# Town of Thomaston

# ZONING REGULATIONS

**First Adopted May 8, 1971**

**Revised Through October 26th, 2026**

## INTRODUCTION

The Planning and Zoning Commission is an eight (8) member Commission consisting of five (5) regular members and three (3) alternate members.

The Zoning Commission was established by an Ordinance adopted at a Town Meeting on February 9, 1970. The Planning and Zoning Commission was established by an Ordinance adopted at a Town Meeting on December 12, 1979.

The Zoning Regulations for the Town of Thomaston were adopted on April 28, 1971 by the Zoning Commission. The Zoning Regulations became effective May 8, 1971. In the table below is the Text Amendments that have been adopted since December 14th, 2005.

### ADOPTED TEXT AMENDMENTS TO THE ZONING REGULATIONS

| | Amendment | Effective Date |
|---|---|---|
| 1. | RA-80A Zone adopted December 7, 2005 | December 14, 2005 |
| 2. | Residential Modular Developments repealed May 3, 2006 | May 30, 2006 |
| 3. | Amended Article 4, Section 4.5, Schedule A, Part A.5 – In-Law Apartments | August 30, 2012 |
| 4. | Added Article 4, Section 4.5, Schedule A, Part E.6 – Temporary Events | March 26, 2013 |
| 5. | Added Article 4, Section 4.5, Schedule A, Part E.7 – Temporary Liquor Permits | April 24, 2013 |
| 6. | Amended Article 4, Section 4.5, Schedule A, Part A.13 – Accessory Apartments & Added Article 28 – Accessory Apartments | October 22, 2013 |
| 7. | Amended Articles 18-28 (Renumbered & Condensed into New Article 21 – Special Regulations); Also amended bonding & security language in these Sections. | February 2, 2015 |
| 8. | Added Article 21.10 Moratorium – Palliative Marijuana Production Facilities & Dispensaries | February 2, 2015 |
| 9. | Amended Article 5.8 – Setbacks for Pools and Attached Structures | January 23, 2016 |
| 10. | Added New Use Category to Article 4.5, Schedule A, Part C for new Commercial and Manufacturing Construction | January 23, 2016 |
| 11. | Amended Article 2 to add new Definitions for School, Public Building, Public Park, and Live Entertainment | February 23, 2016 |
| 12. | Amended Article 4, Section 4.5, Schedule A to add uses and allowed zones for Restaurants, Cafes, Taverns, Breweries, Brewpubs, and Live Entertainment. | February 23, 2016 |
| 13. | Amended Temporary Liquor Permit Regulations in Article 4, Section 4.5, Schedule A, Part E. | February 23, 2016 |
| 14. | Add new Article 21.5 regulating Alcoholic Beverage Permits | February 23, 2016 |
| 15. | Amended Article 4.5, Schedule A, Part C.22 for Adult-Oriented Establishments. | February 23, 2016 |
| 16. | Comprehensive Amendments to Article 21.6 – Adult-Oriented Establishments. | February 23, 2016 |
| 17. | Add new use category to Article 4.5, Schedule A, Part C for Massage Parlors. | February 23, 2016 |
| 18. | Amendments to Article 5 – Area, Location, and Bulk Standards for Rear Lots and Lot Access; Related Definitions added and amended in Article 2. | May 2, 2016 |

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| 19. | Add new Article 6.7 – Performance Standards, Outdoor Lighting | May 2, 2016 |
| 20. | Repeal Article 21.10 – Palliative Marijuana Moratorium and Add new Article 21.10 and 21.11 for Palliative Marijuana Producers and Distributors. | June 30, 2016 |
| 21. | Comprehensive Amendments to Article 2 – Definitions and Article 4.5, Schedule A, Part A for Agricultural and Farming Uses. | July 1, 2016 |
| 22. | Amendments to Article 13 – Nonconformities to Amend the Process for Certificates of Nonconformity, Changes in Nonconforming Uses, Extension and Enlargement of Nonconformities, and Combining of Nonconforming Lots. | July 1, 2016 |
| 23. | Amendments to Article 2 – Definitions – "Accessory Structure or Use", "Detached Structure", and "Attached Structure." | March 19, 2018 |
| 24. | Amendments to Article 4.5, Schedule A.5 – Accessory Apartments (formerly "In-Law Apartments"). | March 19, 2018 |
| 25. | Amendments to Article 4.5, Schedule A.17 – Mixed Use Residential Units (Formerly "Accessory Apartments") | March 19, 2018 |
| 26. | Amendments to Article 21.9 – Special Regulations – Mixed Use Residential Units (Formerly "Accessory Apartments") | March 19, 2018 |
| 27. | Add New Section 21.10 – Special Regulations – Accessory Apartments | March 19, 2018 |
| 28. | Amendments to Article 21.5 – Alcoholic Beverages – Add Manufacturing Permits for Beer & Manufacturer Permits for Brewpubs to "Type 4" Exempt Permits. | January 2, 2019 |
| 29. | Amendments to Article 4.5, Section C.11 – Breweries & Brewpubs – Add Language on Maximum Hours of Operation for Brewpubs. | January 2, 2019 |
| 30. | Amendments to Article 3.10.D – General Zone & District Definitions – Downtown Development District (DDD) to clarify purpose and intent of the DDD. | March 29, 2019 |
| 31. | Amendments to Article 21.7 – Commercial Telecommunications Facilities and Sites for General Cleanup & Reorganization and to Complement Proposed "Small Cells" Town Ordinance. | May 21, 2019 |
| 32. | Comprehensive Amendments to Article 21.1 – Earth Excavation & Mining | January 18, 2020 |
| 33. | Amendments to Section 4.5, Schedule A, Section 17.14, & Section 21.5 Pertaining to Temporary Outdoor Food & Alcoholic Beverage Service Post COVID-19. | May 20, 2020 |
| 34. | Amendments to Article 2 – Definitions & Article 15 - Amendments | June 8, 2020 |
| 35. | Add New Section 13.12 – Temporary Moratorium on Cannabis Establishments | June 5, 2021 |
| 36. | Six-Month Extension of Temporary Moratorium on Cannabis Establishments | November 3, 2021 |
| 37. | Comprehensive Reformatting; New Sections Pertaining to Stormwater Management, Solar Arrays, Special Permit Revocation Procedures, and Keeping of Commercial Vehicles on Residential Property; Amendments to Sections Regarding Erosion & Sedimentation Control, Signage, Accessory Apartments, Zoning Permits, Zoning Compliance, & Variances. | January 13, 2022 |
| 38. | Amendments to Sections 4, 6, & 13 Regarding Home Offices and Home-Based Businesses. | August 12, 2022 |
| 39. | Amendments to Section 11.4 & Section 13.5 Pertaining to Outdoor Food & Alcoholic Beverage Service Per PA21-2 §182. | August 12, 2022 |
| 40. | Amendments to Section 13.5 & 13.6 Regarding Separation Distance Measurement and Specialized Uses. | August 12, 2022 |

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| 41. | Delete Palliative Marijuana Regulations in §13.10 & 13.11 and Recreational Marijuana Moratorium in §13.12 and Replace with New §13.10 – Cannabis Establishments to Permit Cannabis Establishments in GC/M1/M2 Zones | September 1, 2022 |
| 42. | Amendments to Section 6.1 – Portable Food Trucks/Trailers/Carts & Add New Section 11.2.F – Reasonable Accommodations for Persons with Handicaps. | January 16, 2023 |
| 43. | Six Month Moratorium on Smoke Shops & Text Amendments to Section 4 Pertaining to Permitted Principal Uses in DDD | March 20, 2024 |
| 44. | Six Month Moratorium on Smoke Shops & Text Amendments to Section 4 Pertaining to Permitted Principal Uses in DDD | September 25, 2024 |
| 45 | Six Month Moratorium on Smoke Shops & Text Amendments to Section 4 Pertaining to Permitted Principal Uses in DDD | April 23, 2025 |
| 46 | Text Amendment in section 13.12 to allow Smoke Shops in all commercial districts. | October 20, 2025 |
| 47 | Text Amendment in section 13.13 to allow Short-Term Rentals in all districts. | November 26th, 2025 |
| 48 | Amendments to sections 5.3 Table of Bulk Regulations through Section 5.9 Setbacks for Unattached Accessory Buildings and Swimming Pools in Residential Zones | May 24th, 2026 |
| 49 | Food Truck Amendment, Connecticut Municipal Development Authority CMDA) Text Amendment, and State Mandated Changes based on Public Act (PA) 25-01. This includes section 4.1, sections 4.2, Residential Uses in Downtown Development District, Residential Uses in Commercial Zone, Section 5.3 Table of Bulk Regulations, Section 13.2 Multiple Dwelling Uses, 13.3 Housing for Elderly and Seniors, Section 13.8 Mixed-Use Residential Units, and a new section 13.14: Zoning Changes Mandated by Public Act 25-1. | July 20th 2026 |
| 50 | Text Amendment to allow Two-Families Homes in RA-80 and RA80A Zones and to allow Accessory Dwelling Units As-of Right (No Special Permit or Public Hearing required) in all Residential Zones Section 13.9. | October 26th, 2026 |

**Planning & Zoning Commission Members**

Tom Mueller Chairman

Briand Davis Vice-Chairman

Joe Hartz, Secretary

Patrick Hyres

Mike Clarizio

**Alternates**

William Guerrera

**Staff**

Land Use Administrator – Jeton Adili

Land Use Administrative Assistant – Rebekah McGray

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## ARTICLE 1 – GENERAL ZONING PROVISIONS

## 1.1 Authority

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

## 1.2 Purpose of Regulations

- Encouraging the most appropriate Use of land, in accordance with the Town Thomaston Plan of Conservation & Development.
- Conserving and stabilizing the value of property.
- Promoting the health, safety, and the general welfare.
- Regulating and determining size and location of yards.
- Providing adequate light and air.
- Securing safety from fire, panic, flood, and other dangers.
- Lessening congestion in the Streets.
- Facilitating adequate provisions for community utilities and facilities, such as transportation, water, sewerage, Schools, parks, and other public requirements.

**To carry out these purposes, these Regulations:**

- Designate, regulate, and restrict the location and Use of Buildings, Structures, and land for agriculture, residence, commerce, trade, industry, and other purposes.
- Regulate and limit the Heights, number of stories, and size of Buildings and other Structures hereafter erected or altered.
- Regulate and determine the size of yards and other spaces.
- Divide the Town into such zoning districts for said purposes as seem best suited.
- Provide for the enforcement of such Regulations.

## 1.3 Basic Requirements

No land or building shall be utilized or designated for use and no building shall be constructed, reconstructed, altered, enlarged, extended, or moved except in conformity with these Regulations.

Land shall not be subdivided, encumbered, conveyed, or sold so as to make the property nonconforming or more nonconforming to the Regulations. The use of any building shall not result in making it nonconforming or more nonconforming, reducing any setback, landscaping, open space, or off-street parking/loading spaces to less than what is required by the Regulations.

## 1.4 Permit Required

No building shall be enlarged, extended, constructed, reconstructed, altered, or moved without obtaining a Zoning Permit. No land or other building shall be used, occupied, or changed in use until a Zoning Permit has been approved by the Zoning Enforcement Officer.

## ARTICLE 2 - DEFINITIONS

Words used shall have the meanings commonly attributed to them. Doubts as to their meaning shall be resolved in accordance with the purpose and intent of these Regulations. Words are defined, explained, and interpreted as follows:

**2.1 Accessory Structure or Use:** A use or structure which is customarily subordinate and incidental to the principal use or structure on the same lot.

**2.2 Adult Oriented Business Establishments:** A business related to adult oriented entertainment, which includes but is not limited to bookstores, mini-motion pictures or motion picture theaters, cabaret, novelty businesses, or other personal service businesses.

**2.3 Agriculture (also Farming):** The cultivation of the soil, dairying, forestry, raising, or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, including horses, bees, poultry, fur bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other mulluscan shellfish or fish; (2) The operation, management conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; (3) The production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; (4) Handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

**2.4 Aquifer-Related Definitions**

**a. Aquifer:** A geological unit capable of yielding usable amounts of water commonly referred to as an underground water reservoir.

**b. Aquifer Protection District:** Primary and secondary recharge areas. The Aquifer Protection Map is on file in the Town Clerk and the Land Use Offices.

**c. Primary Recharge Area:** The area directly overlaying the stratified-drift aquifer.

**d. Secondary Recharge Area:** Land immediately adjacent to the primary recharge area from which groundwater moves down gradient into the aquifer.

**2.5 Boulevard:** Two (2) one-way traffic lanes constructed to Town standards and separated by a grassed or suitably landscaped media area.

**2.6 Building:** Any structure containing a room primarily intended for storage or shelter, housing, or for the enclosure of person, animals, or materials.

**2.7 Cellar:** The basement area of a Building. At least half of its unobstructed height must be below the finished grade of the land adjacent to the building.

**2.8 Commercial Vehicle**: A vehicle which is licensed as a commercial vehicle; bears business-related signage, contact information, and/or logos; and is regularly used in the conduct of a business, profession, or trade.

**2.9 Commission:** The Town of Thomaston Planning and Zoning Commission, unless otherwise noted.

**2.10 Convalescent Home** A home for the aged, rest home, nursing home with supervision or a home which cares for adults or children suffering from harmless chronic mental problems.

**2.11 Dwelling-Related Definitions**

**A. Dwelling:** Building containing one (1) or more dwelling units and used for residential purposes.

**B. Dwelling Unit:** A building attached to a permanent foundation and which provides complete housekeeping facilities for one family. In general, a dwelling unit shall be inferred when there is a sleeping area, a separate kitchen or kitchen area, and a separate bathroom or bathroom area with a toilet and a bathtub/shower. Lodging in a single room occupancy, hotel or motel shall not be considered a dwelling unit.

**C. Dwelling Unit, Accessory:** A secondary Dwelling Unit on a Single-Family residential property which is an Accessory Use to the Single-Family Dwelling Unit and is a complete independent living facility with provisions within the unit for cooking, eating, sanitation, and sleeping.

**D. Dwelling Unit, Multiple-Family:** A dwelling or group of dwellings on one (1) Lot, containing separate living units for four (4) or more Families, but which may have separate or joint entrances, services, or facilities. This definition includes condominiums, cooperatives, townhouses and garden apartments.

**E. Dwelling Unit, Single-Family:** A Building arranged, intended, or designed to be occupied by one (1) Family.

**F. Dwelling Unit, Three-Family:** A Building arranged, intended, or designed to be occupied exclusively as a residence for three (3) families living independently of each other.

**G. Dwelling Unit, Two-Family:** A Building arranged, intended, or designed to be occupied exclusively as a residence for two (2) families living independently of each other.

**2.12 Earth-Sheltered Building:** Building used for dwelling purposes having most of its floor-to-ceiling height below the finished level of the adjoining ground, provided that one of its longest sides is completely above the finished level of the ground and its windows equal to at least ten percent (10%) of its floor area.

**2.13 Erosion-Related Definitions**

**A. Certification:** A determination that the sediment and erosion control plan complies with all requirements and is approved by the Planning & Zoning Commission.

**B. Disturbed Area:** An area in which the existing ground cover has been removed, destroyed, or disturbed, leaving the land vulnerable to accelerated erosion.

**C. Earth-Disturbing Activities:** Any activity or use of the land that results in a change in the natural cover or topography, and that may cause or contribute to erosion and sedimentation.

**D. Erosion:** The movement of soil or rock by ice, water, wind, or gravity.

**E. Erosion, Accelerated**: Any increase over the rate of natural erosion as a result of earth disturbing activities.

**F. Sediment:** Mineral or organic material which is in suspension or in the process of moving by means of erosion.

**G. Sedimentation**: The process of transporting sediment from its site of origin and/or forming of silt or other sediment due to earth-disturbing activities.

**H**. **Soil:** Any unconsolidated mineral or organic material of any origin.

**I. Soil Erosion and Sediment Control Plan:** A plan containing a map and a narrative designed to minimize erosion and sedimentation.

**2.14 Family:** One (1) or more related individuals, but not more than five (5) unrelated individuals, living as a housekeeping unit.

**2.15 Farm:** Land of not less than two (2) acres used partly or wholly for agricultural or farming purposes including: farm buildings and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures, other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. Such uses shall follow standard farming practices and regulations as outlined by the State of Connecticut Department of Agriculture, the State of Connecticut Department of Energy and Environmental Protection, and the State of Connecticut Department of Public Health.

**2.16 Firing Range: A** place where one (1) or more persons gather to discharge firearms from a designated firing point to a target area.

**2.17 Floor Area:** The heated interior accessible from the ground floor. Cellar space is not included.

**2.18 Floor Area, Maximum:** To compute the floor area, measurements shall be taken from the outside surfaces of exterior walls enclosing the floor area.

**2.19 Free Split (Also First Cut):** A first division of a piece or parcel of land, or a lot of record after May 21, 1956 into no more than two (2) lots that comply with existing zoning regulations at the time of filing of a survey map and a duly recorded deed in the office of the Town Clerk. Free splits shall require a mylar map signature from the Zoning Enforcement Officer or Planning and Zoning Commission Chairman prior to filing to ensure compliance with Regulations, but shall not require subdivision approval from the Planning and Zoning Commission.

**2.20 Freight and Materials Trucking Facility/Freight and Trucking Terminal**

Establishment primarily engaged in the trans-shipment of goods from shippers to receivers for a charge, covering the entire transportation route and in turn, making use of the services of other transportation establishments in effecting deliveries. Terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail-to-truck and truck-to-air. Such facilities may have onsite storage of materials and containers. Any site which generates more than three (3) trips within a twenty-four (24) hour period is considered a Freight and Materials Trucking Facility a.k.a. a Freight and Trucking Terminal.

**2.21 Hotel/Motel:** A building which has a common entrance and/or a main office with several common entrances and contains living and sleeping accommodations for rent for ten (10) or more persons.

**2.22 Height:** Vertical distance measured from the average elevation of the finished grade to the highest point of the building.

**2.23 Inspection:** The periodic review of sites, Buildings, and Uses for compliance with these Regulations in general and for approved plans in particular.

**2.24 Home-Based Business Definitions**

**A. Contractor Shop and Storage, Residential Accessory Use:** An Accessory Use of a Lot containing a Single-Family Dwelling Unit used for a contractor or Building tradesperson who conducts his or her trade primarily away from the Dwelling Unit. This shall include but is not limited to plumbers, electricians, carpenters, excavators, landscapers, arborists, and similar occupations.

**B. Home Office:** The Use of a Dwelling Unit for conducting occasional business Use as part of employment typically occurring elsewhere.

**2.25 Junk Yard:** Includes motor vehicle junk businesses and junk yards as defined in the Connecticut General Statutes. Also included are places of storage, whether or not connected with a business, for two (2) or more unregistered vehicles which are no longer in condition for legal use on the public highways. Storage of motor vehicle parts, metal, glass, paper, and waste materials, which have an aggregate bulk equal to one (1) automobile.

**2.26 Keeping of Animals**

**A. Commercial Stable:** A Building or property for the shelter and feeding of horses, including associated riding rings, in which horses owned and/or used by someone other than the occupant or owner of the property are boarded and/or used for shows, lessons, clinics, and similar activities.

**B. Kennel:** Any property on which six (6) or more dogs, cats, or similar animals over six (6) months old are kept. Licensed and permitted veterinary facilities or animal rehabilitation facilities shall not be defined as a kennel.

**C. Livestock, Large:** Any camelid or hooved animal over six (6) months old raised for domestic or commercial use having a typical adult weight of greater than 250 pounds. This includes, but is not limited to, cattle and horses.

**D. Livestock, Small:** Any camelid or hooved animal over six (6) months old raised for domestic or commercial use having a typical adult weight of less than 250 pounds. This includes, but is not limited to, sheep and goats.

**E. Poultry**: Any species of domestic fowl, including but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds raised for food production, breeding, exhibition, or sale.

**F. Swine**: Any artiodactyl mammal of the family Suidae, particularly Sus scrofa (domestic pig), typically having a long head with a movable snout and raised for food production, breeding, exhibition, or sale.

**2.27 Live Entertainment**: Any one (1) or more of the following, performed live by one (1) or more persons, whether or not performed for compensation and whether or not admission is charged: musical act (including karaoke), theatrical act (including stand-up comedy), play, revue, dance, magic act, disc jockey, or similar activity. Live adult entertainment shall conform to the definitions and regulations of Article 13.6.

**2.28 Lot-Related Definitions:**

**A. Lot"** A single, undivided piece or parcel of land which is to be used, developed, or built upon as a unit. The terms "piece", "parcel", or "lot" shall have the same meaning for the purpose of these Regulations.

**B. Lot of Record**: A contiguous piece or parcel of land described by survey, subdivision plan, or duly recorded deed in the land records of the Town Clerk's Office. The lot can be used, developed, sold, or rented as a single piece in conformity with these Regulations.

**C. Lot Area:** The total area within the lot lines of a Lot of Record, excluding any street rights-of-way.

**D. Lot Frontage:** The length measured along that side of a lot abutting on a public street.

**E. Lot Line:** A line bounding the area of a Lot of Record.

**F. Front Lot Line:** The lot line separating a lot from a street right-of-way. The term "street line" shall have the same meaning for the purpose of these Regulations.

**G. Lot Width:** The horizontal distance between the side lot lines of a lot, measured in a straight line at but not in front of the required front yard setback line.

**H. Corner Lot:** A lot situated at the intersection of two (2) or more streets, or which abuts two parts of the same street forming an interior angle of less than 135 degrees.

**I. Interior Lot:** A lot which abuts only one street.

**J. Rear Lot:** A lot that lacks the required frontage on an accepted street as required in Schedule B and as further described in §5.4 of these Regulations.

**K. Through Lot:** A lot having both front and rear yards abutting on a street.

**2.29 Modular Dwelling Unit:** A dwelling assembled in sections on a permanent foundation. The unit shall not be equipped with axles, wheels, or a trailer hitch. This includes units transported with or without a wheeled chassis and which was constructed after June 15, 1976.

**2.30 Outdoor Wood-Fired Boiler:** An accessory structure also known as an outdoor wood-fired furnace, outdoor wood-burning appliance, outdoor hydronic heater, water stove, or another such similar device. A fuel burning device that is: (1) designed to burn clean wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; (3) which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

**2.31 Public Building:** A building typically open to the general public for routine public business and assembly and owned by the Town, State, or federal government. Typical examples include, but are not limited to, public schools, the Town Hall and public library, but do not include limited access buildings such as, but not limited to, Fire Department buildings, Ambulance Corps, or Highway Department buildings.

**2.32 Public Park:** Public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, swimming pool, athletic field, golf course, basketball or tennis court, pedestrian or bicycle path, open space, or similar public land within the Town that is under the control, operation, or management of the Town, State, or federal government.

**2.33 Recreational Vehicle:** A self-driven vehicle which is intended primarily for office work, temporary living quarters, or recreational purposes and which is not fixed to a permanent foundation.

**2.34 Rooming House/Tourist Home:** A residential unit in which sleeping accommodations for more than three (3) individuals and less than ten (10) persons are rented per diem, weekly, monthly, or for extended periods of time.

**2.35 School** Any public, private, or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges, and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

**2.36 Seasonal Vendors**

Farm stands permitted in residential zones. In business zones the following applies: Accessory uses may include seasonal or special sales events provided that the special sales events occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of fourteen (14) consecutive calendar days. Such sales events are characterized as “sidewalk sales”, “Christmas tree sales”, “holiday plant sales”, “grand opening”, “tent sales”, and similar. Tent sales are limited to not-for-profit and community groups.

Such accessory uses may be conducted provided that:

1. It is conducted by the owner(s) of the premises on which the principal use(s) or business(es) are located.
2. It is conducted on the premises on which the principal use(s) or business(s) are located.
3. It is conducted during normal and reasonable business hours.
4. The accessory use may use the street yard area, but shall in no way encroach on any other yard requirement or on any road right-of-way.
5. The accessory use and/or temporary shelter or display fixtures shall be placed in such a manner as not to obstruct any vehicular or pedestrian access or egress, or any parking or loading space required by these Regulations. The use shall be subject to review and direction of the Zoning Enforcement Officer to assure that the aforesaid provisions are met.

**2.37 Self-Service Storage Facility:** A Building or group of Buildings divided into separate compartments which are leased or rented individually to meet the temporary storage needs of small businesses or residential Uses, and may include refrigerated facilities.

**2.38 Sign-Related Definitions**

**A. Sign:** A name, identification, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign for the purpose of these Regulations. Each display surface of a sign or sign face shall be considered a sign.

**B. Sign Face:** The entire display surface area of a sign upon, against, or through which copy is placed.

**C. Sign Area:** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

**D. Electric Sign**: Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

**E. Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use and specifically including Signs that scroll, alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind. For the purpose of these Regulations, any moving illuminated sign, except Digital Billboards and time and/or temperature signs shall be considered a flashing sign.

**F. Freestanding Sign:** A sign erected and maintained on a freestanding frame, mast, or pole not attached to any Building and not including Ground-Mounted Signs.

**G. Government Sign:** A sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner's rights.

**H. Ground-Mounted Sign:** A sign which extends from the ground or has support which places the bottom of the sign less than two (2) feet from the ground.

**I. Integral Sign:** A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

**J. Marquee Sign:** A canopy or covering structure bearing a signboard or copy projecting from and attached to a Building.

**K. Outdoor Advertising Sign (Also Off-Premises Sign)**: A sign which advertises goods, products, or services which are not sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.

**L. Portable Sign:** Any structure without a permanent foundation or otherwise permanently attached to a fixed location which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

**M. Projecting Sign:** A sign, other than a Wall Sign, which projects from and is supported by a wall of a Building or Structure.

**N. Roof Sign:** A sign located on or above the roof of any Building, not including false mansard roof, canopy, or other fascia.

**O. Temporary Sign:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the Zoning Enforcement Officer to be displayed for a limited period of time.

**P. Flat Wall (Façade-Mounted) Sign:** A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any Building and which projects from that surface less than twelve (12) inches at all points.

**Q. Digital Billboard:** A sign that is static and changes messages by any electronic process or remote control.

**R. Vehicle Sign:** Any sign attached to or displayed on a vehicle.

**2.39 Small Water Company:** Any person, company, or corporation owning, operating, leasing, or controlling a water distribution system designed to provide service to fifteen (15) to two hundred fifty (250) service connections or twenty-five (25) to one thousand (1,000) persons on a regular basis.

**2.40 Solar-Related Definitions**

A. **Photovoltaic System (Also Photovoltaic Installation):** An Active Solar Energy System that converts solar energy directly into electricity.
B. **Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
C. **Solar Collector:** A device, structure, or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
D. **Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
E. **Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
F. **Active Solar Energy System:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
G. **Ground-Mounted Solar Energy System:** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (Small- or Large-Scale).
H. **Large-Scale Solar Energy System:** An Active Solar Energy System that occupies more than 1,750 square feet of surface area (equivalent to a Rated Nameplate Capacity of more than 15kW DC).
I. **Roof-Mounted Solar Energy System:** An Active Solar Energy System that is structurally mounted to the roof of a Building or Structure; may be of any size (Small- or Large-Scale).
J. **Small-Scale Solar Energy System:** An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a Rated Nameplate Capacity of about 15kW DC or less).

**2.41 Stormwater Management-Related Definitions**

**A. Development: Any** construction activity, grading activity, or other man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, clearing and grubbing, paving, excavation or drilling operations.

**B. Impervious Surface:** Typically artificial surface that does not allow the penetration or infiltration of precipitation, such as concrete, asphalt (bituminous concrete), brick, stone, or lattice pavers, etc., including, but not limited to, pools, roof tops, paved and gravel driveways, paved and gravel parking areas, tennis courts, sport courts, basketball courts, decks (with less than a 1/8" gap between planks or located over an impervious surface), and all other surfacing that is considered impenetrable to precipitation.

**C. Impervious Surface Ratio:** The area of a lot covered by impervious surfaces divided by the total area of the lot.

**D. Low-Impact Development:** A site design strategy intended to maintain or replicate pre-development hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible.

**E. Pervious Surface (Also permeable, semi-pervious, or porous):**Typically, artificial surface that allows penetration or infiltration of precipitation either around the paving material or through the material itself, such as brick, stone, or lattice pavers, and porous concrete and asphalt (bituminous concrete), decks (wood or composite and provided the separation between the planks is greater than 1/8"and the ground below is not impervious). In addition, vegetated green roofs (having a minimum of 3" of soil medium), lawns, forests, gardens, and any other more natural surfaces considered pervious to precipitation.

**F. Stormwater Management Plan:** A plan describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

**G. Stormwater Runoff:** Above-ground water flow resulting from precipitation or snowmelt.

**H. Stormwater Treatment Practice:** Devices constructed for primary treatment, pretreatment or supplemental treatment of stormwater.

**I. Wetlands:** As defined in CGS 22a-38 as may be amended. (Land, including submerged land, ... which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture).

**2.42 Street-Related Definitions**

**A. Street:** An approved street shown on a subdivision map recorded in the Town Clerk's Office prior to May 21, 1956. Streets must be built to specifications and approved by the Board of Selectmen.

**B. Street Right-of-Way:** The area of property between opposing street lines that is owned and maintained by the Town and also includes rights-of-way shown on a map of an approved subdivision, whether or not the streets within such subdivision have yet been accepted by the Town. The right-of-way includes both the portion of the street as well as the area outside the pavement as is required for traffic signs, sidewalks, etc.

**2.43 Structure:** Anything constructed or erected including, but not limited to, the use of which requires:

- location on, in, or underground or water,
- attachments to something having location on the ground or water

Including, but not limited to: buildings, swimming pools, tennis courts, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicapped ramps, signs, permanent awnings, a gas or liquid storage tank that is principally above ground, ground mounted antennas, ground mounted solar panels and satellite dishes, and fences or walls more than six (6) feet high, other than retaining walls.

**2.44 Structure, Attached:** A structure which is connected to the principal structure by a covered passageway or having a wall or part of a wall in common with the principal building shall be considered an integral part of the principal building and be governed by the requirements in Schedule B. A covered passageway shall: (1) have a similar appearance to the primary structure and (2) be entirely enclosed and capable of human passage and (3) shall not exceed one fifth the longest side of the principal structure nor exceed the longest side of the accessory structure to be connected, whichever is less.

**2.45 Structure, Detached:** A structure which does not share a common wall with a principal structure or has a covered passageway which does not meet the requirements herein as an Attached Structure.

**2.46 Trailer:** A vehicle designed to be transported by motor power, which is not permanently secured to a foundation, which may be used for human habitation or recreational purposes. Also includes mobile homes not secured to a permanent foundation, camping and utility trailers, boats, and recreational vehicles.

