident family plus one (1) additional space for each employee.
18. Inn or Hotel/Motel or Resort	Unless otherwise approved by the Commission, one and one-half (1.5) spaces for each guest room or time share unit, one (1) space for every three (3) seats in any restaurant or bar, one (1) space per four (4) legal occupants under the State Fire Code in any conference or meeting room facility, and any additional parking that the Commission may deem necessary in order to accommodate additional uses.

INSTITUTIONAL-TYPE USES	
19. Auditorium, Theater or Place of Public Assembly	One (1) space for every three (3) fixed seats or one space for every three (3) persons as fixed by the Fire Marshal as the maximum capacity allowed, whichever is greater.
20. Club	Twenty (20) parking spaces for every 1,000 SF of gross floor area or one (1) space for every three (3) persons as fixed by the Fire Marshal as the maximum capacity allowed, whichever is greater.
21. Educational institution	One (1) parking space for every employee plus one (1) parking space for every three (3) students in the 11th & 12th grades plus twenty (20) visitor spaces. However, the number of spaces shall not be less than required under this Section for the auditorium or gymnasium whichever is greater.

BOATING USES	
22. Marina	One-half space per boat slip. No required parking space may be used for sales, repair work, storage, or servicing or any kind during the months of June through October inclusive.

OTHER USES	
23. Mortuary / Funeral Home	One (1) space for every twenty-five (25) square feet of floor area devoted to assembly rooms.
24. Miniature Golf Course	One and one-half (1.5) parking spaces for every hole, but may be reduced to one space per hole if there are multiple uses on the lot.
25. Uses not listed	The parking space requirements for a use not specifically listed in this Section, shall be the same as for a listed use of similar parking demand characteristics, as determined by the Commission.

2. **Fractional Spaces** - Where fractional spaces result from the application of these Regulations, the parking spaces required shall be construed to be the next higher number.

3. Potential Temporary Reduction Of Parking Requirement.

The Commission may authorize a temporary reduction in the number of parking spaces required to be provided as follows:

a. **Temporary Change of Use Exemption** - In the event that no new buildings or structures are being established and the land area, structures or permitted uses are simply being changed from one permitted use to another permitted use allowed under these Regulations, no additional parking spaces shall be required provided that:
- the number of spaces that presently exist on the property is at least 90 percent of the cumulative parking requirement for the new use(s) and the other existing use(s) on the property, and
- no "grandfathering" or other exception shall be provided relative to any future use of such premises.

b. **Temporary Parking Installation Reduction** - The Commission may, by Special Permit, waive the immediate installation of up to 50% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use. The Special Permit shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such Special Permit and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy. Before approval of such temporary parking installation reduction by the Commission, the applicant shall show upon the site development plan the complete layout for the full parking requirements and the design of the complete stormwater management system designed to handle the deferred parking pavement. The owner shall file the plan approved by the Commission in the Office of the Town Clerk, stipulating that:
- the stormwater management system installed at the time of initial development shall be designed to accomodate the future parking expansion, and
- the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within six months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

4. Potential Permanent Reduction Of Parking Requirement.

The Commission may, by Special Permit, authorize a permanent reduction in the number of parking spaces required to be provided as follows:

a. **Permanent Mixed-Use Development Reduction** - In a development with mixed-use buildings designed and built in a walkable and pedestrian friendly configuration, the Commission may, by Special Permit, reduce the number of parking spaces required to be provided using the following shared parking factors as a guide (the shared parking factor is applied to the sum of the individual parking requirements):

Shared Parking Factor

	Residential	Lodging	Office	Retail
Residential	100%	-	-	-
Lodging	90%	100%	-	-
Office	70%	60%	100%	-
Retail	80%	75%	80%	100%

b. **Permanent Shared Parking Reduction** - The Commission may, by Special Permit, reduce the cumulative number of required parking spaces for two or more properties provided that a functional and interconnected parking arrangement is provided within and between the properties, that an agreement for joint access and parking, in perpetuity, acceptable to the Commission is filed on the land records, and further provided the Commission finds one or more of the following based on information provided by the applicant(s):

- Peak parking demands among uses occur at different hours of the day and this offset results in a lower net peak parking demand;
- Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development(s); or
- The uses are likely to generate transit, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation.

5. Permanent Reduction Of Parking Requirement.

For unfinished basement or storage space, the Zoning Official or the Zoning Commission may, based on a sworn affidavit executed by the owner of the property attesting to the area devoted to unfinished basement or storage space and retained in the file, authorize a reduction in any requirement for parking spaces for such unfinished basement or storage space.

4. SPECIAL ZONE-RELATED PROVISIONS

1. In any business zone except the Industrial (I) District or Light Industrial (LI) District, parking requirements may, by Special Permit granted by the Commission, be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, cooperatively established and operated in perpetuity.
   a. Off street commercial parking requirements may be met at a site beginning within five hundred (500) feet from the subject property.
   b. If, however, a residential use exists or is established in a building, at least one (1) space per dwelling unit must be provided on the same lot as the dwelling unit.

2. Within the Commercial Town Center (CTC) District, the Commission may, by Special Permit, consider one or more of the following as satisfying the parking requirement provided that adequate information demonstrating same is provided by the applicant:
   a. On-street parking spaces,
   b. Public parking lots,
   c. A “fee-in-lieu-of-parking” payment to the Town to be used to support the provision of public parking in the Commercial Town Center (CTC) District.

3. Within the Neighborhood Commercial (NCD) District, all off-street parking and loading shall be located to the rear of the structure unless otherwise waived by the Zoning Commission.

5. LOADING SPACE REQUIREMENTS

1. Each site shall demonstrate that adequate provision has been made for loading / unloading spaces for the intended usage of the site in appropriate locations and any such loading / unloading spaces shall not protrude into any street, designated fire lane, pedestrian or vehicular access.

2. The Zoning Commission may place loading / unloading restrictions (time of day, day of week, etc.) if the Commission determines that such restrictions are necessary for the use.

3. Within the Turnpike Interchange Commercial District, loading areas shall be located at the rear or side of a building with a minimum of seventy (70) feet from any property line. The loading areas must be screened from view from adjacent street and shall be located in such a way that in the process of loading or unloading, no truck will block or extend into any drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.

6. ACCESS DRIVES AND VEHICULAR CIRCULATION

For the purposes of this Section, an access drive is defined as a private roadway providing access for vehicles between the public right-of-way of the street and a parking area, garage, dwelling, or other structure, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

1. Provisions shall be made for vehicular access to the lot to prevent queuing onto any public or private street.

2. Further provisions shall be made for the vehicular circulation upon the lot and between lots in such a manner as to safeguard against hazards to traffic and pedestrians in the street and to provide safe and convenient circulation in the street and upon the lot.

3. All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private street shall be traveling in a forward motion.

4. All access drives for parking areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible to any vehicle or pedestrian approaching such driveway from a public street or private road.

5. Access drives shall be suitably paved with brick, concrete, asphalt, pervious pavement, gravel or other material as approved by the Zoning Commission, or its agent, to provide a firm, smooth and level surface.

6. Shoulders of travelways shall be constructed with appropriate materials to withstand the anticipated vehicular loads and shall remain pervious to the extent feasible.

7. Access drives shall have a travel way of fourteen (14) feet for one-way traffic and twenty-four (24) feet for two-way traffic with a minimum one (1) foot, level shoulder beyond the edge of pavement (measured form the back of curb), unless otherwise approved by the Town Engineer. In no case shall the width of the travel way be reduced to less that twelve (12) feet for one-way traffic and (18) feet for two-way traffic except as provided below.

8. The use of mountable curbs or no curbs is encouraged where feasible.

9. Single access driveways providing access to an individual residential dwelling unit from the public right-of-way or a common access drive shall have a minimum paved width of ten (10) feet.

10. No parking space or loading/unloading zone shall be designed in a manner that a vehicle entering or leaving such space or zone would block the entrance drive to the parking lot.

11. All exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic.

12. Unless otherwise approved by the Commission, each entrance and exit shall be a distance of at least twenty (20) feet from any residential ~~use or~~ district and at least one hundred (100) feet from any street intersection. A distance of less than one hundred (100) feet from a street intersection may be permitted if proven, to the satisfaction of the Commission, an unsafe condition would not exist.

7. ADDITIONAL REGULATIONS

1. **Location** –
   a. Parking spaces as required shall be located on the same lot with the principal use or, in non-residential districts, within a five hundred (500) foot radius of any part of the property which they are intended to serve provided that the area is not located in a residential district.
   b. Said parking spaces may be transferred to another owner or use only if replaced in another location in conformance with these Regulations.
   c. All parking spaces shall be marked or striped to delineate each space.

2. **Improvements** - All off-street parking areas and loading areas shall be suitably surfaced, adequately drained, properly lighted, and appropriately landscaped for the protection of adjacent properties, and the safe access and egress of both vehicles and pedestrians.

3. **Wheel Stops** -
   a. Wheel stops, wood guide rails or other methods of confining parked cars may be required by the Commission when needed to prevent vehicles from overlapping public or private sidewalks or landscaped areas ; protect buildings or utility infrastructure; or other similar situations.
   b. Any wheel stops shall be securely anchored.

D. ACCESS MANAGEMENT

1. PURPOSE

This Section is intended to control the number, size, and location of driveways and access points, especially those for commercial uses that front on heavily trafficked roads and state highways, in order to maintain traffic capacity, avoid the proliferation of driveways and curb cuts, provide for safer and more efficient traffic operations along major roadways, and protect the public safety through the reduction of vehicular congestion.

2. GENERAL PROVISIONS

1. In reviewing proposed developments, the Commission shall review road layout, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.

2. In reviewing existing and future curb cuts, the following guidelines shall be considered:
   a. The number of site access points should be limited.
   b. No exit from or entrance to an off-street parking facility shall be laid out or maintained as to constitute or create a traffic hazard or nuisance.
   c. Not more than one curb cut per lot (or per each street frontage for corner lots) shall be allowed onto the adjacent street system, unless specifically authorized by the Commission.
   d. Internal connections between adjacent properties in the same Zoning District and the combination of access/egress driveways serving adjacent properties may be required by the Commission whenever practicable to minimize the traffic impact on adjacent streets.

3. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
   a. limit the number of driveways that serve a specific site,
   b. designate the location of any driveway,
   c. require the use or provision of a shared driveway with associated easements that exists on abutting property in lieu of having a separate curb cut onto a road or street, and/or
   d. limit access to a major street and/or require access from a minor street.

4. As part of application approval, the Commission may require:
   a. an independent traffic review of the proposal,
   b. the establishment of mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority,
   c. the wording of such easements as shall be acceptable to the Commission and the Town Attorney, and/or
   d. the filing of such easements on the land records in favor of the abutting property owners and/or the Town.

E. LANDSCAPING

1. GENERAL REQUIREMENT

Unless modified by the Commission due to retention of existing vegetation, excellence in building and/or site design which obviates the need for certain landscaping, or excellence in landscaping elsewhere on the site, the following landscaping shall be provided for all development except single and two-family dwellings:

1. Landscaping shall be provided on all land use areas to provide transitions between buildings of different size, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest on pedestrian systems and shall be lighted to provide safety and security.

2. All accessory uses, such as utility structures, dumpsters, storage facilities, loading or parking areas, or similar uses shall be screened with fences, walls, landscaping or other appropriate methods, to the satisfaction of the Zoning Commission, to minimize visual intrusion or landscaped to integrate these elements into the site development plan.

3. Street trees at a minimum rate of one (1) tree for every fifty (50) feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. Street trees, whether deciduous shade trees, flowering trees, or evergreen trees, shall be a minimum of three (3) inch caliper measured at twelve (12) inches above ground, and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Zoning Commission.

4. In order to meet the above requirements, landscaping elements shall include, but are not limited to, a variety and combination of mixed hardwoods with colorful fall foliage, evergreens, flowering shrubs, flower beds, groundcover, and earthworks (mounding, grading, etc.).

5. To the extent possible, existing trees, vegetation, and unique site features, if properly located, shall be fully credited against the requirements of these regulations.

6. Landscaping materials required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping materials which do not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.

7. In order to ensure satisfactory performance in the fulfillment of landscaping requirements, a financial guaranty in form and substance acceptable to the Town and in an amount determined by the Zoning Commission shall be posted in the name of the Town of Westbrook and held until landscaping has been planted and is growing.

2. GENERAL REQUIREMENT

Unless modified by the Commission due to retention of existing vegetation, excellence in building and/or site design which obviates the need for certain landscaping, or excellence in landscaping elsewhere on the site, the following landscaping shall be provided for all parking areas except single and two-family dwellings:

1. At a street line along its entire length, exclusive of all curb cuts, there shall be a front yard landscape area a minimum of four feet (4') in width. If parking spaces are located between the building and the street, then the front yard landscaped area shall be at least fifteen feet (15') in width. This area shall be landscaped with appropriate materials, including the street trees required by Section 7.E.1.3.

2. At any boundary not along a street line, there shall be a landscape area, along its entire length, exclusive of any curb cuts, a minimum of five (5) feet in width.

3. Along the entire length of any entrance driveway, there shall be a landscape area a minimum of three (3) feet in width between the driveway and the parking lot.

4. Along the entire length or width of any building, where any parking area or driveway would terminate or abut, exclusive of any entrances and /or exits, there shall be a landscape area a minimum of four (4) feet in width from the foundation of such building.

5. Within parking areas, there shall be the landscape equivalent of:
   a. a parallel landscaped island at least 9 feet wide for every four (4) rows of parking, and
   b. a perpendicular landscape island at least 9 feet wide for every fifteen (15) parking spaces.

3. LANDSCAPED BUFFER

1. Any parcel of land which is to be developed in an Industrial District, that has a property line(s) which abuts a Residential District or use, shall provide a landscape buffer a minimum of fifteen (15) ft. in width along such property line(s) which will screen, to the satisfaction of the Zoning Commission, such development from the Residential District or use.

2. Any parcel of land which is to be developed in a Light Industrial District that has a property line(s) which abuts a Residential District or use, shall provide a landscape buffer a minimum of fifteen (15) feet in width along such property line(s) which will screen, to the satisfaction of the Zoning Commission, such development from the Residential District or use.

F. SIDEWALKS

1. PURPOSE

The purpose of this Section is to develop a continuous network of uniformly designed and constructed sidewalks along the streets throughout the Town and to provide for the safe and convenient passage of people within a lot.

2. SIDEWALKS ALONG PROPERTY FRONTAGE

1. Unless the Zoning Commission determines that sidewalks are not required in a particular location or situation, sidewalks along the property frontage shall be provided:
   a. as part of development of new buildings,
   b. as part of substantial addition or improvement to existing buildings, or
   c. in accordance with the sidewalk plan adopted by the Town.

2. All sidewalks along the property frontage shall be located in general accordance with the sidewalk plan adopted by the Town.

3. All sidewalks along the property frontage shall be designed and constructed in accordance with the Town standards for sidewalks.

4. All sidewalks along the property frontage shall harmonize with site conditions and with existing or future sidewalks on adjacent properties.

3. SIDEWALKS WITHIN SITES

1. All applications for a Certificate of Zoning Compliance for development of new buildings or substantial addition or alteration of existing buildings, except single- and two-family dwellings, shall provide for a coordinated network of interconnected sidewalks within the site for the safe passage of pedestrians to and from all parking areas to the entrances and exits of all buildings.

2. All sidewalks within a site shall be designed and constructed in accordance with the Town standards for sidewalks, unless otherwise approved by the Commission.

G. CORNER VISIBILITY

1. No obstruction, such as vehicles, machinery, materials, signs, hedges, trees, shrubs or other growth, shall be created, established or erected which interferes with a clear view of drivers of vehicles on a curve or at any street intersection and which endangers the safety of those traveling upon such streets. The Zoning Official shall order the removal or the alteration of any object which unreasonably obstructs the clear view of drivers or which otherwise endangers the safety of those traveling on a street.

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H. DRIVEWAYS AND PAVED APRONS

1. All new residential and nonresidential driveways, whether paved or not, shall have a paved driveway apron in accordance with the Town of Westbrook standards for driveway aprons.

I. EXTERIOR LIGHTING REQUIREMENTS

1. PURPOSE

These Regulations are intended to provide standards with regard to exterior lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to discourage the installation of lighting fixtures that emit objectionable illumination, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

2. APPLICABILITY

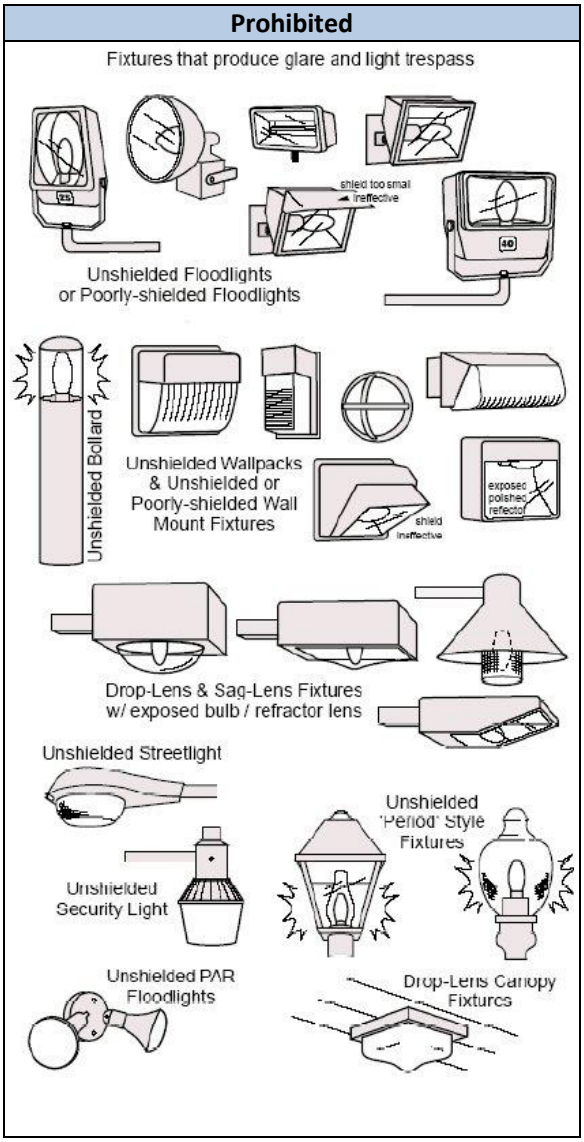
The standards herein shall apply to all exterior lighting where a Site Plan Application or Special Permit is required, except for single-family dwellings.

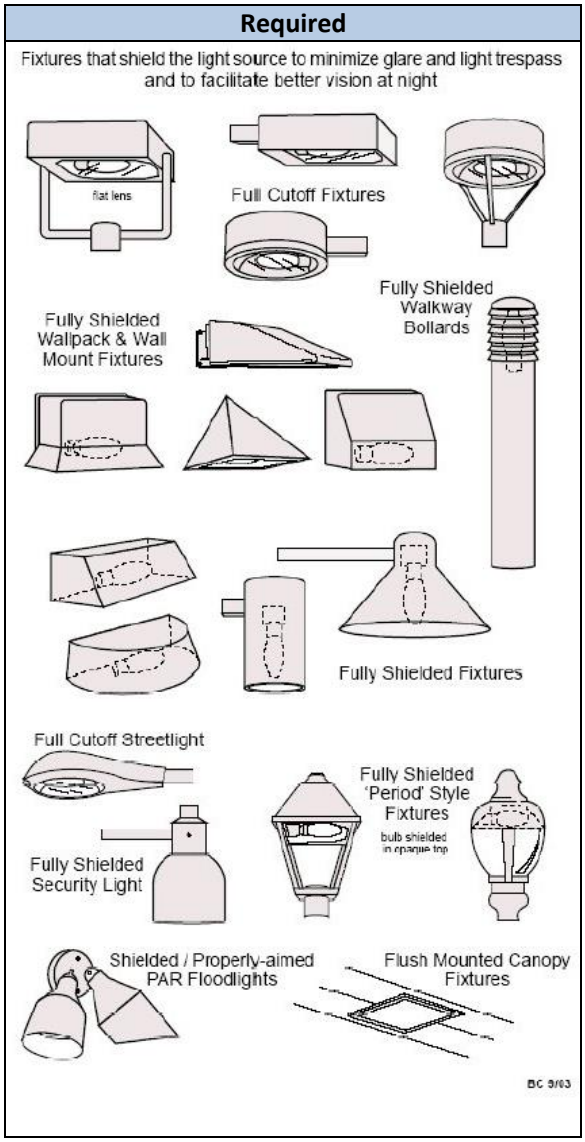
3. STANDARDS

1. All exterior lights, building illumination directed from the exterior of the building, and sign illumination shall be designed, located, installed and directed in such a manner as to:
   a. prevent direct glare or light trespass of more than 0.1 foot-candles onto neighboring properties,
   b. employ evenly distributed, transitional light levels which are consistent from area to area and provide uniform distribution of light without compromising safety and security.
   c. minimize contrast between light sources, lit areas and dark surroundings, and
   d. be confined within the target area to avoid glare outside the property line or boundary, or into the sky.

2. Light fixtures which cast light primarily downward shall be used and lighting fixtures shall be full cut-off type fixtures or Illuminating Engineering Society of North America (IESNA) cut-off fixtures as approved by the Commission, except as required by Section 7.I.3.8. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

3. All lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Attached building or wall lighting shall be screened by the building's architectural features or contain a forty-five (45) degree cutoff shield.


Prohibited
Fixtures that produce glare and light trespass
shield too small ineffective
Unshielded Floodlights
or Poorly-shielded Floodlights
Unshielded Bollard
Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures
exposed polished reflector
shield ineffective
Drop-Lens & Sag-Lens Fixtures
w/ exposed bulb / refractor lens
Unshielded Streetlight
Unshielded
'Period' Style
Fixtures
Unshielded
Security Light
Unshielded PAR
Floodlights
Drop-Lens Canopy
Fixtures


Required
Fixtures that shield the light source to minimize glare and light trespass
and to facilitate better vision at night
flat lens
Full Cutoff Fixtures
Fully Shielded
Walkway
Bollards
Fully Shielded
Wallpack & Wall
Mount Fixtures
Fully Shielded Fixtures
Full Cutoff Streetlight
Fully Shielded
'Period' Style
Fixtures
bulb shielded
in opaque top
Fully Shielded
Security Light
Shielded / Properly-aimed
PAR Floodlights
Flush Mounted Canopy
Fixtures
BC 9/03

4. All lighting for display, aesthetic, parking and sign lighting, shall be placed on timers and turned off after business hours; lighting provided for security may be motion-activated after hours.

5. The height of light fixtures shall be in proportion to the building mass, preferable no more than fourteen (14) feet high. Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures.

6. High pressure sodium light sources are not permitted unless the applicant demonstrates that other alternatives are not adequate or practical for the site.

7. Lighting designed to highlight flagpoles shall be targeted directly at the flag.

8. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and minimal light trespass is received off the site, and in no event greater than 0.1 foot-candles.

4. LIGHTING PLAN SUBMISSION REQUIREMENTS

1. The Lighting Plan shall indicate the location of each current and proposed outdoor lighting fixture including fixtures located on the ground, on a building, or architectural building or structure illumination located on or directed from the exterior of the building or structure, and illuminated signs.

2. This plan shall be certified by a licensed professional engineer. The lighting plan shall include the following information:
   a. the location of all lighting fixture (including parking lots, walkways, building mounted, signs, architectural building or structure illumination, and all other exterior lighting equipment or lighting located on or directed from the exterior of a building).
   b. descriptions of outdoor light fixtures including component specifications such as lamps, reflectors, wattage, type of light source (metal halide, fluorescent, LED, etc.) optics, angle of cutoff, supports, poles and include manufacturers catalog cuts.
   c. lighting layouts showing initial luminance calculations that conform to these Regulations.
   d. iso-illuminance contours and light level grid lighting plan of site property out to 10 feet beyond property lines or zero calculated initial light levels whichever comes first, showing footcandle readings including all property exterior light fixture contributions every ten (10) feet including the average footcandles, minimum and maximum footcandles and minimum to maximum ratios.
   e. foundation details for light supports.

5. ILLUMINATION LEVELS

1. In terms of illumination levels, the Commission shall be guided by the illumination levels as recommended by:
   a. the Illuminating Engineering Society of North America (IESNA), and/or
   b. the International Dark Sky Association (IDA).

2. Illumination levels recommended by the Illuminating Engineering Society of North America (IESNA) for the subject uses shall not be exceeded.

3. Replacement of light fixtures and/or light bulbs (or LEDs) shall maintain the illumination levels shown on the photometric plan approved by the Zoning Commission or, in the absence of such approved plan, the lighting levels as recommended by:
   a. the Illuminating Engineering Society of North America (IESNA), and/or
   b. the International Dark Sky Association (IDA).

6. EXEMPTIONS AND MODIFICATIONS

1. Lighting, such as the types listed below, are exempt from these Regulations:
   a. traditional temporary seasonal/holiday lighting.
   b. temporary lighting associated with a fair, carnival or similar function authorized by the Town of Westbrook.
   c. temporary lighting used by the Police Department, Fire Department, or Emergency Services.

2. The Commission may, by Special Permit, allow lighting that does not comply with the Specific standards listed in this Section provided the Commission determines that such proposed lighting is consistent with the intent and purpose of these Regulations and that such lighting is essential to safe operation of the subject use.

J. PERFORMANCE STANDARDS

The following standards shall apply to any business or industrial operation or activity undertaken in any zoning district:

1. **Odor** - Odor from any use shall not be discernible to any objectionable degree at the property line.

2. **Air Pollution** - No emission at any point of fly ash, dust, fumes, vapors, gases, and other forms of air pollution or other emission of any nature which can cause any damage to human health, animals, vegetation, or other forms of property is permitted.

3. **Smoke** - No emission at any point of visible gray smoke darker than or more opaque than No. 1 on the Ringelman Smoke Chart will be permitted, except that smoke not darker than or more opaque than No. 2 may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period.

4. **Glare/Heat** - Glare and/or heat, whether reflected or direct, such as from flood lights or high temperature process, shall not be visible or discernible at any property line.

5. **Liquid, Solid or Hazardous Waste** - No discharge at any point into any public or private sewage disposal system, or the discharge into any stream, watercourse, wetland, pond or other body of water or discharge to the surface of the ground or into any storm water system shall be permitted in any manner which by content or temperature would contaminate any water or ground..

6. **Antenna/Transmission Towers** –
   a. An antenna or transmission tower shall not be operated in any manner which causes interference with surrounding uses, and shall not be located within one hundred (100) feet of any residential property line.
   b. No antenna or transmission tower shall exceed fifty (50) feet from the ground or ten (10) feet from the roof line.

K. SOIL EROSION AND SEDIMENT CONTROL

1. PURPOSE

This Section of the regulations is intended to prevent or minimize soil erosion and sedimentation as part of any development or redevelopment activity within the community.

2. EXEMPTIONS

1. The provisions of this Section shall not apply to single-family homeowners engaged in activities incidental to the maintenance or improvement of their premises, such as home gardening or landscaping, unless it affects wetlands or watercourses or an adjacent property.

2. Activities associated with a farm and the growing of nursery stock shall be exempt from the requirements of this Section provided that such farm and nursery operations are conducted in accordance with accepted soil conservation practices and generally accepted agricultural practices as promulgated by the Connecticut Department of Agriculture.

3. STANDARDS AND GUIDELINES

1. All development and redevelopment activities shall implement “best management practices” to prevent and minimize soil erosion and sedimentation.

2. Soil erosion and sedimentation control measures appropriate to the circumstances shall be installed prior to the commencement of development or redevelopment activities.

3. Such soil erosion and sedimentation control measures shall be installed in accordance with the standards and specifications of the “Connecticut Guidelines for Soil Erosion and Sediment Control.”

4. All soil erosion measures and facilities shall be periodically inspected and regularly maintained so as to ensure proper performance.

5. Land disturbance shall be kept to a minimum and, where feasible, natural vegetation shall be retained, protected, and supplemented across the site.

6. When necessary, the stripping of vegetation, regrading, or other development shall be done in a way that will minimize erosion.

7. Acceptable temporary measures, both natural and man-made, shall be used to protect exposed or disturbed areas during development.

8. In disturbed areas, the duration of exposure shall be kept to a minimum with permanent vegetation and structural erosion control measures installed as soon as possible.

9. Temporary vegetation should be planted if an area is to be stripped for a long period of time.

10. Sediment in the run-off water shall be kept at a minimum using such measures as diversions, vegetation, debris basins, sediment basins, hay bale dams, silt fences, silt traps or similar measures, which measures shall be detailed in the soil erosion and sedimentation plan submitted.

11. Storm drain inlets and outlets shall be adequately protected and maintained to minimize intrusion of sediment and storm water velocities shall be kept low by keeping slope lengths short and gradients low.

12. Cut and fill slopes shall not endanger adjoining properties and shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing as approved by the Commission.

13. Fill shall not encroach on water sources and watercourses; vehicular traffic shall not be allowed to cross running streams except by bridges or culverts of approved design.

4. ENFORCEMENT

1. The Commission or its designated agent is hereby authorized to make periodic inspections of the soil erosion and sediment control measures on any site under development or redevelopment.

2. In the event a development or redevelopment results in erosion, siltation or sedimentation problems, the Commission or its authorized agent is hereby authorized to require:
   a. the owner or developer engaged in such project to cease and desist from activities resulting in erosion, siltation or sedimentation.
   b. immediate temporary remedial measures to be instituted.
   c. preparation and submittal of a remedial plan showing permanent corrective action followed by implementation and maintenance of such plan as approved by the Commission.

3. If a developer fails to implement the Control Plan in a timely manner, the approved plan shall be subject to revocation by the Commission.

4. Soil erosion and sediment control measures may be required to provide a financial guaranty in accordance with Section 9.A.13 as part of any development project.

5. Where a financial guaranty is required, no Zoning Permit shall be issued until such guaranty has been accepted by the Commission or its agent.

L. EARTH EXCAVATION, REMOVAL AND DEPOSIT

1. STANDARDS

1. Any excavation, removal, and/or fill not specifically permitted below shall require approval of a Special Permit Application by the Zoning Commission.

2. If the proposed excavation, removal and/or fill is not permitted by Section 7.L.3 or 7.l.4 below, such excavation, removal and/or fill may be permitted by Zoning Permit granted by the Zoning Official provided the total quantity of material does not:
   a. in a residential district, exceed three hundred (300) cubic yards per acre or one thousand five hundred (1,500) cubic yards in total.
   b. in other districts, exceed six hundred (600) cubic yards per acre or three thousand (3,000) cubic yards in total.

3. Earth excavation, removal, and/or fill is permitted on any property in any zoning district provided that such excavation, removal and/or fill is conducted in connection with:
   a. Construction or alteration of a building or other structure for which a building permit has sbeen issued or a septic system for which a septic permit has been issued.
   b. Subdivision plans approved by the Planning Commission pursuant to a subdivision or resubdivision application or a conservation subdivision application,.
   c. Site plans approved by the Zoning Commission pursuant to a Special Permit or Site Plan application.
   d. Construction or maintenance of State or municipal owned land, roads or rights-of-way.
   e. Normal maintenance repairs of private roads and driveways.
   f. Beach nourishment proved all applicable permits have been received.

4. Earth excavation, removal, and/or fill is permitted on property in any zoning district without approval provided that such excavation, removal and/or fill shall not:
   a. Change the natural grade by more than five feet (5’).
   b. Create a slope steeper than two feet horizontal for every one foot vertical (a 2:1 slope).
   c. Have the edge of the excavation, removal and/or fill closer than five feet (5’) to the property line.

5. No excavation shall be below the coastal jurisdiction line.

6. In no case shall the excavation, removal or deposit of materials described above cause adverse conditions on neighboring properties.

2. VIBRATION CONTROL

No objectionable vibration shall be transmitted outside the parcel from which it originates with the exception of reasonable vibration caused by construction or demolition created during day time hours.

M. PROTECTION OF SURFACE AND GROUND WATER

1. PURPOSE:

No use of land or structure shall be permitted which could pose a threat to the quality of the Town's surface waters, its ground water or its aquifers as identified and mapped by the U. S. Geological Survey and classified “GA” or “GAA” under Connecticut's water quality standards as stated in CGS Section 22a-426.

2. PROHIBITED HAZARDOUS MATERIALS

1. Manufacture, use, above ground or underground storage or disposal of hazardous materials in significant quantities is prohibited, except as allowed in Section 7.M.4 of these Regulations.

2. For the purpose of this Regulation, hazardous materials are defined as those substances identified by the U.S. Environmental Protection Agency in Table 302.4 as listed in 40 C.F.R. Section 302.4, (1981) as amended. The amount of any substance which shall constitute a "significant quantity" of such substance is as listed in said Table 302.4.

3. STORAGE OF OIL AND OIL BASED DERIVATIVES

1. The outdoor above ground or below ground storage of oil and oil based derivatives as listed in 40 C.F.R. Section 112.2 (1981) as amended, is prohibited, except as provided in Section 7.M.4 of these Regulations.

4. OIL AND MOTOR VEHICLE FUEL STORAGE TANKS

1. Non-residential underground storage tanks for heating oil and motor vehicle fuels as regulated by CGS Section 22a-449 and Section 22a-449 (d) 1 of the Regulations of the Connecticut Department of Energy and Environmental Protection may be installed or replaced with approved double wall storage tanks, when the installations are designed and constructed in conformance with Connecticut Department of Energy and Environmental Protection Standards and when a permit for such work is issued by the Westbrook Building Official.

2. Existing residential and non-residential underground and outdoor above ground fuel storage tanks, not regulated under Section 7.M.4, may not be replaced.

3. **Below Ground And Outdoor Above Ground Storage Tanks** –
   a. Below ground and outdoor above ground storage tanks must be replaced with storage tanks located in the basement, garage or similar part of a building, provided such structure has a concrete floor.
   b. If this required placement is not possible, to the satisfaction of the Zoning Official, existing residential and nonresidential outside above ground fuel storage tanks not larger than two hundred seventy-five (275) gallons may be replaced, provided that:
      i. The tank is located on a concrete slab or within a containment structure.
      ii. The concrete slab extends at least one (1) foot beyond all sides of the tank, and
      iii. The concrete slab must be sufficient in bearing the weight of the tank.
      iv. All piping shall connect to the top of the fuel oil tank and valves shall not be installed on return piping.
      v. The system shall be designed for the maximum pressure required by the fuel oil burning equipment.
   c. All work allowed may only commence after the issuance of a permit by the Westbrook Building Official.

4. In no case shall an underground tank be installed or replaced in the Water Resource Overlay District as defined by these Regulations.

5. STORAGE OF ROAD SALTS

1. Storage of road salts shall be in weather-tight enclosures with an impervious base.

2. The site contours surrounding such enclosure shall be graded to prevent salt or salt contaminated soils from combining with storm water run-off.

N. STORMWATER MANAGEMENT REGULATIONS

1. PURPOSE:

This Section of the Regulations is intended to protect and preserve the waters within the Town of Westbrook and Long Island Sound from non-point sources of pollution and flooding through the proper management of stormwater flows and minimization of suspended solids, pathogens, toxic contaminants, heavy metals, petroleum hydrocarbons, nitrogen and floatable debris to these flows transported by stormwater and discharging to wetlands and watercourses within Westbrook.

Water is a valuable natural, economic, recreational, cultural and aesthetic resource. The protection and preservation of ground and surface water is in the public interest and essential to the health, welfare and safety of the citizens of Westbrook. As such, changes to land cover due to development without proper consideration of stormwater impacts can permanently alter the hydrologic response of local watersheds and potentially increase stormwater runoff rates and volumes, which in turn has the potential to increase flooding, stream channel erosion, sediment transport and deposition, and to impact water quality. Increases to impervious surfaces associated with development result in increases to stormwater runoff and have been directly linked to the degradation of water quality and decrease in ground water recharge of aquifers and base flow of watercourses.

2. DEFINITIONS:

BIO-RETENTION – A practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression. The areas consist of a mix of elements each designed to perform different functions in the removal of pollutants and attenuation of stormwater runoff.

COMMON PLAN OF DEVELOPMENT - A project that is part of a larger common plan of development that may be completed in separate stages, or in combination with other development activities. Such a project can generally be identified by documentation of the larger scope as shown on plats, or blueprints, or indicated in marketing plans.

DESIGN STORM - A hypothetical storm event, of a given frequency interval and duration, used in the analysis of a storm water management measure.

DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA) - The impervious area on the site from which stormwater runoff discharges directly to waters of the state or directly to a storm sewer system that discharges to waters of the state, but specifically not including impervious areas on the site that discharge through a system designed to retain the appropriate portion of the Water Quality Volume.

DISTURBED AREA - Area where vegetation, topsoil, or overburden is removed, or where topsoil, spoil, or other material is placed, including stockpiles.

EMERGENCY SPILLWAY - Auxiliary outlet to a water impoundment that is designed to convey stormwater that exceeds the capacity of the primary outlet.

FILTRATION MEASURE - Stormwater treatment practice designed to capture and store stormwater runoff and pass it through a filtering media such as sand, synthetic or organic material, or soil for pollutant removal.

IMPERVIOUS SURFACE - A surface area that cannot infiltrate rainwater. Common impervious surfaces include, but are not limited to, roof, walkways, patios, driveways, sidewalks, parking lots, or areas that are paved or made of other surfaces that similarly impede the natural infiltration of surface and storm water.

INFILTRATION MEASURE - Stormwater treatment improvement designed to capture stormwater runoff and infiltrate it into the ground.

IN-SITU – In place; undisturbed.

LOW IMPACT DEVELOPMENT – A site design strategy that maintains, mimics, or replicates pre-development hydrology through the use of numerous design principles and small scale treatment practices distributed through a site to manage runoff volume and water quality at the source.

MEASURE - An improvement that is designed to control the quality or quantity of stormwater.

PEAK DISCHARGE - The maximum instantaneous rate of flow of water at a particular point resulting from a specified storm event. Units of volume/time (e.g. cubic feet per second or CFS).

PEAK FLOW CONTROL - Stormwater management measures designed to maintain peak rate of flow from a development at pre-development values.

RAIN GARDEN - Functional landscape elements that combine plantings in depressions that are designed to allow the volume of water from small frequent storms to pool for only a few days after a rainfall then be slowly absorbed by the soil and plantings.

SEDIMENT FOREBAY - A separate cell within a pond formed by a barrier such as an earthen berm, concrete weir or gabion baskets designed to remove sediment and floatables prior to a primary or other secondary stormwater treatment practice.

STORMWATER – Waters consisting of rainfall runoff during or after a rain event and including snow or ice melt.

SUB-WATERSHED - A division of a watershed area, allowing runoff management as near to the source as is reasonable; also the area contributing runoff to, and therefore used to design, a specific stormwater treatment or conveyance measure.

SWALE - A channel with gently sloped sides designed to convey and retain water. Swale may also be designed to permit infiltration; vegetated swales include vegetation, which is maintained to filter particulate matter.

TIME OF CONCENTRATION - The time required for water to flow from the most distant point to the downstream point of a site. Runoff flow paths, ground surface slope and roughness, and channel characteristics affect the time of concentration.

VEGETATED BUFFER - An area or strip of land in permanent undisturbed vegetation [enhanced, restored or re- established] adjacent to a water body or other resource that is designed to protect resources from adjacent development during construction and after development by filtering pollutants in runoff, protecting water quality and temperature, providing wildlife habitat, screening structures and enhancing aesthetics, and providing access for recreation.

WATERSHED - The land area that contributes runoff to a particular point along a waterway [used interchangeably with catchment].

WATERSHED AREA - The area contributing surface water flow to a point on a drainage or river system. Can be divided into sub-watersheds.

WATER QUALITY VOLUME (WQV) - The volume of runoff generated by one inch of rainfall on a site as defined in the Connecticut Stormwater Quality Manual.

3. APPLICABILITY

1. Unless exempted as provided below, a stormwater management plan shall be included as a part of any application for a zoning permit, conservation subdivision approval under Section 5.C, or Coastal Site Plan review where:
   a. the application pertains to a development or construction project that will result in an increase in the amount of impervious cover or disturbance of one half acre or more of total land area on a lot; or
   b. the application pertains to a project that is part of a Common Plan of Development disturbing one half or more acres of total land within the area of the Common Plan of Development; or
   c. the Commission or its agent determines that the activity proposed has the potential to cause significant non-point source pollution to Long Island Sound or any waters of the state or to cause or exacerbate downstream flooding.

2. The following activities shall be exempt from providing a Stormwater Management Plan in accordance with Section 7.N unless it is determined that the proposed activity has the potential to cause significant non-point source pollution to Long Island Sound or any waters of the state or to cause or exacerbate downstream flooding:
   a. New single family dwellings on undeveloped lots with no significant change in existing drainage patterns on or off-site provided that stormwater treatment shall be provided in accordance with Section 7.N.5.
   b. On a developed lot where the proposed increase in impervious cover due to a rebuilt structure, an addition or accessory structure is in excess of 200 sf measured as of the effective date of this regulation (6-14-12) with no significant change in existing drainage patterns on or off-site. Stormwater treatment shall be provided in accordance with Section 7.N.5 for the entire increase in impervious cover, excluding pools and sheds.
   c. Where the proposed increase in impervious cover due to an addition or accessory structure is less than 200 sf measured as of the effective date of this regulation (6-14-12) with no significant change in existing drainage patterns on or off-site. No additional stormwater treatment shall be required. For the purposes of this Section, pools and sheds shall not be counted in the calculation of impervious cover.

4. STORMWATER MANAGEMENT PLAN REQUIREMENTS

1. The Stormwater Management Plan shall include a narrative of the design objectives including potential impacts resulting from the proposal or activity and a description of the practices, techniques, structures and facilities proposed to mitigate such impacts.

2. Reference to the latest edition of the Connecticut Department of Energy and Environmental Protection (DEEP) Stormwater Quality Manual, or other design standards, shall be made as appropriate.

3. Opportunities for stormwater retrofits of existing roads and other existing impervious areas on or adjacent to the site shall be explored.

4. The Stormwater Management Plan shall be prepared by an engineer licensed to practice in the State of Connecticut and shall provide, at a minimum, the following information.
   a. Existing Site Conditions narrative inclusive of soil characteristics based on USDA soil surveys including soil names, map unit, erodibility, permeability, depth, texture and soil structure, and results of any on-site testing for the proposed development site.
   b. Proposed Site Conditions narrative including description of proposed stormwater management system for construction and post-construction phases, total disturbed area, proposed groundcover conditions, the increase in impervious surface area, the percentage of the area of the development site that will be impervious, and identification of the potential impacts to wetlands, watercourses, and groundwater on or off site. The Commission may request information relative to the impact on downstream waterbodies and wetlands.
   c. Existing Drainage Area Plan showing watershed drainage areas and analysis points with total area, groundcover, time of concentration flow paths including identification of presumed types of flow along the path, impervious surface area and runoff coefficients used to calculate pre-development peak runoff rates and volumes for the proposed development parcel. In addition to drainage related features, wells, topography, soil types, vegetation, wetlands and watercourses, and floodplains and floodways shall also be shown.
   d. Proposed Drainage Area Plan showing watershed drainage areas and analysis points with total area, groundcover, including impervious surface areas, time of concentration flow paths including identification of presumed types of flow, and runoff coefficients used to calculate post-development peak runoff rates and volumes, location and description of receiving stormwater conveyance systems, surface waters, wetlands and other sensitive receptors for the proposed development site. Proposed wells, on-site wastewater disposal systems, topography, vegetation, easements, and maintenance access locations shall also be shown.
   e. A description of design methodologies, hydrologic, hydraulic, and water quality computations for all practices and techniques, and structures and facilities as prescribed in Section 7.N.5.
   f. Drawings including plan views, profiles, cross-sections, typical details, and calculated water elevations for each design storm, for all stormwater management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design; details, including any phasing requirements for construction and/or installation, dimensions and materials including planting and landscape plans and details associated with stormwater management system components.

g. Structural design, geotechnical design and supporting information, as required by the Town Engineer for stormwater management system components including but not limited to, storm sewers, channels, outlet protection measures, culverts, bridges, dams, spillways, outlet weirs, and other structures.
h. Location of all easements stating the specific responsibilities of the grantor and grantee as to the access and maintenance of the stormwater system. Easements shall be a minimum of 20' wide (10' each side of buried pipes), and shall extend 10' beyond outfalls and 10' outside both sides of open drainageways and 10' beyond buried and unburied non-linear stormwater management features.
i. Proposed operation, inspection and maintenance program for the stormwater management system. The program shall include a general schematic of the stormwater management system, annual maintenance costs, inspection and maintenance schedules, and checklists for each proposed stormwater management measure and the designation of the proposed responsible party for the operation, inspection and maintenance of the stormwater management system.
j. Stormwater Maintenance Agreement

5. STORMWATER MANAGEMENT DESIGN CRITERIA

1. Stormwater management systems shall be designed to manage site runoff to minimize or eliminate surface and groundwater pollution, prevent or mitigate flooding, and control peak discharges from the site and at critical downstream locations.

2. **Standards** –
   a. All designs shall meet the criteria as herein specified using, to the maximum extent practicable, low impact development to:
      i. Minimize the amount of impervious surfaces (roads, parking lots, roofs, etc.) within each municipality by minimizing the creation, extension, and widening of parking lots, roads, and associated development and encourage the use of low impact development or green infrastructure practices.
      ii. Preserve, protect, create and restore ecologically sensitive areas that provide water quality benefits and serve critical watershed functions. These areas may include, but are not limited to; riparian corridors, headwaters, floodplains and wetlands.
      iii. Implement stormwater management practices that prevent or reduce thermal impacts to streams, including requiring vegetated buffers along waterways, and disconnecting discharges to surface waters from impervious surfaces such as parking lots.
      iv. Seek to avoid or prevent hydromodification of streams and other water bodies caused by development, including roads, highways, and bridges.
      v. Implement standards to protect trees, and other vegetation with important evapotranspirative qualities.
      vi. Implement policies to protect native soils, prevent topsoil stripping, and prevent compaction of soils.

b. In addition, design of a stormwater management system shall be in accordance with the Connecticut Department of Transportation (ConnDOT) Drainage Manual and the DEEP Stormwater Quality Manual.
c. In the event of conflicts between the requirements of this Section and the above referenced documents, the requirements of this Section 7.N shall prevail.
d. Additionally, when conflicts arise between ConnDOT and DEEP referenced documents, the stricter standard shall apply:

3. **Peak Flow Control** -
   a. The peak flow rates and stormwater volumes shall be calculated for both pre- and post- construction conditions using the most appropriate of the United States Department of Agriculture, Natural Resource Conservation Service(NRCS), Technical Release (TR) including updated extreme precipitation climate data as available, and U.S. Army Corps of Engineering Hydrologic Engineering Center (HEC) series or other hydrologic and hydraulic programs approved by the Town Engineer.
   b. The standard for characterizing pre-development land use for on-site areas shall be the current state of development at the time of the application, or the state of development at any time during the previous three years, whichever has the least amount of imperviousness.
   c. The post-development peak rate of runoff shall not exceed the pre-development rate of runoff at any discharge from the site (property line(s)).
   d. The peak rate of runoff shall be calculated using the 2-, 10-, 25-, and 50-year, 24-hour storm events.
   e. If the development contributes stormwater runoff to more than one off-site watershed, the pre- and post-development peak rates of runoff shall be evaluated for each watershed.
   f. In the event that natural storage (depressions) occurs on site, the existing storage capacity shall be considered in the hydrologic analysis.
   g. Where it can be demonstrated that discharge from the site will not cause downstream flooding due to the site's location within the watershed or within a tidally influenced area, this requirement may be waived upon approval of the Town Engineer.