**2.47 Wind Energy Conversion System:** A device which converts wind energy to mechanical or electrical energy. Tower height shall not exceed one hundred (100) feet provided the distance between the ground and the lower point of any blade shall be fifteen (15) feet. Setback from property lines or public easements shall be equal to one point five (1.5) times the height of the unit.

**2.48 Yard-Related Definitions**

**A. Yard:** An open space between a lot line and the nearest facing wall of a building on the same lot, unoccupied and unobstructed from the ground to the sky by buildings or structures, except as specifically permitted by these Regulations.

**B. Front Yard:** An open space extending across the full width of a lot and lying between the street line of the lot and the nearest facing wall of a principal building on the same lot. A front yard abuts the street on which the property is addressed according to the Town of Thomaston Assessor's Office.

**C. Side Yard:** An open space parallel to a side lot line, extending from the front yard setback line to the rear yard setback line and lying between the side line of the lot and the nearest facing wall of a principal building on the same lot.

**D. Rear Yard:** An open space extending across the full width of a lot and lying between the rear lot line of the lot and the nearest facing wall of a principal building on the same lot.

**E. Required Yard (also Setback Area):** An open space between a lot line and the permitted buildable area within which no structure shall be located except as specifically permitted by these Regulations.

## ARTICLE 3 – DISTRICTS AND ZONES

### 3.1 Classification of Zoning Districts

Thomaston is comprised of the following zoning districts. The symbol, title, and square footage for each zone is as following:

| Zone/Symbol | Title | Minimum Square Footage |
|---|---|---|
| RA-80A | Residential | 80,000 |
| RA-80 | Residential | 80,000 |
| RA-15 | Residential | 15,000 |
| GC | General Commercial | 15,000 |
| M-1 | Manufacturing Light | 15,000 |
| M-2 | Manufacturing Heavy | 15,000 |

### 3.2 General Zone and District Definitions

**A. General Commercial (GC):** Provides for commercial activities in the central business district and along the major arterials. Uses may require Commission review regarding their impact on parking, vehicular traffic patterns, and pedestrian traffic.

**B. Manufacturing Light Zone (M-1):** Provides for transportation, distribution, wholesale and warehouse facilities in a low-density park-like atmosphere. Uses shall be located near major arterials capable of accepting an increase in vehicular traffic. Manufacturing uses may be developed near mixed use residential areas provided they are adequately screen and noise buffered. Uses include those which create minimal levels of noise, air and water pollution, and are generally involved in secondary or tertiary manufacturing, processing, assemblies, packaging, fabrication, and treatment of goods or merchandise.

**C. Manufacturing Heavy Zone (M-2):** Provides suitable locations for heavy industrial uses and open storage of goods, materials, earth excavation and mining operations. Heavy traffic generating commercial activities are permitted. Sites shall be located near Route 8, major arterials, or mixed-use areas and away from high-density residential neighborhoods.

**D. Residential Zones:** Residential property shall be capable of accommodating the buildable square as required in Schedule B. The square shall not contain any wetlands or watercourses or the required fifty (50) foot setback or predevelopment slopes in excess of twenty five percent (25%). Developments in the RA-80A zone shall not be required to double the square footage for interior lots.

### 3.3 Overlay Zone Definitions

**A. Flood Plain District:** District overlaps other zones. Boundaries and other requirements are specified in Article 7.1.

**B. Aquifer Protection District:** District overlaps other zones. Boundaries and other requirements are specified in Article 7.2.

**C. Downtown Development District:** As the "Town Center" of the Town of Thomaston, the Downtown Development District overlay zone (DDD) is identified as the commercial, governmental, historic, and cultural center of the Town, and as such has been determined by the Town's Planning and Zoning and Economic Development Commissions as having distinct characteristics in contrast with the General Commercial Zone, meriting an independent plan and regulations for its future design and development. It is the intent of the Commission to preserve and promote commercial, governmental, historic, and cultural assets and business growth by reviewing significant developments and changes in use including, but not limited to, renovation, alteration, construction, and to determine compliance with the Regulations, the Plan of Conservation and Development, and the Town Center Plan. Some of the permitted uses listed in Article 4 may be appropriate in other commercial areas in the community, but they may not complement existing uses within the DDD. Therefore, the Commission encourages building designs and plans in the DDD which will be pedestrian friendly, enhance visual integrity, municipal character, and promote community development and historic identity.

**3.4 Zoning Map:** The boundaries for all zones are shown on the Zoning Map. The map is on file with the Town Clerk and in the Building & Land Use Office.

**3.5 Zone Boundaries Along Right-of-Way:** If a zone boundary follows a railroad, street, or right-of-way, the boundary shall be considered the center line of the street, right-of-way or midway between the railroad tracks.
**3.6 Map Dimensions:** If no linear dimension is indicated on the Zoning Map, the Commission shall determine the location of the boundary using the map scale.
**3.7 Physical Markers:** If a boundary is determined by a street, highway, railroad, or other physical monument which varies from what is shown on the Zoning Map, the physical monument/marker shall control.
**3.8 Sewer and Public Water Supply Requirements:** Property located in an RA-15 residential zone shall be served by public sewer and water supplies; however, property in excel of one (1) acre in an RA-15 zone may be served by well and septic providing such use is authorized by the Health District.
**3.9 Scope of Controls:** After the effective date of these Regulations, all new construction, development, change, enlargement, relocation, use, structural alteration of a building, use or change in bulk shall conform to Schedule B. Non-conforming uses and bulk may continue pursuant to other requirements in Schedule B.

## ARTICLE 4 – PERMITTED USES BY ZONE/DISTRICT

### 4.1 Permitted Uses in Residential Zones

The following uses are permitted or prohibited in accordance with the following procedures:

| | | |
|---|---|---|
| **LEGEND** | **A** | Allowed without a permit. |
| | **ZP** | Requires Zoning Permit. |
| | **R** | Requires Site Plan Review. |
| | **P** | Requires Special Permit Approval. |
| | **N** | Not permitted in that zone. |

# A. Permitted Principal Uses and Structures

## 1. Residential Uses

| | USE: | RA-15 | RA-80 | RA-80A | REFER T |
|---|---|---|---|---|---|
| **1.** | **Single Family Dwelling Units** | **ZP** | **ZP** | **ZP** | |
| **2.** | **Two (2) Family Dwelling Units**<br>Units shall be served by city sewer and water or Approval from Torrington Area Health for Septic Systems and Wells. **Where there is a sewer connection available, there shall be no septic systems.* | **ZP** | **ZP** | **ZP** | |
| **3.** | **Three (3) Family Dwelling Units**<br>Units shall be served by city sewer and water or Approval from Torrington Area Health for Septic Systems and Wells. **Where there is a sewer connection available, there shall be no septic systems.* | **ZP** | **N** | **N** | |
| **4.** | **Multiple-Family Dwelling Units**<br>Buildings with four (4) units or more shall conform to the Requirements of Article 13.2. | **P** | **N** | **N** | **§13.2** |

## 2. Agricultural Uses

| | USE: | RA-15 | RA-80 | RA-80A | REFER T |
|---|---|---|---|---|---|
| **1.** | **Farming** | **A** | **A** | **A** | |
| **2.** | **Commercial Stables/Riding Academies**<br>A minimum of five (5) acres is required.<br>Land, buildings, and other structures may be permitted by the Planning & Zoning Commission for commercial use involving riding academies, livery and boarding stables, animal and convalescent stables, rental and hacking stables, and private club riding stables providing the following standards or conditions are met:<br>(1) Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property;<br>(2) Roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on the public street or highway;<br>(3) Sanitary facilities shall be provided in accordance with local health requirements for normal operations;<br>(4) Adequate perimeter fencing shall be installed and maintained to reasonably contain the horses within the property;<br>(5) Fire control facilities for the barns, buildings, and other facilities used for normal operations shall be acceptable to the Fire Marshal;<br>(6) Riding rings and corrals shall follow the setback requirements in Schedule B, and shall be a minimum of fifty (50) feet from any property line in residential zones; and<br>**(7)** Buildings and structures shall comply with the requirements of Section 4.1.B.3. | **P** | **P** | **P** | |
| **3.** | **Commercial Nurseries/Greenhouses**<br>The minimum lot size shall be two (2) acres.<br>All greenhouses, hoop houses, sheds, and other buildings or covered structures related to the growing and selling business shall be used in the calculation of permitted lot coverage.<br>All greenhouses and nursery buildings shall follow the setback requirements in Schedule B and shall be a minimum of fifty (50) feet from any property line in residential zones.<br>The Commission may require screening of display, sales, or parking areas from abutting properties.<br>Parking spaces shall be required based on floor area of all designated display areas and commercial greenhouse space as a retail use. | **P** | **P** | **P** | |

## 3. Community Facility and Service Uses

| | USE: | RA-15 | RA-80 | RA-80A | REFER T |
|---|---|---|---|---|---|
| 1. | **Municipal Facilities**<br>Includes all buildings, land, and recreational facilities owned and operated by the Town of Thomaston. | R | R | R | |
| 2. | **Meeting Facilities**<br>Places of worship, libraries, community centers, and charitable institutions. | P | P | P | |
| 3. | **Reservoirs and Water Tower Units** | P | P | P | |
| 4. | **Cemeteries** | P | P | P | |
| 5. | **Recreation Facilities**<br>Includes all non-municipal facilities. | P | P | P | |
| 6. | **Convalescent Hospitals**<br>Minimum lot size shall be ten (10) acres in the RA Zones.<br>Vegetative buffers shall be provided along the rear and side lines.<br>Hospitals shall be located a minimum of two hundred (200) feet from any property line in the RA Zones. | P | P | P | |
| 7. | **Public Utilities**<br>Public utility and railroad rights-of-way shall be designed to be in character with the surrounding neighborhood. | R | R | R | |
| 8. | **Small Water Companies**<br>Companies which provide service to less than two hundred fifty (250) connections or one thousand (1,000) persons shall submit a water supply construction or expansion plan as required by the General Statutes. A Certificate of Public Convenience shall also be submitted. | R | R | R | |
| 9. | **Ground-Mounted Large-Scale Solar Energy Systems (SESs)** | P | P | P | §13.13 |

## 4. Other Uses

| | USE: | RA-15 | RA-80 | RA-80A | REFER TO: |
|---|---|---|---|---|---|
| 1. | **Recreation Camps**<br>Camps shall contain at least ten (10) acres and no more than nine (9) sites per acre.<br>Interior roads shall be capable of handling large recreational vehicles in a safe and efficient manner. Roadways within the site shall be dustless, graded, and well-drained. Minimum road width shall be twelve (12) feet for one-way and twenty-two (22) feet for two-way traffic.<br>All parking shall be off-street.<br>Recreational vehicles, camp sites, and structures, other than the unit occupied by the owner/caretaker, may not be situated any closer than two hundred (200) feet from the front property line or one hundred (100) feet from the side or rear property lines.<br>Campgrounds shall conform to any applicable health codes from the State of Connecticut or the Torrington Area Health District. | P | P | P | |
| 2. | **Radio/Television Towers**<br>The base shall be located one point five (1.5) times the height of the tower away from any property line or town-accepted street or associated street rights-of-way.<br>Wires supporting the tower shall be placed at least one hundred (100) feet from any property line, easement, or street line. | P | P | P | |

**B. Permitted Accessory Uses and Structures: Accessory uses are usually associated with or incidental to a permitted use in a residential zone. Uses shall not significantly change or alter the characteristics of the neighborhood. Residential accessory uses are permitted in the GC, M1, and M2 Zones providing the primary use of the property is for residential purposes.**

| | USE: | RA-15 | RA-80 | RA-80A | REFER TO: |
|---|---|---|---|---|---|
| 1. | **Accessory Dwelling Units** | ZP | ZP | ZP | §13.9 |
| 2. | **Roadside Farm Stands**<br>Seasonal or permanent stand for the display and sale of farm produce, substantially all of which has been grown on-premises or supplemented from Connecticut farms.<br>Stands shall be a maximum of two hundred fifty (250) square feet and shall be a minimum of ten feet from any property line. | R | R | R | |

| | | | | | |
|---|---|---|---|---|---|
| | A minimum of one off-street parking space consisting of a dustless (stone, gravel, paved, or similar) surface shall be provided for each fifty (50) square feet of farm stand floor area.<br>Entrances/exits requiring new curb cuts shall conform to the Town Driveway Ordinance.<br>A permanent farm stand may be established within a farm barn or other similar building designed and used for farm purposes upon site plan approval from the Commission. | | | | |
| **3.** | **Agricultural Buildings and Accessory Structures**<br>Buildings for housing of livestock as well as greenhouses and nursery buildings intended for commercial farming uses shall be a minimum of fifty (50) feet from any property line.<br>Non-livestock structures less than two hundred (250) square feet shall follow guidelines for accessory structures. | **ZP** | **ZP** | **ZP** | |
| **4.** | **Large Livestock**<br>The first head of large livestock requires two (2) acres. Another half (1/2) acre is required for each additional animal, up to five (5) acres.<br>Properties of over five (5) acres shall be exempt from livestock density restrictions.<br>Acreage where the livestock roam shall be usable land, free from slopes over twenty-five percent (25%), significant bedrock outcrops, and other natural and physical features.<br>Fencing shall be required on the perimeter of all livestock grazing and roaming areas. | **R** | **R** | **R** | |
| **5.** | **Small Livestock**<br>The first head of small livestock requires one (1) acre. Another half (1/2) acre is required for each additional animal, up to five (5) acres.<br>Properties of over five (5) acres shall be exempt from livestock density restrictions.<br>Acreage where the livestock roam shall be usable land, free from slopes over twenty-five percent (25%), significant bedrock outcrops, and other natural and physical features.<br>Fencing shall be required on the perimeter of all livestock grazing and roaming areas. | **R** | **R** | **R** | |
| **6.** | **Poultry and Small Animals**<br>Poultry shall be contained within the subject property by a suitable enclosure or barrier and to the rear of the primary dwelling.<br>Roosters shall not be allowed on any property less than two (2) acres in size, and must be kept a minimum of fifty (50) feet from any property line.<br>No more than ten (10) such animals shall be kept on any property less than two (2) acres in size. | **R** | **R** | **R** | |
| **7.** | **Swine**<br>Swine shall be contained in an enclosure or "pigsty" and such enclosure shall be three hundred (300) feet from any adjacent residential dwelling, with the exception of the dwelling of the applicant. | **R** | **R** | **R** | |
| **8.** | **Beekeeping**<br>Apiaries shall be maintained in moveable frame hives or boxes a minimum of 25 feet from any property line, at a density of no more than 2 colonies for each ¼ acre of property. | **R** | **R** | **R** | |
| **9.** | **Kennels**<br>Properties require a minimum of two (2) acres and shall conform to the Regulations of the Connecticut Department of Agriculture and the Connecticut Department of Public Health.<br>Kennel buildings or enclosures shall be no less than 50 feet from any property line. | **P** | **P** | **P** | |
| **10.** | **Bed & Breakfast/Tourist Homes** | **P** | **P** | **P** | |
| **11.** | **Group Day Care Home**<br>Service is provided to seven (7) or more, but less than twelve (12) children by a provider licensed by the State of Connecticut. | **R** | **R** | **R** | |
| **12.** | **Family Day Care Home**<br>Service is provided for six (6) or fewer children, including the provider's, between three (3) and twelve (12) hours a day. | **R** | **R** | **R** | |
| **13.** | **Amateur Communication Towers**<br>Towers shall be located in rear yards or directly attached to the primary structure.<br>Freestanding towers are exempt if the height of the mast does not exceed forty-five (45) feet. Towers in excess of forty-five (45) shall conform to the requirements of Radio/Television Towers. | **P** | **P** | **P** | |
| **14.** | **Home Office** | **ZP** | **ZP** | **ZP** | **§6.5** |
| **15.** | **Home-Based Businesses** | | | | **§13.4** |
| | Home Occupations | **P** | **P** | **P** | **§13.4.D** |

| | | | | | |
|---|---|---|---|---|---|
| | Accessory Contractor Shop & Storage | **P** | **P** | **P** | **§13.4.E** |
| **16.** | **Residential Accessory Structures**<br>Includes but is not limited to greenhouses, swimming pools, tool and storage sheds, garages, tennis courts, and barns. | **ZP** | **ZP** | **ZP** | |
| **17.** | **Residential Accessory Storage**<br>Includes the exterior storage of trailers, boats, or recreational vehicles in rear yards. | **A** | **A** | **A** | |
| **18.** | **Solar Energy Systems (SES)** | | | | **§6.4** |
| | Roof-Mounted Small-Scale Solar Energy Systems | **A** | **A** | **A** | |
| | Ground-Mounted Small-Scale Solar Energy System | **ZP** | **ZP** | **ZP** | |
| **19.** | **Keeping of Commercial Vehicles on Residential Property** | | | | **§6.3** |
| | First Class 1-5 Commercial Vehicle | **A** | **A** | **A** | |
| | 2nd Class 1-5 Commercial Vehicle | **ZP** | **ZP** | **ZP** | |
| | Class 6 or higher Commercial Vehicle(s) | **P** | **P** | **P** | |
| **20.** | Short Term Rentals | **P** | **P** | **P** | |

### C. Permitted Temporary Uses and Structures

| | USE: | RA-15 | RA-80 | RA-80A | REFER TO: |
|---|---|---|---|---|---|
| **1.** | **Buildings and Structures**<br>Permits are valid for one (1) year. They may be extended for periods of one (1) year after inspection by the Zoning Enforcement Officer. | **ZP** | **ZP** | **ZP** | |
| **2.** | **Trailers, Motor/Mobile Homes**<br>One (1) trailer, motor or mobile home is permitted per lot whenever construction of a residential single-family dwelling is underway and zoning and building permits have been issued.<br>Occupants must be the owners of the property or related by blood, marriage, or adoption.<br>Approval is limited to one (1) year and is not renewable. | **ZP** | **ZP** | **ZP** | |
| **3.** | **Christmas Tree Sales**<br>Maximum length of sales and display shall not exceed forty-five (45) days. | **ZP** | **ZP** | **ZP** | |
| **4.** | **Temporary Events** | **P** | **P** | **P** | **§6.3** |
| **5.** | **Temporary Liquor Permits** | **P** | **P** | **P** | **§13.5** |

## 4.2 Permitted Uses and Structures in Commercial and Manufacturing Zones

**A. Permitted Principal Uses:** The following uses are permitted or prohibited in accordance with the following procedures:

| | | |
|---|---|---|
| **LEGEND** | **A** | Allowed without a permit. |
| | **ZP** | Requires Zoning Permit. |
| | **R** | Requires Site Plan Review. |
| | **P** | Requires Special Permit Approval. |
| | **N** | Not permitted in that zone. |

### 1. Commercial and Manufacturing Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Retail & Service Providers**<br>Buildings where goods are sold or services provided, primarily at retail. Temporary sidewalk sales are exempted.<br>*****Smoke Shops & Cannabis Establishments are NOT included in this section***** | **R** | **R** | **R** | **R** | |
| **2.** | **Business/Professional Office** | **R** | **R** | **R** | **R** | |
| **3.** | **Banks/Financial Institutions** | **R** | **R** | **R** | **R** | |
| **4.** | **Funeral Parlors** | **R** | **R** | **R** | **R** | |
| **5.** | **Dry Cleaning and Laundromats** | **P** | **R** | **P** | **P** | |
| **6.** | **Hotels and Motels**<br>▪ Property shall contain a minimum of eighty thousand (80,000) square feet and two thousand (2,000) square feet per building.<br>▪ Each unit shall be no less than two hundred seventy-five (275) square feet.<br>▪ The facility shall be served by city sewer and water.<br>▪ Front and rear yard setbacks shall be seventy-five (75) feet; side yard setbacks shall be fifty (50) feet. | **P** | **P** | **P** | **P** | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | ▪ Cooking facilities shall be permitted in twenty percent (20%) of the units. | | | | | |
| | **Food & Beverage Establishments** | | | | | |
| | **Restaurants With Drive-Thru** | **P** | **N** | **P** | **P** | |
| | **Restaurants Without Drive-Thru** | **P** | **P** | **P** | **P** | |
| | **Cafés and Taverns** | **P** | **P** | **N** | **N** | |
| | **Breweries and Brew Pubs**<br>Brewpub hours of operation shall be no earlier than 10:00AM and no later than 6:00PM on Sundays, and no earlier than 10:00AM and no later than 10:00PM on any other day, in addition to holiday restrictions or other restrictions imposed by Section 30 of the Connecticut General Statutes and provisions of Connecticut Liquor Control Regulations. | **N** | **N** | **P** | **P** | |
| | **Live Entertainment**<br>Buildings shall be two hundred fifty (250) feet from any residentially zoned parcel. | **P** | **P** | **P** | **P** | |
| | **Alcoholic Beverages**<br>Shall conform to the standards of §11.5 – Special Permits and §13.5 – Alcoholic Beverages | **P** | **P** | **P** | **P** | **§13.5** |
| | **Portable Food Vending/Trailers/Trucks/Carts** | **R** | **R** | **R** | **R** | **§6.2** |
| | **Food Truck Clusters, Parks, and Courts** | **P** | **P** | **P** | **P** | **§6.4** |
| **8.** | **Commercial Printing Establishments** | **P** | **P** | **P** | **P** | |
| **9.** | **Motor Vehicle Repair, Service Stations, and Automobile Sales**<br>▪ The site shall have a minimum of two hundred (200) feet of frontage and one hundred fifty (150) feet in depth.<br>▪ Buildings and pumps shall be fifty (50) feet from any property line.<br>▪ If required, buffers or fencing shall be used.<br>▪ Forms of illumination shall not cause excessive glare on adjacent properties.<br>▪ Facilities designed to serve trucks larger than five (5) tons shall contain a lot width of three hundred (300) feet. Curb cuts shall be a minimum of twenty-five (25) feet from any street intersection, side or rear property line. | **R** | **N** | **R** | **R** | |
| **10.** | **Manufacturing/Processing of Goods**<br>*****Cannabis Establishments are NOT included in this Section***** | **P** | **P** | **R** | **R** | |
| **11.** | **Freight & Materials Trucking, Freight Terminals, Railroad Yards, and Bus Storage Yards** | **N** | **N** | **R** | **R** | |
| | **USE:** | **GC** | **DDD** | **M1** | **M2** | **REFER TO:** |
| **12.** | **Veterinary Hospitals**<br>▪ Hospitals shall not be open for business, except in the event of an emergency, before 8:00AM or after 8:00PM.<br>▪ Outside kennels or runs shall not be permitted.<br>▪ Overnight boarding shall only be permitted in an enclosed building.<br>▪ No more than fifty (50) animals may be kept overnight.<br>▪ Buildings must be located at least two hundred fifty (250) feet from any offsite dwellings. Structures shall be designed to minimize noises.<br>▪ Commercial uses shall be clearly accessory to the primary use as a veterinary hospital.<br>▪ Hospitals located within a flood hazard area shall file an evacuation plan with the Fire Department. | **P** | **P** | **P** | **P** | |
| **13.** | **Open Storage Yards and Building Contractor's Businesses**<br>Facilities shall be screened by fencing, buffering, or by vegetative cover from adjacent properties and the street. | **P** | **N** | **R** | **R** | |
| **14.** | **Earth Excavation and Mining** | **N** | **N** | **P** | **P** | **§13.1** |
| **15.** | **Earth Processing Operations** | **N** | **N** | **P** | **P** | **§13.1** |
| **16.** | **Firing Ranges**<br>Prior to any decision, the Commission shall receive a letter of approval from the Thomaston Police Department and the Thomaston Fire Department. | | | | | |
| | **Exterior Operating Ranges:**<br>▪ There shall be no elevated discharge of firearms.<br>▪ Applicants shall take appropriate measures to baffle noise.<br>▪ Target and impact areas shall be bermed.<br>▪ The Commission shall establish reasonable hours of operation. | **P** | **N** | **P** | **P** | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | ▪ Operations shall not be permitted on legal holidays or Sundays without the written authorization from the Thomaston Police Department. | | | | | |
| | **Interior Operating Ranges:**<br>Operations shall only be permitted during normal business hours. | **P** | **P** | **P** | **P** | |
| | **Exemptions:**<br>Established Fish & Game as well as Rod & Gun Clubs are exempted from the above. | | | | | |
| **17.** | **Adult-Oriented Establishments**<br>These uses shall be permitted by Special Permit pursuant to the provisions of §11.5 and subject to compliance with the special requirements and standards of §13.6 and Town Ordinances. | **N** | **N** | **P** | **P** | **§13.6** |
| **18.** | **Cannabis Establishments** | **P** | **N** | **P** | **P** | **§13.10** |
| **19.** | **Self-Service Storage Facility** | **R** | **N** | **R** | **R** | |
| **20.** | **Smoke Shops** | **P** | **P** | **P** | **P** | **§13.12** |
| **21.** | **Short-Term Rentals** | **R** | **R** | **R** | **R** | **§13.13** |

## 2. Community Facilities and Service Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Public Utility Transformer Stations** | **N** | **N** | **R** | **R** | |
| **2.** | **Public Utilities**<br>Public utility and railroad rights-of-way shall be designed to be in character with the surrounding neighborhood. | **R** | **R** | **R** | **R** | |
| **3.** | **Small Water Companies**<br>Companies which provide service to less than two hundred fifty (250) connections or one thousand (1,000) persons shall submit a water supply construction or expansion plan as required by the General Statutes. A Certificate of Public Convenience shall also be submitted. | **R** | **R** | **R** | **R** | |
| **4.** | **Radio/Television Towers**<br>The base shall be located one point five (1.5) times the height of the tower away from any property line or town-accepted street or associated street rights-of-way.<br>Wires supporting the tower shall be placed at least one hundred (100) feet from any property line, easement, or street line. | **P** | **P** | **P** | **P** | |
| **5.** | **Municipal Facilities**<br>Includes all buildings, land, and recreational facilities owned and operated by the Town of Thomaston. | **R** | **R** | **R** | **R** | |
| **6.** | **Meeting Facilities**<br>Places of worship, libraries, community centers, and charitable institutions. | **P** | **P** | **P** | **P** | |
| **7.** | **Recreation Facilities**<br>Includes all non-municipal facilities. | **P** | **P** | **P** | **P** | |
| **8.** | **Convalescent Hospitals**<br>Minimum lot size shall be one (1) acre in the GC or M Zones, and ten (10) acres in the RA Zones.<br>Vegetative buffers shall be provided along the rear and side lines. | **P** | **P** | **P** | **P** | |
| **9.** | **Day Care Providers/Independent Schools**<br>Service is provided to twelve (12) or more children by a provider licensed by the State of Connecticut. | **P** | **P** | **P** | **P** | |
| **10.** | **Large-Scale Solar Energy Systems (SESs)**<br>**Ground-Mounted Solar Energy Systems Only** | **N** | **P** | **P** | **P** | **§13.13** |
| **11.** | **Public and Private Parking Facilities** | **P** | **P** | **P** | **P** | |
| **12.** | **Indoor Theater/Playhouse** | **P** | **P** | **P** | **P** | |

## 3. Agricultural Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Farm** | **A** | **N** | **A** | **A** | |

| | | | | | | |
|---|---|---|---|---|---|---|
| **2.** | **Commercial Nurseries/Greenhouses**<br>▪ The minimum lot size shall be two (2) acres.<br>▪ All greenhouses, hoop houses, sheds, and other buildings or covered structures related to the growing and selling business shall be used in the calculation of permitted lot coverage.<br>▪ All greenhouses and nursery buildings shall follow the setback requirements in Schedule B and shall be a minimum of fifty (50) feet from any property line in residential zones.<br>▪ The Commission may require screening of display, sales, or parking areas from abutting properties.<br>▪ Parking spaces shall be required based on floor area of all designated display areas and commercial greenhouse space as a retail use. | **R** | **N** | **R** | **R** | |
| **3.** | **Kennels**<br>▪ Properties require a minimum of two (2) acres and shall conform to the Regulations of the Connecticut Department of Agriculture and the Connecticut Department of Public Health.<br>▪ Kennel buildings or enclosures shall be no less than 50 feet from any property line. | **P** | **N** | **P** | **P** | |

## 4. Residential Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Mixed Use Residential Units**<br>Additional approvals from the Fire Marshal are required for all proposals to ensure compliance with State and local fire codes. | **R** | **R** | **N** | **N** | **§13.8** |
| **2.** | **Transit Community Middle Housing Development**<br>**2-9 Units are allowed with Site Plan Review** | **R** | **R** | **N** | **N** | **13.14** |
| **3.** | **Small-scale Residential (16 or less Units)** | **R** | **R** | **N** | **N** | **13.14** |
| **4.** | **Large-Scale Residential (17 or More Units)** | **R** | **R** | **N** | **N** | **13.14** |

### B. Permitted Accessory Uses and Structures

## 1. Commercial and Manufacturing Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Accessory Storage**<br>Merchandise may be stored onsite for those uses which are clearly accessory to uses in the zone. | **P** | **P** | **N** | **N** | |
| **2.** | **Accessory Buildings and Additions**<br>Minor accessory buildings and new construction that are five hundred (500) square feet or less shall be exempted from obtaining site plan approval, but shall conform to requirements in Schedule B and Article 5 and shall obtain administrative zoning approval. | **R** | **R** | **R** | **R** | |
| **3.** | **Accessory Production/Manufacturing**<br>Accessory production of goods or merchandise that shall be sold on the premises.<br>Floor areas used for production and servicing shall be limited to ten percent (10%) of the building or three thousand (3,000) square feet, whichever is greater.<br>Parking shall be provided off-street for employees. | **P** | **P** | **N** | **N** | |

## 2. Community Facilities and Service Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|

| | | | | | | |
|---|---|---|---|---|---|---|
| **1.** | **Amateur Communication Towers**<br>Towers shall be located in rear yards or directly attached to the primary structure.<br>Freestanding towers are exempt if the height of the mast does not exceed forty-five (45) feet. Towers in excess of forty-five (45) shall conform to the requirements of Radio/Television Towers. | **P** | **P** | **P** | **P** | |
| **2.** | **Small-Scale Solar Energy Systems (SESs)** | | | | | **§6.4** |
| | Roof-Mounted Solar Energy System | **A** | **A** | **A** | **A** | |
| | Small-Scale Ground-Mounted Solar Energy System | **ZP** | **N** | **ZP** | **ZP** | |
| **3.** | **Large-Scale Solar Energy Systems (SESs)** | | | | | **§13.13** |
| | Roof-Mounted Solar Energy System | **R** | **R** | **R** | **R** | |
| | Ground-Mounted Solar Energy System | **N** | **N** | **P** | **P** | |

## 3. Agricultural Uses

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Roadside Farm Stands**<br>Seasonal or permanent stand for the display and sale of farm produce, substantially all of which has been grown on-premises or supplemented from Connecticut farms.<br>Stands shall be a maximum of two hundred fifty (250) square feet and shall be a minimum of ten feet from any property line.<br>A minimum of one off-street parking space consisting of a dustless (stone, gravel, paved, or similar) surface shall be provided for each fifty (50) square feet of farm stand floor area.<br>Entrances/exits requiring new curb cuts shall conform to the Town Driveway Ordinance.<br>A permanent farm stand may be established within a farm barn or other similar building designed and used for farm purposes upon site plan approval from the Commission. | **R** | **N** | **R** | **R** | |
| **2.** | **Agricultural Buildings and Accessory Structures**<br>Buildings for housing of livestock as well as greenhouses and nursery buildings intended for commercial farming uses shall be a minimum of fifty (50) feet from any property line.<br>Non-livestock structures less than two hundred (250) square feet shall follow guidelines for accessory structures. | **ZP** | **N** | **ZP** | **ZP** | |

## C. Permitted Temporary Uses and Structures

| | USE: | GC | DDD | M1 | M2 | REFER TO: |
|---|---|---|---|---|---|---|
| **1.** | **Buildings and Structures**<br>Permits are valid for one (1) year. They may be extended for periods of one (1) year after inspection by the Zoning Enforcement Officer. | **ZP** | **ZP** | **ZP** | **ZP** | |
| **2.** | **Christmas Tree Sales**<br>Maximum length of sales and display shall not exceed forty-five (45) days. | **ZP** | **ZP** | **ZP** | **ZP** | |
| **3.** | **Temporary Events** | **R** | **R** | **R** | **R** | **§6.3** |
| **4.** | **Temporary Liquor Permits** | **P** | **P** | **P** | **P** | **§13.5** |

### 4.3 Prohibited Uses

**Any use not included in Section 4.1 (Schedule A) is prohibited in the zone. To assist in interpreting permitted uses, the following list, which is not intended to be exhaustive, is specifically prohibited by the Regulations:**

- **A.** Amusement parks, race tracks, and junk yards excepting those operated by the Town.
- **B.** The production of ammonia, chlorine, bleach powder manufacturing, creosote treatment, carbon/bone black, caustic soda, industrial alcohol, carbide, cellulose, dyes, potash, explosive nitrates, pyroxylin, hydrochloric, nitric, phosphoric, picric or sulfuric acid, coal or coke, tar products, explosives, and gelatin.
- **C.** Stockyard and slaughter houses, slag piles, the keeping, breeding, keeping or raising of foxes, mink, pigs or primates for laboratory or commercial purposes.
- **D.** Primary production of charcoal/briquettes, oil cloth, linoleum, paint, varnish, turpentine, soap/starch, matches, rubber, reduction of flour/grain or food, refining petroleum products such as naphtha, kerosene or lubricating oil, and the distillation of wood or bones.