4. **Groundwater Recharge Volume (GRV)** -
   a. The groundwater recharge volume is the volume of stormwater that shall be captured and infiltrated for each storm.
   b. The GRV shall be calculated as described in Section 7.5.1 of the DEEP Stormwater Manual.
   c. The GRV requirement may be met in part through infiltration of the Water Quality Volume (WQV).
   d. In locations where the GRV cannot be infiltrated on-site due to the potential for high pollutant loads from the activities in or adjacent to the development, contaminated soils, water supply protection, or high ground water it shall be temporarily retained on site for a minimum of 24 hours after the end of the storm.
   e. The temporary storage of the GRV in such instances shall be designed to protect groundwater resources.
   f. The post-development volume of runoff from the site shall not exceed the pre-development volume of runoff from the site, to the extent possible based on site conditions.
   g. If the development contributes stormwater runoff to more than one off-site watershed, the pre- and post-development volumes of runoff shall be calculated for each watershed.

5. **Water Quality Volume (WQV)** -
   a. The Water Quality Volume (WQV) for all new impervious area on the site shall be calculated as described in Section 7.4.1 of the DEEP Stormwater Manual.
   b. The WQV shall be retained on- site in an off-line structure and treated by either infiltration or filtration or a combination thereof for each sub-drainage area of the site or as approved by the Town Engineer.
   c. At the discretion of the Town Engineer, the Applicant may propose to treat existing impervious areas in lieu of proposed, if the proposed area does not have a higher potential for pollutant loading.
   d. The WQV may be reduced by the following methods:
      i. Decreasing the impervious area of the site using Low Impact Development design.
      ii. Subtracting the area of land dedicated as Open Space or Conservation Easement from the total area of the site in the calculation of the WQV, provided the area is to remain in an undisturbed natural state in perpetuity and is protected during construction and does not discharge to downstream WQV treatment structures.
      iii. Subtracting the GRV from the WQV if the GRV is infiltrated separately in each sub- drainage area from the WQV and there is equivalent treatment of pollutants.
      iv. Subtracting the area of land from the WQV calculation that drains by overland sheet flow and then across a vegetated buffer prior to entering a wetland or adjacent property that meets all the following conditions:
         (1) The slope of the overland sheet flow is less than 15%.
         (2) The length of the overland flow upgradient of the vegetated buffer used in this calculation is limited to a maximum of 150 feet for pervious surfaces and 75 feet for impervious surfaces. The WQV from overland flow exceeding these limits must be intercepted and treated accordingly.
         (3) The vegetated buffer is a minimum of 50 feet wide.
         (4) The vegetated buffer remains undisturbed and is protected in perpetuity as open space, conservation easement or other land use restriction.
         (5) The calculated runoff velocity across the vegetated buffer is less than 2 feet per second.
         (6) The average slope of the vegetated buffer is 6% or less.
   e. Structures including swales, basins, bio-retention areas, rain gardens, and gravel based vegetated wet basins constructed to capture the WQV shall meet the following requirements:
      i. Structures shall be designed with the WQV off-line unless approved by the Town Engineer.
      ii. Unless designed to maintain a minimum water level, such structures shall be designed to drain within 12 to 72 hours.
      iii. WQV structures must be designed with a suitable overflow and/or outfall structure.

6. REQUIREMENTS FOR INFILTRATION MEASURES

Infiltration measures to control stormwater in compliance with Section 7.N.5 shall meet the following requirements in addition to those outlined in the Connecticut Stormwater Quality Manual:

1. Infiltration measures shall be sized to drain within a 72-hour period using the following formula: tp=D/K, where tp is the ponding time in days, D is the depth of the measure in feet, and K is the infiltration rate in feet per day. The infiltration rates for each soil group (approximately equal to saturated hydraulic conductivities) shall be as follows:

Soil Group	K (ft/day)
A	0.6
B	0.3
C	0.1
D	0.0

2. **Optional Field Testing** –
   a. Field test methods may be used to measure the saturated hydraulic conductivity in lieu of those listed above. Measured rates are subject to a factor of safety of 2 (use 50 percent of the measured infiltration rate) to account for clogging over time. Accepted field test methods are as follows:
      - Guelph permeameter - ASTM D5126-90 Method,
      - Falling head permeameter – ASTM D5126-90 Method,
      - Double ring permeameter or infiltrometer - ASTM D3385-033, D5093-024, D5126-90 Methods,
      - Amoozemeter or Amoozegar permeameter – Amoozegar 1992, or
      - An alternative method as accepted by the Town Engineer.
   b. Field tests to determine infiltration rates shall be made within the footprint of each proposed infiltration area in accordance with the frequency and guidance of the Connecticut Stormwater Quality Manual.
   c. The Town Engineer or Commission may request more than one field test per area.
   d. Percolation tests are not considered acceptable for the measurement of saturated hydraulic conductivity.

3. Infiltration measures shall be protected from the accumulation of sediment and debris that adversely affect the infiltration rate of the measure. (i.e. sediment forebays, plunge pools, or deep sump catch basins.)

4. Access to areas proposed for infiltration shall be controlled during construction to protect these areas from compaction by construction equipment.

5. Infiltration basins shall be completely vegetated with plants tolerant to frequent inundation of water. Bare sand, gravel or stone surfaces are not allowed.

6. Infiltration measures that exceed 150 SF in footprint area shall be tested in-situ after construction to ensure the design parameters are met. In the event testing indicates the design parameters have not been met, the area and/or depth shall be adjusted as necessary to meet design specifications.

7. Underdrains and/or curtain drains cannot be used to locally lower the elevation of the existing found water table adjacent to the infiltration basin. Underdrains shall not be placed under infiltration measures.

8. Infiltration measures must be constructed on in-situ soils unless otherwise approved by the Town Engineer.

9. **Bottom Elevation** –
   a. The bottom of an infiltration measure shall be a minimum of three feet (3') above the maximum ground water level and a minimum of 3 feet above ledge.
   b. For the purposes of these regulations the term "maximum ground water level" shall be synonymous with the term "ground water table."
   c. Field tests to determine depths to maximum ground water table and ledge shall be made within the footprint of each proposed infiltration area.
   d. Groundwater elevations shall be determined by performing a visual observation of soils encountered in deep hole test pits. Soil Logs shall be submitted to the Commission.
   e. The Town Engineer or Commission may request more than one field test per area.

10. It is the applicant's responsibility to obtain all applicable permits. If directed by the Town Engineer, the applicant shall have the Connecticut Department of Energy and Environmental Protection Dam Safety Unit (DEEP Dam Safety Unit) review the plans to determine if dam construction permits are required for the construction of structures impounding water. The DEEP Dam Safety Unit's determination shall be submitted with the formal Zoning Permit application.

7. REQUIREMENTS FOR FILTRATION MEASURES

Stormwater practices that utilize filtration shall meet the following requirements in addition to those outlined in the Connecticut Stormwater Quality Manual:

1. Filtration measures shall be protected from the accumulation of sediment and debris that adversely affect the filtration rate of the measure. (i.e. sediment forebays, plunge pools, or deep sump catch basins.)

2. Filtration measures shall be completely vegetated with plants tolerant to frequent inundation of water. Bare sand, gravel or stone surfaces are not allowed.

3. Filtration measures shall be tested in-situ after construction to ensure the design parameters are met. In the event testing indicates that the design parameters have not been met, the area and/or depth shall be adjusted as necessary to meet design specifications.

4. **Use of Underdrains** –
   a. Underdrains may be used adjacent to filtration measures above the maximum ground water table.
   b. The discharge from the structures shall be considered in the calculation of flow and volume.
   c. Underdrains and/or curtain drains cannot be used to locally lower the elevation of the existing ground water table adjacent to the filtration measure.
   d. Underdrains shall be used under lined filtration measures that are located in contaminated soils.
   e. Underdrains may be used to drain other filtration measures, as long as they do not lower the ground water table adjacent to the measure.

5. It is the applicant's responsibility to obtain all applicable permits. If directed by the Town Engineer, the applicant shall have the DEEP Dam Safety Unit review the plans to determine if dam construction permits are required for the construction of structures impounding water. The DEEP's determination shall be submitted with the formal Zoning Permit application.

6. All structures with a submerged primary outlet shall be designed with an emergency spillway. The emergency spillway shall be designed to convey the 100-year design flow without overtopping another portion of the filtration measure. Emergency spillway design shall assume other outlets from the structure are inoperable (frozen, blocked, etc.).

8. ALTERNATE STORMWATER TREATMENT FOR SINGLE FAMILY RESIDENCES

1. In lieu of meeting the design requirements outlined in Section 7.N.5, the Applicant can select to install:
   a. rain barrels,
   b. infiltrating subsurface stormwater chambers,
   c. rain gardens and/or
   d. a combination of the above methods.

2. The required total volume of stormwater storage/infiltration (Tv) shall be based solely on the increase of impervious surface on the lot (Ra) multiplied by one inch (1”).

3. The primary downspouts of the dwelling should be connected to the storage and/or infiltration systems.

4. The following information should be provided to demonstrate compliance:
   a. Calculations depicted on the plans demonstrating compliance with this section as follows:

Tv (ft3) = 1” (one inch) */ 12 (in/ft) x Ra (ft2)

For applicants that can demonstrate a hardship due to setbacks from lot lines and septic systems, a waiver may be granted to reduce the requirement for 1” to 0.5”.

   b. Plan and details depicting the location of stormwater structures and their ability to contain/infiltrate the (Tv).
   c. Plans should indicate locations of downspouts and estimated saturated high ground water.
   d. Test pit results documenting the minimum separation to ledge and groundwater under each infiltration measure shall be submitted.

9. GENERAL REQUIREMENTS

1. The applicant shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of stormwater, other surface water and subsurface water, whether originating within the development site or in a tributary drainage area.

2. All drainage facilities shall be designed by an Engineer licensed as a professional engineer in the State of Connecticut and shall be subject to the approval and final acceptance of the Town Engineer.

3. The storm drainage system shall be separate and independent of the sanitary sewer system.

4. Storm drainage infiltration systems shall meet separation distance requirements from septic systems on the subject property and adjacent properties, as appropriate.

5. Storm drain pipes shall have minimum flow velocities of 2 feet per second for self- cleansing, and otherwise meet the requirements of the ConnDOT Drainage Manual unless otherwise approved by the Town Engineer.

6. Catch basins shall have deep sumps and shall otherwise meet the recommended standards of the DEEP Stormwater Quality Manual.

7. When a proposed drainage system is located off-site on private land, appropriate drainage easements shall be secured and indicated on the map.

8. When the applicant proposes to connect the storm sewer to an existing storm sewer, calculations shall be submitted to demonstrate the adequacy of the existing sewer to accept the flow.

9. Stormwater shall not be permitted to cross the surface of any street but must be diverted away from the road or piped underground. The developer shall demonstrate that the conveyances have adequate capacity.

10. On-site drainage systems shall have the minimum capacity to manage runoff from the 25- year design storm. Major ditches, channels and control structures shall be designed with the minimum capacity to manage runoff from the 50-year design storm, and conveyances, or other structures to accommodate existing streams shall be designed to manage runoff from the 100-year design storm.

11. If in the judgment of the Commission the runoff from the development site will adversely affect the receiving stream or natural waterway, other means of stormwater runoff disposal shall be required.

12. No unnatural depressions shall be allowed on lots, rights-of-way or recreation and open space area unless properly drained or approved as part of the Stormwater Management Plan.

13. The proposed stormwater management measures shall be designed in accordance with any town drainage plan and with due regard for the ultimate development within the watershed.

8. SPECIAL PROVISIONS

A. FEATURES SUBJECT TO SETBACK / COVERAGE / FLOOR AREA

	Minimum Yard Setbacks Apply	Counts to Building Coverage	Counts as Impervious Coverage	Notes
Main Buildings				
Ground Floor (footprint)	Yes	Yes	Yes	
Upper Floors	Yes	No	NA	
Attic Floor	Yes	No	NA	
Basement / Crawl Space	Yes	No	NA	
Common Building Features				
Roof Eaves / Overhangs	(see notes)	No	No	May project not more than 12" into the required setback
Gutters and Leaders	(see notes)	No	No	May project not more than 12" into the required setback
Chimneys (up to 6 feet wide)	(see notes)	No	No	May project not more than 12" into the required setback
Bow or Bay Window (up to 6 feet wide)	(see notes)	No	No	May project not more than 12" into the required setback
Column, Brackets and Pilasters	(see notes)	No	No	May project not more than 12" into the required setback

Main Building

Eave / Gutter / Leader

Bay Window

	Minimum Yard Setbacks Apply	Counts to Building Coverage	Counts as Impervious Coverage	Notes
Decks / Patios / Terraces				
Deck, Patio or Terrace - unroofed	(see notes)	No	No	Exempt from setbacks if portion within required setback is less than eight inches (8") above average grade within required setback
Deck, Patio or Terrace - roofed	Yes	Yes	Yes	

Deck

Roofed Deck

Patio

	Minimum Yard Setbacks Apply	Counts to Building Coverage	Counts as Impervious Coverage	Notes
Building Access / Features				
Stairs & Landings - unroofed	(see notes)	No	No	If landing not more than 24 SF and no more than 2 steps, may extend into the min. yard setback up to 5' from property line, otherwise may project not more than 12" into the required setback. See also FEMA exception under Section 4.C
Stairs & Landings - roofed	(see notes)	Yes	Yes	If landing not more than 24 SF and no more than 2 steps, may project not more than 12" into the required setback, otherwise must meet full setback.
Porches/Entries – open or enclosed	Yes	Yes	Yes	
Breezeways – open or enclosed	Yes	Yes	Yes	
Entryways for below grade access	(see notes)	No	No	If not greater than 3' above grade nor 6' in length, may project not more than 12" into the required setback, otherwise must meet full setback.
Handicapped ramps	Yes	No	No	May encroach to within two feet (2') of property line (under Federal law, reasonable accommodations may be possible)

Unroofed Entry / Landing

Roofed Entry / Landing

Handicapped Ramp

	Minimum Yard Setbacks Apply	Counts to Building Coverage	Counts as Impervious Coverage	Notes
Other Building Features				
Balconies	(see notes)	Yes for portion extending beyond building	No	Balconies 7.5 feet or less in width may project not more than 12" into the required setback
Fixed Awnings	(see notes)	No	No	May project not more than 12" into the required setback
Retractable Awnings	No	No	No	Not considered a roof
Solar Panels, building-mounted	(see notes)	No	No	May project not more than 12" into the required setback
Solar Panels, ground-mounted	Yes	No	No	
Utility Platform (up to 16 square feet in area) but not utility equipment	No	No	No	
Other minor architectural features	(see notes)	No	No	May project not more than 12" into the required setback
Fences / Walls				
Fence or freestanding wall less than 6'-6" in height meeting requirements of Section 6.B	No	No	No	
Fences greater than 6'-6" in height	Yes (unless approved as part of a Special Permit)	No	No	
Deer Fence	No	No	No	
Retaining Walls other than seawall	(see notes)	No	No	Bottom of wall at ground level shall be at least one foot (1') from property line. Top of wall shall be at least one foot (1') from property line for every two feet (2') of wall height.
Seawalls/Erosion Control Structure as defined by CGS XXX	No	No	No	

	Minimum Yard Setbacks Apply	Counts to Building Coverage	Counts as Impervious Coverage	Notes
Detached Structures				
Accessory Building – One or more accessory buildings up to 200 SF in area	Yes (see notes)	Yes	No	May be located in rear yard a distance from the rear lot line equal to the side yard requirement of the district in which it is located
Accessory Building(s) – More than 200 SF – Residential District	Yes (see notes)	Yes	Yes	See also Section 2.C and Section 6.C for possible increased setback due to size of structure and/or keeping of animals
Accessory Building – More than 200 SF – Non-Residential District	Yes	Yes	Yes	
Minor Accessory Structure	No	No	No	
Pergolas / Arbors / Trellises - less than 25 sf	No	No	No	
Pergolas / Arbors / Trellises - more than 25 sf	Yes	No	No	
Gazebos – 200 sf or less	(see notes)	Yes	Yes	May be located in rear yard a distance from the rear lot line equal to the side yard requirement of the district in which it is located
Gazebos – greater than 200 sf	Yes	Yes	Yes	

Accessory Building

Pergola

Gazebo

	Minimum Yard Setbacks Apply	Counts to Building Coverage	Counts as Impervious Coverage	Notes
Site Features				
Driveways	No	No	(see notes)	1-4F Residential = No Non-Residential = Yes
Walkways	No	No	(see notes)	1-4F Residential = No Non-Residential = Yes
Pools (water surface) *(see patio, deck, terrace elsewhere)*	Yes	No	No	
Pool Equipment	Yes	No	No	
Utility Systems				
Emergency Generators	Yes	No	No	
HVAC Equipment - Exterior	Yes	No	No	
Propane Tanks, above ground - up to 125 gal.	No	No	No	
Propane Tanks, above ground - larger than 125 gal.	Yes	No	No	
Septic Systems	No*	No	No	Min. 10' setback from property line required by CT Public Health Code
Below Grade Utilities and drainage/stormwater structures	No*	No	No	Drainage structures must comply with min. separating distances to septic per CT Public Health Code
Well casings	No	No	No	

B. DIMENSIONAL EXCEPTIONS

1. In all Districts, water storage tanks may exceed the maximum height limitation subject to granting of a Special Permit by the Zoning Commission.

2. In all Districts, ridge-mounted cupolas less than twenty-five square feet (25 SF) in area may exceed the ridge height by up to eight feet (8').

3. In all districts, ground-mounted flagpoles may be installed up to a maximum height of 50 feet.

4. In all districts, chimneys may exceed the ridge height by up to eight feet (8').

5. In all districts, roof decks are allowed provided all elements of the roof deck fall below the height limit as measured from average grade.

C. EXISTING USES

When the use of land or a building or structure existing prior to the adoption of these Regulations is only allowed hereafter upon approval of a Special Permit, such existing use shall be considered a permitted use. The provisions of Section 9.E of these Regulations shall apply, however, to all proposed changes to such existing use or structure other than maintenance, repair or replacement of existing structures.

D. NON-CONFORMING SITUATIONS

1. NON-CONFORMING LOTS

1. Where the safe and adequate disposal of sewage and a safe water supply, as required by the Public Health Code, can be provided without endangering the health and safety of the Town and its residents, nothing in these Regulations shall prevent construction of a building in accordance with all other requirements of these Regulations or the establishment of a permitted use, on a lot containing less than the prescribed lot area or frontage which at the time of adoption hereof or any pertinent amendment hereto was:
   a. Lawfully existing as of the date of adoption of these Regulations or any pertinent amendment hereto, or
   b. Shown on a valid subdivision plan as approved by the Planning Commission of the Town of Westbrook and filed in the Office of the Town Clerk of the Town of Westbrook.

2. NON-CONFORMING USES

1. Any use of building or land lawfully existing at the time of adoption of these Regulations or any amendments hereto may be continued. Uses that have been continually in use since 1960, but do not have status as a legal non- conforming use, shall become a legal non-conforming use subject to the provisions of these Regulations applicable to such uses.

2. A non-conforming use shall not be enlarged or altered in a way that expands its non-conformity.

3. No non-conforming use may be changed except to a conforming use or, with the approval of a Special Permit by the Zoning Commission, to another non-conforming use if:
   a. the proposed use will have less of an impact upon the surrounding area than the existing use, and
   b. the requirement for parking and loading spaces will not be increased.

4. No non-conforming use, if once changed into a conforming use, may be changed back into a non-conforming use.

5. A nonconforming use shall not be considered terminated or deemed abandoned unless the property owner of such use discontinues such use and such discontinuance is accompanied by an intent to abandon such use.

3. NON-CONFORMING STRUCTURES

1. Any building or structure lawfully existing at the time of adoption of these Regulations or any amendments hereto may be continued.

2. A non-conforming structure may be altered or enlarged provided such alteration and/or enlargement complies with applicable parts of these Regulations for the specific use and zone, including, but not limited to height and yard requirements. A non-conforming structure shall not be enlarged or altered in any way, which increases its non-conformity.

3. Any legal non-conforming structure, which has been damaged by fire, explosion, or accident, or had been declared structurally unsafe due to normal wear and tear by a licensed structural engineer, may be repaired, rebuilt or replaced, provided that such repair, rebuilding or replacement does not extend nor expand the previously existing non-conformity.

4. Where an existing building or structure is non-conforming with respect to a required yard or yards, an increase in the height of that portion of the building or expansion which does not conform with the required yard therefore, shall constitute an impermissible enlargement, extension, or expansion of a non-conforming characteristic.

   However, where the height increase is required for a structure in a Special Flood Hazard Area and the raising of an existing non- conforming structure is being done in order to have its lowest floor above the base flood elevation:
   a. The raising of an existing legal non-conforming structure to have its lowest floor above the base flood elevation, shall not be considered an extension or expansion of the previously existing non-conformity as long as the raised structure complies with the maximum height requirements established for the District and is the minimum height necessary to meet the Floodplain Management regulations.
   b. Similarly, an increase in height or length of a stairway or handicapped ramp in order to reach such an increased floor elevation shall not be considered an extension of a non-conforming structure, provided that such increase is the minimum necessary, as required by Building Code, to provide reasonable access to the raised structure.

5. A nonconforming building or structure shall not be considered terminated or deemed abandoned unless the property owner of such building or structure discontinues such building or structure and such discontinuance is accompanied by an intent to abandon the right to resume its use. The demolition or deconstruction of a nonconforming building or structure shall not, by itself, be evidence of such property owner's intent to not reestablish such building or structure.

E. JUNK

1. PURPOSE

The purpose of this section is to limit and restrict the outdoor storage of household, commercial or industrial junk. This includes the parking or unreasonable accumulation of junk, junk trailers, or junk tractor trailers.

The purpose of limiting the accumulation of junk and trash is to avoid:

- injury and hazards to children and others attracted to such junk and junk vehicles;
- the devaluation of property values;
- the ill effects upon adjoining residents and property owners;
- the creation of potential health hazards through the attraction of vermin and insects;
- the creation of unsightly and offensive odors; and
- the creation of potential fire hazards; and
- the contamination of soils, ground water, wetlands and watercourses.

2. DEFINITIONS

APPARENTLY INOPERABLE - Registered vehicle that is unfit for travel on a roadway because of damaged, missing or defective parts.

EXTENSIVE DAMAGE - Damage, including, but not limited to any of the following: missing wheels, body parts, tires, engine or transmission.

JUNK - Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; discarded paper, cardboard, plastics, bones; rags; used cloth, rope, rubber, bottles, old or used machinery of any type; used tools, used appliances; used lumber or crates; building materials (not associated with an active construction project); carpeting; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles; used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

JUNK MOTOR VEHICLE – Unless otherwise permitted by Section 6.I, a motor vehicle which is worn out, discarded, inoperative, or which is ready for dismantling or destruction.

JUNK TRAILER / JUNK TRACTOR TRAILER - Any trailer or device intended to be towed by a vehicle or any device used in connection with a motor vehicle that has extensive damage, has been stripped, wrecked or is otherwise apparently inoperable due to mechanical failure.

JUNK YARD - For the purposes of these Regulations, the term junk yard shall be defined to include Junk Yard as defined by CGS Section 21-9; or a Motor Vehicle Junk Business or Motor Vehicle Junk Yard as defined in CGS Section l4-67g.

UNREGISTERED VEHICLES - There is no license plate attached to the vehicle or based on public records, the registration has expired for the plate number on an attached license plate.

3. STANDARDS

1. Any accumulation of junk as defined in Section 8.E is prohibited when the following conditions exist:
   a. The property where the junk is located is not within an industrial zone and
   b. The junk is visible or discernible through odor from any adjoining property, public roadway, waterway or easement; and / or
   c. The junk has not been properly fenced or secured through some other means so as to prevent a hazard to people and/or pets; and / or
   d. The junk has been determined by the Fire Marshal or his/her designee to create a fire hazard; and / or
   e. The junk has been determined by the Director of Health or his/her designee to attract or have the potential for attracting vermin or insects that could cause a health hazard to nearby residents; and / or
   f. The junk has been determined by the applicable agency to have the potential to cause significant environmental damage to soils, ground water, wetlands and/or watercourses.

2. Junk cars, junk trailers, and junk tractor-trailers are not allowed in any district. Vehicles used on a farm or those stored on a Connec5icut Department of Motor Vehicles licenses premises are exempted, but in no event, shall such vehicles be kept in the front yard.

3. Junk may be permitted as an accessory use within an industrial zone for the purpose of recycling or salvage operations when such operations have been approved by the Zoning Commission; or when the temporary storage of such materials is deemed necessary for the ongoing operation of the business located on the property and is located in accordance with a Site Plan Application or Special Permit approved by the Commission.

4. **Junk Vehicles** – Junk motor vehicle, junk trailers and junk tractor-trailers are not allowed in any districts.

5. Except as provided in Section 8.E.3.2, any equipment, materials or furnishings that would ordinarily not be used outdoors shall not be stored outdoors. For example, indoor furniture, household appliances, auto parts or building materials shall not be stored outside.

F. WIRELESS TELECOMMUNICATION SITES

1. BACKGROUND AND PURPOSE

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Westbrook while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting, and screening. More specifically, this regulation has been developed in order to:

a. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
b. Encourage providers to co-locate their facilities on a single tower;
c. Site facilities below visually prominent ridge lines;
d. Minimize the location of facilities in visually and environmentally sensitive areas;
e. Encourage creative design measures to camouflage facilities;
f. Protect historic and residential areas from potential adverse impacts of communication towers; and
g. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Many wireless communication facilities are regulated by the Connecticut Siting Council (CSC) or the Connecticut Public Utility Regulatory Authority (PURA) and the Town of Westbrook has no direct regulatory authority in those situations. However, under current law, the Town has jurisdiction over antennas located on buildings, water towers, and other similar structures and "municipal towers" for local emergency service operations.

2. DEFINITIONS

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

ANTENNA - A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas, dish antennas, and small cell antennas.

CO-LOCATION - Locating wireless communication facilities from more than one (1) provider on a single site.

WIRELESS TELECOMMUNICATION SERVICES - Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

WIRELESS TELECOMMUNICATION SITE - A facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

HEIGHT OF TOWER - The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten (10) feet thereof to the top most point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

TOWER - A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include: (a) self-supporting lattice, (b) guyed, and (c) monopole.

3. LOCATION PREFERENCES

1. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed below, in order of preference.
   a. On existing or approved towers.
   b. On existing structures such as buildings, water towers, and utility poles.
   c. On new towers less than seventy-five (75) feet in height located in the following districts: NCD, ID, LI, or TIC.
   d. On new towers seventy-five (75) feet or greater in height located in the following districts: NCD, ID, LI, or TIC.
   e. On new towers seventy-five (75) feet or less in height on a lot containing a minimum of five (5) acres located in the RR District.
   f. On new towers greater than seventy-five (75) feet in height on a lot containing a minimum of five (5) acres located in the RR District.
   g. Elsewhere.

2. Ground-mounted equipment shall be located inside shed-type buildings with an architectural style appropriate for Westbrook.

3. Fenced enclosures shall be landscaped and/or screened in a manner appropriate for Westbrook.

4. SPECIAL PERMIT REQUIREMENTS

1. Unless regulated by the Connecticut Siting Council (CSC) or the Connecticut Public Utility Regulatory Authority (PURA), all applications to develop a wireless telecommunications site pursuant to this Section shall be subject to the Special Permit provisions of Section 9.E in addition to the specific requirements listed in Section 8.F of these Regulations.

2. All Special Permit application procedures, hearing and notice requirements shall also apply.

3. In considering applications for wireless telecommunication sites, the Commission shall, in addition to the standards found in Section 8.F, find:
   a. In the case where a wireless telecommunication site is proposed to be located on or within one thousand (1,000) feet of a property designated on the National Historic Register, that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
   b. In the case where an application for the proposed location of a wireless telecommunication site is not a preferred location as set forth in Section 8.F.3, the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preferred location was not technologically, legally, or economically feasible. The supplied documentation should evaluate the following factors:
      i. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved structure or tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.
      ii. The planned equipment cannot be accommodated on an existing or approved structure or tower due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost.
      iii. The existing or planned equipment on an existing or approved structure or tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.
      iv. Any restriction or limitation imposed by the FCC.

5. SITE PLAN REQUIREMENTS

1. All applications to develop a wireless telecommunications site pursuant to this Section shall also be subject to the Special Permit requirements listed in Section 9.E of these Regulations.

2. All applications shall include proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

3. In addition, the following information shall be submitted in accordance with each particular application where applicable.
   a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
   b. Details of all proposed antenna and mounting equipment including size and color.
   c. Elevations of all proposed shielding and details of materials including color.
   d. An elevation of all proposed equipment buildings or boxes and details of all proposed fencing including color.
   e. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and types of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself.
   f. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
   g. A propagation analysis depicting the extent of the coverage for the proposed wireless telecommunications site. The analysis must include a map indicating the search radius for the proposed wireless telecommunications

4. The application shall provide a rendering of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

5. For towers located within 200 feet of any residential district, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

6. HEIGHT AND AREA REQUIREMENTS

1. Lot Size: In all permitted areas, except for the RR District, wireless communication sites which utilize a free-standing tower shall not be located on any lot of less than fifteen thousand (15,000) square feet.

2. In the RR District, the minimum lot area is five (5) acres.

7. HEIGHT

1. The maximum height of any free standing tower proposed under this regulation shall be 200 feet including the antenna and all other appurtenances.

2. The maximum height of any antenna mounted to the side of, or atop, any existing structure shall be fifteen (15) feet above the highest point of such structure.

8. SETBACKS

1. All towers shall comply with the underlying setback requirements of the district in which the tower is proposed to be located, except that the Commission may require a greater distance if the fall zone analysis indicates that there is a risk to the public health, safety or general welfare or if there is potential damage to property.

2. All equipment buildings/boxes or equipment areas each fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying district.

3. All equipment buildings/boxes or equipment areas each less than fifty (50) square feet in area shall comply with the following minimum property line setbacks:
   a. Front Yard or Side Yard along a Street. Same as for a principal building in the underlying district.
   b. Rear and Side Yards: Twenty (20) feet.

4. All applications pursuant to this Section which seek location within any of the Special Districts set forth in Section 4 or shall also comply with all applicable requirements of Section 4.

9. GENERAL REQUIREMENTS

1. No wireless telecommunication site shall be located within 200 feet of any neighboring residence.

2. No tower exceeding seventy-five (75) feet in height shall be located within one thousand (1,000) feet of the boundary of any approved historic district.

3. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided, if possible.

4. Towers not requiring special FAA painting or markings may be required to be painted a non- contrasting blue, gray, or black, or trimmed in such a manner to blend in with the surroundings.

5. Towers may not be used to exhibit any sign or other advertising except for signage for safety or security purposes directly involving the operation of wireless service with the permission of the Commission.

6. **Co-Location** –
   a. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional competitive users if the tower is over one hundred (100) feet in height or for at least one (1) additional comparable antenna if the tower is over fifty (50) feet in height.
   b. An agreement signed by the owner(s) of the proposed tower acknowledging their obligation to permit the co-location of antenna facilities must be submitted to the Commission prior to final approval of the application.
   c. This agreement must also be included as a note on the approved site plan.

7. All towers shall be monopole design unless otherwise approved by the Commission. A monopole tower shall be designed to collapse upon itself.

8. The Commission may require that any monopole be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part.

9. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building and shall be screened and fenced as required by the Commission.

10. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.

11. Dish antennas shall not exceed six (6) feet in diameter. Panel antennas shall not exceed five (5) feet in height.

12. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

13. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.

14. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.

15. All generators installed in conjunction with any wireless telecommunication site shall comply with all state and local noise regulations.

16. All equipment or boxes accompanying any free standing antenna or tower shall be screened and fenced as required by the Commission.

10. ABANDONMENT

1. A wireless telecommunication site not in use for twelve (12) consecutive months shall be removed by the service facility owner.

2. This removal shall occur within ninety (90) days of the end of such twelve (12)-month period.

3. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area.

4. These requirements shall be conditions of approval of the Special Permit Application.

11. EXPIRATION OF PERMIT

1. The approval of an application for Special Permit shall be void and of no effect unless construction of the project commences within one (1) year and is completed within two (2) years from the date of the approval granted by the Commission. For purposes of this regulation, the term start of construction, where applicable, shall be defined as the installation of a permanent building foundation.

2. The Commission may grant up to two (2), six (6)-month extensions of this period upon written request by the applicant.

3. The Commission may, as a condition of approval of a Special Permit, establish a time period such Special Permit shall remain in effect.

9. PROCEDURES

A. PROCEDURAL ELEMENTS

This Section 9.A contains information which can be common to multiple applications and that information is presented here to minimize duplication.

1. APPLICATION SUBMITTAL REQUIREMENTS

1. Applications to the Commission or the Board of Appeals shall be submitted to the Zoning Official.

2. Applications shall be submitted on forms obtained from the Zoning Official for the type of application being submitted.

3. Applications shall be accompanied by the appropriate fee(s) as specified in the fee schedule adopted by the Town except that the Commission or the Town shall be exempt from any application fee.

4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.

5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

2. DATE OF RECEIPT

For the purposes of calculating statutory time frames for processing applications, the date of receipt of an application to the Commission or the Board of Appeals shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board of Appeals immediately following the day of submission of the application to the Zoning Official, or

2. thirty-five (35) days after submission, whichever is sooner.

3. INCOMPLETE APPLICATIONS

1. Each application shall be reviewed by the Zoning Official to determine whether the application is substantially complete.

2. An application shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board of Appeals has been received by the Commission or the Board of Appeals at a regularly scheduled meeting.

3. An application considered by the Commission to be incomplete or an application submitted without the requisite fee shall be denied.

4. SEQUENCE OF HEARINGS

Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order they deem appropriate.

5. CONSULTATIONS

On any application, the Commission or Board may:

1. seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications,

2. retain an engineer, architect, landscape architect, professional land use planner, attorney, or other consultant to review, comment, and guide its deliberations on any application, and

3. require that the applicant, to the extent authorized by any Town Ordinance:
   a. deposit funds with the Commission or Board for the costs of any consulting review fees, or
   b. reimburse the Commission or Board for the cost of such consulting review.

6. NOTICE BY NEWSPAPER

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Zoning Official shall cause notice of the hearing to be published in a newspaper having a general circulation in the community.

2. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of the hearing.

7. NOTICE TO NEARBY PROPERTY OWNERS

1. Except as may be otherwise provided in these Regulations, applicants or their representatives shall be responsible for notifying owners of property within 100 feet of the subject property of any pending application for Special Permit, Zone Change Application, or Variance or whenever else required by these Regulations.

2. As part of any such application, the applicant shall submit:
   a. a list of the names and addresses of owners of property within 100 feet of the subject property utilizing the latest records of the Town Tax Assessor to determine the owner of each property,
   b. a map showing the subject property, the surrounding properties and the approximate location of structures within 100 feet of the subject property, including tax lot numbers.

3. The applicant shall notify at least one (1) owner of each of the properties within 100 feet of the subject property of the time, place, date, and purpose of the hearing by sending a copy of the legal notice to each such property owner not less than ten (10) days prior to the scheduled hearing. If the subject property is located in a beach/land owner association, the president of such association shall also be notified.

4. Notices from the applicant to the property owners within 100 feet shall be sent via U.S. First Class Mail and proof of mailing shall be evidenced by Certificates of Mailing from the U.S. Postal Service.

5. Prior to the date of the Commission's Public Hearing regarding the application, the applicant shall submit:
   a. a list of the property owners to whom the notices were sent,
   b. a copy of the material sent to the property owners, and
   c. the Certificates of Mailing.

8. NOTIFICATION OF ADJOINING MUNICIPALITIES

1. In accordance with CGS Section 8-7d(f), the Commission or Board of Appeals shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   a. any portion of the property affected by a decision is within five-hundred (500) feet of the boundary of the adjoining municipality,
   b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
   c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
   d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

2. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Zoning Official of the application, petition, request, or plan.

3. No hearing shall be conducted on any application, petition, request, or plan unless the adjoining municipality has received the notice required under this Section.

4. Such adjoining municipality, through a representative, may appear and be heard at any hearing on any such application, petition, request, or plan.

9. NOTIFICATION OF WATER COMPANIES

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and to the Commissioner of the Department of Public Health when an application, petition, request or plan is filed with the Commission or Board of Appeals concerning any project on any site which is within:
   a. an aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c, or
   b. the watershed of a water company, as defined in C.G.S. 16-1, provided such water company has filed a map with the Commission or the Board of Appeals or on the land records showing the boundaries of the watershed.

2. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the date of the day of the submission to the Zoning Official of the application, petition, request, or plan.

3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Official or the application shall be considered incomplete:
   a. a copy of the complete package of information sent to a water company and to the Commissioner of the Department of Public Health,
   b. proof of mailing, and
   c. the return receipt.

4. Such water company may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

10. REFERRALS TO REGIONAL PLANNING AGENCIES

1. The Commission shall give written notice to the regional planning agency(ies) when any portion of the land affected by a Zoning Regulation or boundary change affecting the use of a district is located within five-hundred (500) feet of the boundary of another municipality.

2. Such notice shall be made not later than thirty (30) days before the public hearing and shall be made by electronic mail or by Certified Mail, return receipt requested.

3. The regional planning agency(ies) may submit advisory findings and recommendations to the Commission at or before the hearing.

4. The Commission shall read any comments submitted by the agency(ies) into the record of any public hearing or public meeting held on the application.

5. The lack of a response from any such agency shall not delay the processing of the application.

11. BENEFICIARIES OF A TRUST

In accordance with CGS Section 8-7c, any person who makes an application to the Commission or Board of Appeals pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

12. CONSERVATION RESTRICTION

1. In accordance with CGS Section 47-42d, any person filing a zoning application for property that is subject to a conservation restriction or a preservation restriction shall provide proof that the applicant has, at least sixty days prior to the filing of the permit application, provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction.

2. In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

3. Such notice shall not be required if the application is only for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building.

4. If the holder of the restriction provides proof that granting of the permit application will violate the terms of the restriction, such agency, official or director shall not grant the permit.

5. If the applicant fails to comply with the notice provisions of CGS Section 47-42d, the applicant and/or any successor entity may be subject to the penalties or other enforcement provisions contained in CGS Section 47-42d.

13. FINANCIAL GUARANTY REQUIREMENTS

1. Where a financial guaranty is required by any section of these Regulations, the Zoning Official shall require evidence of compliance with the following standards before accepting any financial guaranty.

2. Where a financial guaranty is required, no Zoning Permit shall be issued until such performance guaranty has been accepted by the Commission or its agent.

3. The required amount of the financial guaranty will be established by the Commission based on a listing provided by the applicant of the type and estimated quantities of materials needed to complete the approved site improvements that will be conveyed to or controlled by the Town. The amount of the financial guaranty shall be sufficient to cover the cost plus ten percent (10%) of any proposed or required site improvements, including but not necessarily limited to:
   a. street grading, roadway paving, and street plantings;
   b. installation of curbs, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts; and
   c. erosion and sedimentation control measures.

4. The Commission may require a separate financial guaranty for all erosion and sedimentation controls required as part of an approval.

5. All financial guaranties must be posted within ninety (90)-days after the signing of the approved plan by the Commission. Any approved Site Plan Application(s), Special Permits(s), and any Certificate of Zoning Compliance (s) issued shall be null and void if the required financial guaranties are not posted as required. The Commission may grant an extension of the established time limit for good cause if in its opinion, unusual circumstances prevent filing of the financial guaranty within the prescribed time limit.

6. **Acceptable Forms of Financial Guaranties** - Financial guaranties shall be in one or more of the following forms:
   a. cash deposited with the Town;
   b. certified check(s) payable to the Town, when the amount of any check is fully insured by the FDIC;
   c. bank deposit(s) assigned solely and irrevocably to the Town, when the amount of any deposit is fully insured by the FDIC; and/or
   d. an irrevocable letter of credit naming the Town as sole beneficiary provided that:
      - such letter of credit shall be issued by a branch of a bank in Connecticut or by a branch of a bank in the United States provided that:
        - such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, “NAIC”) as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes, or
        - the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service;
      - the terms and conditions of such letter of credit shall be acceptable in form and substance to the Town; and
      - when through the passage of time, such letter of credit shall have less than thirty (30)-days remaining until its expiration or lapse date, and such expiration date has not been extended, the Town may draw the full amount under said letter of credit and the proceeds may be retained by the Town as a cash deposit form of financial guaranty.

7. A financial guaranty required in the amount of $5,000 or less shall be posted in cash or certified check only.

8. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
   a. an as-built, A-2 survey of the improvements;
   b. certification of accurate monument location by a land surveyor registered in the State of Connecticut;
   c. easements (if required) is a form satisfactory to the Commission; and
   d. proof of fulfillment of any other requirements or conditions.

9. At the written request of the applicant to release or reduce the financial guaranty, the Town Planner and/or Zoning Official shall, not later than sixty-five days after receiving such request:
   a. authorize release or reduction of the guaranty, or
   b. provide the person posting such financial guaranty with a written explanation as to the additional improvements that must be completed before such financial guaranty or portion thereof may be released.

10. To promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvement, the Commission may retain a financial guaranty for maintenance, in cash or certified check, in the amount of ten percent (10%) of the total required financial guaranty for a period of one (1) year following completion of all proposed and required improvements.

11. If all work associated with an application approved by the Commission is not completed within the prescribed amount of time, the approval shall expire and become null and void. Any financial guaranty may be used by the Town to complete the site improvements.

B. STAFF PROCEDURES

1. ZONING PERMIT

In accordance with Section 4.B of these Regulations, submission of a Coastal Site Plan for any site within the coastal area may be required.

2. A Zoning Permit shall be required from the Zoning Official whenever:
   a. a building, structure or part thereof will be constructed, reconstructed, altered, extended, enlarged, moved, or occupied; or
   b. a Building Permit will be issued unless the Zoning Official determines that a Zoning Permit is not required, or
   c. a non-conforming use will be altered, changed, intensified or extended after the date of adoption of these Regulations, or
   d. land will be developed, or
   e. these Regulations provide that a Zoning Permit is required.

3. Pursuant to CGS Section 8-3(f), no Building Permit shall be issued until a Zoning Permit has been issued.

4. Application for such permit shall be made on the form provided by the Zoning Official and shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.

5. A Zoning Permit shall be issued when the Zoning Official has determined that the activities proposed are in conformance with these Regulations and/or any Approval or Special Permit approved by the Zoning Commission and/or any variance granted by the Zoning Board of Appeals.

6. **Location Verification** –
   a. After a foundation has been completed and prior to any additional construction thereon, the Zoning Official may require the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the foundation on the site.
   b. If an as-built drawing has been required, no building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Official or the Commission as complying with the Zoning Permit and all applicable provisions of the Zoning Regulations.

7. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Westbrook in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
   a. a description of the building, use or structure and its location,
   b. the identity of the applicant, and
   c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

8. Any Zoning Permit issued under these Regulations shall expire twelve months from the date of issuance unless:
   a. a valid Building Permit for the use, construction and site development authorized by the Zoning Permit is in effect, or
   b. the Zoning Official renews the Zoning Permit for periods not to exceed twelve months, when the building and/or site development authorized by the Zoning Permit is in conformity with these Regulations and any amendments made subsequent to the date of original issuance of the Zoning Permit.

9. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit shall be null and void.

2. CERTIFICATE OF ZONING COMPLIANCE

1. A Certificate of Zoning Compliance issued by the Zoning Official shall be required before any land is occupied or used or any structure constructed is occupied or used for any purpose.

2. Until the Zoning Official has issued a Certificate of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals or that the building, structure or use is a valid nonconforming building, structure or use under these Regulations:
   a. no use of land shall be occupied, used or changed in violation of these Regulations;
   b. no use of a building or structure shall be undertaken or changed.

3. Pursuant to CGS Section 8-3(f), no Certificate of Occupancy shall be issued until a Certificate of Zoning Compliance has been issued.

4. In the case of new construction, the Zoning Official may require submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the improvements on the site prior to the issuance of a Certificate of Zoning Compliance.

5. In the event of substantial deviations from any plan approved by the Commission, the Zoning Official shall submit such "as built" drawings to the Commission for its determination of acceptance or need for plan amendment.

6. If the site improvements cannot be completed because of weather or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Official for a period not to exceed 180 days, provided that a financial guaranty shall be posted in an amount sufficient to cover the cost of completing the remaining site improvements. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Zoning Official and/or the Commission shall then release the financial guaranty.

7. In accordance with CGS Section 8-3(f), the recipient of a Certificate of Zoning Compliance may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Westbrook in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
   a. a sufficient description of the approved building, use or structure and its location to comply with the notice requirements of Connecticut law,
   b. the identity of the applicant, and
   c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

8. In the event that any Certificate of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Certificate of Zoning Compliance shall be null and void.

C. PRE-APPLICATION REVIEWS (STAFF / ZC)

1. PRE-APPLICATION REVIEW BY STAFF

1. Prior to the submission of an official application, it is recommended that the applicant meet with the Town Planner and/or Zoning Official to discuss the proposed application in order to:
   a. suggest possible enhancements and identify areas of concern or further study,
   b. identify the potential need for third party consultants in accordance with Section 9.A.5 of these Regulations, and
   c. minimize delay, expense and inconvenience to the applicant.

2. This meeting is recommended in order to facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of detailed maps, plans and documents required for formal consideration.

3. Neither the pre-application plan nor the informal consideration by the Town Planner and/or Zoning Official shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

2. PRE-APPLICATION REVIEW BY COMMISSION

1. Any potential applicant may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern.

2. For larger or more complex applications, it is recommended that the applicant present a pre-application plan for informal consideration by the Commission prior to the submission of an official application in order to:
   a. facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of materials required for formal consideration by the Commission, and/or
   b. identify the potential need for third party consultants in accordance with Section 9.A.5 of these Regulations.

3. Such pre-application submission shall, at a minimum, include the following:
   a. A plan providing sufficient information for the Commission to visualize how the proposed use or development might be configured and to identify the location of significant natural and proposed features, and other relevant information; and
   b. A written summary of the project the Commission is being asked to address.

4. The pre-application materials shall be submitted to the Zoning Official for scheduling on a future Commission agenda.

5. In accordance with CGS Section 7-159b, neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application.

6. Neither the pre-application plan nor the informal consideration by the Commission shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

7. While the meeting and optional pre-application plan should benefit any formal application, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response like the request itself is preliminary and subject to further refinement.

8. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.

D. SITE PLAN APPLICATION (ZC)

In accordance with Section 4.B of these Regulations, submission of a Coastal Site Plan for any site within the coastal area may be required.