**4.4** **Outdoor Accumulations:** The outdoor accumulation of material is expressly prohibited if it is generally visible from the street or adjacent property or if the material changes the character of the surrounding property. Materials include, but are not limited to, debris, trash, rubbish, inoperable motor vehicles or parts thereof, and

building or construction equipment. Also prohibited is the outdoor storage of more than one (1) unregistered motor vehicle in a residential zone.

## ARTICLE 5 – AREA, LOCATION, AND BULK STANDARDS

**5.1 General Provisions:** The following regulations and Section 5.3 Schedule B shall be applicable to the area, shape, frontage of lots, and buildings for each zone.

**5.2 Lot, Area, Shape, and Frontage:** Property shall conform to the requirements of Section 5.3 Schedule B and, for lots created after November 15, 1982, shall be capable of containing a buildable square. The square may extend to the property line. However, it shall not extend into easements or rights-of-way with the exception of those directly servicing the site. Predevelopment slopes in excess of twenty five percent (25%) shall not be present within the buildable square. A maximum of 5% of the area of the buildable square on any lot and 25% of the total area of non-sewered lots shall contain Wetlands or Watercourses. The applicant shall provide information necessary to satisfy the requirements of Schedule B and this section. Plans shall bear the seal of a licensed engineer.

**5.3 Table of Bulk Regulations - Schedule B**

This table details the minimum lot size, setbacks, height, and floor area requirements for all buildings.

| **SCHEDULE B<br>ZONING DISTRICTS** | | | | |
|---|---|---|---|---|
| **STANDARDS** | **RA80/RA80A** | **RA15** | **GC** | **M1/M2** |
| Lot Area/Size in Square Feet | 80,000 | 15,000 | 15,000 | 15,000 |
| Lot Frontage | 150 FT | 80 FT | 25 FT | 100 FT |
| Front Yard Setback | 30 FT | 20 FT | 0 FT | 30 FT |
| Side Yard Setback | 15 FT | 10 FT | 0 FT | 10 FT |
| Rear Yard Setback | 25 FT | 20 FT | 0 FT | 30 FT |
| Setback from Residential Zones | -- | -- | 15 FT | 50 FT |
| Maximum Height | 30 FT | 30 FT | 50 FT | 50 FT |
| Buildable Square* | 200 | 80 | 100 | 100 |
| Maximum % of Ground Coverage of Buildable Lot Area | 20 | 25 | 75 | 50 |
| **Except as noted above, all dimension area expressed as minimum requirements and are in linear footage.** | | | | |
| ***Excludes all wetland and watercourses and their setback areas, as well as significant redevelopment s areas over 25%.** | | | | |
| ****Interior lot size in the RA80A Zone does not have to be twice the size of the zone.** | | | | |

**5.4 Exceptions:** The requirements contained in Section 5.3 Schedule B shall not prohibit the common interest ownership of any building on a lot which conforms to the requirements of the zone.

**5.5 Rear Lots**

**A. General Considerations:** Rear lots lack the frontage required in Section 5.3 Schedule B. When determining if a lot meets the criteria for construction approval, the Commission shall take into consideration the drainage patterns, shape of the property, accessibility, vehicle safety, topography, public utilities, and right of access to the property. Each rear lot shall be used for no more than one dwelling unit.

**B. Rights-of-Way:** Rear lots shall be parallel to and behind an existing lot. A private unobstructed accessway of twenty-five (25) feet in width and contiguous with the rear lot shall be provided for each rear lot. Access for more than two abutting rear lots shall require street standards set forth under the Subdivision Regulations of the Town of Thomaston. A gravel or paved driveway must be provided to the satisfaction of the Fire and Police Departments and in accordance with the Town driveway ordinance and "Specifications for Driveways" on file with the Town Clerk, First Selectman's Office, and Building and Land Use Office. If two (2) abutting access strips are created, they shall be separated from any other access on the same side of the street by one and a half (1-1/2) times the minimum frontage required for the zone.

**C. Public Safety:** Subject to approval of the Thomaston Fire and Police Departments, driveways shall be designed to provide proper stormwater drainage and to accommodate fire and other emergency vehicles. To provide directions for emergency vehicles, the address of each interior lot shall be identified by a numbered post or mailbox located on the connecting road.

**D. Ownership of Lots:** The owner of a rear lot must own any accessway in fee simple, and all accessways shall contiguous with rear lots and be shown on filed plans and described in a duly recorded deed.

**E. Filing of Deeds:** For newly created lots, lot line revisions, or free splits, the deed shall be filed with the Town Clerk along with signed and approved maps and drawings.

**F. Lot Sizes and Setbacks:** The square footage of an interior lot shall be no less than twice what is required in the zone, except for those in the RA-80A zone. The lot line which is parallel and closest to the street shall be considered the frontage line for the purpose of determining setback requirements.

**5.6 Height Requirements:** The height requirements in Section 5.3 Schedule B shall not apply to church spires, ornamental cupolas, flagpoles, silos, towers, wind to energy conversion systems, solar energy systems, air condition, and other similar equipment provided these structures do not occupy more than twenty five percent (25%) of the roof.

**5.7 Setback Height:** Unless permitted elsewhere, no structure shall be constructed or extended into any setback area.

**5.8 Setback for Fences, Walls, and Terraces:** These provisions shall not apply to fences or walls six (6) Seven (7) feet or less in height or to retaining walls or unroofed terraces providing that none of the above shall be located within the right-of-way of any street. Fences shall be measured from the natural property grade. The smooth side of the fence shall face the abutting property. Standard style stockade fences shall be located as close to the property line as possible or in at least six (6) inches. Any artificial berms or fill used to enhance the height of fences shall be included in any height measurements. Fences and walls cannot obstruct safe traffic site lines on any road.

**5.9 Setbacks for Unattached Accessory Buildings and Swimming Pools in Residential Zones**

All buildings and structures shall be governed by the height and yard requirements applicable to a principal building or structure except minor accessory buildings and structures as follows:

- **A.** Minor accessory buildings and structures in excess of one hundred (100) square feet and up to two hundred fifty (250) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of five (5) feet from the side and rear yard property lines and must meet the front yard property line setbacks applicable to a principal building or structure in the zone.
- **B.** Minor accessory buildings and structures in excess of two hundred (250) and up to five hundred (500) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of fifteen (10) feet from the side and rear yard property lines and must meet the front yard property line setback applicable to a principal building or structure in the zone.
- **C.** Swimming pools, pool decks, diving boards, ladders, cabanas, and other similar structures shall conform to the requirements of Schedule B applicable to a principal building or structure, except that the rear yard setback requirement shall be reduced to fifteen (15) feet for swimming pools and attached structures totaling less than 500 square feet in area.
- **D.** All other accessory buildings and structures shall meet the dimensional requirements i.e. property line setbacks, heights, percent of ground coverage requirements applicable to a principal building or structure in the zone.
- **E.** Minor Accessory Buildings and Structures Less Than 100 Square Feet Shall Not Require a Zoning Permit, provided that such structures continue to comply with all applicable setback requirements within the RA-15, RA-80, and RA-80A Zoning Districts.

**5.10 Corner Lots:** The frontage line of a corner lot shall be the line which fronts upon that part of the dwelling containing the primary entrance. The remaining corner yard shall be at least twenty-five (25) feet in depth. The owner shall designate on the plot plan which of the two (2) remaining yards shall be the side and rear yard.
**5.11 Lots in Two (2) Zones:** If a zoning district divides a lot which has road frontage in another zone, the regulations for the less restrictive zone shall extend not more than thirty (30) feet into the more restrictive zone.
**5.12 Building Orientation:** When the length of a dwelling unit is three (3) times greater than its width, the length shall be parallel to the street. Orientation of the longer side shall apply to units constructed after the date of adoption of these regulations and shall not govern additions made to existing units nor shall it govern accessory additions or other buildings located on the lot.
**5.13 Permanent Foundations:** Residential dwellings shall have permanent foundations.

## ARTICLE 6 – SUPPLEMENTAL STANDARDS

### 6.1 Portable Food Trucks/Trailers/Carts

**A. General Provisions:** This Section shall provide standards for all food vending trailers, trucks, and carts.

**B. Permits and Approval**

1. All food vending trailers, trucks, and carts shall obtain and submit the necessary permits and approvals from the Torrington Area Health District and/or the Fire Marshal. If such documents have an expiration date, it shall be the vendor's responsibility to provide the Zoning Enforcement Officer with a current copy once re-issued.
2. Written approval from the owner of the property where the business is located is required. The written approval from the property owner shall state the specific start and end dates for the vending business and the letter must be signed by both the applicant and property owner.
3. A new vendor on a previously approved property shall still be required to provide to the Zoning Enforcement Officer the items in Section 6.1.B.1 and 6.1.B.2 above.
4. Failure to provide the above documents shall be considered a violation of these Regulations.

**C. Overnight Parking**

Each night when not open for business, all food vending trailers, trucks, and carts shall be either:

1. Removed from the premises where sales are permitted; or
2. With the property owner's permission, parked to the rear of the property with all appurtenance stored within the trailer, truck, or cart.

**D. Customer Parking:** Each site used by food vending trailers, trucks, and carts must have access to at least four (4) off-street parking spaces for customer use. The applicant must provide a sketch indicating all the uses at the site and the total number of parking spaces onsite. The Zoning Enforcement Officer shall determine, based upon the Regulations, that there is sufficient onsite parking for the existing businesses and for the food vendor.

**E. Traffic Flow and Safety**

1. No food vending trailers, trucks, and carts shall be located in an area which obstructs the flow of traffic on any street or in any parking lot.
2. Customer queuing shall be completely contained within the parking area of the property on which the food vendor is located and shall be appropriately protected from vehicular traffic.

**F. Setbacks**

1. All food vending trailers, trucks, and carts shall be completely contained within the limits of the property that has granted approval for the food vendor's operation.
2. No portion of the food vendor's operation shall occur within a Town, State, or other easement, right-of-way, etc.
3. No portion of the food vendor's operation shall obstruct adjoining sidewalks.

**G. Seasonal Use:** There are no restrictions on seasonal use and Food Trucks can operate during any season including Fall, Winter, Spring, and Summer.

**H. Location Plan:** All applications for food vending trailers, trucks, and carts shall include a sketch indicating the location where business will be conducted. The required parking for employees and customers of the food vendor shall be shown on the location plan. The layout must be sketched to scale on the Assessor's map or if available, on an existing A-2 survey of the proposed site. The location plan shall show all required setbacks, traffic flow, onsite and proposed customer traffic flow and queuing.

**I. Hours of Operation:** Portable food vendors can operate between 8:00 am to 8:00 pm Sunday Through Thursday and from between 8:00 am to 9:00 pm on Saturdays and Sundays.

**J. Signage**

The following types of signage are permitted:

1. Signage that is permanently attached to vending trailers, trucks, or carts.
2. Portable sandwich board signage in accordance with Article 9 of these Regulations that is either packed up and removed from the premises or stored within the trailer, truck, or cart when the food vendor is not in operation.

**K. Customer Seating:** Customer seating is permitted provided it is only in place during the hours the food vendor is in operation. All seating shall be either packed up and removed from the premises or stored within the trailer, truck, or cart when the food vendor is not in operation.

**L. Number of Vendors Permitted**

- **a.** There is only one (1) portable food vendor permitted per property. The portable food vendor must be self-contained within the trailer, truck, or cart.
- **b.** The use of extension cords or exterior propane tanks is prohibited.
- **c.** A property owner may host multiple food trucks one at a time on a rotating basis subject to site plan approval. Special events with multiple food vendors simultaneously on a property shall require a special permit for temporary events as per Section 6.4 of these Regulations.
- **d.** More than one Food Truck may be allowed with Special Permit Approval per section 6.2. Food Truck Clusters, Parks, and Courts.

**M. Statement of Use:** A written Statement of Use must be provided by the applicant indicating exactly what will sold by the portable food vendor. The sale of items is limited to food stuff for human consumption – no magazines, trinkets, cigarettes, etc.

**N. Issuance of Permits**

1. The Zoning Permit may be issued by the Zoning Enforcement Officer after determination that all requirements of the Regulations are met. The Zoning Enforcement Officer shall report all permits issued to the Commission at the next regularly scheduled meeting.
2. The Zoning Enforcement Officer, at his/her discretion, may refer the application to the Planning & Zoning Commission for a public hearing on said application.
3. The issuance of the Zoning Permit does not obviate the need to apply for and receive a permit pursuant to *Town Ordinance 210 – Peddling and Soliciting*, enforced by the Town of Thomaston Police Department.

## 6.2: Food Truck Clusters, Parks, and Courts

**A. Purpose and Intent:** The purpose of this section is to allow the coordinated operation of multiple portable food vendors on a single property in a manner that promotes economic development, community activity, and consumer choice, while ensuring compatibility with surrounding land uses, public safety, traffic circulation, and neighborhood character.

**B. Definitions**

**1. Food Truck Cluster:** A temporary or seasonal grouping of two (2) or more portable food vendors operating on a property for limited hours or days, which may occur on a recurring or non-recurring basis.

**2. Food Truck Park:** A semi-permanent or permanent site designed to accommodate multiple portable food vendors with shared amenities, which may operate seasonally or year-round.

**3. Food Truck Court:** A permanent, purpose-built site intended for the regular operation of multiple portable food vendors, often including fixed improvements such as seating areas, restrooms, lighting, and landscaping.

**C. Applicability**

1. Food Truck Clusters, Food Truck Parks, and Food Truck Courts shall be permitted only by Special Permit approval from the Planning and Zoning Commission.
2. This section shall apply whenever more than one (1) portable food vendor is proposed to operate on a property at the same time, regardless of duration or frequency.

**D. Special Permit Review Authority:** As part of the Special Permit approval, the Planning and Zoning Commission shall determine and may limit the maximum number of portable food vendors, days and hours of operation, duration of operation, and any additional conditions necessary to protect the public health, safety, welfare, and neighboring properties.

**E. Design and Operational Standards**

1. Vendor Spacing and Location: Vendors shall be arranged to allow safe pedestrian movement, emergency access, and fire separation.
2. Traffic and Parking: Adequate off-street parking and safe traffic circulation shall be provided.
3. Utilities and Self-Containment: All vendors shall be self-contained unless otherwise approved.
4. Noise, Lighting, and Odors: Impacts shall be mitigated to prevent nuisance conditions.
5. Waste Management and Site Maintenance: Adequate facilities shall be provided and maintained.
6. Seating and Amenities: Seating areas and restrooms may be required based on scale.

7. Public Safety and Emergency Access: Fire lanes and emergency access shall be maintained at all times.

**F. Duration and Revocation**

Special Permits may be granted for a specific term or season and may be revoked for noncompliance.

G. Relationship to Other Regulations

All Food Truck Clusters, Parks, and Courts shall comply with all applicable zoning regulations and codes.

**6.3 Keeping of Commercial Vehicles on Residential Properties**

**A. Background and Intent:** As a part of the purposes of these Regulations, the Planning & Zoning Commission has designated certain areas of the Town for residential uses and certain areas for commercial uses. However, the Commission also recognizes that many residents routinely operate commercial vehicles as a part of their employment and frequently use them to drive between their residence and their job site, thereby necessitating commercial vehicles to be parked on residential property. It is the Commission's intent in adopting this Regulation that provision be made for the keeping of commercial vehicles on residential property in such a way as to ensure that public health, safety, and welfare is protected, the residential character of the neighborhood is maintained, and all residents' right to the peaceful enjoyment of their properties is respected.

**B. Permits and Approval:** The parking of commercial vehicles may be permitted in any residential district as an accessory use only in the following manner:

1. Vehicle classes are based on those determined by the Federal Highway Administration, as depicted on Schedule C.
2. One commercial vehicle that meets the definition of Class 1 through Class 5 according to the Federal Highway Administration (FHWA) may be parked on a lot without prior zoning approval.
3. A second commercial vehicle that meets the definition of Class 1 through Class 5 according to the Federal Highway Administration (FHWA) may be parked on a lot by zoning permit approval from the Zoning Enforcement Officer.
4. By Special Permit approval, the Planning & Zoning Commission may permit the following:
   - **(i)** The parking of commercial vehicle(s) that meet the definition of a Class 6 or higher according to FHWA.
   - **(ii)** The parking of three (3) or more commercial vehicles that meet the definition of a Class 1 through Class 5 according to the Federal Highway Administration (FHWA).
   - **(iii)** In evaluating a Special Permit application under this section, the Commission shall consider the Special Permit Requirements in Section 11.5 of these Regulations and the following specific factors: size of the subject lot; proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; and physical characteristics of the neighborhood.

**C. Minimum Standards**

All commercial vehicles, regardless of vehicle class, shall meet the following standards:

1. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.
2. No vehicle containing hazardous materials or waste may be parked on a residential lot.
3. Commercial construction vehicles, including but not limited to, backhoes, skid steers, bucket loaders, track vehicles, shall not be allowed unless expressly exempted in Section 6.2.H.3 below.
4. No tanker trucks or similar type vehicles used for hauling liquids including but not limited to oil trucks, septic cleanout trucks, etc. shall be allowed.
5. Parking of commercial vehicles in the front yard of a residence is prohibited. All commercial vehicles shall be parked:
   - i. On the driveway of the occupied residential lot;
   - ii. In a parking area leased to the residential occupant; or
   - iii. In a location behind the front plane of the residence that meets all zone setback requirements.
6. The commercial vehicle shall be owned or operated by the permanent resident of the property on which it is to be parked.
7. No maintenance or repair of a commercial vehicle shall be allowed on the adjacent street.

8. There shall be no loading or unloading of commercial vehicles between the hours of 9PM and 7AM.
9. No trucks, including but not limited to garbage trucks, which haul cargo that emits objectionable odors shall be permitted.
10. A copy of any permit issued shall be forwarded to the Tax Assessor by the Building & Land Use Office.
11. All commercial vehicles parked on residential properties shall adhere to the idling limitations contained in the Regulations of Connecticut State Agencies (RCSA) Section 22a-174-18(b)(3) as may be amended.

**A.** All applications for Special Permits shall include a detailed description of the vehicle including vehicle class according to the Federal Highway Administration (FHWA). Any permits granted shall be for the specific vehicle class described in the application. Any changes from the vehicle class as approved shall require a new approval by the Commission.

**B.** Commercial vehicles subject to Special Permits shall be screened along the closest residential property line by appropriate evergreen trees, shrubs, fence, or a combination thereof. Exceptions and modifications may be considered by the Commission taking into consideration topography and proximity of adjacent residential structures.

**C.** Nothing herein shall be construed to permit a home-based business that is not otherwise permitted under the Regulations. Any home-based business that is conducted in conjunction with the parking of a commercial vehicle must meet the applicable requirements and be registered with the Zoning Enforcement Officer.

**D.** Nothing herein shall be construed so as to prohibit commercial vehicles parked temporarily while engaged in providing products or services to the owner of the property.

**E.** Nothing herein shall be construed to prohibit commercial vehicles that are used as part of the following:
a. a permitted agriculture, farming, forestry, or nursery gardening use;
b. a permitted earth excavation, removal, or deposit activity authorized under Section 13.1 of these Regulations;
c. Construction vehicles owned by the permanent resident of the property and which are exclusively used on the subject property for private, non-commercial purposes;
d. The temporary, occasional parking of a commercial vehicle on residential property by a contractor and/or town or public utility employee required for "on-call" services.
e. a use of facility operated by the Town of Thomaston, a Fire Department, State of Connecticut, or Federal Government;
**f.** a maintenance facility in support of a multiple dwelling project on the lot, or in support of a Special Permit use, if authorized under such Special Permit.

**F.** Pursuant to Section C.G.S. 8-6, the Zoning Board of Appeals is prohibited from varying any provision of this section.

**G.** *Registration of Commercial Vehicles Present on Residential Properties as of January 13, 2022:*
i. Commencing on the effective date of this new Section 6.2, "Commercial Vehicles", owners of commercial vehicles currently present on residential property shall have six (6) months to document with the Building & Land Use Office the presence of their commercial vehicle(s) on their property.
a. The process for documenting existing commercial vehicles shall include the following:
b. Provision of a list of all commercial vehicles currently on the property including their vehicle class according to the Federal Highway Administration (FHWA);
c. Confirmation by the ZEO that an unapproved home-based business is not operating from the residential property;
d. Depiction of parking area for commercial vehicles via either a site plan, detailed hand-sketch, aerial photography, or other sufficiently clear method;
e. Statement signed by the property owner indicating their awareness of the requirements of the minimum standards contained in Section 6.2C above.
ii. During this six-month documentation period, the above-referenced process shall be free of charge to the property owner requesting it.

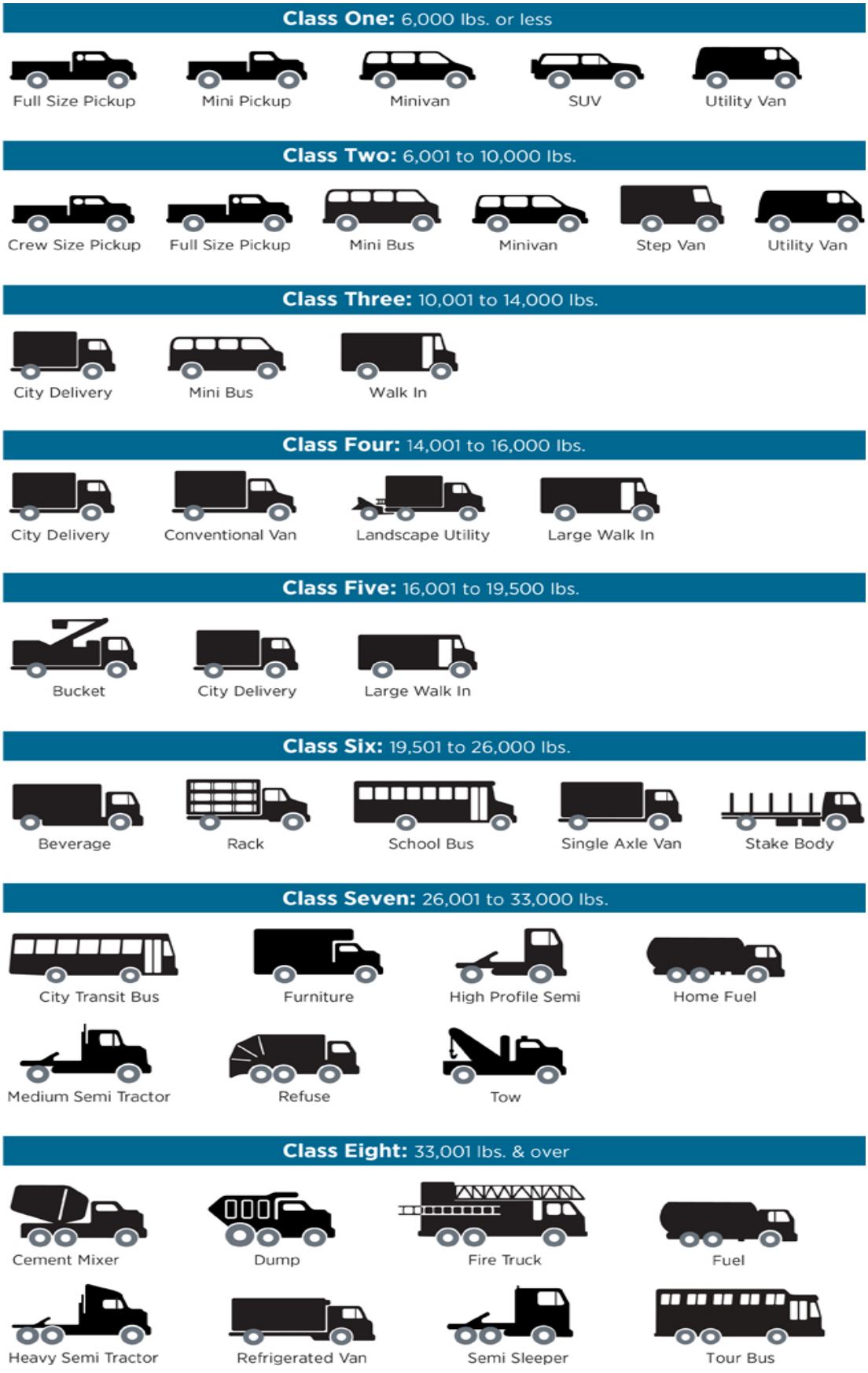
iii. Documentation shall not be considered accepted and approved unless and until a letter is sent to the property owner by the Building & Land Use Office confirming the same. Such letter shall be sent by Certified Mail, Return Receipt Requested via the United States Postal Service.

iv. After the six-month documentation period is complete, all commercial vehicles present on residential property that have not been accepted as officially documented in the Building & Land Use Office shall be subject to the requirements of this Section 6.2, any enforcement action arising therefrom, and any fees required by the pertinent permitting level.

v. Existing commercial vehicles meeting the definition of Class 1 through 5 shall not require approval through this documentation process, but such process shall be available free of charge if the property owner specifically requests it.

vi. During this six-month documentation period, if the owner of commercial vehicles documents them at one property and subsequently moves to another Thomaston property, their documentation of the commercial vehicles shall be transferrable one time to their new residential property free of charge, provided the property owner notifies the Building & Land Use Office within this six-month period.

**K. Schedule C:**


Class One: 6,000 lbs. or less
Full Size Pickup
Mini Pickup
Minivan
SUV
Utility Van
Class Two: 6,001 to 10,000 lbs.
Crew Size Pickup
Full Size Pickup
Mini Bus
Minivan
Step Van
Utility Van
Class Three: 10,001 to 14,000 lbs.
City Delivery
Mini Bus
Walk In
Class Four: 14,001 to 16,000 lbs.
City Delivery
Conventional Van
Landscape Utility
Large Walk In
Class Five: 16,001 to 19,500 lbs.
Bucket
City Delivery
Large Walk In
Class Six: 19,501 to 26,000 lbs.
Beverage
Rack
School Bus
Single Axle Van
Stake Body
Class Seven: 26,001 to 33,000 lbs.
City Transit Bus
Furniture
High Profile Semi
Home Fuel
Medium Semi Tractor
Refuse
Tow
Class Eight: 33,001 lbs. & over
Cement Mixer
Dump
Fire Truck
Fuel
Heavy Semi Tractor
Refrigerated Van
Semi Sleeper
Tour Bus

**6.4 Temporary Events**

- **A.** Permits shall be valid for up to 30 days in a calendar year at the discretion of the Commission or its agent for carnivals, fairs, bazaars, antique shows, tent sales, auctions, fundraisers, and similar activities.
- **B.** The applicant must demonstrate a sufficient and safe traffic circulation, off-street parking and pedestrian access plan. On-street parking is strictly prohibited unless specifically approved as part of a site plan. Placement of temporary tents or structures shall not result in the reduction of required parking spaces.
- **C.** Specific dates and times for any event must be approved by the Commission or its agent.
- **D.** The applicant must obtain any additional required approvals from the Police Department, Building Official, Torrington Area Health District, Fire Marshal, Board of Selectmen, or Recreation Department.
- **E.** A certificate of insurance and/or posting of a bond may be required for events held on Town of Thomaston property.
- **F.** The duration of temporary permits shall be at the discretion of the Commission but may not exceed thirty (30) days per calendar year per property.
- **G.** Permits may be administratively renewed for yearly or seasonal events by the authorized agent of the Commission if:

  1. There is no substantial change in Use or event dates;
  2. The original permit was approved by the Commission within five (5) years of the renewal application date; and
  3.The Commission did not condition an original approval prohibiting such renewal.