1. PURPOSE

The purpose of a Site Plan Application is to enable a detailed review of all proposed development for which such approval shall be specified in order to ensure compliance with these Regulations and promote the health, safety, and general welfare of the community. A site plan submitted with a Special Permit is an integral part of the Special Permit application and shall not be considered a site plan application pursuant to CGS 8-3 but must include, unless otherwise provided by the Regulations, the information required to be included with a Site Plan Application

Each use for which a Site Plan Application is required is a significant addition to a developing or developed area of the Town, and to a residential, commercial or industrial neighborhood. It is intended that the Site Plan Application for each use be prepared with due consideration for:

1. the purpose and intent of these Regulations;
2. coordination with and improvement of systems of vehicular and pedestrian access, stormwater management, water supply and sewage disposal;
3. enhancement of the built environment and property values,
4. protection of natural resources; and
5. protection of the public health, safety and welfare.

2. APPLICATION REQUIREMENTS

1. A Site Plan Application shall be submitted to the Zoning Official for any activity designated in the Regulations as requiring such approval and no building, structure, parking lot, sign or outdoor use of land, except those designated as a permitted use in a District, shall be established, used, constructed, enlarged, modified or moved until a Site Plan Application meeting the requirements of this Section has been submitted and approved by the Zoning Commission.

2. A Site Plan Application shall be accompanied by an adequate number of each of the following:
   a. Full-size (24” by 36”) sets of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with Appendix D to these Regulations,
   b. Reduced-size (11” by 17”) set of the same materials, and
   c. Electronic set of the same materials in PDF format.

3. The application shall be accompanied by a fee, as provided in the fee schedule of the Town.

4. In accordance with Appendix D to these Regulations, the Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

5. If a Site Plan Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

3. PROCEEDINGS

1. The date of receipt for the Site Plan Application shall be determined in accordance with Section 9.A.2.

2. An incomplete Site Plan Application shall be denied in accordance with Section 9.A.3.

3. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application and when such hearing is to be held:
   a. legal notice of such public hearing shall published in accordance with Section 9.A.6 at the cost of the Commission, and
   b. the applicant shall give notice to property owners within 100 feet of the subject property in accordance with the requirements of Section 9.A.7.

4. A Coastal Site Plan may be referred to the Connecticut Department of Energy and Environmental Protection (DEEP).

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.A.8.

6. Notification to water companies may be required in accordance with the requirements of Section 9.A.9.

7. The Commission may require the applicant make a written inquiry to the Connecticut Office of State Archeology to determine whether there is evidence or a likelihood of sites of archeological significance within the property. Such written inquiry shall be made part of the record. The lack of reply shall not delay the processing of the application.

8. Whenever approval of a Site Plan Application is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan Application, regardless of whether a public hearing is held, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.

9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

10. The applicant may withdraw such application at any time prior to action by the Commission.

4. DECISION CONSIDERATIONS

1. On a Site Plan Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.

2. On a Site Plan Application involving notice to DEEP, notice to the Connecticut Office of State Archeology, notice to adjoining municipalities under Section 9.A.8 or notice to water companies under Section 9.A.9, the Commission shall give due consideration to any report received.

3. A Site Plan Application shall be evaluated by the Commission under the requirements of these Regulations and the supplemental considerations listed within this Section.

4. The Commission may request reports on the application from Town Departments and/or any other agency deemed appropriate by the Commission.

5. In reviewing a Site Plan Application, the Commission shall consider the following criteria:
   a. **Complete Application** –
      - The application shall contain all information required by this Section with the number of copies required, and said information shall have been prepared by persons possessing the necessary expertise to prepare it.
      - Information shall be presented with adequate clarity and professionalism to permit the Commission and its staff to understand it and determine compliance with these criteria.
      - The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.
   b. **Compliance with Site Plan Standards and Regulations** –
      - The application shall conform in all respects with the design requirements outlined in these Regulations that may apply, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Official has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with these Regulations.
      - Further, the application shall conform to the Westbrook Subdivision Regulations; the Westbrook Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Westbrook Inland Wetlands and Watercourses Commission, where required; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

6. Upon review of the application and determination of compliance with these regulations, the Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application.

7. In approving a Site Plan Application, the Commission may impose modifications deemed necessary to ensure compliance with these Regulations as well as protect the public health, safety, welfare, convenience, and property values. The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any non-compliance with the criteria set forth in this section. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g. for non-structural uses such as tag sales, outdoor events, and the like), the Commission may approve a Site Plan Application which is temporary and will be effective only commencing on, or terminating on, specified dates.

8. In accordance with CGS Section 8-3(g), the Commission may require that a financial guaranty be posted before any permits are issued for the activities shown on the approved plan, in an amount and form acceptable to the Commission, to ensure:
   a. the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality,
   b. the implementation of any erosion and sediment controls required during construction activities, and/or
   c. the maintenance of pavement areas, retention or detention basins or other improvements approved with such site plan for up to one year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or its agent or accepted by the Town.

5. ACTION DOCUMENTATION

1. The Commission shall, whenever it grants or denies a Site Plan Application, state upon its record the reason(s) for its decision.

2. The Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.

3. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.

4. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

6. FOLLOWING APPROVAL

1. When an approval has been granted by the Commission, the applicant shall, within sixty (60) days after approval, submit final plans on which all modifications imposed by the Commission as part of the approval have been clearly indicated and noted in the revision block for signature by the Chairman of the Commission as follows:
   a. one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office
   b. one (1) paper copies of the approved plan.
   c. one (1) set of plans and associated documents in PDF digital format.

2. Following signature by the Chairman, the Zoning Official shall be authorized to issue a Zoning Permit as described in Section 9.B.1 for work to commence. No development shall be permitted except in conformity with the approved plan. All site improvements including all modifications required by the Zoning Commission shall be installed to the satisfaction of the Commission or its agent, before final approval is given and a Certificate of Zoning Compliance issued.

3. The Zoning Official shall have the authority to approve minor changes to an approved Site Plan Application if such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan Application as approved, and such changes are in conformity to the requirements of these Regulations. Any such change shall be reported to the Commission and shall be reflected on an amended site plan or as-built plan. Where the proposed modification is located within the Coastal Boundary, this provision shall only apply to activities considered exempt from a Coastal Site Plan Review in accordance with Section 4.B.3.

4. If the Zoning Commission determines that changes in the Site Plan Application, or any change of Use within a building or structure or on a Lot, may alter overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan Application as approved, said modification shall require a new application.

5. In accordance with CGS Section 8-3(g), no Certificate of Occupancy shall be issued before a required financial guaranty is posted and/or the approved site improvements are completed to the reasonable satisfaction of the Commission or the Zoning Official.

6. If an “as-built” plan is required by the Zoning Official, no Certificate of Zoning Compliance shall be issued until such “as-built” plan has been submitted and found acceptable.

7. EXPIRATION AND COMPLETION

1. Unless otherwise provided by State law, all work in connection with a site plan shall be completed within five (5) years after the approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.

2. Unless otherwise provided by State law, the Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved.

3. The Commission may condition the approval of such extension on a determination of the adequacy of the financial guaranty.

E. SPECIAL PERMIT APPLICATION

In accordance with Section 4.B of these Regulations, submission of a Coastal Site Plan for any site within the coastal area may be required.

1. PURPOSE

The purpose of a Special Permit Application is to review the appropriateness of certain uses or activities in a specific location or configuration in order to evaluate overall impacts of the specific application, ensure compliance with these Regulations, and promote the health, safety, and general welfare of the community.

It is recognized that there are certain uses which because of their unique characteristics cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area. In addition there shall be careful evaluation of the public need for such uses in the particular locations proposed. Such uses, therefore shall be treated individually through the use of Special Permits.

2. APPLICATION REQUIREMENTS

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring approval of a Special Permit.

2. Each application for a Special Permit shall be accompanied by appropriate plans and drawings, unless expressly waived by the Commission or in writing by the Zoning Official. If a site plan is required, such site plan shall include the information required for a Site Plan Application and shall be considered as integral to the Special Permit application.

3. An adequate number of copies of the Special Permit Application shall be made in the form prescribed by the Commission, and shall include the following information:
   a. a detailed statement describing the existing and proposed use or uses,
   b. a detailed statement describing how the Special Permit criteria in Section 9.E.4 are addressed, and
   c. any approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application, and
   d. a list of all property owners, together with addresses, required to be notified by Section 9.A.7 or other section of these Regulations.

4. All Special Permit applications shall be accompanied by a fee, as provided in the fee schedule of the Town, to cover the cost of administration. Such fee shall be paid by cash, check, or money order payable to the Town of Westbrook.

5. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application. When required by the Commission the applicant shall provide an independent traffic study prepared by a Professional Engineer who specializes in Traffic Engineering, verifying the impact of the proposed development as to traffic hazard and congestion.

6. If a Special Permit Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

7. The Commission shall not be required to hear the same Special Permit application, or substantially the same Special Permit application for a period of 12 months after a decision by the Commission or by a Court on an earlier such application.

3. PROCEEDINGS

1. The date of receipt of the Special Permit Application shall be determined in accordance with Section 9.A.2.

2. An incomplete Special Permit Application shall be denied in accordance with Section 9.A.3.

3. The Commission shall hold a public hearing on the Special Permit Application and:
   a. publish a legal notice in accordance with the requirements of Section 9.A.6, and
   b. require that the applicant give notice to property owners within 100 feet in accordance with the requirements of Section 9.A.7.

4. Applications shall be referred to the Westbrook Planning Commission for a report at least thirty (30) days prior to the date assigned for a public hearing.

5. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Official or the application shall be considered incomplete:
   a. a copy of the complete package of information sent to abutters,
   b. a list of the abutters to whom the notices were sent,
   c. proof of mailing to property owners required to be notified by Section 9.A.7 or other section of these Regulations.

6. A Coastal Site Plan and/or a Special Permit application in the coastal area may be referred to the Connecticut Department of Energy and Environmental Protection (DEEP).

7. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.A.8.

8. Notification to water companies may be required in accordance with the requirements of Section 9.A.9.

9. The Commission shall process the Special Permit Application within the period of time permitted under CGS Section 8-7d:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

10. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

11. The applicant may, at any time prior to action by the Commission, withdraw such application.

12. It is the responsibility of the applicant to provide plans and reports which describe the proposed development's conformance with the requirements of these Regulations, including all of the information in this Section.

4. DECISION CONSIDERATIONS

1. On a Special Permit Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
   a. wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
   b. give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.

2. On a Special Permit Application, the Commission shall give due consideration to any report received from the Planning Commission.

3. On a Special Permit Application involving notice to adjoining municipalities under Section 9.A.8 or notice to water companies under Section 9.A.9, the Commission shall give due consideration to any report received.

4. Before the Commission approves a Special Permit Application, it shall determine that the application:
   a. is in conformance with the applicable provisions of these Regulations,
   b. has, in the sole discretion of the Commission, satisfied the Special Permit Criteria in Section 9.E.5, and
   c. is in harmony with the purposes and intent of these Regulations and the currently adopted Plan of Conservation and Development.

5. Before granting a Special Permit, the Commission shall determine that any accompanying plans are in conformance with the applicable provisions of these Regulations including the requirement that any site plan that is part of the Special Permit Application be in conformance with Section 9.D of these Regulations.

6. In granting a Special Permit, the Commission may:
   a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility.
   b. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Certificate of Zoning Compliance by the Zoning Official, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
   c. set time limits on the Special Permit and/or require periodic renewal of the Special Permit without a public hearing. In the event an appeal is taken from the Commission approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. An expired Special Permit shall be considered null and void

7. Where the Commission finds or has reason to believe that circumstances or conditions upon which a Special Permit is warranted may change over time, the Commission may limit the time during which the Special Permit shall remain valid and may cause the review and substantiation of the justifying circumstances or conditions at periodic intervals or when occupancy or tenancy of the premises changes.

8. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.

5. SPECIAL PERMIT CONSIDERATIONS

A. Compliance with The Zoning Regulations

In addition to meeting the other conditions described herein, the proposed use and the arrangements of all proposed buildings, structures, facilities and other site improvements shall comply with all applicable provisions of these Zoning Regulations.

B. POCD Consistency

The proposed use of the subject site shall be consistent with the Plan of Conservation and Development for the Town of Westbrook.

C. Orderly Development

The location, type, character, and size of the use and of any building or other structure in connection therewith shall be in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.

D. Appropriate Location

The proposed use will be appropriate for the location proposed and the size and height and intensity of all proposed buildings and activities and the extent of all proposed site improvements shall both be of such as to harmonize with the existing character of the neighborhood in which such use is to be established. In considering the impact of the proposed facility to the adjacent area under this criteria, the Commission shall consider and take into account:

1. the degree of care that applicant has exercised to protect the adjacent area and the Commission shall not approve an application if applicant has not exercised reasonable care, and
2. the public purpose to be served by the proposed facility and shall balance such public purpose against any adverse impact to the adjacent area and determine whether or not the proposed facility, on balance, promotes the general welfare of the region and its citizens.

E. Public Safety

The nature and location of the proposed use and of any building or other structure in connection therewith shall be such that there is adequate access to it for the purpose of fire protection, police protection and emergency equipment.

(continued on next page)

Special Permit Criteria (continued)

F. Traffic Congestion

The streets serving the proposed use shall be adequate to carry all of the proposed traffic and adequate provision shall be made for entering and leaving the site in such a manner that no undue hazard to vehicular and/or pedestrian traffic or undue traffic congestion shall be created. The development of the subject site shall provide for the continuation and appropriate improvement of streets terminating at or proposed to be constructed through the lot on which the proposed use is to be located.

G. Protection of Public Drinking Water Supply

The proposed use shall not negatively affect existing or future public drinking supply sources.

H. Landscaping and Buffers

On the site on which the proposed use is to be located, suitable landscaping and buffers will be provided in conformance with these Regulations. Existing landscaping /buffers between the subject use and adjacent properties shall be maintained to the greatest extent feasible. When adequate landscaping/buffers do not exist, sufficient landscaping/buffers between the proposed use and adjacent properties shall be provided and detailed on the site plan.

I. Utilities

The subject site shall have adequate water and sewerage systems to service the proposed use. Adequate provisions for storm water drainage must be provided without adversely affecting neighboring properties, or adjacent public drainage systems.

J. Water Supply Facilities

When an application for special permit relates to "water supply facilities" the Commission shall determine whether or not the proposed facility constitutes a reasonable and prudent method of providing water service taking into account:(a) the need for the benefit to be derived from the proposed facility, (b) alternatives to the proposed facility, and (c) the comparative costs involved. If necessary the applicant will provide additional information required for the Commission to make a determination.

6. ACTION DOCUMENTATION

1. The Commission shall, whenever it grants or denies a Special Permit, state upon its record the reason(s) for its decision.

2. The Commission shall send, by Certified Mail, a copy of any decision on a Special Permit Application to the applicant within fifteen days after such decision is rendered.

3. The decision shall:
   a. state the name of the owner of record,
   b. contain a description of the premises to which it relates,
   c. identify the Section of the Regulations under which the Special Permit was granted or denied, and
   d. specify the nature of the Special Permit.

4. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.

5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

7. FOLLOWING APPROVAL

1. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.

2. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.

3. Failure to adhere strictly to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations.

4. Any condition or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use shall be in operation. These condition and safeguards shall continue in force regardless of any change in ownership of the property.

5. Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit shall not be strictly adhered to by the applicant, user and/or owner. Notification thereof shall be filed in the Office of the Town Clerk.

8. AMENDMENTS OR MODIFICATIONS

1. **General:**
   a. An approved Special Permit may be amended or modified.
   b. Application shall be made in the same manner as the original application and subject to and in accordance with the provisions of these Regulations authorizing the granting of the original Special Permit.
   c. All requirements of a Special Permit application shall apply, unless waived in accordance with Section 9.E.8.2 or Section 9.E.8.3 below.
   d. Any application for an amendment shall include a copy of any and all prior Certificate of Decision(s) as recorded in the Westbrook Land Records.
   e. Unless the Commission deems that a public hearing is necessary, amendments to the Special Permit may be approved by the Commission without a public hearing when:
      i. The amendment is found to be of a minor nature, as described in Section 9.E.8.2 or Section 9.E.8.3 below, or
      ii. The amendment would not, as determined by the Zoning Commission, substantially alter the Special Permit.
   f. No referral to the Planning Commission is required if deemed to be minor, unless requested by the Planning Commission or its designated agent.

2. **Substitution of Special Permit Use** – An amendment of Special Permit requirements may be granted without a public hearing where one Special Permit use is being substituted for another similar use on the same lot which was previously granted a Special Permit and where the Commission finds that each of the following is true:
   a. the new use will require no greater parking or loading than the original, as set forth in these Regulations;
   b. the new use shall entail no exterior change to the building or site except as may be permitted under Section 9.E.8.3 below; and
   c. the new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in these Regulations.

3. **Minor Modification** - An amendment of Special Permit requirements may be granted without a public hearing for minor modifications to the building or site plan where the Commission finds that each of the following is true:
   a. alterations to the building or site do not materially affect the basic size, form, style, ornamentation and appearance of the structures as shown on the approved plans;
   b. the proposed modification does not materially reduce the effectiveness of the approved landscaping, screening or buffering of the site;
   c. the proposed modification does not materially impact the number of parking spaces or vehicular circulation; and
   d. the proposed modification does not materially alter drainage patterns.

   Any proposed modification must continue to comply with the original approval action of the Zoning Commission except those items specifically modified and all other applicable requirements.

F. REGULATION AMENDMENT APPLICATION

1. APPLICATION REQUIREMENTS

1. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

2. Any such application shall be accompanied by an appropriate number of copies of the precise wording of the existing and proposed text and any other supporting information.

3. The application shall be accompanied by a fee, as provided in the fee schedule of the Town to cover the cost of administration.

4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

5. A Regulation Amendment Application shall only be submitted by:
   a. an owner of real property,
   b. residents or persons having an interest in land in Town, or
   c. by the Commission on its own initiative.

6. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

7. The Commission shall not be required to hear a Regulation Amendment Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action.

2. PROCEEDINGS

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Section 9.A.2.

2. An incomplete Regulation Amendment Application shall be denied in accordance with Section 9.A.3.

3. The Commission shall hold a public hearing on the Regulation Amendment Application and:
   a. shall cause a legal notice to be published in accordance with the requirements of Section 9.A.6.
   b. may publish the full text of such proposed regulation in such notice.

4. For any proposed amendment to these Regulations initiated by the Commission:
   a. any fees shall be waived,
   b. the notice requirements of Section 9.A.6 shall be sufficient.

5. The Commission shall refer any application to amend these Regulations to the Planning Commission for a report at least thirty (30) days prior to the date assigned for a public hearing.

6. The Commission may refer any application to amend these Regulations to any Town department, to DEEP, or to any other agency the Commission deems appropriate and may request any such department or agency submit a report to the Commission.

7. Notification to regional planning agencies may be required in accordance with the requirements of Section 9.A.10.

8. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.A.8.

9. Notification to water companies may be required in accordance with the requirements of Section 9.A.9.

10. A copy of the proposed regulation shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

11. In accordance with CGS Section 8-7d(g), the Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the Regulation Amendment application.

12. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS Section 8-7d:
    a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
    b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
    c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing,
    d. the applicant may consent to one (1) or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days, and
    e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

13. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. DECISION CONSIDERATIONS

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.

2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.

3. On a Regulation Amendment Application involving notice to adjoining municipalities under Section 9.A.8, notice to water companies under Section 9.A.9, notice to a regional planning agency under Section 9.A.10, or any reports received in response to a request as per Section 9.F.2.6, the Commission shall give due consideration to any report or testimony received.

4. In making its decision, the Commission shall take into consideration the report from the Planning Commission.

5. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
   a. protecting the public health, safety, welfare, or property values,
   b. attaining the purposes of these Regulations, and
   c. accomplishing the provisions contained in Section 8-2(a) of the Connecticut General Statutes.

6. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission.

4. ACTION DOCUMENTATION

1. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.

2. In making its decision, the Commission shall state on the record its findings on consistency of the proposed establishment, change, or repeal of such Regulations with the Plan of Conservation and Development.

3. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the community before such effective date.

4. The Commission shall send, by Certified Mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.

5. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a general circulation in the community within fifteen days after such decision is rendered.

6. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

5. FOLLOWING APPROVAL

1. A regulation amendment approved by the Commission shall be filed in the Office of the Town Clerk before the effective date.

G. ZONE CHANGE APPLICATION

1. APPLICATION REQUIREMENTS

1. A Zone Change Application shall be submitted in writing on forms provided by the Commission for any proposal to alter the zoning designation of any parcel of land or part thereof.

2. A Zone Change Application shall be:
   a. Initiated by the affected property owner(s), or
   b. commenced by the Commission on its own initiative.

3. Each application shall include:
   a. written reason(s) for the proposed amendment,
   b. a map at a scale that clearly shows the area to be reclassified and the present classification and proposed new classification including existing and proposed boundaries, and
   c. the names, addresses, tax map and lot numbers of all owners of property subject to the proposed zone change.

4. Unless such application is initiated by the Commission, the application shall also include:
   a. a metes and bounds description of the land to be included in the amendment based on a boundary survey certified to a State of Connecticut Class D Survey standard,
   b. an adequate number maps, accurately drawn at an appropriate scale by a Professional Engineer or Land Surveyor registered or licensed to practice in the State of Connecticut, showing existing and proposed zoning for the subject property and land within five-hundred (500) feet of the subject property, and any other information considered pertinent by the applicant.
   c. a list of all property owners required to be notified as per Section 9.A.7 and the name and address of the president of any beach/land owner association in which the property is located;
   d. a list of all owners of property within 500 feet of the proposed zone change including the address of the property, the area of the property, and that property's percentage of the entire area within 500 feet of the proposed zone change.
   e. a fee, as provided in the fee schedule of the Town to cover the cost of administration.

5. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

2. PROCEEDINGS

1. The date of receipt of the Zone Change Application shall be determined in accordance with Section 9.A.2.

2. The Commission shall hold a public hearing on the Zone Change Application and:
   a. shall cause a legal notice to be published in accordance with the requirements of Section 9.A.6.
   b. require that the applicant give notice to property owners within 100 feet in accordance with the requirements of Section 9.A.7. If the application is initiated by the Zoning Commission, it shall not be subject to this requirement if there are more than 100 property owners within 100 feet of the property or properties subject to the Zone Change Application.

3. The Commission shall refer any application to amend the Zoning Map to the Planning Commission for a report at least thirty (30) days prior to the date assigned for a public hearing.

4. The Commission may refer any application to amend the Zoning Map to any Town department, to DEEP, or to any other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

5. In accordance with Section 9.A.10 of these Regulations, any proposed change of zone affecting any properties within 500 feet of the Town line shall be referred to the Regional Planning Agency.

6. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.A.8.

7. Notification to water companies may be required in accordance with the requirements of Section 9.A.9.

8. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

9. The Commission shall process the Zone Change Application within the period of time permitted under CGS Section 8-7d:
   a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
   b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
   c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing,
   d. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days, and
   e. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.

10. In accordance with CGS Section 8-7d(g), the Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the of the Zone Change application.

11. The applicant may at any time prior to action by the Commission, withdraw such application.

3. DECISION CONSIDERATIONS

1. On a Zone Change Application involving notice to adjoining municipalities under Section 9.A.8, notice to water companies under Section 9.A.9, or notice to a regional planning agency under Section 9.A.10, or any reports received in response to a request as per Section 9.G.2.4, the Commission shall give due consideration to any report or testimony received.