**6.5 Small-Scale Solar Energy Systems**

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

1. The total height of the solar energy system, including any mounts shall not exceed 18 feet above the ground at maximum height. If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected.
2. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for interconnection to system components and/or the local utility power grid
3. No ground-mounted small solar energy systems shall be affixed to a fence.
4. Ground-mounted solar energy systems in General Commercial and Manufacturing Zones shall be subject to Site Plan review pursuant to the provisions of Section 11.4 of these Regulations.
5. Ground-mounted solar energy systems are not permitted in the Downtown Development District.

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

1. Separate flush or rack-mounted small solar energy systems installed on the roof of a building or structure shall not:
   i. Project vertically above the peak of the sloped roof to which it is attached; or
   ii. Project vertically more than five (5) feet above a flat roof installation.
2. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
3. Roof top panels shall be configured in a square or rectangular pattern.

**C. Appearance:**

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

**D. Removal:**

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

**6.6 Home Office:** A Home Office is allowed by Zoning Permit when the office Use involves conducting business primarily by the telephone, internet or mail, maintaining records and similar functions. Such a Home Office shall comply with the following:

**A.** Business is conducted entirely within the Dwelling Unit.

**B.** The only employees or persons involved with the Home Office Use on the Premises shall be members of the Family residing in the Dwelling Unit.

**C.** The Home Office Use must be clearly incidental to the Use of the Dwelling Unit as a residence.

**D.** There is no Sign advertising the Home Office, nor outdoor display or storage, including but not limited to materials, goods, supplies or equipment.

**E.** There is no change in the exterior of the Dwelling Unit nor any evidence of the Home Office Use which is visible from the exterior of the Dwelling Unit.

**F.** There is no additional traffic, additional Parking Spaces, nor noise or electrical interference over that which is typical for the residential Use without a Home Office Use.

**G.** There is no Hazardous Material stored, used, or disposed in association with a Home Office Use (other than that commonly associated with a residence.)

## ARTICLE 7 – SPECIAL DISTRICTS

### 7.1 Flood Plain District

**A. Boundaries and Elevations**

The Flood Plain District shall consist of the areas identified as "Flood Hazard Areas" delineated on a map titled "FIRM Flood Insurance Rate Map Town of Thomaston, CT, Community Panel No. 090055-001-0006" comprising six (6) parts effective June 25, 1981, prepared by the Dept. of Housing and Urban Development, Federal Insurance Administration.

Designated flood hazard areas have a one percent (1%) chance of flooding in any given year. The maps also identify base flood elevations above mean sea level. Maps are on file in the Town Clerk's Office and in the Zoning Office.

**B. Requirements**

Buildings shall not be constructed, substantially improved, or moved unless a Flood Hazard Permit is obtained from the Building Official in accordance with the "Flood Plain Management Ordinance, Thomaston, CT."

Substantial improvement means any repair, reconstruction, or improvement to a building in which the cost equals or exceeds fifty percent (50%) of the current market value of the building. Substantial improvement is considered to have occurred when alteration of any wall, ceiling, floor, or other structural part of the building starts whether or not it affects the external dimensions of the building. Buildings must comply with health codes, sanitary, and safety code regulations. Any alteration of a building listed on the National Register of Historic Places or on the State Inventory of Historic Places shall not be construed as requiring substantial improvement.

**C. Maps and Plans**

Site plans shall contain the boundary of the Zoning District, Flood Hazard Area, base flood elevations, and the lowest elevation about sea level including the basement for any proposed or existing structure. Outside storage areas shall not be sited in manufacturing or commercial zones unless measures are taken to prevent the flotation of materials and other equipment and to minimize flood damage within the district. Any building that is constructed, moved, or substantially improved shall have the basement as its lowest floor elevation.

### 7.2 Aquifer Protection District

**A. Purpose**

To preserve the quality and quantity of groundwater resources and to insure a safe and healthy public water supply by regulating land uses which may contribute to the degradation of aquifers needed for present and future public water supplies.

**B. General Provisions**

These Regulations shall apply to the land designated on a map recorded in the Town Clerk's Office as the "Town of Thomaston Aquifer Protect Protection District Map."

**C. Use Limitations**

Discharges to septic systems shall not average more than three hundred fifty (350) gallons per acre per day in the direct recharge area of the aquifer. Road salt storage and loading sites are not permitted. The disposal of solid waste in landfills, dumps, and septage disposal is prohibited. Commercial and industrial storage, production, or disposal of any hazardous wastes as defined by State or Federal laws is prohibited. Underground tanks are generally prohibited; however, the applicant may demonstrate a special need case. The applicant shall contact the CT Water Company and obtain a letter or approval regarding the proposed use.

**D. Aquifer Impact Assessment**

Commercial, industrial, or institutional uses are not allowed unless the applicant can identify the type and quantities of liquid, solid, and gaseous materials to be land filled, stored, deposited, or discharged on the site. The applicant must demonstrate that the material and its use will not adversely affect present or future water quality within the district.

**E. Public Act 98-115**

This act provides that any applicant who proposes any type of activity with the Aquifer Protection District must provide written notification to the affected water company. The Land Use Officer shall provide the reporting forms.

## 7.3 Planned Industrial District

### A. Purpose

To permit land to be used for the construction of buildings and other facilities for research and development, light industry, offices of technological and scientific research organizations. The purpose of this district is to consider land as a single unit of development for the purpose of planning so that there is a coordinated development plan while maintaining individual ownership of lots.

### B. Qualifying Standards

The Commission may establish a District on its own motion or upon application of the owner or owners of contiguous property totaling at least ten (10) acres. A District may be established in an area containing less than ten (10) acres if the Commission finds the public interest will be served and the tract is contiguous to land zoned for manufacturing or commercial use.

Prior to establishing a District, the Commission shall consider the desirability of the proposal for economic and physical development of the community, preserving the value and character of adjacent property, direct access to a major state highway and provisions for public utilities. The Commission may require other restriction to protect public health, safety, and the general welfare of the community.

### C. Permitted Uses

Uses are limited to office buildings, research and development laboratories, storage and wholesale use, distribution, light industry, and earth excavation. Uses which are clearly accessory to the principal use of the property are permitted. A maximum of twenty percent (20%) of the district may be used for commercial activities as long as accessory goods or services are compatible with other principal uses. Commercial uses shall be limited to those uses allowed in the GC zone which would not generate substantial vehicular traffic.

### D. Design Standards

Design standards are limited to provide flexibility while ensuring the applicant adheres to performance standards for parking signs, residential buffers, architectural design, and open space. Building shall not exceed a height of fifty (50) feet. Property shall not contain less than fifteen thousand (15,000) square feet nor have a frontage less than eighty (80) feet. Side and rear yard setbacks shall be ten (10) feet and front yard setbacks shall be forty (40) feet.

Total ground coverage excluding parking facilities shall not exceed fifty percent (50%) of the lot.

Developments shall be designed to ensure maximum safety to the user. Parking spaces shall not exceed seventy-five (75) vehicles and must meet the requirements of Article 9 if more parking is required, a second facility may be established. Parking facilities shall not be located in setback areas which abut residential zones. Spaces shall be landscaped from residential zones. Loading areas shall be screened and not visible from the street. Spaces shall meet the requirements of Article 10.

Signs shall conform to Article 8 and be located thirty (30) feet from any property line and be designed to coordinate with the principal building. Ground-mounted signs shall be landscaped.

Buildings shall be at least fifty (50) feet from a residential zone. A landscaped buffer shall be planted at least eight (8) feet in height. The applicant shall submit architectural designs for building facades. A list of materials and textures for all buildings and other facilities shall be submitted.

### E. Application Procedure

If a District is established, it shall be governed by the site plan and architectural review requirements and, if applicable, by the Subdivision Regulations. The applicant shall submit four (4) copies of each plan map. Plans shall show grading, landscaping, drainage, and buffer profiles that will be used for visual screening. Sedimentation and erosion control measures, existing and proposed streets, parking and loading areas, driveways, and maneuvering and turning radii areas for vehicles shall also be shown.

The applicant will illustrate the orientation of buildings, undisturbed vegetation areas, open spaces, watercourses, signs, architectural plans, elevation drawings, floor plans, and all public utilities and easements.

### F. Open Space

The Commission may require a minimum of ten percent (10%) of the land in a District to be dedicated as open space.

## ARTICLE 8 – ENVIRONMENTAL REGULATIONS

### 8.1 Performance Standards

**A. Dust, Dirt, Fly Ash, and Smoke**

No dust, dirt, fly ash, or smoke shall be emitted into the air so as to endanger public health, safety, impair the value and enjoyment of other property or constitute a source of air pollution.

**B. Odors, Gases, and Fumes**

No offensive odors or noxious, toxic, carcinogenic, or corrosive fumes or gases shall be emitted into the air except for those connected with the spreading of fertilizer or manure.

**C. Vibration**

Except for vibrations normally associated with construction or demolition of buildings or those normally associated with the operation of heavy equipment where permitted, no extreme or excessive vibrations shall be transmitted outside the property where it originates.

**D. Noise**

With the exception of farming operations, police, fire, time signals, ambulance sirens, and noise customarily involved in the use of home implements and in the construction/demolition of buildings, no noise which is objectionable due to volume, beat frequency, intermittence, or shrillness shall be transmitted outside the

**E. Liquid or Solid Waste**

Waste products shall not be discharged into any sewer, stream, or storm drainage system.

**F. Danger** Materials which are dangerous due to explosion, fire, hazard, radioactivity, or carcinogenic shall be manufactured, stored, used, or disposed of except in accordance with regulations and codes of the Town, State, or Federal Government.

**G. Outdoor Lighting** All business, residential, and community roadways, sidewalks, and Town property luminaries should be planned and installed with the idea of avoiding light intrusion on neighboring properties and abutting properties or roadways, both public and private. All exterior lights shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at (and glare across) property lines. The horizontal illuminance recommendations set by the Illumination Engineering Society of North American (IES) shall be observed unless alternative standards are approved by the Commission.

### 8.2 Sedimentation and Erosion Control

**A. Purpose**

This Section is intended to provide standards for earth-disturbing activities in order to minimize accelerated erosion and sedimentation and to avoid unnecessary damage to land features, bodies of water and public works, both onsite and offsite.

**B. Overall Requirements**

1. Any earth-disturbing activity in Thomaston shall consider the potential problem of accelerated erosion and sedimentation and shall address such potential problem in accordance with the standards outlined in a publication prepared and distributed by the Connecticut Department of Energy and Environmental Protection ( DEEP) entitled "Guidelines for Soil Erosion and Sediment Control (2002)," as may be amended from time to time, available for inspection at the Building & Land Use Office. 2. Any development activity which will result in a cumulative disturbed area of more than one-half acre, or in other cases as determined by Land Use staff according to topographical conditions of the property, shall prepare and submit a soil erosion and sediment control plan as provided in Subsection 8.2.C below.

**C. Plan Requirements**

1. A soil erosion and sediment control plan shall be prepared on a stamped, signed and sealed survey by a licensed Connecticut surveyor, or on a site plan based on a survey, prepared by a licensed Connecticut professional engineer or landscape architect showing the following detail, unless an alternate plan is accepted by the Land Use staff for smaller projects:
   a. minimum scale of 1" = 40' and 24" X 36" in size;
   b. the boundaries of the property;
   c. existing structures on the project site, if any;
   d. existing and proposed topography including soil types, wetlands, watercourses, water bodies and flood zones;
   e. proposed alterations including limits of clearing, grading, excavation, filling;
   f. proposed new structures and site improvements (utilities, driveways, parking, easements,

etc.);

g. location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

h. a narrative, and such other materials as may be necessary to fully describe the techniques which will be utilized to minimize soil erosion and sedimentation resulting from development and earth-disturbing activities, and the proposed sequence of activities;

i. table including overall area of disturbance, size of regulated area in acres or square feet (existing and disturbed), area of impervious surface (existing and proposed), water quality volume required and treated, and watershed area;

j. location of soil tests completed to identify soil texture, color and horizon limits, depth to rock, depth to water, and suitability for use as designed;

k. contingency erosion control planning for extreme weather events.

2. Such soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sediment and reduce the danger from stormwater runoff on the proposed site and onto offsite neighboring properties during construction, and shall provide stabilization and protection from erosion and sedimentation when the project is completed.

**D. Minimum Acceptable Standards**

1. Soil Erosion & Sediment Control Plans shall result in a Development that:

(i) minimizes erosion and sedimentation during construction;

(ii) is stabilized and protected for erosion when completed; and

(iii) does not cause offsite erosion and/or sedimentation.

2. Soil Erosion & Sediment Control Plans shall be developed in accordance with the best available technology and the CTDEEP's *2002 Guidelines for Soil Erosion and Sediment Control*, as amended.

3. Computations for stormwater runoff are required when drainage structures are proposed, and may be requested by Land Use staff when warranted because of topography and/or potential effect on neighboring properties or downstream/downhill resources. When required, such computations shall be prepared by a Connecticut licensed professional engineer.

4. Alternative design criteria, principles, methods and practices may be used with the approval of the Commission or its designated agent.

**E. Plan Review & Approval**

1. Any soil erosion and sediment control plan submitted pursuant to this Section may be reviewed by a technical expert retained by the Commission, at the expense of the applicant.

2. The Commission or its designated agent may refer the plan to any other local, state or federal agency for their findings and recommendations.

3. The Planning & Zoning Commission shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of this Regulation or deny Certification when the Development proposal does not comply with these Regulations.

4. Nothing in this Section shall be construed as extending the time limits for actions on any application under Chapter 124 or 126 of the Connecticut General Statutes.

5. Bonding: In order to enforce, stabilize, and control any adverse environmental impacts resulting from a lack of facilities and/or non-compliance with the approved soil erosion and sediment control plan, the Commission or its designated agent may require the placement of a Performance Bond as a condition of approval.

(i) A performance bond shall be in favor of the Town of Thomaston and in form, content, and amount satisfactory to the Commission or its agent.

(ii) Bonding shall be required if the total site disturbance, regardless of phasing, is in excess of one-half (1/2) acre.

(iii) The bond may be called if the Commission makes a determination that the Soil Erosion and Sediment Control Plan is not being followed by the applicant and/or their agent. Notice of this determination will be forwarded to the applicant via certified mail, return receipt requested.

**F. Implementation**

**1. It shall be the responsibility of the developer to:**

(i) Implement the approved plan or any revision thereto;

(ii) Install the erosion and sediment control measures and facilities as scheduled and as shown on the approved plan, prior to the commencement of any site development activity except as may be required to implement the plan; and

(iii) Maintain the plan measures and facilities in effective condition to ensure compliance with the approved plan.

**2. The Commission or its agent may require the permittee to:**

(i) Verify through progress reports and "as-built" surveys that soil erosion and sediment control measures and facilities have been performed or installed according to the approved plan and are being operated and properly maintained; or

(ii) Retain an inspector who is a Certified Professional in Erosion and Sediment Control (CPESC) or other qualified professional to inspect the development activity and to file periodic reports with the Building & Land Use Office.

**3. The Commission or its agent is hereby authorized to withhold the issuance of zoning permits or the issuance of zoning certificates of compliance unless, in its judgment, accelerated erosion and sedimentation control measures have been complied with.**

**4. Inspections shall be made by the Commission or its agent during development to ensure compliance with the approved plan and that control measures and facilities are properly performed or installed and maintained.**

**8.3 Health District Authorization**

**A. Septic Systems:**

1. The Commission shall require approval from the Torrington Area Health District prior to issuing a zoning approval for buildings which require septic systems.

2. Buildings shall not be enlarged, constructed, or intensified without obtaining approval from the Torrington Area Health District.

3. Activities subject to this requirement include:

(i) construction of ~~a~~ single or multi-family units, commercial or manufacturing buildings, and/or additions to these units;

(ii) conversion of residential units from seasonal use to year-round use; and

(iii) addition of new uses to a dwelling or structure.

**B. Wells:** Wells for potable water or industrial usage shall not be dug, drilled, or deepened without obtaining an approval from Torrington Area Health District.

**C. Accessory Structures:** Swimming pools *and other accessory structures* shall not be installed without obtaining a permit from Torrington Area Health District.

**D.** These requirements shall be in addition to any other requirements of the Town or the State Building Code.

**E. Violations**

Failure to comply may result in the revocation or suspension of any permits or further legal action for enforcement of these Regulations. If action is brought, the subject party may be liable for attorney fees and court costs.

## 8.4 Stormwater Management Regulations

**A. Purpose and Intent:**

1. The Town of Thomaston seeks to maintain the natural environment of its watercourses and waterbodies, to control pollution caused by Stormwater Runoff, and to control flooding caused by development. The Town encourages innovative solutions and Low-Impact Development techniques.

2. This section is intended to regulate the development and redevelopment of properties in Thomaston with the goal to maintain post-development peak rate of stormwater runoff to a level that is less than or equal to pre-development conditions, manage quantity of runoff, and improve the water quality of the runoff.

3. These Regulations are intended to protect the public health, safety, and welfare of Thomaston's residents, to avoid adverse and cumulative impacts to downstream properties and structures, and to protect the integrity of our wetlands and watercourses.

4. Implementation of these standards, in conjunction with adherence to the standards in Section 8.2 (Erosion and Sedimentation Control) will minimize any unnecessary accelerated erosion and sedimentation, and result in compliance with MS4 requirements, as amended.

**B. Applicability:**

A Stormwater Management Plan shall be prepared for every application for zoning permit, subdivision, site plan approval, and special permit, where such application results in any one (1) or more of the following:

1. One (1) or more acres of land Disturbance.
2. One (1) or more acres of impervious surface upon project completion. (Existing impervious surface shall be counted towards this requirement).
3. Any commercial or industrial activity.
4. Any application with four (4) or more dwelling units.
5. Any project involving a new road, private road, or shared driveway serving three (3) or more lots.
6. Any project where the impervious surface area after construction exceeds thirty percent (30%) of the total site area (existing impervious surface shall be counted towards this requirement).

**C. Goals for Stormwater Drainage Design and Facilities**

- Proposed stormwater drainage systems shall address the following goals:
- Preserve the pre-development site hydrology;
- Preserve and protect streams, channels, wetlands, water bodies, watercourses and other natural
- features that provide water quality and quantity benefits, including upland review areas;
- Prevent pollution of drinking water sources, both above ground and below ground (aquifers) by
- minimizing the discharge of soluble pollutants;
- Prevent pollutants from entering receiving waters and wetlands;
- Preserve undisturbed natural areas from development and minimize grading and clearing of land;
- Avoid compaction of soils and restore the original properties and porosity of the soil. In areas where no improvements are proposed, but there has been, or will be, earth disturbance due to onsite construction, the soils should be loosened to a minimum depth of six (6) inches below grade prior to placing topsoil or final landscaped surface;
- Manage stormwater runoff in a manner that maintains or improves the physical and biological
- characteristics of existing drainage systems and prevents increases in downstream flooding;
- In accordance with the Connecticut Department of Energy and Environmental Protection
- General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Water Systems (effective date 07/01/2017, and as amended), consideration of Low Impact Development ("LID") techniques, Best Management Practices ("BMPs"), runoff reduction site planning and development practices, and non-structural approaches to controlling runoff and water quality, where appropriate;
- On applications where the increase in the area of impervious surfaces exceeds thirty percent (30%), or any application adding impervious coverage in any commercial or business zones, ensure that the new peak rate of runoff is less than or equal to the existing condition peak rate of runoff for a 1-, 10-, and 50-year storm event, based on a 24-hour storm duration;
- Utilize infiltration, where appropriate, to reduce stormwater runoff rate and volume, to improve stormwater quality and to recharge groundwater.

**D. Stormwater Treatment General Procedures and Guidelines**

1. In general, the preferred methods for meeting the objectives of post-construction runoff control include the installation of Site Design Best Management Practices and/or Low Impact Development measures, described below, which can be considered as both stormwater pretreatment facilities and primary treatment facilities, as applicable.
2. Pretreatment facilities are designed to remove large particles and debris from runoff in order to prevent clogging and minimize maintenance of any downstream primary treatment facility.
3. Primary treatment facilities are designed to capture and treat the design water quality volume (WQV) or the design water quality flow (WQF) in accordance with the design procedures contained in the Connecticut Stormwater Quality Manual, as amended, and address the Goals and Guidelines set forth in these regulations.
4. Site Design Best Management Practices (BMPs). Site design BMPs are techniques and facilities that

can be used to reduce the quantity of runoff, and to treat runoff in order to reduce the level of pollutants. Preferred site design techniques include minimizing impervious areas and retaining native vegetation. Site design BMPs include roof downspout infiltration systems, drywells and the utilization of pervious surfaces where appropriate. Preferably, runoff storage and treatment measures shall be spread throughout the site rather than being placed at a single stormwater collection point (end-of-pipe structure).

5. Low Impact Development (LID). A site design strategy intended to maintain or replicate pre-development hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. This involves strategic placement of lot-level controls to reduce runoff volume and pollutant loads through infiltration, evapotranspiration, and reuse of stormwater runoff. Small-scale LID practices include, but are not limited to, the use of vegetated swales, buffers, and filter strips, bioretention facilities and rain gardens, dry wells, subsurface chambers, and infiltration trenches, rainwater harvesting, vegetated roof covers (green roofs), and pervious surfaces. The main feature that distinguishes these practices from conventional structural stormwater controls is scale. These small systems are typically designed as off-line systems that accept runoff from a single residential lot or portions of a lot, as opposed to large multiple-lot or end-of-pipe controls.

**E. Stormwater Management Plan Requirements**

1. **Application Submission**

Proposed stormwater drainage systems shall be shown on a stamped and signed site plan prepared by a Connecticut licensed professional engineer, using current engineering practices, and shall be designed to create post-development runoff that is less than or equal to existing conditions. Plans shall incorporate BMPs, LID, and/or other Stormwater Treatment General Procedures to manage the quantity of stormwater and to treat the quality of stormwater in order to comply with the Goals for Stormwater Drainage Design and Facilities. Application submissions shall include calculations and documentation to support and identify the methods used in the design of the stormwater management and drainage facilities, and compliance with the Connecticut Stormwater Quality Manual, as amended.

Any application submission subject to these Regulations shall be accompanied by a written narrative describing the proposed project, and the following stormwater management requirements shall be included and/or addressed in documentation, plans, and details:

(i) An analysis performed in accordance with the Connecticut Stormwater Quality Manual, providing a comparison of the pre-development conditions with the proposed post-development conditions;

(ii) Attenuation of the post-development peak runoff rate;

(iii) All drainage/conveyance systems, whether structural or non-structural, shall be analyzed, designed and constructed to accommodate existing upstream offsite runoff and developed onsite runoff (post-development);

(iv) Provisions for the treatment of surface runoff in order to minimize the discharge of pollutants into existing conveyance systems, wetlands, watercourses, and water bodies;

(v) Measures to control soil erosion and sedimentation during construction and post-development in accordance with Section 8.2 in these Regulations;

(vi) Pretreatment of runoff prior to discharging to the site's primary stormwater treatment facility or to any infiltration facility. If a pretreatment facility is used, primary treatment shall also be required;

(vii) Primary treatment of stormwater runoff at all points where stormwater discharges from the site into an existing stormwater conveyance system, wetland, or watercourse; and

(viii) All stormwater conveyance systems, storm sewer systems, surface drainage systems, detention systems, swales, channels, and similar facilities shall be appropriate for the site and shall be designed in accordance with current engineering practices, addressing the goals and requirements in these regulations.

**2. Stormwater Maintenance and Drainage System Agreement and Plan**

This submission shall accompany all applications when required by these regulations.

(i) All onsite facilities shall be properly maintained by the owner of such, so that they do not

become nuisances.
(ii) Maintenance of all proposed stormwater drainage systems/facilities not dedicated to the Town shall be the sole responsibility of the property owner or property association.
(iii) All stormwater control structures located on private property whether dedicated to the Town of Thomaston or not, shall be accessible at all times for Town inspection.
(iv) Where runoff control structures have been accepted by the Town of Thomaston for maintenance, access easements shall be provided.
(v) All projects shall have a Stormwater Management/Best Management Practice (BMP) Maintenance Agreement with the Town of Thomaston. This document shall address items of routine maintenance, frequency of maintenance, the party responsible for maintenance, accessibility for town inspection, and an emergency operation plan. The document must be filed as an agreement with the Town prior to the issuance of any Zoning Certificate of Compliance for the development.
(vi) Reporting. All properties with a Stormwater Management Plan shall submit an annual report to the Planning & Zoning Commission no later than September 15th. The report shall comply with Town Requirements.
(vii)Shared Stormwater Management Facilities When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical, the Commission may permit several developers to construct joint facilities, provided that the maintenance agreement is filed on the land records for each property involved. The Commission may require bonding or the creation of a maintenance fund for combined retention areas.

**3. <u>Stormwater Quality</u>**

All development subject to these regulations shall include provisions for the treatment of stormwater runoff in order to minimize the transport of pollutants into existing conveyance systems, wetlands, watercourses, water bodies, and into the groundwater, in accordance with the Town of Thomaston's policy to comply with the National Pollutant Discharge Elimination System (NPDES) Permit Phase II Requirements for Post-Construction Runoff Control. The Commission or its Agent may require a post-development pollutant renovation analysis for business or commercial site development, where warranted by the proposed use and potential for pollutant runoff.
Specifically, all stormwater management facilities including, but not limited to, stormwater conveyance systems, storm sewer systems, surface drainage systems, detention systems, drainage swales and channels shall be designed to:
(i) Remove at least 80% of the average total suspended solids (TSS) load;
(ii) Remove all oils, greases and vehicle fluids from the post development runoff, prior to the runoff leaving the site, to the maximum extent possible;
(iii) Incorporate stormwater management practices that mitigate potential increases in the temperature of runoff.
Water quality volume shall be calculated based on the precipitation depth of 1.5 inches. The use of pervious surfaces, as defined in Section 2.2, is encouraged, and the amount of coverage required to be managed, in accordance with this regulation, shall be reduced by 50% of the area of new pervious surface, provided the plan prepared by a Connecticut licensed professional engineer is acceptable.

**4. <u>Stormwater Quantity/Peak Runoff Attenuation</u>**

All development subject to these regulations shall attenuate the post-development peak runoff rate. Peak runoff attenuation can be accomplished by limiting impervious coverage, increasing travel times, utilizing pervious pavers and pavements, introducing groundwater recharge, constructing stormwater detention facilities or other approved methods.
**The following standards shall be applied in designing for peak rate attenuation:**
(i) Increases in peak runoff must be attenuated for the 1-, 10-, and 50-year storms, based on data for 24-hour storm duration, upon certification from a Connecticut licensed engineer. The Commission or local review authority may waive the peak runoff attenuation criterion for sites that discharge to a large river (fourth order or greater) or lake where the development area is

less than 5 percent of the watershed area upstream of the development site;

(ii) Rainfall data (Point Precipitation Frequency Estimates) for Thomaston, Connecticut shall be obtained from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14: (https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html);

(iii) Additional attenuation may be required where the development is in close proximity to designated Special Flood Hazard Areas, designated on Federal Flood Insurance Rate Maps for the Town of Thomaston, where the cumulative impact of the development has the potential to adversely affect downstream developed properties, or the Commission determines that additional attenuation for the 100-year storm may be required.

**F. Other Approvals May Be Required**

An approval under this Section does not relieve any person from having to obtain other permit approvals that may be required, including:

1. A regulated activity in a wetland or watercourse area;
2. An activity within a floodplain area; or
3. An activity regulated by a local, state, or federal agency.

**G. References for Design**

The analysis and design of drainage and stormwater management systems shall utilize the latest versions of the following publications, where applicable:

1. State of Connecticut Department of Transportation (CONNDOT) Drainage Manual;
2. U.S. Soil Conservation Service TR-55 Manual;
3. U.S. Soil Conservation Service TR-20 Manual;
4. Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin 34);
5. Connecticut Stormwater Quality Manual, including the Low Impact Development Appendix to the Manual

# ARTICLE 9 – SIGNS

## 9.1 Purpose

**A.** Signs obstruct view, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive, and harmonious community, protection against destruction of or encroachment on historic character, convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs.

**B.** A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to:

1. Establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant;
2. Promote signs that are adequate for their intended purpose while balancing the individual and community interests identified in this section;
3. Promote signs that are compatible with the landscape and architecture of surrounding buildings;
4. Promote signs that are legible and appropriate to the activity to which they pertain;
5. Promote signs that are not distracting to motorists; and
6. Promote signs that are constructed and maintained in a structurally sound and attractive condition.

**C.** This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

## 9.2 Prohibited Signs

The following signs and sign types are prohibited throughout all zones of the Town and shall not be erected, operated, enlarged, extended, structurally altered, moved, or placed on any property except in conformance with these Regulations:

**A.** Any sign not expressly authorized under these Regulations and/or constructed pursuant to a valid building permit, when required.

**B.** Inflatable signs, balloon signs, or wind-activated graphics.

**C.** Pennant strings and streamers.

**D.** Roof signs. No sign shall project above the top wall of any structure.

**E.** Any sign carried by a person for the purpose of attracting attention to any business or commercial activity.

**F.** No sign or any part thereof shall have visible moving parts, mechanical movement, or any effects that create the illusion of motion such as swinging, spinning, oscillating, rotating, or revolving whether by mechanical Or other means.

**G.** No sign shall contain any flashing, fluttering, blinking, exposed light sources, revolving or pulsating lighting or may change luminance, light intensity, brightness, or color.

**H.** No sign may utilize revolving beams or beacons, search lights, strobe light or lights customarily associated with police, fire, or ambulance, or animation.

**I.** No signage which is of a size, location, movement, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.

**J.** No sign may emit sound, odor, smoke, fire, vapor, or other visible matter.

**K.** Signs may not be placed or project within the right-of-way of any street, with the exception of property address markers, or be located in such a way to be hazardous to traffic circulation or pedestrian use or to obstruct any window, door, ventilation system, fire escape or exit.

**L.** Holographic signs or projected image signs that are projected onto walls or buildings via lasers, beams of light, or motion pictures.

**M.** Vehicle signs, except as specifically provided below. Vehicle signs are allowed only where all of the following conditions are met:

1. The primary purpose of such vehicle or equipment is not the display of signs.
2. Signs are painted upon or applied directly to an integral part of the vehicle or equipment, do not

extend beyond the horizontal or vertical profile of the vehicle, and are not mounted on the truck bed.
3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
4. Vehicles and equipment are not used primarily as static displays advertising a product or service, nor utilized as storage, shelter, or distribution points for commercial products or services for the public.
5. Vehicles and equipment engaged in active construction projects and on-premises storage of equipment and vehicles leased or rented to the general public by a business engaged in vehicle leasing shall not be subject to this condition.

**N.** No sign over sixty-four (64) square feet in size shall be allowed in any zone.

**9.3 General Provisions for All Signage in All Zones**

**A.** Measurement of Sign Area, Sign Face, and Sign Height

1. Sign Area: Sign area shall be measured as the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure, or where the sign is attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.
2. Sign Face:
   i. The sign face shall be considered the entire display surface area of a sign upon, against, or through which copy is placed.
   ii. For the purpose of determining conformity to sign area limitations, a sign that is double faced (also referred to as "back-to-back" or "two-sided") shall be counted as only one face provided both faces are equal in area, parallel, and located no more than eighteen (18) inches apart.
   iii. Sign faces that are back-to-back but not parallel to each other shall be considered as two (2) signs.
3. Sign Height:
   i. The height of a sign shall be measured as the vertical distance from the average finished grade at the base of the sign to the highest point of the sign.
   ii. If the sign location has an average finished grade lower than the adjoining grade of the sidewalk or road, the sign height is measured from the top of the sidewalk or curb (or highest point of the road nearest the property if no curb exists) to the highest point of the sign.
   iii. The use of berms, grading, or other means in order to achieve a greater sign height shall not be permitted except where site conditions are such that the proposed sign location is below the grade of the closest adjacent roadway.

**B.** Zoning permits are required for all signs except for those specified in Article 9.4.A of these Regulations.

**9.4 Authorized Signs**

**A.** The following signs are authorized in every Zone without prior zoning approval:

1. Governmental Signage

   These Regulations are not intended to and do not apply to signs erected, maintained, or otherwise posted on land owned or leased by this State, the federal government, or the Town of Thomaston with the approval of such entity. Signs not approved by such governmental entity shall be deemed in violation of these Regulations. This exemption does not apply to land leased from a governmental entity for commercial purposes.
   Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
2. Traffic Control and Directional Signage
   i. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state, and if not adopted by this state, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
   ii. Traffic, directional, or warning signs shall not exceed four (4) square feet in area for each

sign and may be located at each driveway entrance or exit or anticipated hazard area providing access to any parking, loading, or building area.

iii. Such signs shall be reviewed by the Planning & Zoning Commission or Zoning Enforcement Officer for: (1) necessity of the signage to preserve wayfinding and public safety; (2) size, location, and design of signs to meet the exemption as part of an overall site plan.

3. Address Identification

In order to assist with efficient emergency vehicle operations by identifying the location of residential and business addresses, in accordance with Article III §240-10 of the Town of Thomaston Code of Ordinances as may be amended, each property is required to display the street number(s) assigned by the Assessor in a prominent location so as to allow said number to be clearly readable from the street. Numbers must be at least four (4) inches high, up to a maximum of two (2) square feet so that public safety services, mail delivery, and official governmental notification can be more easily provided. Where required under this code or other ordinance, the identification must be: (1) adjacent to the property entrance at the nearest public roadway on the same side of the roadway; and (2) on the face of the principal building on the property. Markers located within view of the public street must be located on a mailbox or other suitable support or sign such that it is readily visible from the street to public safety responders.

4. Flags Provided they do not pose an obstruction pursuant to Section 9.3 of these Regulations.

5. Temporary Signs

i. Temporary signage may be located on the owner's property for a period of 60 days prior to an election.

ii. Temporary signage may be located on a property when the owner consents and that property is being offered for sale, lease, or rental or is the location of properly permitted and recently completed construction activities.

iii. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties, provided that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.

iv. Unless otherwise limited in this section, there shall not be on one lot any more than a total of 16 square feet of temporary signage.

v. For the purposes of this section, the lessor(s) of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others, and the size of their property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

vi. Signage shall not be located within any right-of-way, whether dedicated or owned in fee simple or as an easement.

vii. Signage shall only be located on property that is owned by the person whose site it is and it must not be placed on any utility pole, street light, similar object, or on public property.

vii. Signage shall not be illuminated.

ix. Signage authorized under Section 9.4.A.5 must be removed within 10 days after the election, sale, rental, lease, or conclusion of the event which is the basis for the sign.

**B.** The following signs are authorized in every Zone by zoning permit:

1. Agricultural Signage

i. An on-premise farm Sign and a temporary product availability sign that meets the requirements of the zone in which the farm is located.

2. Tag Sale Signage

i. All tag sale signage shall be conducted in accordance with Chapter 161 of the Town of Thomaston Code of Ordinances as may be amended.

**9.5 Permit-Required Signage**

**A.** General: :A sign permit is required prior to the display and erection of any sign except as provided in Section 9.4.A above.

**B.** Application Process:

1. An application for a sign permit must be filed with the Zoning Enforcement Officer on forms furnished by the Building & Land Use Department.
2. The applicant must provide sufficient information to determine if the proposed sign is allowed under this Regulation and other applicable laws, regulations, and ordinances.
3. An application for any sign must state the date when the owner intends to erect signage; an application for temporary signage must also include the date intended for removal of signage.
4. A nonrefundable fee as set forth in the fee schedule adopted by the Town of Thomaston must accompany all sign permit applications.

**C.** Decision:

1. The Zoning Enforcement Officer or designee shall process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application in a timely manner.
2. If the application is rejected, the Zoning Enforcement Officer shall provide a list of the reasons for the rejection in writing.

**D.** Duration of Permit:

1. If a sign is not installed and a use permit issued for the property within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), then the permit shall be void.

**E.** Permit Revocation:

The Town may revoke a sign permit under any of the following circumstances:

1. Town determines that information in the application was materially misleading;
2. The sign as installed does not conform to the sign permit application;
3. The sign violates this Section, the Zoning Regulations, the building code, or other applicable law, regulation, or ordinance; or
4. The Zoning Enforcement Officer determines that the sign is not being properly maintained or has been abandoned.

**F.** Appeals:

If the Zoning Enforcement Officer denies or revokes a permit, the applicant/permittee may appeal the decision to the Town of Thomaston Zoning Board of Appeals as per Article 11.5 of these Regulations.

**G.** Abandoned Signs:

Signs shall be removed by the owner or lessee of the premises on which the sign is located when the business or industry with which it is associated is no longer conducted on the premises. The Planning & Zoning Commission may give such owner or lessee 15 days written notice to remove such sign. Failure to comply with this notice shall be deemed a zoning violation.

### 9.6 Illuminated Signs

Signs may be permitted to be internally or externally illuminated subject to the following guidelines:

**A.** No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian, or the general public.

**B.** External lighting shall be directed as to not cause glare onto any street or adjacent property. Lighting fixtures (bulbs) may not be directly in view from adjacent properties or traffic.

**C.** Signs shall not be rotating or flashing.

**D.** Digital billboard or other electronic sign boards may be allowed in certain zones in compliance with these Regulations, subject to the following additional requirements:

1. Signs shall display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
2. Displays shall not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
3. Signs shall be equipped with a fully operational light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.

4. Displays shall change from one message to another message no more frequently than once every ten (10) seconds and the actual change process shall be accomplished in two (2) seconds or less.
5. Display areas for digital or electronic signage shall not exceed thirty-two (32) square feet in allowed zones.
6. Signage shall be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.
7. Signage shall not be authorized until the Commission is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.
8. Digital and electronic signage shall not be allowed in the Downtown Development District.

**9.7 Specific Signage Regulations for Residential Zones (RA-15, RA-80, and RA-80A)**

**A.** All signage must be approved by zoning permit approval by either the Zoning Enforcement Officer or the Planning & Zoning Commission.

**B.** Size:

1. When a sign is authorized on a property, the sign must not exceed 2 square feet in area.
2. Where attached dwellings exist on a property, the total square footage of signs must not exceed 2 square feet per dwelling unit and must not exceed a total 12 square feet in area per structure.
3. For Residential Developments (including subdivision identification), the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

(i) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than 32 square feet.

(ii) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than 48 square feet.

(iii) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than 64 square feet.

**C.** Signage must meet the yard setbacks for the zone in which the property is located.

**D.** Maximum Height:

1. Ground-mounted: The top of the sign must not be over 4 feet above the ground.
2. Wall-mounted: The sign must be flush mounted and must not project above the roof line.

**E.** Illumination: Illumination if used must not be blinking, fluctuating, or moving. Light rays must shine only upon the sign and upon the property within the premises.

**F.** The following signs are expressly prohibited:

| | |
|---|---|
| *Portable Signs* | *Outdoor Advertising Signs* |
| *Marquee Signs* | *Projecting Signs* |
| *Digital Billboard Signs* | |

**9.8 Specific Signage Regulations for Commercial Zones (GC, DDD)**

**A.** All signage, other than portable signs, in the General Commercial Zone must be approved by site plan approval by the Planning & Zoning Commission.

**B.** Each lot located exclusively in the General Commercial Zone is permitted the following:

1. Integral, Marquee, Projecting, or Flat Wall-Mounted Signage:
   i. No more than one (1) sign per business on the lot; and
   ii. The total maximum permitted sign area for the lot shall be measured in square feet and equal to the total number of linear feet of building frontage.
      (a) Where more than one business is located on a lot, each business shall be allowed a total sign area measured in square feet and equal to the total number of linear feet of tenant business frontage facing the street and running along the ground level for that portion of the building that the business or use occupies.
      (b) Where a business does not face a street, the maximum permitted wall sign area shall be determined by the linear measurement of the tenant business frontage occupied by the particular business or use that has the main entrance facing the primary parking lot.

iii. Signage shall not project over the top wall of any structure.
iv. Projecting or marquee signs may extend up to two (2) feet over a sidewalk or other common passway, other than a public street, providing the lowest point of the signage is at least eight (8) feet in height from the nearest ground point. If extending into a Town or State right-of-way, permission shall be granted by the appropriate entity.

2. Freestanding and/or Ground-Mounted Signage:
   i. No more than one sign having a maximum area of thirty-two (32) square feet and a maximum height of sixteen (16) feet.
   ii. Signage shall not be located in the required side yard, rear yard, or within five (5) feet of a street right-of-way.
3. Window Signage:
   i. Window signs shall not exceed thirty-five percent (35%) of the total window display area for each building façade viewable from a public street or way, or from a parking area.
   ii. Any internal wall sign that is clearly visible from the public right-of-way through any window shall count toward the total window display area.
4. Portable Signage:
   i. No more than one (1) portable sign is permitted by zoning permit for no more than 5 periods of thirty (30) days each during any calendar year.
   ii. The location, which shall be approved by the Zoning Enforcement Officer, shall not block pedestrian passage or become a vehicular hazard, nor shall it be located within any public highway right-of-way.
   iii. The sign shall not obstruct vehicular circulation, bus stops, benches, fire hydrants, or other features legally in the right-of-way.
   iv. The sign shall be securely weighted and stabilized so as not to shift in the wind or present a public safety hazard.
   v. The sign shall only be displayed during the hours the business is open.
   vi. Sign area shall not exceed 12 square feet.
   vii. A zoning permit shall be obtained prior to the commencement of any thirty (30) day period and shall identify the time period(s) during which such sign shall be displayed. Such zoning permit may be issued for a single thirty (30) day period or up to the full 5 such periods, at the option of the applicant, as long as the dates of the sign display are provided.
5. Illumination:
   i. Permitted subject to the requirements of Section 9.6 above.
   ii. No portion of a digital billboard shall be located within 100 linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

**C.** Each lot that is simultaneously designated also as part of the Downtown Development District Overlay Zone is permitted signage as detailed in Section 9.8B above with the following additional requirements:

1. Window Signage:
   i. Window signs shall not exceed twenty-five percent (25%) of the total window display area for each building façade viewable from a public street or way, or from a parking area.
2. Cabinet signs are not permitted.
3. Digital billboards and electronic signage shall not be allowed in the Downtown Development District.
4. No sign, window, door, outdoor eating or drinking areas, canopy or building or any portion thereof shall be outlined in tube lighting, strings of light bulbs, rope lighting, LED lighting or other similar lighting, where such lighting is intended to be visible from the exterior of the building, unless for temporary seasonal decorations between Thanksgiving Day and January 10th and/or on July 4th.

**9.9 Specific Signage Regulations for Manufacturing Zones (M1, M2)**

**A.** All signage, other than temporary signs, in the Manufacturing Zones must be approved by site plan approval by the Planning & Zoning Commission.

**B.** Each lot located in the Manufacturing Zones is permitted the following:

1. Integral, Marquee, Projection, or Flat Wall-Mounted Signage:
   i. No more than one (1) sign per business on the lot; and
   ii. The total maximum permitted sign area for the lot shall be measured in square feet and equal to the total number of linear feet of building frontage.
      (a) Where more than one business is located on a lot, each business shall be allowed a total sign area measured in square feet and equal to the total number of linear feet of tenant business frontage facing the street and running along the ground level for that portion of the building that the business or use occupies.
      (b) Where a business does not face a street, the maximum permitted wall sign area shall be determined by the linear measurement of the tenant business frontage occupied by the particular business or use that has the main entrance facing the primary parking lot.
   iii. Signage shall not project over the top wall of any structure.
   iv. Projecting or marquee signs may extend up to two (2) feet over a sidewalk or other common passway, other than a public street, providing the lowest point of the signage is at least eight (8) feet in height from the nearest ground point. If extending into a Town or State right-of-way, permission shall be granted by the appropriate entity.
2. Freestanding and/or Ground-Mounted Signage:
   i. No more than one sign having a maximum area of thirty-two (32) square feet and a maximum height of sixteen (16) feet.
   ii. Signage shall not be located in the required side yard, rear yard, or within five (5) feet of a street right-of-way.
3. Illumination:
   i. Permitted subject to the requirements of Section 9.6 above.
   ii. No portion of a digital billboard shall be located within 100 linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

## ARTICLE 10 – OFF-STREET PARKING AND LOADING

**10.1 Applicable to All Uses**

Parking spaces shall be provided for all lots.

**10.2 Areas Counted as Parking Spaces**

Areas which may be counted for off-street parking include any private carport, garage, or other area available for parking. The front yard of any single-family residence may be counted as one (1) parking space. This does not apply to corner lots.

**10.3 Location of Required Accessory Parking**

Accessory parking spaces may be provided on the same lot as the primary use or within three hundred (300) feet of such lot.

**10.4 Size of Automobile Parking Spaces**

Spaces shall be ten (10) feet by twenty (20) feet. Handicapped parking shall be a minimum of twelve (12) feet by twenty (20) feet. Spaces shall be designed to provide safe access, entering, exiting, and maneuvering.

**10.5 Access**

Access shall be provided to all streets. Access shall consist of one ten (10) foot lane that contains five (5) to twenty (20) spaces and two (2) ten (10) foot lanes for parking containing over twenty (20) parking spaces.

**10.6 Drainage and Surfacing**

Spaces shall be drained and provided with a dustless surface.

**10.7 Joint Parking Facilities**

Facilities may be provided in areas designed to serve two (2) or more businesses. The number of spaces shall not be less than the number required for each business.

**10.8 Off-Street Loading Space**

Accessory loading spaces may be provided for manufacturing or commercial operations. Each space shall be twelve (12) feet wide and sixty (60) feet long. Loading spaces may be located within a building, but not within the off-street parking spaces or accessory drives. Unobstructed access at least ten (10) feet wide to and from streets shall be provided. The access may be combined with the parking lot. Spaces may be designed to serve two (2) or more facilities. The number of spaces shall not be less than the amount required for each establishment.

Buildings having a ground floor in excess of eight thousand (8,000) square feet shall have two (2) spaces for the first twenty-five thousand (25,000) square feet of floor area or fraction thereof.

**10.9 Additional Parking Provisions**

The entrance/exit for off-street parking which contains more than ten (10) parking spaces or a loading space shall not be located within fifty (50) feet of the intersection of any street.

Off-street parking areas containing at least ten (10) spaces or any loading space located within fifty (50) of a residential zone shall have a screened or buffered area between itself and all adjacent lots, including those locate across the street. If floodlighting used, it shall be arranged in a way to eliminate glare toward residential lots.

**10.10 Handicapped Parking Spaces**

The number of handicapped parking spaces shall be determined at the review process.

## 10.11 Parking Space Standards

Schedule D shall be used to calculate the minimum number of parking spaces that will be required.

| **Schedule D**<br>**Table of Required Minimum Parking Standards** | |
|---|---|
| **Use of Facility** | **Parking Spaces Required** |
| Residential Dwelling Units | Two (2) spaces for each dwelling unit |
| Accessory Dwelling Unit | One (1) space |
| Churches, Assembly Halls, and Theaters | One (1) space for every five (5) seats |
| Convalescent Hospitals | One (1) space for every three (3) beds |
| Retail and Business Office, Banks, Veterinary Hospitals, and Service Establishments | One (1) space for every three hundred (300) feet of gross floor area, excluding storage area |
| Motor Vehicle Service and Repair Stations | Ten (10) spaces or five (5) spaces for each bay, whichever is greater |
| Hotels and Motels | One (1) space for every guest room and one (1) space for every employee |
| Restaurants and Taverns | One (1) space for every five (5) seats |
| Manufacturing Building and Offices | One (1) space for every seven hundred fifty (750) square feet of floor area, whichever is greater, and (1) space for every three (3) employees |
| Tennis Courts and Other Similar Uses | Five (5) spaces for each court |
| Educational Institutions | One (1) space for every twelve (12) students |
| Other Uses Not Listed | Spaces shall be provided for uses not listed above sufficient to maintain the purpose and intent of Article 10 |

# ARTICLE 11 - ADMINISTRATION

## 11.1 Administration and Enforcement

### A. Interpretation of Regulations

These Regulations shall be held to the minimum requirements for the promotion of public safety and convenience. If the requirements of the Regulation conflict with other regulations, ordinances, covenants, deeds, or restriction the more restrictive shall govern.

### B. Enforcement

The Commission may employ the services of a Zoning Officer. The Officer shall be responsible for and authorized to enforce the Zoning Regulations, subject to the supervision by the Commission. The Officer may inspect any building or premise, order the immediate termination of any condition found to be in violation of these Regulations, examine any action which is disputed, and submit reports to the Commission on all zoning violations.

## 11.2 Zoning Permits

### A. Zoning Permits Required

No land, building, or structure shall be erected, used, enlarged, extended, constructed, renovated, altered, or moved, nor shall land be devoted to a new Use nor an existing Use Altered, Extended, or Expanded, until a permit has been obtained from the Zoning Enforcement Officer.

### B. Permit Application Procedure

1. Applications shall be submitted prior to the extension, enlargement, moving, construction, or reconstruction of any building or structure.

2. Application for such permit shall be in writing signed by the applicant on a form approved by the Commission, which application shall include:

(i) All information requested on said form;

(ii) Two (2) copies of the Lot plan, drawn to scale, and showing Lot lines, Minimum Yard Setbacks, site improvements, building sizes and location on the Lot, provided, however, that these requirements may be waived by the Zoning Enforcement Officer if the proposed work is of a minor nature and provided the scope of the work is adequately described in the application;

(iii) Other drawings, documents or plans as may be required in these Regulations; and

(iv) The appropriate fee.

### C. Proceedings

1. A decision on a Zoning Permit Application shall be made within thirty-five (35) days of receipt.

2. If the proposed new or changed Use or if the proposed erection or Alteration of any Building or Structure is found from the application to be in compliance with these Regulations, the Zoning Enforcement Officer shall issue a Zoning Permit setting forth the date on which the permit was issued.

3. Any application for a Zoning Permit shall be rejected if the Zoning Enforcement Officer finds that:

(i) the application is incomplete and the applicant has been notified in writing of the reason(s) why the application is incomplete, or

(ii) the application is not in compliance with the Zoning Regulations and the applicant has been notified in writing of the reason(s) why the application does not comply with the Zoning Regulations. The notification need not enumerate all instances of non-compliance, but can specify only illustrative or serious violations.

4. An application for a Zoning Permit may be withdrawn by the applicant at any time prior to final action by filing a formal written request to that effect with the Zoning Enforcement Officer, except that there shall be no rebate of any portion of the fees which may have been paid by the applicant for a Zoning Permit application that is subsequently withdrawn.

5. The Zoning Enforcement Officer is not authorized to approve, and shall not approve, any zoning permit for any property on which there exists a violation of zoning, Wetlands or other municipal regulation or ordinance, unless such zoning permit application will remedy such violation or such violation has been bonded in accordance with Section 11.3.C.

### D. Notice Provisions

1. In accordance with CGS Section 8-3(f), the Zoning Enforcement Officer shall inform the recipient of a Zoning Permit that notice of issuance of a Zoning Permit may be published by the recipient in a newspaper having substantial circulation in the Town of Thomaston in order to establish the appeal

period per CGS 8-7.

2. Any such notice to be published by the recipient shall contain:

(i) a description of the Building, Use or Structure,

(ii) the location of the Building, Use or Structure,

(iii) the identity of the applicant, and

(iv) a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS 8-7.

**E. Location Improvement Surveys**

1. Foundations:

(i) A certified "as-built" A-2 survey prepared by a licensed land surveyor shall be submitted to the Zoning Enforcement Officer within fourteen (14) days after the completion of footings, piers, or walls to demonstrate the true location of such foundation with respect to the Lot lines of the Lot.

(ii) A copy of this survey shall be filed with the Zoning Enforcement Officer before any further construction is commenced. If the certified "as-built" is not received within the required time frame, the Building Official will not issue any additional construction permits.

(iii) This requirement may be waived at the discretion of the Zoning Enforcement Officer for additions to existing Buildings or Structures or new Accessory Buildings or Structures where it is clear that no setback violation is probable.

2. Driveways:

(i) An as-built or location improvement survey shall be prepared for new Driveways, with a note stating that the Driveway is built in accordance with the Town of Thomaston Driveway Ordinance.

(ii) The as-built or location improvement survey for a new Driveway shall be provided prior to the issuance of a Zoning Compliance or Certificate of Occupancy.

**F. Reasonable Accommodations for Persons with Handicaps**

1. All setback, coverage, and location requirements of these Regulations may be modified by the Zoning Enforcement Officer for the alteration, construction, and/or modifications necessary to provide access for persons with handicaps as may be necessary to meet the requirements of the Americans with Disabilities Act.

2. Once the reasonable accommodation is no longer required, all improvements to land, buildings, and structures not in compliance with these Regulations shall be removed within 90 days.

3. A legal notice shall be published in a newspaper having substantial circulation within the Town of Thomaston in accordance with §11.2.D above.

4. The letter granting the modification shall be filed on the Land Records in the Office of the Town Clerk within 14 days after the thirty-day publication period referred to in §11.2.F.3 above has expired.

**G. Zoning Sign-off Expiration**

Any permit issued under these Regulations for which no work is commenced within six (6) months from the date of issuance shall expire unless an extension is granted in writing on the original permit by the Zoning Enforcement Officer. Any permit issued under these Regulations for which all work is not completed within two (2) years shall expire unless an extension is granted in writing by the Zoning Enforcement Officer.

**11.3 Certification of Zoning Compliance**

**A. Applicability**

1. No land shall be occupied or Used and no Building hereafter erected, Expanded, Extended, or Altered or moved shall be occupied or Used in whole or part for any purpose until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer. Such certificate is required for any change, Alteration or Extension of a Use and shall state that the use is in accordance with the Regulations.

2. This regulation shall not affect the moving of a temporary Accessory Structure within the boundaries of the Lot on which it is situated.

3.The Zoning Enforcement Officer shall determine that the Use of the land or Building complies with all provisions of these Regulations.

4. The Zoning Enforcement Officer is not authorized to approve, and shall not approve, any Certificate

of Zoning Compliance for any property on which there exists a violation of zoning, Wetlands or other municipal regulation or ordinance, unless such zoning application will remedy such violation or such violation has been bonded in accordance with Section 11.3.C.

**B. Procedures**

Upon completion of work authorized by a Zoning Permit, the Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance if work has been completed in accordance with permits and plans.

**C. Bonding**

1. The Zoning Enforcement Officer may, upon the filing of a bond, issue a Certificate of Zoning Compliance where, due to weather or other conditions beyond the applicant's control:
    - certain items required by an approved Zoning Permit, Site Plan Approval, or Special Exception remain incomplete at the time of intended Building occupancy; and/or
    - violations of zoning, Wetlands or other municipal regulation or ordinance have been identified and cannot be immediately remedied;

2. In order to ensure the completion of such work and/or the remedying of such violations, the Zoning Enforcement Officer may require:
    - professionally certified estimates to confirm the costs of such work;
    - plans or other specifications to describe such work;
    - a schedule for the completion of such work; and/or
    - written consent to enter onto the property to complete such work in the event that the applicant fails to do so within the time period provided.

3. The form of the bond shall be as specified by the Zoning Enforcement Officer.

**D. Records**

A record of all certificates shall be kept on file in the Land Use Office, pursuant to the requirements of the CT State Library, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or Building affected for a fee. The Zoning Officer shall also keep a record of all applications, certificates, fees, and identifiable complaints of any zoning violations, including all inspections made pursuant to the Regulations, and violation notices and actions taken.

## 11.4 Site Plan Review

**A. General Provisions**

The use of land or buildings is subject to administrative review and site plan approval. The extension, construction, reconstruction, moving, structural alteration, or enlargement of any structure in connection with such shall conform to the following standards.

**B. Review Standards**

- The applicant shall design vehicular and pedestrian access in a way to avoid safety hazards and traffic congestion. The applicant shall demonstrate that sewage disposal and water supplies are in compliance with the regulations of the Water Pollution Control Authority, Torrington Area Health District, the Dept. of Health Services and Public Utility Control.
- The applicant shall demonstrate if off-street parking and loading is designed in a way to enhance vehicular safety and protect health. The applicant shall design the location and height of exterior lighting to avoid glare on other properties.
- The applicant shall plant shrubbery or create other buffers in commercial and manufacturing setbacks to lessen impact on adjacent properties and provide landscaped areas next to off-street parking and loading areas. Landscaping may consist of planting strips of islands not less than eight (8) feet in width.
- Construction, including drainage and other improvements, shall be done in such a way that it shall not cause erosion and sedimentation on the subject or adjacent property or into any wetlands or watercourse.

**C. Site Plan Application**

- The plan shall be drawn to a scale not to be less than one hundred (100) feet to the inch and contain existing and proposed contours, property lines, buildings, streets, driveways, off-street parking, loading areas, rights-of-way, storage areas, signs, lighting, water supply sources, sewage disposal, wetlands and watercourses, and storm drainage facilities on and adjacent to

the site. Features such shrubbery, trees, lawns, and other areas along with undisturbed natural terrain shall also be shown.

- The applicant shall submit four (4) copies of the site plan map. The plan shall include elevations, drawings, and floor plans.

**D. Sedimentation and Erosion Control Facilities**

Where required, a sedimentation and erosion control plan shall be provided in accordance with §8.2. Development shall not begin onsite until all of the control facilities are installed and functioning properly.

**E. Public Utility Services**

The applicant shall provide a report from the Torrington Area Health District regarding subsurface waste disposal systems along with the location of primary and secondary leach fields and wells. A report from the Water Pollution Control Authority regarding the ability and availability of sewage disposal shall also be submitted. A report from the Dept. of Environmental Protection or from the Army Corps of Engineers as to what types of uses, if any, will be permitted up to or within their area of jurisdiction shall be submitted.

The applicant shall submit a Certificate of Public Conveyance accompanied by a water supply plan approved by the Dept. of Health Services and Public Utility Control if water will be supplied by a small water company.

**F. Plan of Development**

The applicant's plan shall conform to the overall purpose and intent of the Plan of Development. The Commission may require policy recommendations from the Plan to be incorporated into the site plan.

**G. Submission of Application**

Applications shall be submitted seven (7) days prior to the next meeting. This will permit a preliminary review and placement on the agenda. Applications shall be received at a regular meeting, which is known as the "day of receipt."

**H. Decision of Commission**

The Commission shall approve, approve with modifications, or disapprove any site plan application with sixty-five (65) days after it has been received at a regular meeting. The Commission shall determine if the application is complete. If the Commission fails to act with sixty-five (65) days, it shall be considered approve and a certificate to that effect shall be issued upon written demand by the applicant. Demand must be received within thirty (30) days after the expiration of the sixty-five (65) day period for action.

**I. Extension of Application**

An extension of the sixty-five (65) day review period may be granted provided the applicant gives written consent. Grounds for disapproval shall be stated and made part of the record.

**J. Legal Notice**

Legal notice of the decision shall be published within fifteen (15) days after the decision.

**K. Certificate of Occupancy**

A Certificate shall not be issued until the Zoning Officer has determined that all provisions of the plan are in compliance. If conditions prevent compliance, the Officer may authorize the issuance of the Certificate on the condition that the remaining provisions are complied with as weather permits. Non-compliance shall make the approval null and void unless extended for good cause.

**L. Revisions, Modifications, and Extensions**

Substantial revisions, modifications, construction, enlargements, extensions, or structural alterations to an approved site plan shall require the submission of a revised application.

**M. Condition of Approval**

Conditions of approval shall be completed within five (5) years after the date of approval. If not completed, the approval shall be null and void. The Commission may, by resolution and without holding a hearing, extend approval for a period of one (1) year for good cause.

**N. Administrative Authorization**

1. The Zoning Enforcement Officer shall have the authority to administratively approve changes providing the requirements for off-street parking are the same as or less than what was required for the

previous use. If approved, the Officer shall state that the decision and/or use may be subject to future review by the Commission. Approvals shall allow for immediate occupancy except for those instances when the Building Official requires a Certificate of Occupancy.

2. In cases where additional parking, substantial structural alterations or renovations are involved, a site plan shall be submitted for review. The Zoning Enforcement Officer shall determine if a thorough review is warranted by the Commission.

3. **Accessory Outdoor Food & Beverage Service**

(i) Pursuant to Public Act 21-2, Section 182, outdoor food and beverage service is allowed as an accessory use of a permitted food and/or beverage establishment by site plan approval, provided it does not result in the expansion of a nonconforming use.

(ii) Review Criteria:

In addition to the requirements listed elsewhere in Section 11.4, the Zoning Enforcement Officer shall ensure the following requirements are met:

a. Service area is properly enclosed in a manner that ensures access to the service area is only through the permitted business.

b. If the service area is proposed to be located in an area customarily used for parking, appropriate barriers and adequate signage must be installed to prevent accidental incursion into the area by vehicular traffic. Such usage of off-street parking shall not be considered a violation of Article 10 – Off-Street Parking & Loading.

c. If service is proposed on public sidewalks and other pedestrian pathways, an alternative pathway shall be constructed that:
   - is in compliance with physical accessibility guidelines, as applicable, under the Americans with Disabilities Act;
   - extends for the length of the subject lot;
   - is not less than four (4) feet in width; and
   - remains unobstructed for pedestrian use.

d. As an accessory use of the indoor food and/or beverage establishment, outdoor service areas shall be secondary in size and intensity to the principal indoor service area.