2. In making its decision the Commission shall take into consideration the report from the Planning Commission.

3. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
   a. is in accordance with the Plan of Conservation & Development,
   b. is suitable for the intended location,
   c. will aid in protecting the public health, safety, welfare, or property values,
   d. will aid in attaining the purposes of these Regulations, and
   e. will help accomplish the provisions contained in Section 8-2(a) of the Connecticut General Statutes..

4. Such Zone Change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within five-hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

4. ACTION DOCUMENTATION

1. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
   a. the reason for its decision, and
   b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development.

2. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the community before such effective date.

3. The Commission shall send, by Certified Mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.

4. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.

5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

5. FOLLOWING APPROVAL

1. A Zone Change approved by the Commission shall be filed in the Office of the Town Clerk before the effective date.

H. ZONING BOARD OF APPEALS PROCEDURES

1. GENERAL PROVISIONS

1. **Appointment** - There shall be a Zoning Board of Appeals (ZBA) established pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town.

2. **Powers And Duties** - The Zoning Board of Appeals shall have the following powers and duties which shall only be exercised in harmony with the purpose and intent of these Regulations and in accordance with the public interest and the development of the neighborhood:
   a. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Official.
   b. To vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
      - be in harmony with the general purpose and intent of these Regulations,
      - give due consideration for conserving the public health, safety, convenience, welfare and property values, and
      - result in substantial justice being done and the public safety and welfare secured.
   c. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations or State law.

3. **Meetings** -
   a. All meetings of said Board shall be held in accordance with the annual meeting schedule on file with the Town Clerk or held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.
   b. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
   c. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the Zoning Department and shall be a public record.
   d. If a regular member of the Board of Appeals is absent, the member may designate an alternate from the panel of alternates to act in his place but if the member fails to make such designation or if he is disqualified, the chairman of the Board shall designate an alternate from such panel.
   e. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

4. A member of the Board shall disqualify himself or herself to act in a given case and shall state the reason for such disqualification which could include his or her relationship to any party involved or of financial interest in the matter before the Board.

2. VARIANCES

Potential applicants for variances are encouraged to meet with the Zoning Official prior to submitting the application to ensure that the application is complete so that the application can be processed in a timely manner.

1. **Authority** - In accordance with CGS Section 8-6, the Board of Appeals shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

2. **Application Requirements** -
   a. A Variance Application shall be accompanied by an adequate number of sufficiently detailed plans for review by the Board and its designees.
   b. An accurate and detailed plan drawn to scale is required showing the type and the degree of the variance requested, however, the Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when the variance is dimensional in nature or such survey is integral to the understanding of the application.
   c. An application to the ZBA shall be accompanied by a fee as provided in the Town fee ordinance.
   d. If a Variance Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Board.
   e. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.

3. **Nature of Variance** -
   a. Any variance granted by a Board of Appeals shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
   b. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
   c. A variance shall only authorize the particular activity specified in the Board's approval.

4. **Proceedings** -
   a. The date of receipt for the Variance Application shall be determined in accordance with Section 9.A.2.
   b. The Board shall hold a public hearing on the Variance Application and:
      - publish a legal notice in accordance with the requirements of Section 9.A.6,
      - not less than fifteen (15) days before the subject hearing, the applicant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 100 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office, and
      - at the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
   c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
   d. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.A.8.
   e. Notification to water companies may be required in accordance with the requirements of Section 9.A.9.
   f. The Board may refer any variance application within the coastal area to DEEP and may request a report.
   g. An incomplete Variance Application shall be denied in accordance with Section 9.A.3.
   h. The Board shall process the Variance Application within the period of time permitted under CGS Section 8-7d:
      - the public hearing shall commence within sixty-five (65) days after receipt of the application.
      - the public hearing shall be completed within thirty-five (35) days after such hearing commences.
      - all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
      - the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   i. The applicant may, at any time prior to action by the Board, withdraw such application.

5. **Decision Considerations** -
   a. Whenever a Variance Application is joined with an appeal by any person alleging to be aggrieved by any order, requirement, or decision made by the Zoning Official, the Board shall first decide the issues presented by such appeal before acting on the Variance Application.
   b. The application of a regulation which substantive requirements are mandated by statute shall not be subject to variance.
   c. In order to approve an application for a variance, the Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
      - solely with respect to the parcel of land that is the subject of the application,
      - owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, and
      - shall not be based upon the non-conforming use of neighboring lands, structures, or buildings.
   d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
      - in harmony with the general purpose and intent of these Regulations.
      - with due consideration for conserving the public health, safety, convenience, welfare and property values, and
      - so that substantial justice shall be done and the public safety and welfare secured.
   e. Whenever the Board of Appeals grants or denies any variance in the Zoning Regulations applicable to any property it shall state upon its records:
      - the reason for its decision,
      - the Regulation which is varied in its application, and
      - when a variance is granted, a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
   f. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

6. Special Considerations For Use Variances
   a. No use variance shall be granted which would permit a use of land, building or other structures prohibited in all districts in the Town.
   b. No use variance shall be granted by the Board merely because one or more of the permitted uses:
      - result in a particular difficulty, or
      - provide less than the highest or best return to the owner.
   c. The Zoning Board of Appeals may, upon application by the owner, grant variances authorizing uses not allowed in the district if the applicant makes an affirmative showing that:
      - In view of the available alternatives within the town, the public interest would be best served by permitting such use at the proposed location; and
      - The public interest cannot reasonably be served by location of such use in a zone in which it is permitted.
   d. Where a use of land, building or other structures is not permitted in the District by these Regulations but is permitted by variance by the Board, a variance in connection with such use may be granted only subject to approval of a Special Permit by the Zoning Commission.

7. Special Considerations For Variances In Floodplain Areas

See Section 4.C.16 for special considerations and requirements related to floodplain variance applications.

8. **Action Documentation** -
   a. The Commission shall, whenever it grants or denies a Variance Application, state upon its record the reason(s) for its decision.
   b. Notice of the decision of the Board shall be sent by Certified Mail to any applicant to the Board within fifteen (15) days after such decision has been rendered. Such notice shall:
      - state the name of the owner of record,
      - contain a description of the premises to which it relates,
      - state the nature of the hardship claimed, and
      - specify the nature of such variance including the Regulation which is varied in its application.
   c. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in the community within fifteen (15) days after such decision has been rendered.
   d. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

9. **Following Approval** -
   a. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the Office of the Town Clerk, in accordance with the provisions of CGS Section 8-3d.

3. LOCATION OF USES

1. The ZBA shall, after a hearing, decide upon all requests for approval of a location for dealing in or repairing motor vehicles and may issue a Certificate of Approval of Location for any such use as provided in CGS Section 14-54.

2. Approval of a Certificate of Approval of Location by the ZBA does not preclude any requirement for or approval of Site Plan Application or a Special Permit by the Zoning Commission.

3. In all cases where the ZBA shall authorize the issuance of a Certificate of Location Approval, under any of the above powers, it shall be the duty of said ZBA to attach such conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure continual compliance to these Regulations.

4. APPEALS OF ZONING OFFICIAL ORDERS

1. **Authority** - In accordance with CGS Section 8-7, an appeal may be taken to the Board of Appeals by any person alleging to be aggrieved by any order, requirement, or decision made by the Zoning Official.

2. **Application Materials** –
   a. Any such appeal shall be taken within thirty (30)-days of the issuance of the order, requirement, or decision by filing a notice of appeal on the application forms provided by the Town with the Zoning Official and the Zoning Board of Appeals specifying the grounds thereof.
   b. An appeal shall be accompanied by a fee as provided in these Regulations.
   c. The Zoning Official shall forthwith transmit to said Board all the papers constituting the record upon which the appeal from was taken.
   d. The Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when warranted by the proximity of the proposed change of use or construction or alteration of a structure to any property line.

3. **Effect of Appeal**–
   a. Where such order by the Zoning Official prohibits further construction or expansion of a use in violation of the Zoning Regulations, an appeal shall not be cause for such construction or expansion to continue except to such extent that the Board may allow when ruling on the appeal.
   b. In situations other than that described in Section 9.H.2.3.a above, an appeal shall temporarily stop all zoning enforcement and proceedings with regard to such order, requirement or decision unless the Zoning Official certifies to the Board of Appeals after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
   c. If the Zoning Official certifies to the Board of Appeals that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a restraining order granted by a court of record, on notice to the Zoning Official and on due cause shown.

4. **Proceedings** -
   a. The Board shall hold a public hearing on the appeal and:
      - publish a legal notice in accordance with the requirements of Section 9.A.6,
      - not less than fifteen (15) days before the subject hearing, the appellant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 100 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office.
      - At the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
   b. At such hearing, any party may appear in person or may be represented by agent or by attorney.

c. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.A.8.
d. Notification to water companies may be required in accordance with the requirements of Section 9.A.9.
e. The Board shall process the appeal within the period of time permitted under CGS Section 8-7d:
   - The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
   - The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   - All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   - The applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
f. The applicant may, at any time prior to action by the Board, withdraw such application.

5. **Considerations** –
   a. The Board shall have all the powers of the Zoning Official from whom the appeal has been taken but only in accordance with the provisions of this Section.
   b. The Board shall make such order, requirement or decision as in its opinion should be made in the circumstances.
   c. The Board may reverse, affirm wholly or partly, or may modify any order, requirement, or decision from which an appeal has been taken.
   d. The concurring vote of four (4) members of the Board shall be necessary to reverse, affirm partly, or modify any order, requirement, or decision of the official charged with the enforcement of the Regulations.
   e. Whenever the Board sustains or reverses wholly or partly any appeal, it shall state upon its records the reason for its decision and the Regulation which is varied in its application or to which an exception is granted.

6. **Action Documentation** -
   a. The Board shall, whenever it grants or denies an appeal, state upon its record the reason(s) for its decision.
   b. Notice of the decision of the Board shall be sent by Certified Mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
   c. Notice of the decision of the board shall be published in a newspaper having a substantial circulation in the community within fifteen (15) days after such decision has been rendered.
   d. In any case in which such notice is not published within such fifteen (15) day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

10. REGULATORY FRAMEWORK

A. AUTHORITY

The Zoning Commission of the Town of Westbrook, Connecticut, in accordance with the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.) has adopted and established these Zoning Regulations for the Town of Westbrook, Connecticut. These Regulations are a revision of the Zoning Regulations originally adopted August 28, 1956.

B. PURPOSES

1. STATUTORY PURPOSES

In accordance with CGS Section 8-2, these Regulations are intended to:

- lessen congestion in the streets;
- secure safety from fire, panic, flood and other dangers;
- promote health and the general welfare;
- provide adequate light and air;
- prevent the overcrowding of land;
- avoid undue concentration of population
- facilitate the adequate provision for transportation, water, sewerage, educational institutions, parks and other public requirements.

2. ADDITIONAL LOCAL PURPOSES

These Regulations are also adopted for the purpose of promoting the health, safety, convenience and general welfare of the Town of Westbrook by conserving the value of buildings; encouraging the most appropriate use of land, the protection of water resources, drinking water supplies and the protection of the coastal area by regulating shoreland development in a manner which minimizes adverse impacts to the adjacent coastal resources and gives preference to uses which are dependent upon the proximity to the water for their access and operation.

C. ZONING MAP

1. To accomplish the aforementioned purposes and other purposes as stated in these Regulations, the Town of Westbrook is divided into various Zoning Districts.

2. The Zoning Districts shall be shown on the map entitled "Town of Westbrook, Zoning Map" which as amended from time to time, is hereby declared to be part of these Regulations.

3. Where a zone boundary line divides a parcel of land under single ownership of record, the Regulations specified herein for each zone shall apply only to those portions of the parcel within such zone.

4. **Interpretation Of Zone Boundaries** -
   a. The zone boundaries shall be as shown on the most current Zoning Map adopted by the Commission.
   b. Unless otherwise indicated, the zone boundaries are property lines, street lines, street centerlines extended, waterways, or lines drawn approximately parallel to street lines or centerlines, and at distances therefrom determined by scaling the Zoning Map.
   c. In cases of any uncertainty as to the location of zones or zone boundaries, the Zoning Commission shall determine the location. If an appeal to the Zoning Board of Appeals involves uncertainty as to the location of zones or zone boundaries, the Zoning Official shall notify the Zoning Commission which may provide its interpretation as to the location to the Zoning Board of Appeals. Such determination does not limit the authority of the Zoning Board of Appeals in acting on such an appeal as provided by law.

D. APPLICATION OF REGULATIONS

1. PROHIBITED IF NOT PERMITTED

1. Any use or activity within a zone which is not permitted by these Regulations is prohibited within such zone.

2. CONFORMITY REQUIRED

1. No building, structure or land shall be used or occupied, in whole or in part, except in conformity with all applicable Sections of these Regulations.

2. No building or structure shall be built, erected, constructed, reconstructed, developed, moved or altered except in conformity with all applicable Sections of these Regulations.

3. No lot shall be reduced, divided, or created such that the area, width or other dimensions of the lot or any of its required yards or required open areas shall be less than prescribed by these Regulations.

4. It shall be unlawful to alter the use of land or to commence construction or alteration of any building or structure until the application and plans therefore have been approved by the Zoning Official, and a building permit issued by the Building Official.

3. MINIMUM REQUIREMENT

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

4. RELATIONSHIP TO OTHER REGULATIONS

1. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance.

2. These Regulations are not intended to interfere with, abrogate or annul any easements, covenants or other agreement between parties.

3. Where one (1) section of these Regulations is more strict or imposes higher qualitative or quantitative standards than are required in another Section of these Regulations the more restrictive shall apply.

4. Where these Regulations impose a greater restriction on the use of buildings or land or on the height of buildings or require larger yards or setbacks, or a greater percentage of lot not to be built upon, or impose other higher standards than are imposed by any law, ordinance, regulation, or private agreement, these Regulations shall control.

5. When any law, ordinance, regulation, or private agreement imposes greater restrictions than are required by these Regulations, such greater restrictions shall not be diminished by these Regulations.

5. EXCEPTION

1. Nothing in these Regulations shall require any changes in the plans, construction, or designated use of any building for which a building permit has been issued and remains valid, and for which construction has been diligently pursued prior to the adoption of these Regulations or any amendments hereto.

E. ENFORCEMENT

1. **Authority** –
   a. These Regulations shall be administered and enforced by the Commission.
   b. The Commission shall appoint a Zoning Official to be its duly authorized agent.
   c. The Zoning Official is hereby authorized to inspect and examine any building or structure, place, or premises and to order in writing the remedying of any condition found to exist there in violation of any provision of these Regulations in accordance with all powers granted by CGS Section 8-12.

2. **Penalties** - The owner or agent of a building or premises where a violation of any provisions of these Regulations shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be subject to the remedies and sanctions provided by CGS Section 8-12, in addition to any other remedies provided by law.

F. SEPARABILITY CLAUSE

1. The invalidity of any word, clause, sentence, section, part or provision of these Regulations shall not affect the validity of any other part.

2. The invalidity of these Regulations with respect to any particular activity shall not invalidate these Regulations with respect to other activities.

G. ELECTION OF OFFICERS

1. **Election of Officers** - The Zoning Commission shall, at the November meeting, in each odd numbered year, elect the following officers for a term of two years: Chairman, Vice Chairman and Secretary.

2. **Vacancy** - If a vacancy occurs during the term of any of the above offices the vacancy shall be filled by the Commission at the meeting following notice of said vacancy.

11. GLOSSARY

A. BASIC RULES

1. In the construction, interpretation, application, use and enforcement of these Regulations, words or terms shall be construed to carry out the purposes of these Regulations. In the event of any conflict with definitions in other regulations, the definitions herein shall control with respect to constructing, interpreting, applying, using and enforcing these Regulations.

2. In the construction, interpretation, application, use and enforcement of these Regulations, the rules, terms, and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

3. In the construction, interpretation, application, use and enforcement of these Regulations, words or terms not defined in this Section shall carry their customary meaning or shall be interpreted by the Commission after consulting one or more of the following:
   a. The State Building Code.
   b. The Connecticut General Statutes.
   c. “The Illustrated Book of Development Definitions” (Rutgers University, Center for Urban Policy Research (Piscataway, NJ.
   d. Black's Law Dictionary.
   e. A comprehensive general dictionary.

4. In the construction, interpretation, application, use and enforcement of these Regulations, the following rules shall apply:
   a. Words used in the singular include the plural, and the plural the singular.
   b. Words used in the present tense include the future tense.
   c. Words which are specifically masculine or feminine shall be interpreted as interchangeable.
   d. The word "shall" is mandatory and not discretionary.
   e. The word "may" is permissive and not obligatory.
   f. Any official, agency, commission, board or department identified in these Regulations is that of the Town of Westbrook, unless otherwise specified.
   g. Unless otherwise specified, all distances shall be measured horizontally.

B. COMMON TERMS

In the construction, interpretation, application, use and enforcement of these Regulations, commonly used terms shall be interpreted as follows unless the natural construction of the wording indicated otherwise:

1. The phrase "these Regulations" refers to the entire Zoning Regulations of the Town of Westbrook.

2. The word "Section" refers to a Section of these Regulations (all paragraphs starting with the same numbers), unless otherwise specified.

3. The word "premise" or "premises" includes land and any buildings or structures thereon.

4. The word "lot" includes the words "plot" and "parcel".

5. The phrase "used for" includes the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for", and vice versa.

6. The word "built" includes the words "erected", "constructed", "reconstructed", "altered", or "enlarged".

7. The word "person" or "applicant" includes any individual, firm, partnership, corporation, association, organization or other legal entity.

8. The words "zone", "zoning district", and "district" have the same meaning.

C. DEFINITIONS

"Blue Boxes"

Some definitions have been grouped together in the Glossary (or elsewhere) to help in understanding and interpreting the Zoning Regulations:

- Abut / Adjoin
- Affordable Housing Related Terms
- Buffer-Related Terms
- Building Height-Related Terms
- Business-Related Terms
- Day Care-Related Terms
- Deck / Porch / Patio / Terrace-Related Terms
- Dwelling-Related Terms
- Farm-Related Terms
- Flood-Related Terms (see Section 4.C)
- Food & Drink-Related Terms
- Home-Based Business Terms
- Industrial-Related Terms
- Junk-Related Terms (see Section 8.E)
- Lodging Facilities
- Lot-Related Terms
- Mixed Use Terms
- Non-Conforming Terms
- Principal versus Accessory
- School-Related Terms
- Sign-Related Terms (see Section 7.B)
- Stormwater-Related Terms (see Section 7.N)
- Subdivision-Related Terms
- Utility-Related Terms
- Yards versus Setbacks

Abut / Adjoin

ABUT – Directly next to and shares a property line or other physical feature.

ADJOIN - Property that abuts and property across a street.

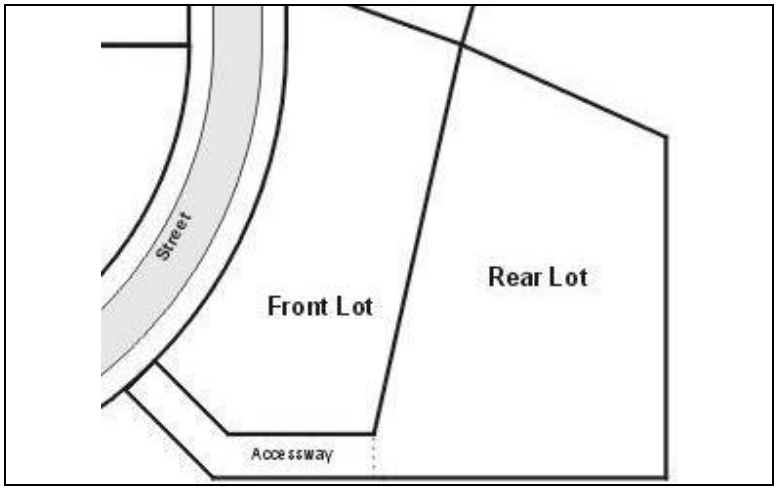
ACCESSORY APARTMENT – *See "Dwelling-Related Terms"*

ACCESSORY BUILDING – *See "Principal versus Accessory"*

ACCESSORY FOOD SERVICE – *See "Food & Drink-Related Terms"*

ACCESSORY USE - *See "Principal versus Accessory"*

ACCESSWAY - A strip of land between a road and the main part of a rear lot that is of sufficient width to allow the construction of a driveway.



ACRE - A measure of land equal to 43,560 square feet.

ADJOIN - *See "Abut / Adjoin".*

ADULT-RELATED TERMS – *See Section 6.M of these Regulations.*

Affordable Housing Related Terms

AFFORDABLE HOUSING DEVELOPMENT – A proposed housing development which is (1) assisted housing, or (2) a set-aside development.

AFFORDABLE HOUSING UNIT – A dwelling unit conveyed by deeds containing covenants or restrictions which require that such dwelling unit be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the median income.

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 Chapter 319uu or Section 1437f of Title 42 of the United States Code.

SET-ASIDE DEVELOPMENT – A development in which not less than thirty percent (30%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen percent (15%) of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty percent (60%) of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty percent (80%) of the median income.

MEDIAN INCOME – For the purpose of determining eligibility for income restricted units in a set-aside development, "median income" shall be the lesser of the state median income or the area median income for lower Middlesex County after adjustment for family size.

ALTERATION - A change or rearrangement in the structural parts or in the exit facilities of a building or structure or a vital change in the service equipment; or an enlargement by an increase in area or volume, or the moving from one location or position to another; or the change in use or occupancy from one use group to another.

ARCADE DEVICE - Any mechanical or electronic device or apparatus operated indoors for amusement, pleasure, test of skill, competition or sport, where the use or operation is conditioned upon payment of a consideration either by insertion of a coin, electronic card, or token into a slot or aperture on such device or by payment in any other fashion.

AQUACULTURE – The rearing of aquatic animals or the cultivation of aquatic plants for food.

AVERAGE GRADE - *See "Building Height-Related Terms "*

BANK - *See "Business-Related Terms"*

BANQUET FACILITIES – *See "Food & Drink-Related Terms"*

BED AND BREAKFAST ESTABLISHMENT - *See "Lodging Facilities"*

BERM - *See "Buffer-Related Terms"*

BEST MANAGEMENT PRACTICES – Practices and procedures that are capable of protecting the environment while considering economic factors, availability, technical feasibility, ability to implement, and effectiveness.

BOARDING, LODGING OR ROOMING HOUSES - *See "Lodging Facilities"*

BREW PUB – *See "Food & Drink-Related Terms"*

Buffer-Related Terms

BERM - A mound of earth typically used as a landform design element or buffer.

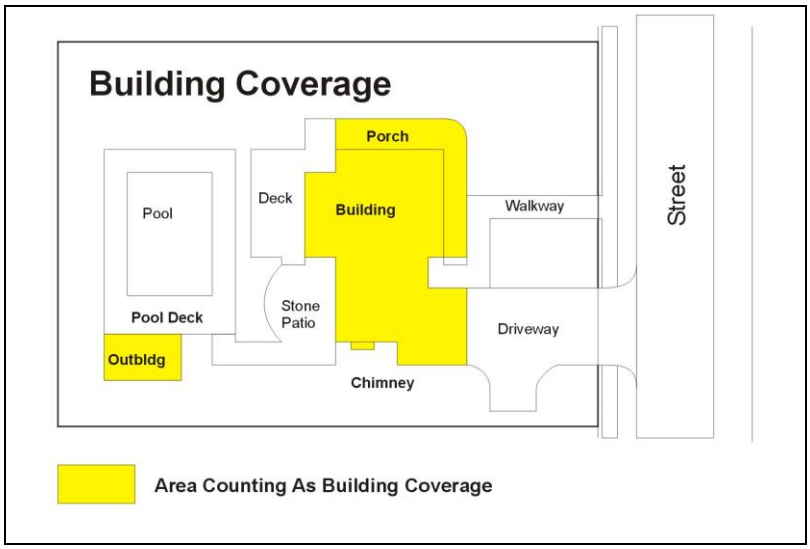
BUFFER - Land area used to visually and physically separate one use from another or from a boundary line or to block noise, lights, or other nuisances, generally through the use of landscaping, structures, and/or vegetation.

Berm

Buffer

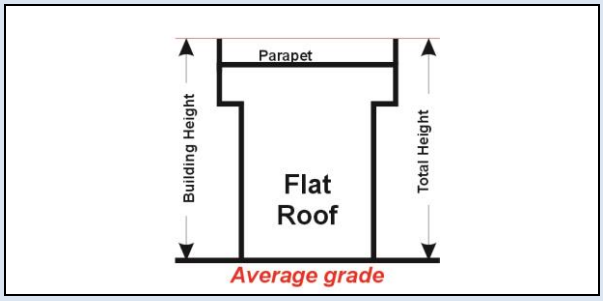
BUILDING - A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any person, animal or property of any kind. *Also see "Structure"*

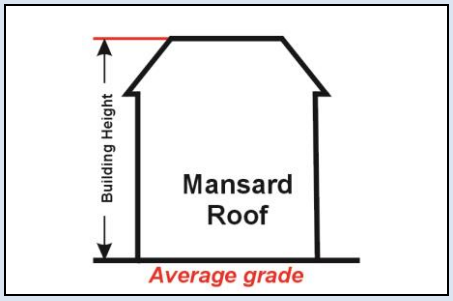
BUILDING COVERAGE - The portion of the lot area, expressed as a percentage, which is covered by a building or buildings. *See Section 8.A for features contributing to coverage*

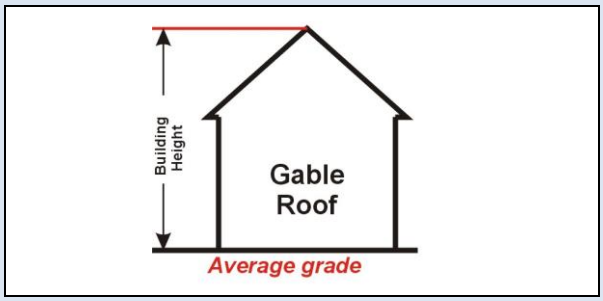


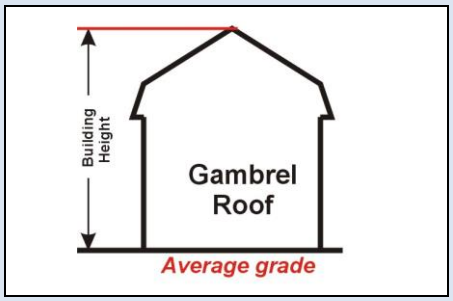
Building Height-Related Terms

BUILDING HEIGHT - The vertical distance from the average grade to the highest point of the roof of a building or to the highest point of a structure.









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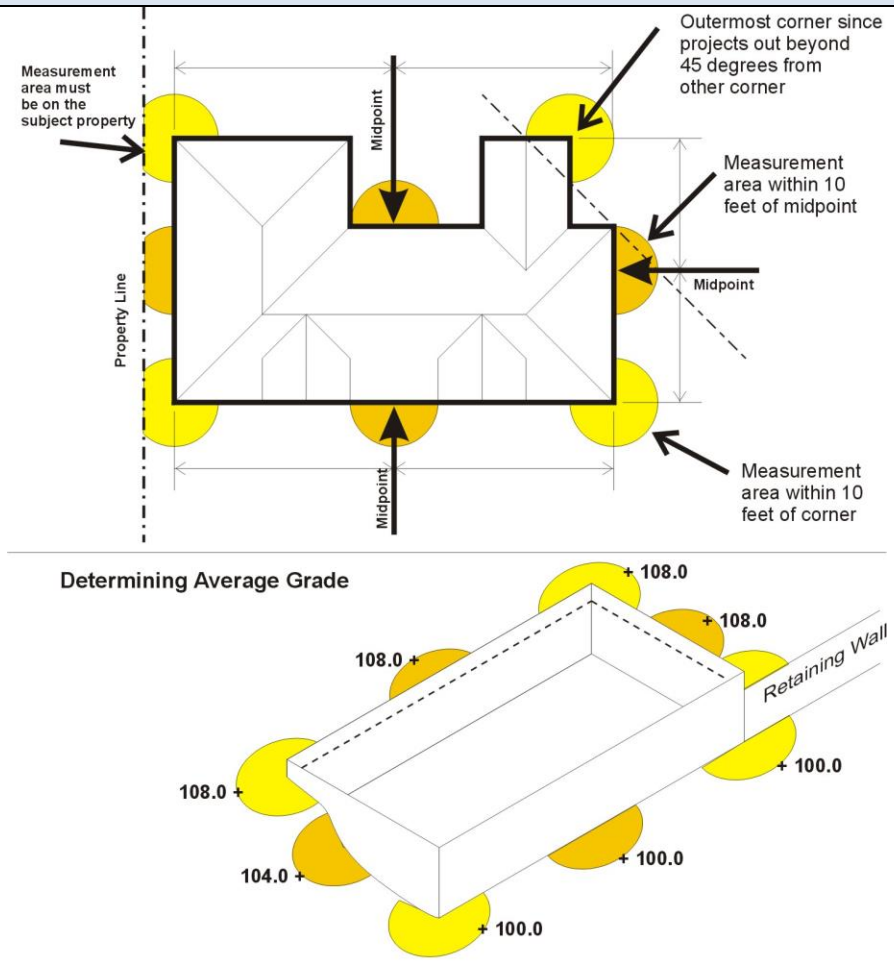
Building Height-Related Terms (continued)

AVERAGE GRADE - A horizontal reference plane representing the average of the ground level measured at the four outermost corners of the building and the four intervening midpoints. The ground level at each of the eight measurement locations shall be:

- the lowest elevation on the subject property within ten (10) feet from the exterior walls of the building at that point, and
- the lower of the pre-existing grade or the finished grade following the completion of site grading associated with building construction. Artificial mounding against the building, inconsistent with the natural grade, shall not be considered finished grade.



Business-Related Terms

RETAIL STORE – An establishment primarily engaged in selling goods or merchandise to the general public and rendering services incidental to the sale of such goods.

WHOLESALE BUSINESS – An establishment primarily engaged in storing and distributing goods to other businesses or institutions and generating limited traffic by the general public.

WHOLESALE / RETAIL STORE – An establishment (such as a lumber yard, building materials, carpet warehouse, stone distributor, or similar operation) operating as a retail store and wholesale business.

BUSINESS / PROFESSIONAL OFFICE – A building or portion of a building where administrative, professional, or clerical operations are performed.

MEDICAL / DENTAL OFFICE – A building or portion of a building used by a doctor or dentist for the medical or dental care of patients during regular business hours. *Also see "Medical-Dental Clinic"*

MEDICAL CLINIC - A place used on an outpatient basis for the care, diagnosis, treatment, and/or provision of medical-related services and/or emergency medical attention to people. *Also see "Medical-Dental Office"*

BUSINESS SERVICE– An establishment primarily engaged in rendering services other than a personal service (such as a copy shop, sale or rental or repair of business equipment, etc.).

PERSONAL SERVICE– An establishment primarily engaged in providing services involving the care of a person or his/her personal goods or apparel such as a beauty shop, barber shop, tailor, seamstress, shoe repair, nail salon, and similar activities).

BANK / FINANCIAL INSTITUTION - A building or portion of a building containing a banking institution or a financial services operation catering to the general public.

RESTAURANT – *See "Food & Drink-Related Terms"*

CARRY-OUT RESTAURANT – *See "Food & Drink-Related Terms"*

CERTIFICATE OF OCCUPANCY - A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with applicable regulations and approvals.

CERTIFICATE OF ZONING COMPLIANCE - The certificate issued by the Zoning Official which permits the use of a structure, building and/or land in accordance with the approved plans and specifications and certifies compliance with the provisions of the Westbrook Zoning Regulations.

CLUB - A non-profit, fraternal or civic organization consisting of an association of persons who are bona fide members, paying regular dues, organized for a common purpose but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COASTAL BOUNDARY – As defined in CGS Section 22a-94, the coastal boundary shall be delineated on the seaward side by the seaward extent of the jurisdiction of the Town of Westbrook and shall be delineated on the landward side by a continuous line determined by whichever is farthest inland of the following:

- the interior contour elevation of the one hundred year frequency coastal flood zone, as defined and determined by the National Flood Insurance Act (USC 42 Section 4101, P.L. 93-234), or
- a one thousand foot linear setback measured from the mean high water mark in coastal waters, or
- a one thousand foot linear setback measured from the inland boundary of tidal wetlands mapped under section 22a-20,; and shall be.

COMMISSION - The Westbrook Zoning Commission, Westbrook Connecticut.

CONGREGATE - A residential environment consisting of independent living assisted by congregate meals, housekeeping and personal services, for persons sixty-two years old or older, their spouses, and others who have difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring. (adapted from CGS 8-119e)

CONSTRUCTION - Any activity affecting a structure, including the renovation, erection, alteration, extension, moving, or enlarging thereof. *See "Alteration" See "Excavation" See "Development"*

Day Care-Related Terms

DAY-CARE, ADULT - A facility for adults which provides a structured program of therapeutic, social, or rehabilitative services in a group setting, that is designed to serve four (4) or more persons outside of their home on a regular basis, for a part of one (1) or more days.

DAY-CARE, CHILD - Includes the child day-care uses listed below, as defined in CGS Section 19(a)-77:

"FAMILY CHILD CARE HOME" which consists of the provider's private family home where the provider cares for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three (3) additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three (3) children who are in school full time, all of the provider's children shall be permitted.

"GROUP CHILD CARE HOME" which offers or provides a program of supplementary care:

- In the provider's private family home where the provider cares for not less than seven or more than twelve related or unrelated children on a regular basis, or
- that meets the definition of a family child care home except that it operates in a facility other than the provider's private family home.

"CHILD CARE CENTER" which offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their homes on a regular basis.

Deck / Porch / Patio / Terrace-Related Terms

DECK – A raised outdoor platform supported by posts or columns with no roof.

PATIO – An outdoor area surfaced with concrete, brick, slate or similar material placed directly on the ground.

PORCH – an outdoor area adjacent to a building or structure typically with a raised platform and with a fixed roof or another platform above (includes a roofed exterior landing).

CLOSED PORCH – a porch with screened-in or glassed-in openings.

OPEN PORCH – a porch that is open to the air without screened-in or glassed-in openings.

TERRACE – An exterior area which is generally level and which has been raised or lowered relative to adjacent grade, often by retaining walls or similar means, in order to create a landscape feature or activity area.

Deck

Patio

Porch

Terrace

DEEP - Connecticut Department of Energy and Environmental Protection.

DEVELOPABLE LAND - The area within the boundaries of a proposed development excluding:

1. wetlands or watercourses as defined in chapter 440 of the Connecticut General Statutes;
2. areas with slopes over twenty percent (20%) or other unsuitable topographic or geologic constraints;
3. 100-year and 500-year flood zones;
4. land already committed to a public use or purpose, whether publicly or privately owned or land subject to a conservation easement or an enforceable restriction on development;

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to construction or demolition of structures, subdivision, dredging, filling, grading, paving, excavation of land or drilling operations.

DEVELOPMENT RESTRICTION – A restriction which perpetually 1) prohibits further development or use inconsistent with the enhancement, preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or 2) preserves a natural resource predominantly in its natural scenic or open condition, or permits non- profit recreational, and /or agricultural uses which are consistent or advantageous to the preservation and protection of the restricted area.

DISTURBED AREAS - Any area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DONATION BIN, UNATTENDED - Any unattended container, receptacle, or similar device that is located on any property used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials.

DRIVE-UP WINDOW - A means by which goods or services are dispensed or business transacted by use of a window, door or machine to a customer in a motor vehicle. This definition shall include but not be limited to, drive-in and drive-through windows and auto teller machines. *See "Food & Drink-Related Terms"*

DRIVE-THROUGH RESTAURANT – *See "Food & Drink-Related Terms"*

Dwelling-Related Terms

DWELLING UNIT - Any room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

DWELLING, ONE- FAMILY - A building having one (1) dwelling unit from the ground to the roof, having an independent outside access.

DWELLING, TWO- FAMILY - A building having two (2) dwelling units, with separate entrances or joint corridors.

DWELLING, MULTIPLE - A building or group of buildings on one (1) lot, containing separate dwelling units for three (3) or more families, having separate entrances or joint corridors.

DWELLING, TIME-SHARE - A building or group of buildings on one (1) lot, containing separate dwelling units for three (3) or more families, having separate entrances or joint corridors where ownership is held by multiple people and held in divisions of time in a calendar year.

MANUFACTURED HOMES - A dwelling unit having as its narrowest dimension twenty-two (22) feet or more and built in accordance with federal manufactured home construction and safety standards, and which is constructed in whole or in part off site, and transported to an approved lot.

MOBILE HOME - A structure which is used as living quarters and contains sleeping accommodations, a flush toilet, a shower or bathtub, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; and which is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations. Mobile homes shall not include manufactured homes or recreational vehicles as defined within these Regulations.

ACCESSORY APARTMENT - A second dwelling unit contained within a one-family dwelling for temporary residency by a family member, caregiver, caretaker, or other person(s) when such unit shares an operable door on a common wall so that it can be reintegrated into the principal unit at a later date.

EARTH - Earth, sand, gravel, clay, quarry stone and other earth materials.

EDUCATIONAL INSTITUTION – *See "School-Related Terms"*

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FAMILY – Any number of people related by blood, adoption, marriage, or civil union and up to four (4) additional unrelated people living together as a single housekeeping unit.

Farm-Related Terms

FARM – A property used for the cultivation of soil for growing of crops; dairy farming; and/or the raising, breeding and keeping of livestock and / or rabbits. The term "farm" also includes the sale and/or marketing of agricultural products grown or raised on premises as an accessory use.

FARM BUILDING - A building on a farm used for the storage and/or shelter of:

- crops grown on the premises,
- livestock raised on the premises, and/or
- feed, hay and equipment associated with a farm (i.e.: tractors, trucks, plows, cultivators, harvesters, dairy equipment) used on the premises.

LIVESTOCK - Animals such as horses, cows, goats, sheep, fowl and pigs.

NURSERY, OUTDOOR - An agricultural operation where the primary use is the outdoor growing of flowers, plants, shrubs or trees for commercial gain and which may include the sale of such products grown on the premises.

NURSERY, GREENHOUSE - An agricultural operation where flowers, plants, shrubs or trees are grown indoors (including hydroponically) for commercial gain and which may include the sale of such products grown on the premises.

RABBITRY -A contained environment, in which more than twelve (12) rabbits are housed, groomed, bred or sold.

FARM STAND - A building or structure located on a farm used for the sale of farm products where:

- not less than fifty percent (50%) of the products sold in a one year period are raised, grown or made on the same premises on which such farm stand is located or on other land owned or operated by the owner or operator of such farm stand, and
- where the farm products sold shall be limited to fruits, vegetables, plants and flowers but may also include food products provided that such food products shall contain one or more ingredients which are raised or grown on the same premises on which such farm stand is located or on other land owned or operated by the owner or operator of such farm stand.

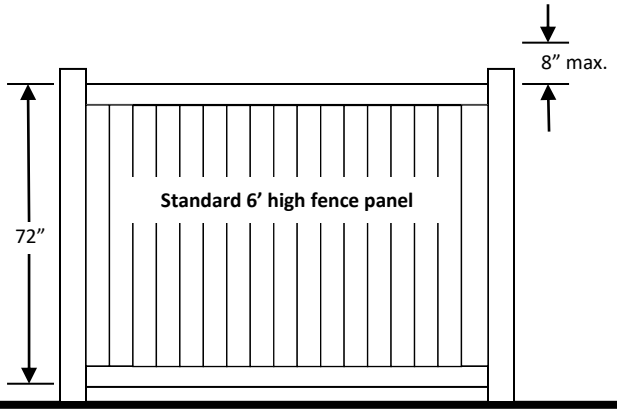
FENCE OR WALL - Any structure of wood, metal, stone, brick or other materials delineating or separating an area within a parcel of land or along property lines. A hedge or other trees, shrubs, or other plants serving a similar function shall not be deemed to constitute a fence or a wall. A wire or other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

FENCE HEIGHT - The vertical distance from the ground directly below the fence to the top of the fence panel (the top of the panel(s) between the posts) excluding support posts and ornamental features that do not extend more than 8 inches above the fence panel. Height is typically measured at the posts from the side of the fence that is interior to the property and averaged but height can be measured anywhere if necessary. No fence panel shall exceed six (6) feet in height.

Where the grade below the fence has been altered for the sole purpose of elevating the fence, the measurement shall be taken from the original grade. In the case of a fence on or within three (3) feet of a retaining wall, fence height shall be measured including the height of the retaining wall, unless the fence shall be deemed necessary for safety by the Zoning Official. If a fence is setback at least three (3) feet from the face of the retaining wall, the fence height shall be measured from the base of the fence.

Fence Height

A standard 6-foot high fence panel may be installed up to a height of 6'-6" above grade to accommodate uneven terrain between the fence posts. Posts, post caps, and decorative posts may extend up to 8" above the fence panel.



FINANCIAL INSTITUTION - *See "Business-Related Terms"*

FIRE LANE - An access of twelve (12) feet in width around and immediately adjacent to a building(s) or sidewalk for the use of emergency equipment and which shall remain clear of obstructions of any kind at all times.

Flood-Related Terms

See Section 4.C of these Regulations.

FLOOR AREA, GROSS - The total surface area enclosed by walls, of all the floors of a building, together with surface area of all covered porches/decks. *See Section 8.A for features contributing to floor area*

FLOOR AREA RATIO - The gross floor area of all buildings on the lot divided by the total square footage of the lot.

Food & Drink-Related Terms

SIT-DOWN RESTAURANT - An establishment open to the general public where the principal purpose is the preparation and service of food to patrons who generally sit at tables, order from an individual menu, and consume the food where seated. Service of alcoholic beverages and/or take-out food service is clearly secondary and subordinate to the on-premises consumption of food.

CARRY OUT RESTAURANT - An establishment open to the general public, with or without seating, where the principal purpose is the preparation and/or service of food in disposable or reusable containers to patrons who may consume the food on the premises or elsewhere.

DRIVE-THROUGH RESTAURANT - An establishment open to the general public where food and/or beverages are served to people in vehicles through a window or similar arrangement.

BANQUET FACILITY - An establishment not open to the general public where the principal purpose is the preparation and service of food to invited guests or groups for consumption on the premises. Service of alcoholic beverages to the guests or groups is permitted.

TAVERN – An establishment open to the general public where the principal purpose is the service of alcoholic beverages for consumption on the premises. Operation of a sit-down restaurant and/or take-out food service is permitted.

BREWPUB –A facility producing beer or other alcoholic beverage for consumption on the premises by the public and which may include accessory food service and may include retail and/or wholesale sales for consumption off the premises.

Production of beer or other alcoholic beverage with no on-premises consumption by the public is considered light manufacturing. Beverage service with no production is considered a restaurant or tavern.

ACCESSORY FOOD SERVICE – An operation open to the general public where food and/or beverage service is provided as a complement or supplement to a principal non-restaurant use or activity (such as coffee and/or muffins in a book store).

FRONTAGE - The linear distance between the side lot lines of a lot at the front lot line on a street provided that such frontage shall be owned in fee simple.

GARAGE, PRIVATE - A building used for the storage of one (1) or more motor vehicles owned and used by the owner or residential tenant of the lot on which it is erected, or for the storage of not more than two (2) additional, non- commercial, motor vehicles, owned by others.

GARAGE, REPAIR - A building, not a private garage, used for the repair, service or storage of motor vehicles, but not for auto body repair.

GFA – *See "Floor Area, Gross"*

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

GREENHOUSE - A building made mainly of glass or other transparent or translucent material in which the temperature or humidity can be regulated for cultivation of plants. *See "Membrane Structure"*

GROSS FLOOR AREA – The floor area of all floors of a building as measured to the outside walls but not including any attic area or any basement area if such area is used exclusively for storage and/or mechanical equipment.

Home-Based Business Terms

HOME-BASED BUSINESS -- The use of a portion of a dwelling for business purposes by the resident occupants:

HOME OFFICE -- The use of a dwelling for occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving minimal visits to the premises by non-residents (employees, clients, etc.).

HOME OCCUPATION, MINOR -- The use of a dwelling for a home-based business, which may include one (1) non-resident employee and involving no more than five (5) patron, client, or associate visits per day.

HOME OCCUPATION, MAJOR -- The use of a dwelling for a home-based business involving:

- two (2) or more non-resident employees or six or more patron, client, or associate visits per day and/or
- retail sales, restaurants; dance studios;
- manufacturing; commercial woodworking; metal working;
- animal hospitals; mortuaries;
- automobile, boat or other vehicle or engine repair or painting; and
- other uses as may be determined by the Commission.

HOTEL/MOTEL - *See "Lodging Facilities"*

Industrial-Related Terms

LABORATORY - A place equipped for experimental study in a science or for testing and analysis.

LIGHT MANUFACTURING - A use engaged in the manufacture predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

MANUFACTURING - A use engaged in the manufacture of finished products or parts using basic industrial processes.

TRUCK TERMINAL - A use where trucks load and unload cargo and freight and where the cargo and/or freight may be broken down or aggregated for transfer to other vehicles or modes of transportation.

INN - *See "Lodging Facilities"*

INSTITUTION – A facility owned and operated by a philanthropic, eleemosynary, or similar organization.

Junk-Related Terms

See Section 8.E of these Regulations.

KENNEL - Any establishment in which more than three (3) dogs or three (3) cats over the ages of six months are housed, groomed, bred, boarded, trained or sold. *(includes "doggie day care")*

LABORATORY - *See "Industrial-Related Terms "*

LIGHT MANUFACTURING - *See "Industrial-Related Terms "*

LANDSCAPED AREA - An open area or vegetated area maintained with natural ground cover, lawn, trees, shrubs or other plantings.

LIVESTOCK - *See "Farm-Related Terms"*

Lodging Facilities

LODGING FACILITY – A building or group of buildings providing rooms for hire for temporary accommodations, primarily used by transients who are lodged with or without meals.

BED AND BREAKFAST ESTABLISHMENT – A lodging facility operated in a dwelling by the resident-owner(s) where paying guests are offered overnight accommodations and minor food service.

INN - A lodging facility located in a business district where such use is permitted and operated in a residential dwelling by the resident- owner(s) where paying guests are offered overnight accommodations and which may include:

- a restaurant serving the general public as well as guests,
- conference/meeting accommodations to persons other than guests, and/or
- a retail gift shop.

BOARDING, LODGING OR ROOMING HOUSES – A lodging facility operated in a dwelling by the resident-owner(s) providing sleeping accommodations, either on a transient or permanent basis, with or without meals, but without individual cooking facilities for individual occupants.

HOTEL / MOTEL – A lodging facility providing sleeping accommodations as a commercial operation, primarily used by transients, and which may include a restaurant or other food service as an accessory use.

RESORT - A development consisting of a building or series of buildings under common management on a minimum of fifteen (15) acres principally intended to provide vacationers, visitors or seasonal residents with recreational and relaxation facilities. *Also see "Dwelling, Time Share" in "Dwelling-Related Terms"*

LOGO - A simple graphic representation which may or may not include numbers or letters used to identify a business or other entity.

Lot-Related Terms

LOT - A plot or parcel of land occupied or capable of being occupied in conformity with these Regulations by one (1) or more principal building(s) and the accessory buildings or uses customarily incidental to it.