(ii) Required Application Materials Include:

a. Location of the proposed outdoor service shall be indicated on a plan or aerial picture of the property with dimensions shown depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor service area;

b. Description of proposed controls to ensure the area is inaccessible to general public and vehicular traffic;

c. Information regarding the proposed hours of outdoor service;

d. If the outdoor service area is proposed to be located in area currently designated as part of the business's required parking facilities, a brief statement indicating possible alternative off-street parking facilities shall be provided. Such alternative parking shall not be located on another property unless that property owner's permission has been given in writing.

e. If the outdoor dining area includes a public sidewalk, public parking area, or other public space, the following shall be provided to the Building & Land Use Office prior to the issuance of the permit:
   - a Hold-Harmless Agreement in favor of the Town of Thomaston;
   - proof of general liability; and,
   - if applicable, liquor liability insurance coverage for the outdoor dining area naming the Town of Thomaston as an additional insured.

f. If live entertainment is proposed in this outdoor beverage service area, additional approvals from the Commission shall be required pursuant to §4.2.A.7 of these Regulations.

**O. Inland Wetlands and Watercourses Commission**

Applications shall be submitted to the Wetlands Commission no later than the day it is submitted to the Planning and Zoning Commission to determine the presence of a regulated activity. If the period for a decision by the Planning and Zoning Commission expires prior to a decision by the Wetlands Commission, the decision period shall be extended for a period of thirty-five (35) days after a decision is rendered by the Wetlands Commission. The applicant shall submit a copy of the Wetland's decision to the Planning and Zoning Commission.

**P. Inspection by Town Engineer**

The applicant shall be responsible for all inspection and review cost incurred by the Town Engineer during the review process. If it is determined that additional inspection and follow-up reports are necessary after granting an approval and prior to project completion, the applicant shall be responsible for all costs incurred by the Town Engineer as per the fee schedule assessed to the Town.

## 11.5 Special Permits

**A. General Provisions**

The Commission may approve a permit for the establishment of one (1) or more uses pursuant to Schedule A. The following requirements are in addition to any other that may be applicable in the zone in which the use is proposed.

**B. Intent of Regulations**

Special Permits provide for unusual uses that under favorable circumstance would be appropriate, harmonious, and desirable. These uses possess special characteristics. Each use should be considered on an individual basis.

**C. Application**

**1. Statement of Use**

The applicant shall submit four (4) copies of a statement describing the proposed use in sufficient detail to determine compliance.

**2. Site Plan Map**

Four (4) copies of a map at a scale of one hundred (100) feet to the inch shall be submitted. It shall contain existing and proposed buildings, contours, property lines, off-street parking, loading spaces, outside storage areas, watercourses, wetlands, storm drainage, sewage disposal, water supply facilities, landscaping, and all non-disturbed natural terrain areas and features.

**3. Architectural Plans**

The applicant shall submit four (4) copies of the plan. All buildings, elevations, signage, perspective drawings, and floor plans shall be shown.

**4. Sediment and Erosion Control Plan**

Where required, a sedimentation and erosion control plan shall be provided in accordance with §8.2.

**5. Determination/Review Procedure**

The Commission may determine that all or part of the requirements under Section 10.3 (B), (C), and (D) are not necessary to make a reasonable and sound decision on the application.

**6. Application Fee:** A fee shall be submitted with the application.

**D. Procedure**

Applications shall be filed with the Land Use Office at least seven (7) days prior to the next regular meeting. Within sixty-five (65) days after the receipt of a complete application, the Commission shall hold a public hearing.

Notice of the time and place of the hearing shall be published in a newspaper with a substantial circulation in the Town. Publication of the notice shall be at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before the date of the hearing.

A decision shall be rendered within sixty-five (65) days after the hearing is closed. The Commission may approve, approve with modification, or disapprove the application. The applicant may consent in writing to an extension of time for the hearing or decision.

**E. General Considerations:** The Commission shall consider the size and intensity of the proposed use, conformity with the Plan of Development, capacity of local arterials to accommodate traffic, and any

hazards that may be created along with the number, location, and arrangement of off-street parking, loading spaces, and vehicular access. The effect upon property values, placement of buildings, topography, and landscaping, along with police, fire, ambulance, and safety considerations shall be reviewed.

The Commission shall review water supply and sewage facilities, drainage, sedimentation and erosion problems, and the available of recreational facilities. The Commission may require addition information and documentation to complete its review of the application.

**F. Decision**

The Commission shall approve, approve with modification, or disapprove the application. The Commission shall state that the use will be harmony with the purpose and intent of the Regulations. If disapproved, the Commission shall state for the record the specific sections of the Regulations.

**G. General Standards**

**1. Neighborhood**

Plans shall be designed to accomplish a transition between dissimilar areas and preserve and enhance physical site characteristics of the zone in which the use is proposed to be located. The Commission may require recommendations and goals from the Plan of Development be incorporated into the applicant's plan to complement the proposed use of the property. Provisions for improvements to streets terminating at the proposed use shall be made in the plans.

**2. Endorsement and Filing of Bond**

The Commission may authorize the endorsement of the map to permit filing with the Town Clerk. The endorsement shall not be executed until all conditions have been completed. Prior to endorsement, the applicant shall file a bond and execute and agreement to guarantee completion within two (2) years. The bond shall be in a form and amount that is acceptable to the Town Counsel and the Commission.

**3. Release of Bond**

Prior to the release or before authorizing any map to be filed when no bond has been posted, the Commission's agent shall inspect the premises and notify the Commission that all work has been completed according to the approved plans.

**4. Conditional Approval**

Approval is conditioned upon the satisfactory completion of the project. Approval shall become null and void if the project is not complete within two (2) years. The Commission may grant a one (1) year extension after holding a hearing. The applicant must demonstrate good cause. Permits may be granted subject to certain conditions and safeguards necessary to protect public health, safety, convenience, welfare, and property values in the neighborhood.

**5. Sedimentation and Erosion Control**

The project shall not commence unless the control measures have been installed and are operating. Controls shall be maintained in effective working order to ensure compliance.

**H. Conditions and Safeguards**

Conditions may be attached to protect local characteristics. This may include providing additional setback greater than required by the Regulations, screening of parking areas or other uses from adjoining premises by walls, fences, plantings, or other devices.

The Commission may also limit the number of occupants, regulate the number, type, location, and design of traffic controls including pedestrian walkways, off-street parking, other special features, regulate outdoor lighting, require approval in phases, and determine the orientation and spacing of buildings.

If necessary, a Certificate of Public Convenience from the Dept. of Health Services and Public Utility Control will be submitted whenever water will be supplied from a small water company. The Commission may review the homeowner association or condominium association legal documents.

**I. Inland Wetlands**

Projects containing a regulated activity, pursuant to Sections 22a-36 to 22a-45 of the Statutes or PA 87-533 shall be submitted to the Planning and Zoning Commission. The applicant shall indicate the presence of any watercourses or wetlands and the extent within the subject property. If the time for a

decision would lapse prior to thirty-five (35) days after a decision by the Wetlands Commission, the period for a decision by the Planning and Zoning Commission shall be extended for an additional thirty (30) days. The Wetlands Commission shall submit a final report to the Planning and Zoning Commission.

**J. Sanitation Report**

The Water Pollution Control Authority shall submit a report regarding the availability of sanitary sewers or a report shall be submitted from the Torrington Area Health District regarding the siting of septic systems, leach fields, and bedrock wells.

**K. Channel Encroachment Areas**

A report from the Dept. of Environmental Protection and/or Corps of Engineers as to the types of activities that may be permitted shall be submitted with the application.

**L. Inspection by Town Engineer**

The applicant shall be responsible for any and all inspection and review costs incurred by the Town Engineer during the review process. If additional site inspections or reviews are required after approval is granted and prior to completion of the project, the applicant shall be responsible for costs incurred by the Engineer as per a fee schedule assessed to the Town in a year by the Town Engineer.

**M. Revocation of Special Permit**

1. Whenever the Commission shall find, in the case of any special permit heretofore or hereafter granted, that any of the terms, conditions, or restrictions upon which such approval was granted are not being complied with, the Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and the applicant for said special permit.
2. Revocation of a special permit shall be considered by the Commission at a public hearing. Notice of the public hearing and the procedures to be followed shall be as prescribed by Connecticut State Statute.
3. Continuation of a use for which a special permit approval has been rescinded or revoked shall constitute a violation of these regulations.

**11.6 Amendments to Zoning Regulations &/or Zoning Map**

**A. Authority**

These Regulations, including the Zoning Map, may be amended or repealed in accordance with the provisions of the Connecticut General Statutes by either the initiative of the Commission or by petition. Any person may petition the Commission requesting a change in these Regulations or the boundaries of the Zoning Districts as shown on the Official Zoning Map for the Town of Thomaston.

**B. Application Requirements**

1. <u>Requirements for All Petitions</u>
   - (i) Completed and signed petition application form.
   - (ii) Required petition filing fee.
   - (iii) Complete and comprehensive written statement detailing the reasons for any proposed amendment to either the Official Zoning Map or the Zoning Regulations, including any special interest the petitioner may have in such change.
2. <u>Additional Requirements Specific to Petitions for Changes to the Official Zoning Map</u>
   - (i) Map which clearly shows existing and proposed zoning districts with dimensions and distances of all zone boundary lines and existing property lines.
   - (ii) Complete and precise written description by metes and bounds or courses and descriptions of the location of the new boundary proposed to be established.
   - (iii) List of the names and addresses of the record owners of land within and within five hundred (500) feet surrounding the area to be affected by such zoning boundary change. This list shall be keyed to the map provided as per Section 15.2.A.1 above.
3. <u>Additional Requirements Specific to Petitions for Text Amendments to the Zoning Regulations</u>
   - (i) Full text of any proposed change to the Zoning Regulations, clearly indicating existing provisions to be repealed and new provisions to be enacted.
4. A complete petition shall consist of the petition application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Failure to

provide the information required in Sections A, B, and/or C above shall deem the petitioner's application incomplete and shall be grounds for denial of the petition.

**C. Public Hearing Required**

The Commission shall hold a public hearing on all proposed amendments to these Regulations or to the Official Zoning Map.

**D. Notifications and Referrals**

1. Any proposed amendment to the Official Zoning Map or the Zoning Regulations affecting the use of a parcel, property, or zoning district any portion of which is within 500 feet of the Town line shall be referred by the Commission to the appropriate regional planning agency and to the adjoining municipality, as required by the Connecticut General Statutes.
2. A copy of the proposed amendment shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
3. To assist with its consideration of any petition to amend these Regulations or the Official Zoning Map, the Commission may request advisory reports and/or reviews from governmental agencies, commissions, officials, consultants, or others it deems appropriate.

**E. Posting of Sign at Properties for Zone Change Applications**

1. The requirements of this section shall pertain to all petitions except for those where the applicant is the Town of Thomaston Planning & Zoning Commission.
2. The applicant shall place a sign or signs on the affected property giving notice of the proposed public hearing. The required signage shall be obtained from the Land Use Office, and a refundable deposit shall be made by the applicant to cover the cost of the sign(s). The signage shall conform to the following requirements:

(i) Where the property is a corner lot, a sign shall be placed on both frontages of the property.
(ii) Signage is to be placed at or near the street line or traveled way and shall be clearly visible to the general public.
(iii) Signs must be posted not over two hundred (200) feet apart, in addition to the minimum required.
(iv) Said sign(s) must be erected at least twenty (20) days before the date of the hearing and remain on the premise until after the hearing, after which said sign(s) shall be promptly removed by the applicant and returned to the Land Use Office.
(v) The sign shall have a minimum area of 4 feet by 4 feet.
(vi) Capital letters shall be three (3) inches in height. The sign must be legible in block or printed letters not less than the size shown above.
(vii) Lettering shall be black on white or yellow background and the wording shall read as follows:

**HEARING NOTICE**

**PROPOSED CHANGE OF ZONE FOR THIS PROPERTY**

**FROM: _____ TO: _____**

**HEARING LOCATION:**
**Town Hall**
**158 Main Street**
**Meeting Room #1, 4th Floor**
**Thomaston, CT**

**DATE**

**TIME**

**F. Decision Considerations**

1. Before approving any amendment to these Regulations or to the Official Zoning Map, the Commission shall determine that the proposed amendment:

(i) Is consistent with the Town of Thomaston Plan of Conservation & Development;
(ii) Will aid in protecting the public health, safety, welfare, or property values;
(iii) Will aid in attaining the purposes of these Regulations; and
(iv) In the case of proposed amendments to the Official Zoning Map, is suitable for the intended location.

2. Such amendments to these Regulations and/or to the Official Zoning Map shall be established, changed, or repealed only by a majority vote of all of the regular 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 of the regular members of the Commission.

## 11.7 Zoning Board of Appeals

**A. Power and Duties**

The Zoning Board of Appeals shall have all of the powers and duties prescribed by the Regulations and Connecticut General Statutes Section 8-6, as may be amended.

**B. Administrative Review**

1. The Board shall hear and decide appeals where it is alleged that there is an error in any order or decision by the Zoning Enforcement Officer or interpretation of these Regulations.
2. Any appeal from an order, requirement, or decision made by the Zoning Enforcement Officer shall be made within 30 days of the date of the decision being appealed.
3. Appeals shall be made on forms required by the Board.
4. Failure of the appellant to provide the necessary information shall be grounds for denial of the appeal.

**C. Variance**

1. General Provisions:

In certain cases, the Zoning Board of Appeals may authorize variances from the Zoning Regulations where owing to special circumstances or conditions, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship.

2. Limitations:

(i) The Board shall grant no variance allowing in a zoning district a use that is otherwise not permitted by these Regulations.
(ii) The Zoning Board of Appeals shall not be required to consider an application for the same or substantially the same variance more than once during any six (6) month period from the date of their decision or the date of the Court's decision.

3. Procedures:

An applicant for a variance shall submit:
(i) a formal variance application on forms prescribed by the Board;
(ii) an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut;
(iii) any other information deemed necessary by the Board to make a decision on the application; and
(iv) the application fee.

1. Decision Criteria:

(i) To grant a variance, the Board must find the following:

- Special conditions or circumstances are present affecting the lot but not affecting, in general, the zoning district in which the lot is located. These conditions or circumstances must solely be related to the unique shape, topography, or other inherent condition of the lot; or the condition or location of an existing structure;

- The special conditions or circumstances shall not be related to the personal conditions or circumstances of the owner, except to the extent required by the Americans with Disabilities Act;
- The hardship must not be merely financial;
- The hardship must not be self-created by the owner or their predecessor in title;
- Strict application of these Regulations would deprive the property owner of all reasonable use of the property;
- The relief to be granted is the minimum necessary to provide a reasonable use of the property; and
- The relief to be granted will not adversely affect the surrounding properties or be otherwise harmful to the public welfare.

(ii) Failure of the applicant to provide the necessary information shall be grounds for denial of a variance request.

2. Conditions:
In granting a variance, the Board may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties or on the public welfare. Any violation of a conditions is a violation of the Regulations and is subject to the same enforcement measures.

3. Recording:
Variances shall only become effective when the original certificate or a certified copy of such is recorded in the Land Records.

**D. Procedure for Combined Applications**

Whenever a pending application for a variance is joined with an appeal to the Board, the Board shall initially decide the issues presented by the appeal.

**11.8 Validity and Effective Date**

**A. Validity**

The invalidity of any part of these Regulations shall not invalidate any other section, paragraph, or provision.

**B. Effective Date**

Any amendment or change in these Regulations shall be in full force and effect from the date established by the Commission.

## ARTICLE 12 – NONCONFORMING USES

**12.1 Applicability**

This article is applicable only to those uses in existence on the effective date of the Regulations, except as may be provided elsewhere. The lawful use of any premises existing on this date may be continued even if the use, area, height, or bulk requirements of that use do not conform to the Regulations. The date shall include the effective date of any subsequent amendments which may cause any use to become non-conforming.

**12.2 Buildings/Structures with Non-Conforming Bulk**

Normal maintenance, enlargement, reconstruction, alterations, repair, or moving of a structure with non-conforming bulk is permitted if the same does not expand a non-conformity or create any new non-conforming bulk in such building or structure.

**12.3 Repair and Alteration**

Normal maintenance, repair, or incidental alteration in a building occupied by a use which is non-conforming is permitted if no new non-conformity or expansion of a non-conformity is created.

**12.4 Changes in Non-Conforming Uses**

The Zoning Enforcement Officer shall review any proposed change in a non-conforming use and determine if the proposed change constitutes: (a) a reduction in non-conformity; (b) a legal intensification of an existing non-conforming use; or (c) an expansion of a non-conformity.

In the case of a reduction of a non-conformity resulting from a change of use, the requirements for permitting a new use under these regulations shall apply. The resulting approved change in use shall be considered a legal abandonment of the previous non-conformity. In the case of a legal intensification, no action is necessary by the ZEO, although a Certificate of Zoning Compliance may be requested by the property owner. In the case of a proposed expansion of a non-conforming use that does not quality under the provisions of Article 13.8, a variance from the Zoning Board of Appeals shall be required.

**12.5 Termination**

Once a non-conforming use has been terminated or changed its characteristics, the non-conforming use shall not be resumed or restored.

**12.6 Cessation**

No non-conforming use which shall have been discontinued shall be resumed or replaced by any other non-conforming use providing that there is clear evidence of the property owner's intent to abandon and discontinue such use.

**12.7 Abandonment**

If a non-conforming use is abandoned, it shall imply intent by the owner to permanently cease the non-conforming use.

**12.8 Extension and Enlargement**

One expansion of up to 10% of either a building footprint or interior area of a space containing a non-conforming use is allowed, provided: (1) All of the bulk requirements of Schedule B of these Regulations are met, including building height, property line setbacks and lot coverage requirements, and (2) required parking provisions are met for the expanded use or structure.

Such expansions shall be by approved by special permit and may only be granted for one expansion from the adoption of zoning (May 8, 1971). For expansions requiring a site plan, such plans shall be filed in the land records of the Town Clerk after signature by the Chairman of the Planning and Zoning Commission.

**12.9 Damage and Destruction**

A non-conforming structure, which is destroyed or damaged by fire or casualty, may be structurally altered or reconstructed provided the degree of non-conformity is not increased.

**12.10 Existing Uses**

Existing uses are not required to rearrange their building to comply with the Regulations unless the reconstruction is required by other Regulations.

**12.11 Signs - Nonconformity and Modification**

A. Except as provided in, signs lawfully in existence on the date the provisions of the signage regulations in Article 9 were effective **(January 13, 2022)** which do not conform to the provisions of these signage regulations, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained shall be regarded as pre-existing legally nonconforming.

B. Signs which were not lawfully in existence on the date the provisions of the signage regulations in Article 9

were effective **(January 13, 2022)** shall be required to become compliant to these signage regulations or else be removed immediately.

C. Any pre-existing legally nonconforming signage which is altered, relocated, or replaced must be brought into compliance with all of the provisions of the signage regulations in Article 9.

D. Any unpermitted increase in size, illumination, or flashing of pre-existing legally nonconforming signage shall be deemed an unlawful expansion of a non-conformity.

**12.12 Change in Plans**

Nothing herein nor changes in regulation shall be deemed to require a change in plans, construction, or use of any structure for which a zoning permit has been approved has not yet reached a five-year expiration from the date of approval. Zoning permits for which construction has not commenced within five years from the date of approval shall be deemed expired.

**12.13 Combining of Non-Conforming Lots**

If two or more lots, combinations of lots, or portions of lots adjacent to other parcels or lots under common ownership are of record as of the effective date of adoption or amendment of these Regulations, and if all or part of the lots do not meet the lot width and/or lot area requirements of Schedule B in the zones in which such lots are located, the land involved shall be considered to be an undivided parcel for the purposes of these Regulations and no portion of said parcel shall be used or conveyed in a manner which would diminish compliance with the lot width and lot area requirements established by these Regulations, provided that the resulting undivided parcel contains no more than one primary building.

**12.14 Construction on Non-Conforming Lots**

Lots which lack a primary building or which fail to comply with the requirements of Schedule B may be used and a building constructed as long as the lot has a minimum frontage of twenty-five (25) feet on an approved street. The proposed use shall conform to the Regulations and not require Special Permit approval.

Any lot of record as of May 8, 1971 or any other lot which a part of a subdivision was and granted final approval prior to the above date and has a square footage or frontage less than what is required in Schedule B shall be used only for a single family detached residential dwelling providing the lot conforms to the other requirements in Schedule B.

**12.15 Non-Conforming Frontage and Side Yard Requirements**

If an undersized lot is unable to be developed as required in Schedule B, the following shall apply:

Frontage of less than fifty (50) feet: five (5) feet – however, the sum of both side yards shall not be less than thirty six percent (36%) of the lot frontage.

Between fifty (50), but less than sixty (60) feet: eight (8) feet – however, the sum of both side yards shall not be less than thirty eight percent (38%) of the lot frontage.

Between sixty (60) feet and eighty (80) feet: ten (10) feet – however, the sum of both side yards shall not be less than thirty eight percent (38%) of the lot frontage.

## ARTICLE 13 – SPECIAL PERMIT PROVISIONS

### 13.1 Earth Excavation and Mining

**A. General Provisions**

Land Shall not be altered by excavation or by the removal or relocation of earth, topsoil, gravel, clay, loam, minerals, or by the deposition of other materials without obtaining a permit unless such activity is exempted pursuant to Section 13.1.F. After the effective date of these Regulations, no operations shall be allowed to continue without a Special Permit.

**B. Definition of Earthen Materials**

These include any organic or inorganic materials, peat, loam, quarry materials, gravel, stone, clay, sand, and other similar natural resources. Earthen materials shall not include construction or building materials, rubbish, trash, stumps, inoperable motor vehicles or parts thereof, road construction materials or any other forms of solid waste, except as may be permitted.

**C. Special Permit Required**

A Special Permit shall be required for activity that exceeds two hundred fifty (250) cubic yards per year from any lot, unless the use is exempted pursuant to Section 13.1.F.

**D. Zoning Permit Required**

A zoning permit shall be required for all activity between one hundred (100) and two hundred fifty (250) cubic yards per year, unless it is exempted pursuant to Section 13.1.F. Permits shall not be required for any activity of less than one hundred (100) cubic yards per year on any lot.

**E. Safety Considerations for Operations Including Exemptions**

Operations must be conducted in such a way as not to compromise the character or integrity of the neighborhood or endanger the health or safety of its residents. They shall be limited from 8:00AM to 5:00PM Monday through Saturday. Activity is not permitted on Sundays or on legal holidays. After holding a hearing, the Commission may authorize new hours of operation due to special circumstances and conditions.

**F. Exemptions from Obtaining a Special Permit**

1. The following activities may be exempted from the requirement to obtain a Special Permit:
   - Activity accessory to the construction of buildings, street, driveways, drainage, off-street parking, sewer improvements, or to agricultural operations;
   - Activity such as necessary filling, removal, grading, or alterations connected with manufacturing, commercial, or residential construction;
   - Municipal projects.
2. This exemption shall only apply one time where:
   - Less than 500 cubic yards are excavated, removed, graded, and/or relocated for single family residential uses; or
   - Less than 300 cubic yards are excavated, removed, graded, and/or relocated for all other residential, commercial, manufacturing, or agricultural uses.
3. A zoning permit is required and can be issued by the Zoning Enforcement Officer. Said permit shall be valid for one year, and it can be renewed for one additional year.
4. All buildings proposed as part of a request for exemption under Section 13.1.F shall be constructed within two years of this approval; the permittee may request one extension of this requirement of up to two years provided no violations have occurred and provided the property owner submits updated plans depicting existing conditions.
5. Even though these activities do not require a Special Permit, these activities shall comply with the standards found in *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended. Failure to comply with these standards shall be a violation of these Regulations.

**G. Application Requirements**

Along with an application for Special Permit conforming to the requirements of Article 10, the following information, based on an A-2 survey, shall be required:

1. The plan shall show the limits of all areas to be cut, filled, graded, excavated, or altered. All property lines, streets, and the location of buildings on adjoining properties within two hundred (200) feet of the subject property shall be shown on the plan.

2. The plan shall contain the names and addresses of legal owners of all abutting parcels. A list of property owners shall be submitted.
3. Contour lines, drawn at not less than two (2) foot intervals, shall be coordinated to a permanent monument drawn to a scale of one hundred (100) feet to the inch.
4. Watercourses, wetlands, or drainage areas within two hundred (200) feet of the property shall be shown. If offsite data is not available, information may be obtained from the USGS. Bedrock outcroppings, forested areas, and other physical features shall be shown.
5. The applicant shall provide an estimate of the number of cubic yards of material to be filled, excavated, graded, or removed from the site and the time necessary to complete the activity.
6. Vehicular access routes to the site shall be shown along with an estimate of the type of equipment and other machinery to be used onsite.
7. The location of buildings and structures, including temporary ones to be erected onsite, shall be shown. The plans shall also clearly show the location of topsoil storage areas.
8. The plan shall contain details regarding the storage of explosives and blasting equipment onsite.
9. Grading details and a landscaping plan shall be included. Plans shall show existing contours in the area to be excavated or graded and proposed contours after completion of the work. Landscaping plans shall show the type, location, and extent of all proposed planting or vegetation to be retained on, or otherwise provided for, the site in order to prevent erosion of the site.
10. Information regarding the estimated start and completion dates and the estimated hours and days of the week proposed for operation on the site.

**H. Standards and Conditions**

1. Processing machinery shall not be used within two hundred (200) feet of any property or street line. Machinery shall be removed upon termination of the permit. Machinery not accessory to the activity shall not be allowed onsite. No material or equipment shall be stockpiled or operated outside of the permit area.
2. At no time shall more than one (1) area exceeding five (5) acres be opened for operations. All remaining areas shall be left undisturbed.
3. Operations which create inclines, pits or depressions, erosion, improper drainage or other conditions which would impair the development or reuse of the site or would deteriorate the use of adjacent properties, cause health or safety concerns resulting from such activity or use shall not be permitted.
4. Reasonable measures shall be taken to minimize noise, dust, and vibrations. Access roads shall be covered with a dustless surface and maintained in good condition at all times.
5. Six (6) foot high fencing shall be installed if excavations exceed a depth of five (5) feet and create slopes in excess of two to one (2:1). Fencing shall be installed when bordering roads, streets, travel ways, and residential areas. Other screening measures may be used.
6. Excavations shall not be permitted within one hundred (100) feet of any highway and/or any residential unit or below the grade of any property within fifty (50) feet of the property line.
7. The permittee shall ensure that vehicles exiting the site have their loads secured to avoid spillage.
8. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. The excavation and grading shall be in compliance with the Connecticut Department of Energy and Environmental Protection's regulations governing the discharge of stormwater and dewatering wastewaters from construction activities.

**I. Restoration of the Site**

1. Upon completion or expiration of the permit, excavated and disturbed areas shall be restored to the following vertical to horizontal ratios:
   (i) undisturbed earth – one to one point five (1:1.5);
   (ii) earth fill – one to two (1:2); and/or
   (iii) rock – four to one (4:1).

2. Restoration shall not result in the creation of sharp cuts, declines, depressions, erosion, drainage or sewage problems.

**J. Public Hearing**

The Commission shall hold a hearing within sixty-five (65) days after receipt of a completed application for any activity involving excavation, filling, grading or removal of two hundred fifty (250) cubic yards or more of earthen material. Failure to submit information may be considered grounds for disapproval of the application. All communications shall be in writing. Copies shall be kept on file in the Land Use Office.

**K. Permit Expiration and Renewal**

1. Permits shall be valid for one (1) year from the date of issuance provided no violations have occurred.
2. Permits may be renewed for a period of one (1) year by site plan approval without holding a public hearing provided:
   (i) The permittee submits a revised plan showing the existing conditions;
   (ii) The permittee's engineer certifies in writing that all authorized work has been conducted in accordance with the requirements of the permit;
   (iii) No violations have occurred and/or remain unabated;
   (iv) The permittee's written request for renewal was received by the Commission prior to the expiration of the permit; and
   (v) The permittee demonstrates that all bonding remains in place to cover the proposed period of permit extension.
3. The Commission may deny a renewal request if the permittee has not conformed to the plan of operation as approved, until such time as the permittee has brought his operations into conformance with the approved plan of operation.
4. If the permit is renewed, legal notice shall be published.

**L. Site Inspection**

The Zoning Enforcement Officer and the Town Engineer shall have access for inspection purposes and to determine compliance. The Commission may require the submission of status reports detailing site progress.

**M. Liability Insurance and Bonding**

1. The applicant shall provide proof of liability insurance. The Town shall be named as insured with a limit of not less than one hundred thousand dollars ($100,000.00) to personal injury, which shall include death, and not less than ten thousand dollars ($10,000.00) for property damage covering all operations to be conducted pursuant to the permit. If the insurance is cancelled or not renewed, the permit shall be terminated.
2. The applicant shall submit security in the form of a certified check, passbook account, letter of credit, or other form acceptable to the Commission and the Town Attorney. The security shall be equal to the amount of the proposed excavation and site restoration costs as provided by the applicant and approved by the Planning & Zoning Commission with recommendation from the Town Engineer and/or Zoning Enforcement Officer.
3. Upon completion of the restoration work, the applicant may apply for release of the bond. The Town Engineer and the Zoning Enforcement Officer shall inspect the restoration and submit a report to the Commission regarding compliance. If in compliance, the bond may be released to the permittee; otherwise, it shall remain in full force and effect. The permittee may also apply for partial release of security with the recommendation of the Town Engineer and/or Zoning Enforcement Officer.

**N.** These Regulations shall not be deemed to prohibit the transfer of sod, soil, clay, sand, gravel, or stone from one part of a lot or parcel of land to another part of the same lot or adjacent tract or parcel of land in the same ownership.

**O. Accessory Processing and Screening**

As a use incidental to a permit for earth excavation and mining, the Commission may permit processing and screening subject to the issuance of a special permit, provided the following requirements are met:

1. The processing of materials shall be limited to those found on the site. No material may be brought in from offsite for processing.
2. Processing machinery shall not be operated within two hundred (200) feet of any property line or street.
3. Processing activities shall not be permitted on Sundays or holidays. The Commission shall have the authority to establish operational hours.
4. Measures shall be taken to minimize noise, vibration, and dust.
5. Access roads shall be maintained in good working order.
6. Vehicles shall secure their loads to prevent spillage.
7. Explosives shall not be permitted onsite, except as permitted by the Commission under Section 13.1.G.8.
8. Material stockpile areas and the area of operations shall be stipulated on the permit and the site plan.
9. Construction materials shall be removed and the property restored to its original condition consistent with the topography and the neighborhood.
10. Permits shall be valid for one (1) year from the date of issuance provided no violations have occurred. Permits may be renewed in accordance with the requirements of Section 13.1.K.
11. The site shall be open at all times to the Commission and/or agent to determine compliance. The applicant may be required to submit periodic reports detailing the status of the project.
12. The applicant shall file a surety bond in an amount the Commission and/or their agent deems necessary to ensure completion of the work. A liability insurance policy shall be submitted. Town Counsel shall approve all policies and bonds. Upon restoration, the applicant may apply for release of the bond; otherwise, it shall remain in full force and effect.

**13.2 Multiple Dwelling Units**

**A. General Provisions**

This section shall provide procedures and standards for the development of multiple dwelling units.

**B. Qualifying Standards for the Tract**

The tract shall consist of a lot or contiguous lots under one (1) ownership or control. The tract shall contain a minimum of ten (10) acres and be served by public sewer and water. It shall contain two (2) accessways of which one (1) may be on a state road.

Each accessway shall have a minimum of fifty (50) feet of frontage, and shall be located a minimum of five (5) feet from the property line. The minimum frontage for the tract shall not be less than eight (80) feet. One (1) accessway may be with eighty (80) feet when two (2) abutting strips are created, they shall be separated from any other accessway on the same side of the street by a minimum of one hundred twenty (120) feet. The tract shall be located within the RA-15 Zone.

**C. Design Standards for Dwelling Units**

No more than six (6) dwelling units per acre shall be permitted to compute the density, a seventy-five (75) foot buffer shall be excluded from the area of the tract. Principal buildings shall be located a minimum of thirty (30) feet from other principal structures.

Two (2) parking spaces shall be provided per unit. Each building shall provide two (2) spaces to accommodate visitors. Each unit shall have 2 doors or a set of stairs accessing the outside of the unit. No building shall contain more than six (6) dwelling units. Primary buildings shall not be constructed within seventy-five (75) feet of any street or property line. Maximum height shall not exceed forty (40) feet. Ground coverage shall not exceed fifteen percent (15%).

Utilities shall be located underground. Buildings shall not exceed two hundred (200) feet in length. Each unit shall be provided with a minimum of forty-eight (48) square feet for outside storage. Garages, basements, or other space within the unit may be used to meet this requirement.

Exterior space shall be considered common land and usable for traffic circulation, parking, recreation, or conservation purposes. A minimum of twenty five percent (25%) shall be designated as open space and used for recreational purposes.

**D. Standards**

The tract shall be served by private streets. Streets shall meet municipal construction standards. Internal circulation patterns shall be designed to discourage through traffic. A minimum of thirty (30) feet is required between streets and buildings. Pavement width is twenty-four feet. If the street

pattern significantly improves traffic circulation in the area, the Commission may require that they be dedicated to the Town. Access to a minimum of ninety percent (90%) of all units shall be from loop drives or permanent cul-de-sacs and not from other roads.

**E. Phase Development**

The Commission may approve construction in phases. Each phase shall be capable of existing without completion of succeeding phases.

**F. Procedure – Application Submission Requirements**

The Commission shall review the application pursuant to Article 10. The applicant shall submit four (4) copies of a statement describing the project in sufficient detail, four (4) copies of the site plan map, and four (4) copies of the architectural plan designs.

The applicant shall submit a report from the Water Pollution Control Authority regarding the availability and capacity for sewage disposal services along with a report from the CT Water Company regarding the availability of water service.

A traffic report detailing parking and vehicular circulation patterns on roads leading to and away from the site, sight line evaluation, and design standards shall be submitted. The Commission may require additional data and analysis.

**G. Landscaping Plan**

The plan shall contain the location of buildings, off-street parking, including areas reserved for special needs and handicapped individuals, exterior lighting, walkways, shrubbery, trees, other plantings to be removed or retained, designs for recreation areas, buffer areas, and open spaces.

**H. Common Interest Ownership**

Article 13.2 shall apply to all multi-family dwellings converted to common interest form of ownership on or after the effective date of these Regulations.

**i. Special Needs and Handicapped Accessibility**

The plan shall conform to all requirements to the CT Basic Building Code and to any special requirements in the American Disabilities Act.

**13.3 Housing for Elderly and Seniors**

**A. Basic Standards and Conditions**

Housing shall be located in RA-15 or GC Zones. Applications shall meet the requirements of Article 10. The tract shall consist of one (1) lot or a number of contiguous lots under one (1) ownership or control and contain a minimum of ten (10) acres. The maximum number of dwelling units allowed shall not exceed ten (10) per acre. The buffer area shall not be subtracted from the acreage prior to computing the density. The applicant shall demonstrate a need for senior housing.

**B. Site Access**

1. All projects shall contain two (2) separate access points of which one (1) may be on a State Road.

Each access shall have a width of fifty (50) feet. The secondary access road need only be an emergency road suitable for evacuations and public safety vehicles.

2. The development shall be served by a private road constructed to Town standards and designed to discourage through traffic. Interior streets shall not extend within thirty (30) feet of any unit. The Commission may require streets be dedicated to the Town whenever it would serve to improve traffic circulation.

3. The Commission may, at its discretion and for good cause, approve the construction of a boulevard style access to a senior housing development in lieu of the two (2) access point requirement providing the applicant has submitted sufficient documentation for the safe and convenient movement of vehicular traffic and pedestrians, made accommodations for emergency and public safety vehicles, provided attractive layout design and landscaping plans, made provisions for public utilities, submitted restrictive covenants for maintenance and owners responsibility, provided sufficient bonding to cover construction costs, and any other items that may be required by the Commission.

**C. Design Standards**

Buildings shall not exceed thirty (50) feet in height. They shall be separated from each other by a minimum of thirty (30) feet. Ten percent (10%) of all units shall be constructed as handicapped

adaptable. The exterior design and recreational facilities shall be in character with the neighborhood. Ground coverage shall not exceed fifteen percent (15%). Units shall be served by underground public utilities.

**D. Parking Space Standards**

One (1) space shall be required for each unit and one (1) space for each employee. Parking and loading facilities shall be provided for delivery trucks and vans. One (1) space per building shall be provided to accommodate visitor parking.

**E. Screens and Buffers**

Screening and buffering may consist of evergreens or shrubbery. The Commission may require other types of screening. A buffered area of seventy-five (75) feet shall be required around the tract. Trash and debris disposal areas shall be designed to serve the project.

**F. Phase Development**

The Commission may require projects to be approved in phases. Each phase shall be capable of functioning without the completion of succeeding phases.

**G. Modifications to Approved Project**

The Modifications to an approved project may be granted by filing a site plan application in accordance with Section 11.4.

**H. Public Safety Considerations**

The Commission may seek additional requirements to ensure the safety, health, and welfare of the Town and the residents of the project.

## 13.4 Home-Based Businesses

**A. Purpose**

The purpose of this Section is to provide the opportunity for the Use of the residence for limited business purposes, while maintaining the residential nature of the Lot and neighborhood and protecting residential property values.

**B. Application Process**

1. The application shall include Building plans clearly drawn to scale showing the floor area and layout of the Dwelling Unit and/or Accessory Building and Gross Floor Area devoted to the Home-Based Business Use.

2. The applicant shall submit a Business Use and Activity Plan. This shall consist of a written statement describing in general the type and nature of the proposed activity; the product, equipment and/or processes involved; projected typical traffic volume and type; customer/client activity; the amount, type, and location of outdoor storage proposed; and such other information as the Commission shall require in order to make a determination that the proposed Use complies with the standards and requirements of these Regulations.

3. The applicant shall submit evidence that any necessary approvals have been obtained from the Torrington Area Health District and/or the Town of Thomaston Water Pollution Control Authority.

**C. Requirements for All Home-Based Businesses**

1. Only one (1) home-based business shall be permitted to operate at any time on the property. Permits are non-transferable to new locations.

2. The Home-Based Business Use shall not utilize or store Hazardous Materials, unless the Commission determines that the proposed types and quantities of the Hazardous Materials utilized or stored will pose a minimum risk to health. Uses which pose a significant threat to water quality shall not be permitted, including but not limited to furniture stripping, auto or major appliance repair. In making this determination, the Commission shall consider the type of Home-Based Business Use, the amount and type of hazardous material(s) involved, and the adequacy of plans submitted by the applicant for hazardous material use, storage, and disposal.

3. All Home-Based Businesses shall comply with the Stormwater Management Regulations contained in Section 8.4 of these Regulations.

4. No on-Street Parking Spaces shall be permitted in association with a Home-Based Business Use.

5. Traffic generated by the Home-Based Business Use shall not significantly exceed the volume of traffic consistent with the site and neighborhood. The number of daily vehicle trips associated with the Home-Based Business Use, including delivery and pick-up of materials and commodities by a Commercial Vehicle, may be limited by the Commission as a condition of the Special Permit

according to the nature and location of the proposed Use.

6. The Commission may require a landscape plan that specifies plantings and locations designed to screen the off-Street Parking Area from view from a public Street or neighbor. A landscape screen shall be required if based upon site Inspection and/or public hearing testimony the Commission determines that such a screen is necessary to protect neighboring residential property values and to maintain the single-family residential appearance of the neighborhood.

**D. Home Occupations**

A Home-Based Business where such business Use does not comply with the requirements of Section 6.5 - Home Office, shall require a Special Permit and shall meet the following specific requirements.

1. No retail sales shall be permitted on the Premises unless such sales are determined by the Commission to be incidental to the primary Home Occupation Use and such sales are specifically limited as a condition of the Special Permit.

2. The Home Occupation Use may occupy a portion of a Single-Family Dwelling Unit and/or an Accessory Structure on a Lot with a Single-Family Dwelling Unit as specified herein and as determined by the Commission.

3. A Home Occupation located in a Single-Family Dwelling Unit shall not occupy more than one half (1/2) of the Gross Floor Area of the Dwelling Unit. The Use, whether located in a residence or an Accessory Structure, shall be clearly secondary to the residential Use on the Lot.

4. The Home Occupation Use may occupy an Accessory Building if:

a. the location and appearance of the Accessory Building is consistent with the residential character of the Lot and the neighborhood;

b. it can be demonstrated that the type and intensity of the proposed Use in the Accessory Building will not Alter the primary residential character of the Lot; and,

c. the occupancy in the Accessory Building plus any occupancy in the Principal Dwelling Unit combined is less than half of the Gross Floor Area of the Dwelling Unit.

5. The Home Occupation Use shall be conducted by the resident of the Dwelling Unit and by members of the Family residing on the Premises. No more than two (2) non-resident persons shall be employed, full-time or part-time, on the residential Lot in association with the Home Occupation Use.

6. With the exception of permitted Signs and required Off-Street Parking Spaces, there shall be no display of products or exterior evidence of the Home Occupation including but not limited to, exterior evidence or storage of goods, supplies or other materials associated with the Home Occupation.

7. The appearance of the Lot and Structures on the Lot shall not be Altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, Signs or the emission of sounds, vibrations or electrical impulses.

8. There shall be no more than two (2) business-related cars, vans or pick-up trucks (or any combination thereof) permitted on the Lot in association with a Home Occupation Use.

9. Off-Street Parking Spaces shall be provided to accommodate the parking needs of the Home Occupation. No additional off-Street Parking Spaces shall be created between the Dwelling Unit and the Street Line. The Commission may limit the number of Parking Spaces allowed where it is determined it is necessary to control and limit the volume of traffic.

10. Events for the purpose of selling merchandise or taking orders shall not be held more often than once per month.

11. *Classes and Instruction*

Classes of up to four (4) students may be permitted provided the Commission determines that additional traffic will not be generated. The limiting of class size shall not be construed to prohibit occasional exceptions for recitals or other similar gatherings. Classes shall be scheduled a minimum of thirty (30) minutes apart to help mitigate traffic congestion.

12. A hairdresser, barber, or other similar type of business may be allowed if served by public sanitary sewer.

**E. Contractor Shop and Storage, Residential Accessory Use**

A Contractor Shop and Storage Residential Accessory Use shall require a Special Permit and shall meet the following specific standards and criteria in order to protect residential property values:

1. A Contractor Shop and Storage Use in a Dwelling Unit or an attached garage shall not occupy an area greater than one half (1/2) of the Gross Floor Area of the Dwelling Unit.

2. A detached Accessory Structure proposed for Contractor Shop and Storage Use shall be of a size, Scale, and appearance that maintains the residential appearance of the Lot and blends with the surrounding neighborhood Structures. The application shall clearly specify the floor area of the detached Accessory Structure to be devoted to the Contractor Shop and Storage Use. The occupancy in the Accessory Building plus any occupancy in the Principal Dwelling Unit combined shall be less than half of the Gross Floor Area of the Dwelling Unit.
3. Work conducted on the residential Lot shall be clearly secondary to work of the contractor or tradesman off the Premises.
4. There shall be no display of products or external evidence which suggests a commercial Use other than a single permitted Sign.
5. There shall be no exterior storage of goods, supplies or other material associated with the Contractor Shop and Storage Use unless fully screened from public view and adjacent properties. The area of such exterior storage of goods shall count toward the total Gross Floor Area permitted in Section 13.4.E.1 above and toward the maximum lot coverage permitted for residentially zoned properties according to Section 5.3 of these Regulations.
6. The Use shall be conducted by an owner-occupant of the Dwelling Unit. Only members of the Family residing in the Dwelling Unit and no more than two (2) non-family members shall work on the Lot.
7. Off-Street Parking Spaces shall be provided to accommodate the parking needs of the Contractor Shop and Storage Use. No additional off-Street Parking Spaces shall be created between the Dwelling Unit and the Street Line. The Commission may limit the number of Parking Spaces allowed where it is determined to be necessary to control and limit the volume of traffic.
8. If Commercial Vehicle(s) will be used, the Commission may attach conditions limiting the number and size of vehicles, the number of trips, the hours of vehicle operation and such other conditions necessary to assure compliance with the general and specific criteria of this Regulation. Commercial Vehicles shall be stored/parked in a Structure or shall be completely screened from view from the Street and adjacent properties. Commercial Vehicles shall not be stored between the Dwelling Unit and the Street Line.
9. In making its decision, the Commission shall consider the adequacy of the town or State road access to the Lot, the size of the vehicle(s), the number of trips, the visual effect of the vehicle storage and the parking plan on the neighborhood, the findings from any on-site Inspection, and the testimony from the public hearing.
10. The Commission may attach conditions to a Special Permit for Contractor Shop and Storage Use to ensure compliance with the purpose of these Regulations and these standards and criteria.
11. The residential property shall not serve as a gathering place or staging area for employee parking.

## 13.5 Alcoholic Beverages

### A. General Purpose

It is the purpose of this article to provide standards for a variety of alcoholic beverage service and sales uses so that their location and operation will be consistent with the protection of the public's health, safety, and welfare. All uses operating under a permit issued by the State Department of Consumer Protection, Liquor Control Division shall comply with the requirements of this Section and State law. Furthermore, a Special Permit shall be required for the sale of alcoholic liquor except for those that are exempt in the Type 4 Category as indicated below.

### B. Definitions

All definitions of words used in this chapter shall be the same as defined in Title 30, Chapter 545 of the Connecticut General Statutes, revised to 2015, as amended, unless herein specifically otherwise stated.

#### 1. Specialized Uses

For the purposes of this Section, specialized uses shall include any lot or parcel used for the purposes in whole or in part for a school, playground, public park, or public building, but shall not apply to parcels defined as water company lands, State forests, or Federal flood control areas.

**C. Permit Classification**

Permit locations shall be classified as follows:

| | |
|---|---|
| **Type 1** | Any permit types not covered under Types 2, 3, and 4 below as defined in Title 30, Chapter 545 of Connecticut General Statutes. Typical examples include but are not limited to: Tavern, Café, Bowling Alley, and Hotel permits. |
| **Type 2** | Package Store Permits as defined in Title 30, Chapter 545 of Connecticut General Statutes. |
| **Type 3** | All Temporary Liquor Permits as defined in Title 30, Chapter 545 of Connecticut General Statutes and Thomaston Zoning Regulations, not to exceed 30 days per property per calendar year. The Commission shall follow all considerations as outlined in §11.5 in granting and conditioning permits. |
| **Type 4** | Restaurant Permits, Theatre Permits, Grocery Beer Permits, Wine Gift Basket Retailer Permits, Manufacturer Permits for Beer (Brewery), Manufacturer Permits for Brewpubs, and Farmers Market Wine Sales Permits as defined in Title 30, Chapter 545 of Connecticut General Statutes. All uses of these types are exempt from permitting requirements of this Section and shall not be used in the calculation of separation distances as required in this Section. |

**D. Regulations**

1. No land or building shall be erected, used, or altered that is arranged, intended, or designed to be used for the retail sale or consumption of wine, alcohol, beer, or other liquors or beverages requiring a license and/or permit pursuant to the State Liquor Control Act without first obtaining a special permit approval from the Commission under these Regulations.
2. Alcoholic beverage permits shall be separated according to the table below. Separation for similar permit types shall be measured in a direct line between the nearest public entrances of the establishments. Separation shall be measured by taking a straight-line measurement between the nearest respective lot boundaries of each site.

| | From Similar Types | From Specialized Uses | Within the Downtown Development District |
|---|---|---|---|
| **Type 1** | 750 FT | 750 FT | 750 FT |
| **Type 2** | 750 FT | 750 FT | 750 FT |
| **Type 3** | No Separation | No Separation | No Separation |
| **Type 4** | Exempt from Permitting | Exempt from Permitting | Exempt from Permitting |

3. No sales or consumption on the subject property outside of areas specified in the special permit shall be permitted.
4. **Accessory Outdoor Alcoholic Beverage Use**
   (i) Pursuant to Public Act 21-2, Section 182, outdoor beverage service is allowed as an accessory use of a permitted food and/or beverage establishment by site plan approval, provided it does not result in the expansion of a nonconforming use.
   (ii) Such review shall be completed prior to the Zoning Enforcement Officer (ZEO) signing off on an application for *Patio, Extension of Use, And/Or Additional Consumer Bar*
   (iii) Review Criteria:
   In addition to the requirements in Section 11.4 – Site Plan Review, the Commission shall ensure the following requirements are met:
      (a) Service area is properly enclosed in a manner that ensures access to the beverage service area is only through the permitted business, and the enclosure fence or wall shall be no less than four (4) feet in height.
      (b) If beverage service area is proposed to be located in an area customarily used for parking, appropriate barriers and adequate signage must be installed to prevent accidental incursion into the area by vehicular traffic. Such usage of

off-street parking shall not be considered a violation of Article 10 – Off-Street Parking & Loading.

(c) If beverage service is proposed on public sidewalks and other pedestrian pathways, an alternative pathway shall be constructed that:
- is in compliance with physical accessibility guidelines, as applicable, under the Americans with Disabilities Act;
- extends for the length of the subject lot;
- is not less than four (4) feet in width; and
- remains unobstructed for pedestrian use.

(d) As an accessory use of the indoor food and/or beverage establishment, outdoor beverage service areas shall be secondary in size and intensity to the principal indoor service area.

(iv) Required Application Materials Include:

(a) Location of the proposed outdoor beverage service shall be indicated on a plan or aerial picture of the property with beverage area dimensions shown depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor beverage service area;

(b) Description of proposed controls to ensure the area is inaccessible to general public and vehicular traffic;

(c) Information regarding the proposed hours of outdoor beverage service;

(d) If the outdoor beverage service area is proposed to be located in area currently designated as part of the business's required parking facilities, a brief statement indicating possible alternative off-street parking facilities shall be provided. Such alternative parking shall not be located on another property unless that property owner's permission has been given in writing;

(e) If the outdoor beverage service area includes a public sidewalk, public parking area, or other public space, the following shall be provided to the Building & Land Use Office prior to the issuance of the permit:
- a Hold-Harmless Agreement in favor of the Town of Thomaston;
- proof of general liability; and,
- if applicable, liquor liability insurance coverage for the outdoor dining area naming the Town of Thomaston as an additional insured.

(f) If live entertainment is proposed in this outdoor beverage service area, additional approvals from the Commission shall be required.

**13.6 Adult Oriented Establishments**

**A. General Purpose and Intent**

The Commission finds that the operation of adult oriented businesses in the Town requires special regulation and supervision by the Town to protect, preserve, and promote the health, safety, and welfare of the patrons of such businesses, as well as the health, safety, and welfare of the Town's residents. Further, protecting order and morality, preserving the character and preventing the deterioration of the Town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.

It is the purpose and intent of the Planning and Zoning Commission, in enacting this Article, to regulate adult oriented businesses to promote the health, safety, and general welfare of the residents of the Town and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such adult oriented businesses, protect residents from increased crime, preserve the quality of life, preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of blight, and protect against the threat to public health from the spread of communicable and social diseases.

It is not the intent of the Planning and Zoning Commission, in enacting this Article, to deny to any person rights to speech protected by the United States or state constitutions, nor is it the intent of the

Commission to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, videotapes, books, or other materials. Further, by enacting this Article, the Commission does not intend to deny or restrict the constitutionally protected rights of any adult to obtain or view any adult oriented materials under the United States or state constitutions, 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.

**B. Legal Cases & Studies**

Town staff and the Planning and Zoning Commission have reviewed the following information regarding adult-oriented establishments in support of the Regulations in this Article:

- History of the SOB Ordinance (Town of Berlin, CT) by Scott Shemeth.
- City of Renton v. Playtime Theatres, Inc. et. al., 475 US 41, 106 S.Ct.925 (1986).
- Marvin A. St. Pierre v. Town of Berlin et al., CV030523835S, Superior Court of Connecticut, Judicial District of New Britain at New Britain.
- Centerfolds, Inc. and Mario Pirozzoli v. Town of Berlin, Bonnie L. Therrien, Ida Ragazzi, Joanne Ward, Joseph Aresimowicz, and Linda Cimadon. 3:02cv2006(WWE), United States District Court for the District of Connecticut.
- Gold Diggers, LLC and Wayne David Massa v. The Town of Berlin, Connecticut, Herman Middlebrooks, Jr, and The Berlin Town Council. 06cv732. United States District Court for the District of Connecticut.
- Gold Diggers, LLC v. Town of Berlin. CV064010241S, Opinion No. 9689, Superior Court of Connecticut, Judicial District of New Britain at New Britain.
- VIP of Berlin, LLC v. Town of Berlin, et al. CV064012399S, Superior Court of Connecticut, Judicial District of New Britain at New Britain.
- VIP of Berlin, LLC v. The Town of Berlin, Connecticut, Herman Middlebrooks, Jr, and Denise McNair. Civil Action No. 3:06cv1811 (SRU). United States District Court for the District of Connecticut.
- VIP of Berlin, LLC v. The Town of Berlin, Connecticut, Herman Middlebrooks, Jr, and Denise McNair. Docket No. 09-2950-cv. United States Court of Appeals for the Second Circuit.

**C. Definitions**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**1. Adult Arcade**

Any establishment where one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

**2. Adult Cabaret**

Any club, café, tavern, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (A) Persons who appear nude or seminude; (B) Live performances that are characterized by the exposure of specified anatomical areas; or (C) Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

**3. Adult Books**

Any books, magazines, periodicals, pamphlets, or other printed materials that depict, display, or describe specified anatomical areas or specified sexual activities.

**4. Adult Entertainment**

(A) Any exhibition of any adult oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance, any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated, or

maintained for profit, direct or indirect; and (B) Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

**5. Adult Mini-Motion Picture Theater**

Any enclosed building with a capacity of fifty (50) or less persons regularly used for showing films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

**6. Adult Motion Picture Theater**

Any enclosed building with a capacity of more than fifty (50) persons regularly used for showing films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

**7. Adult Novelties**

(A) Instruments, devices, toys, or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal, or sadomasochistic use; (B) Instruments, devices, gag gifts, toys, or paraphernalia that depict, display, or are shaped in the form of specified anatomical areas; and (C) Oils, lotions, gels, or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal, or as an aid to enhance or promote specified sexual activities.

**8. Adult Oriented Store**

Any establishment having (A) a substantial or significant portion of its stock in trade in Adult Books, Adult Videos, or Adult Novelties or any combination thereof; (B) Any portion of its stock in trade in Adult Books, Adult Videos, or Adult Novelties and in conjunction therewith has rooms, designated areas, or facilities for the presentation, observation, or use by patrons of any item sold or rented in such establishment.

**9. Adult Theater**

Any theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

**10. Adult Videos**

Films, motion pictures, videocassettes, DVDs, software, slides, or other photographic reproductions that depict, display, or describe specified anatomical areas or specified sexual activities.

**11. Place of Worship**

Any church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities.

**12. Employee**

Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

**13. Entertainer**

Any person who provides adult entertainment within a sexually oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.

**14. Escort**

Any person who, for any form of consideration, agrees or offers to act as a social companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

15. **Escort Agency**
Any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

16. **Inspector**
The police chief, fire marshal, building official, health department sanitarian, zoning enforcement officer, their agent or representative, or any town or state employee designated to make inspections for public safety, town ordinance, fire code, building code, public health, zoning purposes, violations of this Article, or for violations of other laws and ordinances of the town or state.

17. **Permitted Premises**
Any premises that require a sexually oriented business permit pursuant to this Article, including any buildings, parking areas, and all other portions of the property of which the permittee has control.

18. **Permittee**
Any person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on an application for a permit.

19. **Live Adult Entertainment**
Any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.

20. **Massage Parlor**
Any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage (A) in any state licensed hospital, nursing home, clinic, medical office, or rehabilitation facility; (B) by a state licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist; (C) by any registered nurse, licensed practical nurse, or technician working under the supervision of a state licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered; (d) by trainers for any amateur or professional athlete or athletic team or school athletic program; or (e) by any state licensed barber or beautician with regard to the massaging of the neck, face, scalp, and hair for cosmetic or beautifying purposes. Massage parlors shall be exempt from separation distances as required in Article 13.6.H.

21. **Masseur**
Any person who, for any form of consideration, performs massage activities as described in the previous definition of this Section.

22. **Minor**
Any person under the age of eighteen (18) years.

23. **Nude Model Studio**
Any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

24. **Nudity**
(A) The appearance of human bare buttocks, anus, genitals, pubic region, or the areola or nipple of the female breast; or (B) State of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region, or areola or nipple of the female breast.

25. **Operator**
Any person operating, owning, managing, conducting, or maintaining a sexually oriented business.

**26. Public Building**

Any building owned, leased, or otherwise held by the United States, the State, the Town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the State, which building is used for governmental purposes.

**27. Seminude**

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**28. Sexual Activities, Exemptions**

(A) Medical publications or films or bona fide educational publication or films; (B) Any art or photography publications that devote at least twenty five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; (C) Any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news; or (D) Publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

**29. Sexual Encounter Establishment**

A business or commercial establishment that, for any form of consideration, offers a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

**30. Sexually Oriented Business**

(A) An adult arcade, adult oriented store, adult cabaret, adult mini-motion picture theater, adult motion picture theatre, adult theatre, escort agency, massage parlor, nude model studio, or sexual encounter establishment; (B) Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect; or (C) Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

**31. Specified Anatomical Areas**

(A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (B) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

**32. Specified Sexual Activities**

(A) Showing of human genitals in a state of sexual stimulation or arousal; (B) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus; (C) Fondling or touching of another person's genitals, pubic region, buttocks, or female breasts; (D) Lap dancing; or (E) Excretory functions as part of or in connection with any of such activities.

**D. Permits**

After the effective date of this Section of the Regulations, it shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Town, the operation of an adult oriented business without first obtaining a special permit to operate from the Planning and Zoning Commission. A permit may be issued for only (1) adult-oriented business located at a fixed and certain place. Any person who desires to operate more than one (1) adult-oriented business must have a permit for each such business. It shall be a violation of this Article for any owner, operator, entertainer, or employee to knowingly work in or about, or to

knowingly perform any service directly related to, the operation of any unpermitted adult-oriented business.

Each permit shall be specific to a location and may not be sold, assigned, or transferred to any other location in any way. Abandonment or change of the adult oriented business not consistent with the terms and conditions of the permit may result in revocation of a special permit.

**E. Application Procedures**

The operator of each adult oriented business shall submit an application to the Planning and Zoning Commission together with an application fee as listed in the Town Fee Schedule. The application shall be made upon a form prepared by the Planning and Zoning Commission and Land Use Office. The application shall be signed and filed by a person having direct control or management of the proposed adult oriented business. In instances where the applicant is a partnership, limited liability company, or corporation, the application shall be signed and filed by a duly authorized partner, member, manager, officer, director, or majority shareholder of such entity, as the case may be. The application shall be sworn to be true and correct by the applicant.

<u>The applicant shall furnish the following information:</u>

1. Name and business and residence address of the applicant, owner, operator, manager, and any other person having direct control or management of the adult oriented business, including all fictitious names. If the applicant is a partnership, the names of all general partners. If the applicant is a limited liability company, the names of all members and managers of such company. If the applicant is a corporation, the names of all officers, directors, and shareholders holding a ten percent (10%) or greater interest in the total number of shares of such corporation.
2. Written proof or affidavit that the applicant and employees are at least eighteen (18) years of age.
3. If a partnership, the application shall be accompanied by the partnership agreement, if any.
4 If a limited partnership, the application shall specify the name of the partnership, the date and state of the filing of its certificate of limited partnership, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the partnership agreement, if any, and by evidence that such partnership is in good standing under the laws of the state.
5. If a limited liability company, the application shall specify the name of the company, the date and state of the filing of its articles of organization, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the operating agreement, if any, and by evidence that such company is in good standing under the laws of the state.
6. If a corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of its statutory agent for service of process and shall be accompanied by a copy of its bylaws, if any, and by evidence that such corporation is in good standing under the laws of the state.
7. If operating under a fictitious name, the application shall be accompanied by a copy of the applicant's recorded trade name certificate.
8. The location of the adult oriented business to be operated by the applicant, including the street address, legal description of the property, and telephone number, if any.
9. The exact nature of the entertainment to be conducted at the sexually oriented business.
10. A sketch or diagram showing the floor plan of the premises drawn to a designated scale and with marked dimensions of the interior of the premises, including a statement of total floor space occupied by the business. Such sketch or diagram shall include, without limitation, all seating, doors, windows, bars, stages, manager's stations, restrooms, dressing rooms, booths, cubicles, rooms, studios, compartments, stalls, overhead lighting fixtures, and any areas where patrons are not permitted.
11. A site plan complying with Article 11.4 of these Regulations, as amended.
12. A signed statement by the applicant that he/she is familiar with the provisions of this Article, is in compliance with them, and consents to the authority of the Town in licensing and regulating the proposed adult oriented business.