LOT AREA - The total area within the boundary lines of a lot, provided that the required minimum lot area shall not include more than thirty-five percent (35%) of the land designated as tidal or inland wetlands, watercourses, bodies of water or the total of any land below mean high water mark.

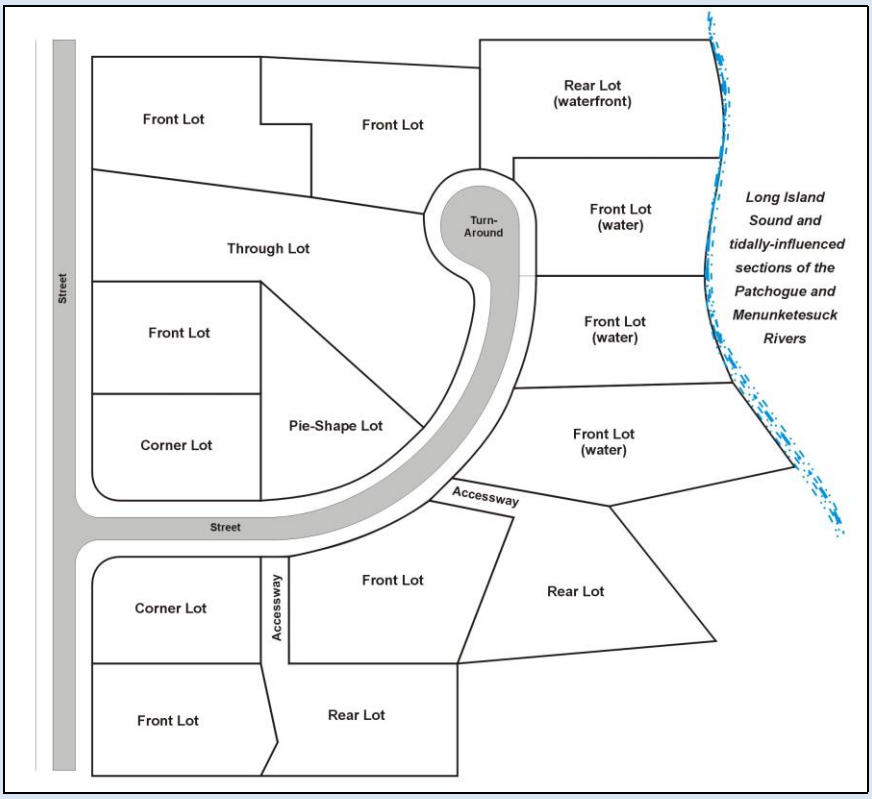
CORNER LOT - A front lot which abuts two (2) or more streets which intersect at the lot.

FRONT LOT - A lot which abuts a street and where the buildable portion of the lot is generally located near the street.

PIE-SHAPED LOT - A lot, typically on the inside of a road curve, where the side lot lines converge to a single point.

REAR LOT - A which has less than the frontage required by these Regulations and where the buildable portion of the lot is generally located behind other lots fronting on a street.

THROUGH LOT - A front lot other than a corner lot which abuts two (2) or more streets, which do not intersect at the lot.



LOT LINE - Any boundary of a lot.

LOT LINE, FRONT - Any lot line which abuts a street shall be considered a front lot line except that any lot line which abuts Long Island Sound or any tidally-influenced sections of the Patchogue or Menunketesuck Rivers shall be considered a front lot line and the lot line which is approximately parallel to and a maximum distance from the water shall be considered a rear lot line.

LOT LINE, SIDE – Any lot line which shares an end point with a front lot line and any other lot line which is not a rear lot line. On a rear lot which does not abut Long Island Sound, all lot lines other than the front lot line shall be considered side lot lines.

LOT LINE, REAR - That lot line roughly opposite of, and parallel to, a front lot line and, in the event of multiple such lines, the longest of such lines. A lot shall have no more than one rear lot line. Corner lots, pie-shaped lots and through lots may not have a rear lot line.

MANUFACTURED HOMES - *See "Dwelling-Related Terms"*

MANUFACTURING - *See "Industrial-Related Terms "*

MASTER PLAN, CONCEPTUAL – An overall plan for a proposed development showing the general locations of buildings, parking areas, landscaped areas, utility connections, and other improvements. Such plan is intended to demonstrate the general conformance of the proposed development with the requirements of these Regulations without providing the detailed topographic and other information required for a formal application. *Also see "Master Plan, Detailed".*

MASTER PLAN, DETAILED – A set of plans typically based on actual planimetric and topographic surveys for a proposed development. Such plans show the proposed locations and elevations of buildings, parking areas, landscaped areas, utility connections, and other improvements in order to demonstrate the actual conformance of the proposed development with the requirements of these Regulations. Such drawings are prepared by licensed professionals with the appropriate expertise and accompany a formal application for approval prior to construction. *Also see "Master Plan, Conceptual"*

MEDICAL CLINIC – *See "Business-Related Terms"*

MEDICAL / DENTAL OFFICE – *See "Business-Related Terms"*

MEMBRANE STRUCTURE - A structure with a frame consisting of tubular metal, plastic, wood or any other framing material and covered with plastic, nylon, canvas, or other covering material used for storage or shelter. *See "Greenhouse"*

MINIATURE GOLF COURSE - A novelty version of golf played with a putter and a golf ball on a miniature golf course, typically with artificial surfaces, and including obstacles such as bridges and tunnels.

Mixed Use Terms

MIXED USE – A combination of commercial and residential components on a single property, e.g. an apartment building with offices or stores.

MIXED USE BUILDING – A combination of commercial and residential components in a single building, e.g. an apartment building with offices or stores below.

MIXED USE SITE – A combination of commercial and residential components in separate buildings on a single property, e.g. an apartment building with a separate building containing offices or stores.

MOBILE HOME - *See "Dwelling-Related Terms"*

Non-Conforming Terms

NON-CONFORMING – A non-conforming situation where such use, structure or lot WAS legally existing as of August 28, 1956 or as of the date of any pertinent amendments hereto and became non-conforming as a result of such adoption.

NON-COMPLIANT – A situation where a use, structure or lot:

- was NOT legally existing as of August 28, 1956 or as of the date of any pertinent amendments hereto were adopted, or
- was established or constructed in violation of the Regulations after August 28, 1956 or as of the date of any pertinent amendments hereto were adopted.

NON-CONFORMING USE - A use of structures or land which does not conform to the Regulations of the district in which it is located.

NON-CONFORMING STRUCTURE - A structure which does not conform to the Regulations of the district in which it is located.

NON-CONFORMING LOT - A lot which does not conform to the Regulations of the district in which it is now located.

NURSERY - *See "Farm-Related Terms"*

OFFICE - *See "Business-Related Terms"*

OPEN SPACE – As defined in the Subdivision Regulations, Town of Westbrook, as may be amended.

PARKING SPACE - An open space or garage, on a lot, used for parking motor vehicles, and of a dimension as detailed in Section 7.C of these Regulations, and to which there is access from a street, alley, or driveway.

PATIO – *See "Deck / Porch / Patio / Terrace-Related Terms"*

PERSONAL SERVICES – *See "Business-Related Terms"*

PLACE OF WORSHIP – An institutional facility (church, chapel, synagogue, mosque, or other religious facility) used for the organized practice of religion or as a place of worship.

PORCH – *See "Deck / Porch / Patio / Terrace-Related Terms"*

Principal versus Accessory

PRINCIPAL – That which is the main, primary, or most prominent condition on the property.

ACCESSORY - That which is customary, subordinate, and incidental to the principal condition.

CUSTOMARY – Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual.

INCIDENTAL - Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else.

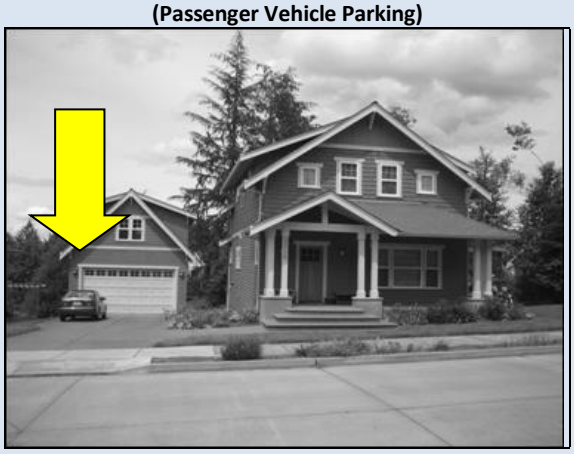
SUBORDINATE – Something inferior, smaller, fewer, and of less importance or impact or something placed in or occupying a lower class, rank, or position.

PRINCIPAL USE - The main or primary use or activity of a lot, building, structure, or property. *See also "Accessory Use".*

ACCESSORY USE - A use located on the same lot with a principal use, customary and incidental with that principal use. *See also "Principal Use".*

Principal Use
(Residential)

Accessory Use
(Passenger Vehicle Parking)



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Principal versus Accessory (continued)

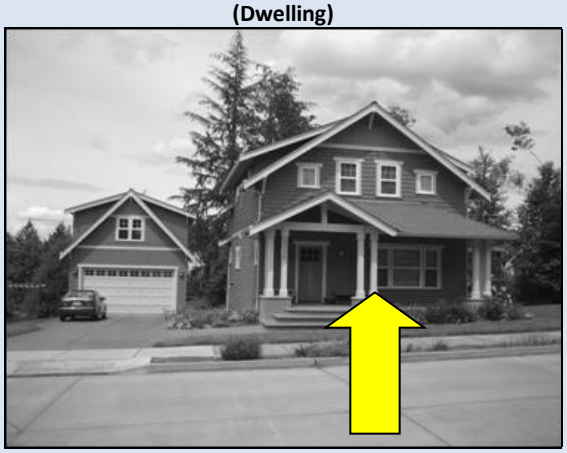
PRINCIPAL BUILDING –

(1) The main or primary building or structure on a property, or
(2) A building in which is conducted the main or primary use on the piece or parcel of land.
(3) Buildings or structures connected by roofs or breezeways shall be considered part of the principal building. *See also "Accessory Building"*

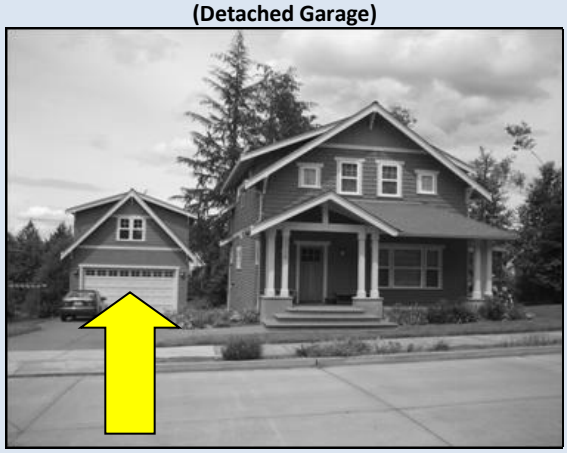
ACCESSORY BUILDING – A detached building which is customary and incidental to the principal building and which is on the same lot with such principal building.

ACCESSORY STRUCTURE – A structure, the size and use of which is customary and incidental to the principal building, structure and/or use on the piece or parcel of land. For purposes of these Regulations, a swimming pool is considered to be an accessory structure.

Principal Building (Dwelling)



Accessory Building (Detached Garage)



PROFESSIONAL OFFICE - *See "Office-Related Terms"*

PUBLIC UTILITY – *See "Utility-Related Terms"*

PUBLIC UTILITY FACILITIES – *See "Utility-Related Terms"*

RABBITRY - *See "Farm-Related Terms"*

RECREATIONAL VEHICLE - A mobile vehicular structure mounted on wheels and designed as a temporary dwelling for travel, recreation or vacation, including but not limited to self-propelled motor homes, travel trailers, collapsible tent trailers, and truck mounted units.

RESORT - *See "Lodging Facilities"*

RESTAURANT – *See "Food & Drink-Related Terms"*

RETAIL STORE - *See "Business-Related Terms"*

ROOFLINE - The intersection of the roof and perimeter wall of the structure.

School-Related Terms

EDUCATIONAL INSTITUTION –A public, parochial, or private institution that provides organized educational instruction to students in grades pre-K through high school or at the collegiate level in accordance with recognized educational standards.

SCHOOL - Any facility where the principal use is instruction in a particular discipline (e.g. a dance school or a karate school).

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

SETBACK - *See "Yard versus Setbacks"*

Sign-Related Terms

See Section 7.B of these Regulations.

SIT-DOWN RESTAURANT – *See "Food & Drink-Related Terms"*

SOIL - Any unconsolidated mineral or organic material of any origin.

Stormwater-Related Terms

See Section 7.N of these Regulations.

STREET - A public or private thoroughfare, including an approved subdivision street, which affords vehicular traffic circulation and means of access to abutting property. An alleyway, driveway, or accessway shall not be deemed a street.

STREET LINE - See Lot Line, Front

STRUCTURE - Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, excluding septic systems, fences and walls not exceeding six (6) feet six (6) inches in height (unless the fence or wall constitutes a shoreline flood and erosion control structure as defined by CGS Section 22a-109(c)), driveways, parking lots, sidewalks, terraces and drainage structures. Structure includes Building. *Also see "Building"*

STRUCTURE, MINOR – A swing set, playscape, dog house, bird bath or similar accessory structure which is not on a permanent foundation and is readily movable or removable.

Subdivision-Related Terms

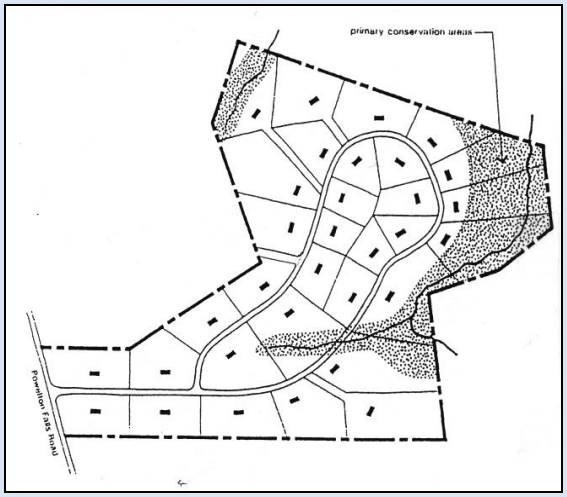
SUBDIVISION – As defined in CGS Section 8-18.

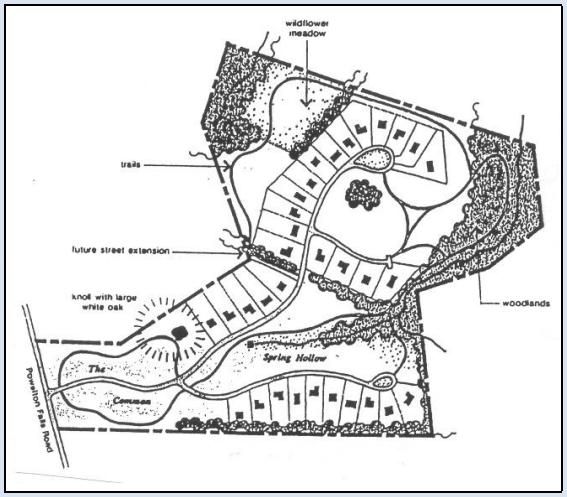
CONSERVATION SUBDIVISION – A development of residential lots laid out primarily on the basis of site characteristics where lots are located away from important resources so that those resource areas can be used for open space, recreation, wildlife habitat, agriculture, and/or the preservation of historic or environmentally-sensitive features, including the maintenance or preservation of community character and scenic views. *See Section 5.C of these Regulations*

CONVENTIONAL SUBDIVISION – A development of residential lots laid out primarily on the basis of dimensional standards such as lot area and/or frontage and where the provision of open space or conservation areas is typically a secondary consideration.

Conventional Subdivision

Conservation Subdivision





SUBSTATION - *See "Utility-Related Terms"*

TAVERN – *See "Food & Drink-Related Terms"*

TERRACE - *See "Deck / Porch / Patio / Terrace-Related Terms"*

TRAILER, STORAGE - Vehicle, container or object excluding buildings, used for storage of goods or materials, which is designed to be moved on its own wheels, flatbed or other trailer.

TOWN - Town of Westbrook, Connecticut.

TRUCK TERMINAL - *See "Industrial-Related Terms "*

Utility-Related Terms

PUBLIC UTILITY –An agency authorized by the state or the Town of Westbrook to provide the public with telephone, electricity, gas, water, sewage collection and/or treatment, cable television or similar service.

PUBLIC UTILITY FACILITIES – Any use essential to the transmission and/or distribution of a service by a public utility but excluding any facility connected with the actual production thereof. Minor structures, such as hydrants, telephone or light poles, sewer or water lines, or similar and incidental equipment shall not be subject to these Zoning Regulations.

SUBSTATION - A subsidiary or support station and which is not a primary generation or transmission facility.

WATER SUPPLY FACILITIES - Pump stations, pressure reducing stations, storage tanks reservoirs and towers, wells and treatment facilities used for public water supply.

UTILITY PLATFORM – A platform attached to a structure located in a special flood hazard area for the purpose of placing an electric meter, water meter, or other utility above the flood elevation.

WALL – *See "Fence or Wall"*

WATERCOURSES - Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, vernal, intermittent or perennial, which are contained within, flow through or border upon the Town of Westbrook, or any portion thereof not regulated pursuant to Connecticut General Statues, Section 22a-28 to 22a-35 inclusive.

WATER SUPPLY FACILITIES - *See "Utility-Related Terms"*

WETLAND, INLAND - Land, including submerged land, not regulated pursuant to Connecticut General Statues, Section 22a-28 to 22a-35 inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, or flood plain, by the U.S. Department of Agriculture, Soil Conservation Service.

WETLAND, TIDAL - Land, which borders on or beneath tidal waters, such as, but not limited to, banks, bogs, salt marshes, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one (1) foot above local extreme high water, and which may grow or be capable of growing some but not necessarily all of the types of plant life set forth in Section 22a-29 (2) of the Connecticut General Statues.

WHOLESALE BUSINESS - *See "Business-Related Terms"*

WHOLESALE / RETAIL STORE - *See "Business-Related Terms"*

WOOD BURNING FURNACES, OUTDOOR - An accessory structure, attached or unattached to the principal structure or located within another accessory structure on the premises, designed and intended, through the burning of wood, for the purpose of heating and / or providing hot water to the principal structure or any other structure on the premise.

Yards versus Setbacks

SETBACK - A line parallel to a street line or a lot line at a distance established by the minimum yard setback requirements of these Regulations for the zoning district, behind which buildings and structures may be legally erected.

- For corner lots in all districts, the front yard setback requirement shall apply on both streets.
- For through lots in all districts, the front yard setback requirements shall apply on both frontages.

See Section 8.A for building features subject to setback requirements. In determining compliance with minimum setback requirements, the setback requirement shall be measured perpendicular the applicable lot line.

(continued on next page)

Yards versus Setbacks (continued)

YARD – The area between the principal structure and a lot line. Any measurement shall be taken at right angle from the lot line to the nearest point of the structure.

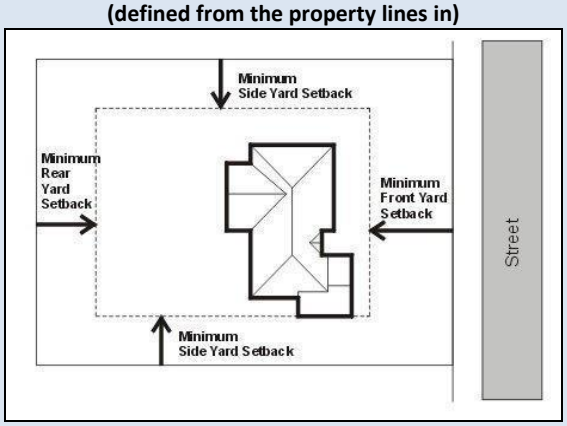
FRONT YARD - The area on a lot between:

- the front lot line and a parallel line located at the nearest principal structure on the lot.
- the coastal jurisdiction line on waterfront lots and a parallel line located at the nearest principal structure on the lot.

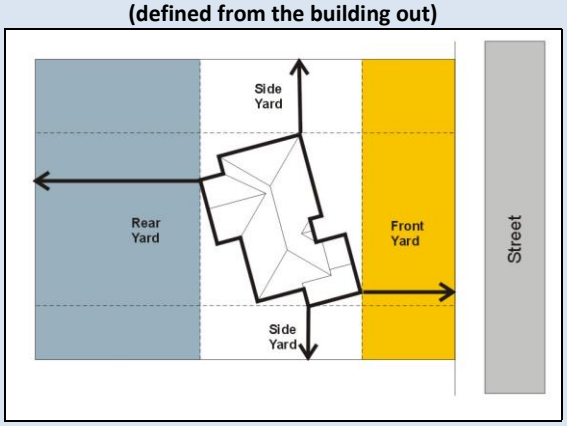
SIDE YARD - The area on a lot between a side lot line and a parallel line located at the nearest principal structure on the lot.

REAR YARD - The area on a lot between a rear lot line and a parallel line located at the nearest principal structure on the lot.

Setbacks
(defined from the property lines in)



Yards
(defined from the building out)



ZONE - An area of land set aside on the Zoning Map having separate requirements as established by these Regulations.

ZONING OFFICIAL – The official designated by the Zoning Commission to administer and enforce the Zoning Regulations. (*also known as the Zoning Enforcement Officer*)

APPENDIX – Application Requirements

Originally Adopted -- August 28, 1956

Amendments:

1.	June 1958	31.	February 18, 1995	61.	August 28, 2008
2.	December 1, 1961	32.	March 30, 1995	62.	September 8, 2009
3.	June 1, 1965	33.	December 1, 1995	63.	March 3, 2010
4.	June 2, 1970	34.	February 19, 1996	64.	April 11, 2011
5.	July 1, 1970	35.	May 23, 1996	65.	April 18, 2011
6.	May 5, 1972	36.	August 23, 1996	66.	June 16, 2011
7.	August 1, 1974	37.	June 11, 1997	67.	September 1, 2011
8.	February 11, 1980	38.	August 5, 1998	68.	November 15, 2011
9.	December 11, 1982	39.	December 1998	69.	March 22, 2012
10.	September 27, 1983	40.	May 25, 1999	70.	June 14, 2012
11.	November 1, 1983	41.	December 22, 1999	71.	August 16, 2012
12.	November 1, 1984	42.	April 17, 2000	72.	January 11, 2013
13.	March 1, 1985	43.	June 2000	73.	February 06, 2013
14.	August 1, 1986	44.	June 20, 2001	74.	February 14, 2013
15.	September 22, 1987	45.	August 1, 2001	75.	April 19, 2013
16.	August 5, 1988	46.	December 12, 2001	76.	August 15, 2013
17.	February 11, 1990	47.	December 26, 2001	77.	November 14, 2013
18.	April 26, 1990	48.	July 10, 2002	78.	February 21, 2014
19.	June 25, 1990	49.	August 7, 2002	79.	June 19, 2014
20.	May 1991	50.	February 23, 2003	80.	July 30, 2014
21.	June 21, 1991	51.	March 12, 2003	81.	August 26, 2014
22.	May 19, 1992	52.	April 11, 2003	82.	February 26, 2015
23.	June 15, 1992	53.	August 15, 2003	83.	December 17, 2015
24.	January 1993	54.	November 20, 2004	84.	May 1, 2019
25.	July 15, 1993	55.	March 1, 2005	85.	September 1, 2019
26.	July 27, 1993	56.	June 1, 2005		
27.	September 28, 1993	57.	August 15, 2005		
28.	January 25, 1994	58.	October 1, 2005		
29.	February 14, 1994	59.	July 11, 2006		
30.	November 25, 1994	60.	September 19, 2007		

Town of Westbrook