The Planning and Zoning Commission or Zoning Enforcement Officer shall have the right to request additional information and documentation of the applicant and the proposed business to support or clarify any information previously provided. If a permit to operate an adult oriented business is granted, the information furnished in the application, including employee information, shall be updated within thirty (30) days of any material changes. Such update shall be filed with staff in the

Land Use Office, who shall promptly forward such update to the Planning and Zoning Commission and the Chief of Police.

**F. Permitting Procedures**

The Planning and Zoning Commission shall pursuant to Article 11.5 of the Zoning Regulations and the provisions of this Section, be responsible for investigating, granting, denying, renewing, suspending, and revoking all adult oriented business permits. Upon receipt of a properly completed application with all required attachments, the Zoning Enforcement Officer shall immediately forward copies of such application to the following Town officials for their investigation:

1. The Chief of Police, through licensing requirements under Town Ordinances, shall investigate the criminal convictions, qualifications, and suitability of the applicant to be licensed and shall inspect the premises for compliance with all laws and regulations.
2. The Fire Marshal shall investigate the compliance of the proposed premises with all applicable fire codes and laws.
3. The Building Official shall investigate the compliance of the proposed premises with all applicable building codes and laws.
4. The Health District Sanitarian shall investigate the compliance of the proposed premises with all applicable public health codes and laws.
5. Within thirty (30) days of the date the application was filed, all such investigations to be performed pursuant to this section shall be completed. The Planning and Zoning Commission shall deny the application if any of the above officials find that the proposed adult oriented business will be in violation of any provision of any statute, code, article, regulation, or other law in effect in the Town, including these Regulations. The special permit, if granted, shall be filed on the land records with the Town Clerk and shall state the name and residence address of the person to whom it is granted, the address of the adult oriented business, and a condition that the subject premises are subject to random inspections by inspectors of the Town for compliance with this Article.

**G. Permit Revocation**

The Planning and Zoning Commission may revoke an adult oriented business special permit upon determination that a permittee, operator, or employee has materially violated any part of this Article or Town Ordinance. The Zoning Enforcement Officer shall issue such revocation in writing stating the reasons and shall notify the permittee by certified mail, return receipt requested, addressed to the permittee at his/her business or residence address, or by service by any process server at the usual place of abode of the permittee or at the permitted premises. No adult-oriented business shall continue operations with a revoked permit. The Planning and Zoning Commission shall revoke any license where any of the following occur:

1. It is discovered that materially false or misleading information or data was given on, or materials facts were omitted from, any application for adult oriented business permit.
2. A permittee, operator, employee, or other person directly involved in the management or control of the adult oriented business has been convicted of any crime specified in this Article.
3. A permittee has one (1) or more uncorrected material violations of this Article pending for over thirty (30) days, to which the licensee has received written notice.
4. A permittee, operator, or employee has knowingly allowed any live performance or conduct featuring any specified sexual activities to occur on the licensed premises.
5. A permittee, operator, or employee has knowingly allowed any illegal activity to occur on the licensed premises including, but not limited to, prostitution, gambling, or the possession, use, or sale of controlled substances.
6. A license is revoked for any reason by the Chief of Police under Town Ordinances.

**H. Regulations**

1. No adult-oriented business shall be permitted on a lot that is less than seven hundred fifty (750) feet from any lot containing a place of worship, school, playground, public building, or public park. This separation shall not apply to lots defined as water company lands, State forests, or Federal flood control areas.
2. No adult-oriented business shall be permitted on a lot that is less than two hundred and fifty (250) feet from any residentially zoned lot as defined in the Town Zoning District Map, as may be amended.

3. No adult-oriented business shall be located within seven hundred fifty (750) feet of another adult oriented business.
4. No adult-oriented business shall be permitted within the same building, structure, or portion thereof that is used for residential purposes or that contains another adult oriented business.
5. All distances contained in this Section shall be measured by taking a straight-line measurement between the nearest respective lot boundaries of each site.
6. Every adult-oriented business shall comply with all applicable statutes, codes, ordinances, laws, and regulations including, but not limited to, the fire, building, health, zoning codes, and ordinances of the Town and State.
7. Every adult-oriented business, including common areas, entryways, parking areas, restrooms, and any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment shall be well lighted. The entire premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted to access at an illumination of not less than one (1) foot candle as measured at the floor or ground level. It shall be the duty of the operator and his agents to ensure that such illumination is maintained at all times that any patron is present on the premises.
8. No adult-oriented business shall advertise the availability at such business of any activity that would be in violation of this Article or any State or Federal law. Nor shall any exterior sign, display, decoration, show, window, or other advertising of such business contain any material depicting, describing, or relating to specified anatomical areas, or specified sexual activities.
9. No alcoholic beverage or other intoxicant shall be displayed, served, ingested, or sold on the premises of any adult oriented business unless permitted by the State Department of Consumer Protection, Liquor Control Division and the Thomaston Planning and Zoning Commission. No permittee, operator, or employee shall be under the influence of any alcoholic beverage or other intoxicant while working at an adult oriented business.
10. Pursuant to Connecticut General Statutes Section 8 6, these Regulations shall not be varied by the Zoning Board of Appeals to accommodate the use or location of an adult oriented business establishment.

**I. Hours of Operation**

No adult-oriented business shall open to do business before 10:00AM Monday through Saturday, nor shall it remain open after 1:00AM Tuesday through Friday, nor after 2:00AM Saturday, Sunday, or any legal holiday as designated in Connecticut General Statutes Section 1-4.

## 13.7 Commercial Telecommunication Facilities and Sites

### A. Purpose and Intent

The purpose is to control the placement of antennas, towers, and similar facilities in a manner that will safeguard the community and protect the Town's visual and aesthetic qualities. The Commission shall require that information which is necessary to evaluate each facility. The Commission shall also require the proposed location of new equipment or structures to be the least disruptive to public health, safety, and welfare, and consistent with the Plan of Conservation and Development.

The intent is to minimize any adverse visual effects through proper design, siting, and screening to avoid potential damage to adjacent properties, to minimize the height and number of towers, and to provide for the orderly removal of abandoned antennas and towers.

When the location of such facilities is subject to State or Federal Authority which supersedes Town authority, the standards of this section shall serve to guide any Town participation or comments before any such authority.

### B. Definitions

**1. AGL :** Above ground level.

**2. dB (Decibel):** Times the logarithm to the base ten (10) of the ratio of two (2) power levels.

**3. "Communications Facility" or "Facility"**

Collectively, the equipment at a fixed location or locations that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing.

A Communications Facility does not include the Pole, Tower, or Support Structure to which the equipment is attached.

**4.Equivalent Isotropically Radiated Power (EIRP):** The product of the power supplied to the antenna and the gain in a given direction relative to an isotropic antenna.

**5. Monopole:** Tower composed primarily of a single structural element, not a lattice type structure.

**6. mW/cm2:** Milliwatts per square centimeter, a typical unit of power density measurement.

**7. Power Density:** Power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter.

**8. Power Output:** The sum in watts of each transmitter power at a site, i.e. twelve (12) channels at twenty (20) watts per channel is two hundred forty (240) watts.

**9. Radio Frequency Radiation (RFR):** Non-ionizing radiation in the frequency range of three hundred (300) kHz to one hundred (100) GHz.

**10. Repeaters:** A device used to relay a radio transmission.

**C. Use Regulations – Exemptions**

The following activities and uses are exempt from these Regulations:

1. The ordinary repair and maintenance of towers and antennas, especially those used for residential television, radio, amateur radio, and satellite antennas of two (2) meters or less in diameter located in commercial zones.
2. Satellite antennas measuring one (1) meter or less in diameter regardless of location.
3. Those Facilities intended for the protection of the community such as police, fire, ambulance, and other public safety services. New structures or towers shall not be exempt.
4. Facilities defined as a "small wireless facility" in conformity with Town ordinances governing such facilities.
5. Replacement or upgrades to existing facilities, provided there is no increase in height or load increases to existing structures. Documentation shall be provided to demonstrate these requirements.

**D. Regulations for New Collocated Facilities**

The following Regulations are specific for all proposed Facilities to be located on existing towers or other existing structures:

1. Permits are required for all Facilities that do not meet the exemptions of Section 13.7.C.
2. Communications facilities located on transmission or distribution towers, telephone poles, and other utility structures within the jurisdiction of the Town are subject to these Regulations, provided there is no more than a twenty (20) foot increase in height from the installation and the proposal is in conformity with Town Ordinances governing "small wireless facilities."
3. Increases in height shall not be permitted within one hundred fifty (150) feet of pavement of any Town or State road. Communications facilities may be mounted on buildings provided they do not project more than ten (10) feet above the height limit of the zone where the Facility is located.
4. Communications Facilities may be located on structures that are legally non-conforming with respect to the height requirements of Schedule B, provided the Facility equipment does not project above the roof line or more than ten (10) feet above the height limit of the zone in which the facility is located.
5. If feasible, Facilities shall be located on existing buildings such as water towers, utility poles, towers, and other telecommunications and related facilities, provided the installation preserves the integrity and character of those structures. The applicant shall consider the use of existing telephone and electric utility structures as potential sites, in conformity with all Town regulations and ordinances.
6. Facilities shall not exceed FCC guidelines in order to protect the public from excessive electromagnetic radiation.
7. If the facility is regulated by the Connecticut Siting Council, the applicant shall provide documentation of submission to the Council.
8. The applicant shall submit documentation regarding the legal right to collocate on an existing structure at the time of submission.
9. The applicant shall show the location of the facility on the existing structure and, for any height increases, document that the fall zone is contained within the property lines and does not pose a safety

threat to adjacent properties.

10. New or replacement Facilities shall not generate noise in excess of forty-five (45) decibels at the property line. Roof or side mounted equipment shall not generate noise in excess of fifty (50) decibels at the base of the building closest to the antenna.

**E. Regulations, Standards, and Requirements for New Ground Mounted Towers or Similar Structures**

The following Regulations are specific for all proposed new ground mounted towers, monopoles, or similar structures:

1. New proposed monopoles, towers, or other such structures are allowed in all zones pursuant to special permit approval.

2. The applicant shall demonstrate that there are no feasible existing structures on which to locate the tower as an alternative to the proposed ground mounted tower.

3. The applicant shall prepare a comprehensive analysis as to why collocating on existing structures may or may not be suitable. It shall be required in all applications that propose new towers or poles for applicants to evaluate collocation on existing structures such as, but not limited to, existing towers, buildings, steeples, flagpoles, chimneys, fire or water towers, and demonstrate the reasons for eliminating use of the existing structures.

4. Towers or associated equipment shall be camouflaged to the greatest extent possible by using compatible materials, screening, colors, landscaping, and placement with trees.

5. Towers shall be located in areas which will offer the least detrimental visual impact to historic and scenic areas, ridge lines, and properties listed in the State or Federal Register of Historic Places.

6. Towers and Facilities shall be sited in low density areas to avoid any decrease of residential property values.

7. Towers shall not be sited in Flood Plain Zones or Special Flood Hazard Areas.

8. Towers and facilities shall be sited to avoid any adverse environmental impacts to rare or endangered flora and fauna in areas as shown on the Connecticut DEEP Natural Diversity Database Maps.

9. Towers and equipment shall not be sited in any wetland or watercourse area.

10. In order to ensure public safety, the minimum distance from the base of a proposed ground mounted tower or similar structure to a property line, roadway, or other public pass way, habitable dwelling, business or industrial use, or public recreational areas shall be the height of the facility and mount, including any antenna or other appurtenance plus twenty five percent (25%).

11. Monopoles shall be the preferred type of ground mounted facility.

**F. Site Plan Requirements for New Towers, Structures, or Facilities**

1. Existing conditions plan shall contain property lines within three hundred (300) feet, natural boundary markers, existing tree cover or shrub cover, buildings, accessory structures, locations of public and private roads, including public pass ways and walking trails, and contours at two (2) foot intervals.

2. Site information for the proposed structures, buildings, equipment shelters, and other facilities.

3. Proposed security barriers indicating the type and extent, as well as the point of controlled entry, distances, and grades from the facility to each structure on the site.

4. All proposed changes to the property, including grading, vegetation, deposition, removal, and temporary or permanent roads. All grade cuts, fills, and changes shall be shown at original grade and at the new grade with two (2) foot contours above mean sea level.

5. Site elevations at grade from all four (4) compass directions shall be provided for a fifty (50) foot radius around the facility and from existing public and private accessways that serve the property. Elevations shall be at one quarter inch (1/4") equals one (1) foot and display all antennas, mounts, equipment shelters, including elevations and AGL of the highest point.

6. A USGS map showing the locations of existing and/or proposed towers. Locations for existing and proposed towers outside and within the Town's borders that would connect or be interconnected "hand off" with the proposed facility shall be shown. The map shall display the area from which the tower can be seen. It may be visible from more than one (1) community. The visual area shall be based upon an assessment of the topography surrounding the site.

7. The applicant shall provide a security fence at a height of at least eight (8) feet around the base of the tower. Existing vegetation shall be preserved. The applicant shall provide a vegetation plan to

screen structures, fuel tanks, and as much of the tower as possible. The plantings may be evergreens planted ten (10) feet on center. Evergreens shall be six (6) feet high and grow to a minimum height of fifteen (15) feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls, or other features that meet the screening requirements.

8. A sight line representation shall be drawn to the highest visible point of the tower from any public road or building within three hundred (300) feet. Each line shall be depicted in profile and drawn at one (1) inch equals forty (40) feet. The profile shall display all intervening trees and buildings. Each sight line shall be illustrated by a color photo of the existing conditions on the site as seen from any public road within three hundred (300) feet. The applicant shall submit a second set of photographs with the facility superimposed to illustrate what can be seen from public roads if the facility is constructed.

9. A construction plan shall be submitted. This map shall show details for access roads, construction, drainage improvement, above ground wires, cables, ducts, utility and signal cables, guiding, and anchor details.

10.Any other applicable site plan requirements in Section 11.5 – Special Permits or Section 11.4 – Site Plan Approval.

**G. Other Required Documentation for Applications**

1. The applicant shall provide the exact location in latitude and longitude, minutes, and seconds, a copy of the applicant's FCC license, number of transmitters, power output of each in watts, types of antennas, and the gain in dBi and the height of the antenna on the tower or structure.

2. Systems losses from cables and connectors in dB, minimum and maximum operating frequencies, number of channels, calculated Equivalent Isotropic Radiated Power in watts, calculated power densities in mW/cm2 at ground level and ground elevations along with the height of other structures on the site. Potential adjustments to each site, including changes in antenna types, orientation, gain and height, and the power output shall be specified.

3. An RF Engineer shall submit reports on Adequate Coverage and Capacity and Justification of Need for Site Location of Ground Mounted Towers.

4. The applicant shall provide a description of the service area for each communication system on the tower and prepare a statement justifying the rationale for the tower in the proposed location.

5. A prepared statement with respect to the signal strength service objectives for each proposed wireless service shall be provided.

6. An analysis for each service use demonstrating that the location will provide the required level of service and that other potential sites in the service area will not provide equal or better service.

7. The applicant shall document that the antenna height is the minimum necessary to provide adequate coverage.

8. The applicant shall demonstrate that nearby existing facilities or sites cannot provide nor have the potential to provide adequate coverage or capacity to the Town.

9. The applicant shall certify that any tower within one thousand (1,000) feet of the proposed facility does not meet the provider's structural specifications or technical requirements or that an agreement to share the existing tower could not be obtained at reasonable terms and conditions, including price.

10. The applicant shall provide an evaluation of the effect of the tower location within the Town and in adjacent communities. Special concern shall be given to those areas identified for existing or proposed preservation, open space, or any existing or proposed Historic District.

11. In addition to any requirements under State law, the applicant shall send copies of the application materials, no less than ten (10) days prior to the public hearing, to the Town Clerk, by Certified Mailing, of each community located within three (3) miles of the facility. Copies of the proof of mailing shall be forwarded to the Commission.

**H. General Requirements and Restrictions for All Applications**

1. The applicant or co-applicant shall be a licensed carrier, and documentation of qualifications shall be presented.

2. Commercial advertising shall not be allowed anywhere on the site.

3. Signal lights or other forms of illumination shall not be permitted unless required by the FCC or the FAA.

4. All other uses not clearly necessary to the operation and maintenance of the site are prohibited

unless expressly permitted as a condition of approval.

5. The application shall describe all equipment to be maintained or stored on site. Not more than one (1) unmanned equipment and/or storage building may be permitted. It shall contain no more than seven hundred fifty (750) feet of gross floor area and is not more than twelve (12) feet in height.

6. A service facility not used for six (6) months shall be removed by the owner. The removal shall occur within ninety (90) days from the end of the six (6) month period. Upon removal, the site shall be restored to its previous appearance and revegetated to blend in with the surrounding area.

**I. Repeaters**

Documentation shall be provided that the applicant has analyzed the feasibility of using repeaters in conjunction with existing facility sites to provide adequate coverage and/or capacity to the Town. Radial plots for repeaters sites shall be provided by the applicant.

**J. Soils Report**

A soils report shall be submitted with design specifications for the tower foundation and anchors for the guide wires.

**K. Site Emissions Report**

The applicant shall submit an environmental impact and evaluation report of site emissions. This report shall provide an assessment of the tower's impact upon areas designated for conservation and preservation in the Plan of Development and in the State Plan for Conservation and Development.

The report shall assess Federal, State, and protected areas, including wetlands, watercourses, environmentally sensitive areas, critical habitats for plants and animals, historical buildings or sites, unusual topographic features, landmarks, monuments, permanently protected areas, State parks and forest land, or lands protected by or being proposed for a land trust.

The applicant shall provide documentation listing the existing and maximum projected measurements of radio frequency radiation (RFR) from the facility for existing and ambient qualities and the maximum estimate of RFR from the facility plus the existing RR environment. The RF engineer shall certify that the RFR measurements are accurate and comply with FCC guidelines.

The applicant shall demonstrate that the proposed tower is in harmony and compatible with the surrounding properties and it does not adversely affect local characteristics or the integrity of the neighborhood.

The Commission may require, as a condition of the Special Permit, that within ninety (90) days of commencing the operation and at periodic intervals from the date of approval, existing RFR measurements be taken from the facility. Measurements shall be certified by an acoustical engineer, stating that the measurements are accurate and meet the noise standards of the Health District.

**L. Bonding and Other Financial Guarantees**

**1. Performance/Site Restoration Bond**

As a condition of approval, the Commission may require a bank check, letter of credit, passbook savings bond, or other form of surety acceptable by the Town Attorney in an amount acceptable by the Town Engineer or staff sufficient to cover the cost of completing the installation or site restoration.

**2. Soil and Erosion Control/Planting Bond**

The Commission may require a bank check, letter of credit, passbook savings bond, or other form of security satisfactory to the Town Attorney to be held by the Town for a period of one (1) year to ensure that all ground cover or trees and shrub plantings are in good condition and have taken hold.

**M. Field Site Identification**

The applicant shall provide, weather permitting, a balloon with a minimum diameter four (4) feet be sent aloft to the proposed height of the tower. The balloon shall remain aloft for a reasonable period to allow for public viewing and inspection by the Commission. Local notice of the balloon raising shall be published in a local newspaper by staff. Legal costs shall be paid by the applicant.

The applicant shall provide a list of Federal, State, regional, district, and municipal agencies, which will review the proposed tower and submit any decision, recommendation, or position of such agency.

**N. Federal Environmental Filing Requirements**

The National Environmental Policy Act applies to applications for wireless service facilities. The Act is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (27 CRF Ch 1.). The FCC requires the filing of an environmental assessment prior to operating a facility in a wilderness area, wildlife preserve, endangered species habitat, historical site, Indian religious site, inland wetlands, watercourse, and Flood Plain area.

If high intensity white lights in residential neighborhoods or excessive radio frequency radiation exposure are applicable, the applicant shall submit an Environmental Assessment that meets FCC requirements.

## 13.8 Mixed-Use Residential Units

**A. General Provisions**

The purpose of this Section is to increase the options for rental dwelling units by allowing the construction or conversion of dwelling units in the General Commercial Zone as a special permit use.

**B. General Design Criteria**

1. All dwelling units must be located above commercial uses or on the ground floor behind the commercial use. There shall be a distinct separation of uses on the same level, i.e. upper floor commercial and residential.
2. A separate entrance is required for dwelling units. Main entrance(s) for residents shall not be located in close proximity to commercial loading or service areas.
3. One (1) off street parking space provided per unit. Adequate lighting of both pedestrian and parking areas shall be provided. Parking requirements of Article 10 of these Regulations shall be enforced for special permits under this Section.
4. Adequate sound insulation shall be provided between commercial uses and residential areas.
5. Buildings shall contain a minimum of three-hundred (300) square feet of commercial square footage. Each unit shall contain a full kitchen and a full bathroom.

**C. Special Permit Criteria**

The Commission shall grant all approvals subject to such conditions and safeguards as needed to carry out the expressed purpose of these Regulations. The Commission shall approve a special permit for mixed use residential and commercial uses only if it finds that, in addition to the design criteria, the following criteria are satisfactorily met:

1. There is a demonstrated need in the community for mixed use housing.
2. The existing business uses are compatible with residential uses, with a focus on the safety of residents within the building.
3. The internal vehicle traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the property and the building.
4. Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use.
5. There is no undue concentration of high-density residential development in any area.
6. All requirements of the underlying zone which are not expressly altered by the above requirements must be followed.
7. The sign regulations of the underlying zone must be followed.

## 13.9 Accessory Dwelling Units

**A. Purpose**

The purpose of this Section is to expand housing opportunities for residents of the Town of Thomaston by permitting Accessory Dwelling Units ("ADUs") as an accessory residential use while maintaining neighborhood character, supporting aging in place, providing housing for family members, caregivers, and workforce households, and promoting the efficient use of existing housing stock. This Section shall be administered in a manner consistent with applicable provisions of the Connecticut General Statutes.

**B. Applicability**

1. One (1) Accessory Dwelling Unit shall be permitted as an accessory use to a lawfully existing or proposed single-family dwelling on any lot where a single-family dwelling is a permitted use.
2. An Accessory Dwelling Unit may be located:
   a. Within an existing principal dwelling;
   b. As an addition to a principal dwelling;
   c. Above or within a detached accessory structure
3. Accessory Dwelling Units shall be approved by the Zoning Enforcement Officer through the issuance of a Zoning Permit and Administrative Site Plan Approval in accordance with this Section.
4. No Special Permit, Special Exception, Public Hearing, variance, or approval by the Planning and Zoning Commission shall be required for an ADU that complies with the requirements of this Section.

**C. General Standards**

1. The ADU shall be subordinate to the principal dwelling.
2. The ADU shall be designed to be compatible with the residential character of the property and surrounding neighborhood. Exact architectural duplication of the principal dwelling shall not be required.
3. Owner occupancy of either the principal dwelling or the ADU shall not be required.
4. The ADU may be occupied by any person or household permitted under applicable law.
5. No familial relationship between occupants of the principal dwelling and occupants of the ADU shall be required.
6. An attached ADU may have an interior connection to the principal dwelling but shall not be required to have one.
7. Each ADU shall provide safe and code-compliant ingress and egress in accordance with the Connecticut State Building Code and Fire Safety Code.
8. Exterior entrances may be located on any building elevation.
9. The ADU may contain up to two (2) bedrooms.
10. One (1) ADU shall be permitted per lot.

**D. Dimensional Requirements**

1. An ADU located within an existing principal dwelling may occupy any portion of the dwelling provided the requirements of this Section are met.
2. An ADU shall not exceed:
   a. One thousand (1,000) square feet of Floor area on lots containing less than one (1) acre, or seventy-five percent (75%) of the Floor area of the primary structure, whichever is less.
3. b. One thousand two hundred (1,200) square feet of Floor area on lots containing one (1) acre or more, or seventy-five percent (75%) of the Floor area of the primary structure, whichever is less.
4. Existing lawful structures may be converted to an ADU regardless of current setback compliance, provided:
   a. The structure was lawfully constructed;
   b. The existing footprint is not expanded into a required setback; and
   c. The structure complies with applicable building, fire, and health codes.
5. Construction of new detached ADUs shall comply with the setback requirements applicable to accessory structures in the zoning district.

**E. Utilities and Health Requirements**

1. An ADU shall be served by adequate water supply and sewage disposal facilities.
2. Where public water and public sewer are available, connection to such systems shall be required unless otherwise approved by the appropriate authority. **Where there is a sewer connection available, there shall be no septic systems.*
3. Properties served by private well and/or septic systems may contain an ADU upon written confirmation from the applicable health authority that adequate capacity exists.
4. An ADU may share utility connections with the principal dwelling or may have separate utility connections and meters as approved by the applicable utility provider.
5. The ADU shall comply with all requirements of the Connecticut Public Health Code.

**F. Parking**

1. No additional off-street parking shall be required for an ADU.
2. Existing parking serving the principal dwelling may satisfy parking needs for the ADU.

3. The Zoning Enforcement Officer may require up to one (1) additional parking space where site conditions clearly demonstrate a need for additional parking to protect public safety.
4. Required parking spaces may be located within a driveway, garage, parking area, or other lawful off-street parking location.

**G. Administrative Approval Process**

1. An application for an ADU shall be submitted to the Zoning Enforcement Officer on forms provided by the Town.
2. The application shall include:
   a. A site plan showing existing and proposed structures, parking areas, and lot dimensions;
   b. Floor plans showing the layout and Floor area of the ADU;
   c. Documentation demonstrating compliance with applicable health requirements; and
   d. Any additional information reasonably necessary to determine compliance with this Section.
3. The Zoning Enforcement Officer shall approve, approve with conditions necessary to ensure compliance, or deny the application within sixty-five (65) days of receipt of a complete application.
4. Approval shall be granted if the application conforms to the requirements of these Regulations.
5. No public hearing shall be required.

**H. Existing Accessory Dwelling Units**

1. An ADU lawfully established prior to the effective date of this Section shall be deemed conforming.
2. An existing ADU created without Zoning Approval may be legalized through issuance of a zoning permit where the Zoning Enforcement Officer determines:
   a. Adequate water supply and sewage disposal exist per Torrington Area Health District.
   b. The unit complies with applicable life-safety requirements or is brought into compliance; and
   c. Sufficient evidence demonstrates the unit existed prior to the effective date of this Section.

**I. Building Permit Required**

Nothing in this Section shall exempt an ADU from obtaining any building permit, health approval, utility approval, fire safety approval, or other permit required by federal, state, or local law.

## 13.10 Cannabis Establishments

**A. General Provisions**

1. The purpose of this Section is to regulate the use and location of cannabis establishments in a manner that best protects the public health, safety, property values, and general welfare of the residents of the Town of Thomaston. The following regulations shall apply to the location of any cannabis establishment where cannabis and cannabis products are grown, manufactured, or sold for consumption off the premises under a license issued by the Connecticut Department of Consumer Protection.

2. After the effective date of this Section of the Regulations, it shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Town, the operation of a cannabis establishment without first obtaining a special permit to operate from the Planning & Zoning Commission.

**B. Definitions**

For the purposes of this Section, all terms shall have meanings ascribed to them in Public Act 21-1 Section 1 as may be amended from time to time.

1. **Specialized Uses**

For the purposes of this Section, specialized uses shall include any lot or parcel used for the purposes in whole or in part for a school, playground, public park, or public building, but shall not apply to parcels defined as water company lands, State forests, or Federal flood control areas.

**C. Application Procedures**

1. No land, building or structure may be used as a cannabis establishment unless a special permit application, submitted in accordance with Section 11.5 – *Special Permit Requirements* has been approved by the Planning & Zoning Commission and a license has been granted to the applicant by the State of Connecticut Department of Consumer Protection.

2. Nothing in this section shall be construed to deny any applicant who has duly applied for a cannabis license to the State of Connecticut before the effective date of this article from thereafter receiving such permit pursuant to said application for any land, building, or premises in the Town of Thomaston.

Land, building, or premises used pursuant to a permit applied for and received as stated in this section shall be subject to all the provisions of this article in the same manner as if they had been in use under such permit on the effective date of this article.

3. All applications for a cannabis establishment shall provide the following information:

(i) Special Permit Application and appropriate fee as listed in the Town of Thomaston Fee Schedule. In addition to the property owner, said application is to be signed and filed by a person having direct control or management of the proposed cannabis establishment;
(ii) A copy of the business plan including proposed hours of operation;
(iii) A site plan complying with Section 11.4 as may be amended and which depicts proposed signage, lighting plans, security plans, parking plans, etc.
(iv) A sketch or diagram showing the floor plan of the premises drawn to a designated scale and with marked dimensions of the interior of the premises, including a statement of total floor space occupied by the business. Such sketch or diagram shall include, without limitation, all seating, doors, windows, manager's stations, restrooms, overhead lighting fixtures, and any areas where patrons are not permitted; and
(v) Proof of approval by the State of Connecticut Department of Consumer Protection.

4. The applicant shall also furnish the following information:

(i) Name and business and residence address of the applicant, owner, operator, manager, and any other person having direct control or management of the cannabis establishment, including all fictitious names. If the applicant is a partnership, the names of all general partners. If the applicant is a limited liability company, the names of all members and managers of such company. If the applicant is a corporation, the names of all officers, directors, and shareholders holding a ten percent (10%) or greater interest in the total number of shares of such corporation.
(ii) Written proof or affidavit that the applicant and employees are at least eighteen (18) years of age.
(iii) If a partnership the application shall be accompanied by the partnership agreement, if any.
(iv) If a limited partnership, the application shall specify the name of the partnership, the date and state of the filing of its certificate of limited partnership, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the partnership agreement, if any, and by evidence that such partnership is in good standing under the laws of the state.
(v) If a limited liability company, the application shall specify the name of the company, the date and state of the filing of its articles of organization, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the operating agreement, if any, and by evidence that such company is in good standing under the laws of the state.
(vi) If a corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of its statutory agent for service of process and shall be accompanied by a copy of its bylaws, if any, and by evidence that such corporation is in good standing under the laws of the state.
(vii) If operating under a fictitious name, the application shall be accompanied by a copy of the applicant's recorded trade name certificate.
(viii) The location of the cannabis establishment to be operated by the applicant, including the street address, legal description of the property, and telephone number, if any.

5. The Planning and Zoning Commission and/or Zoning Enforcement Officer shall have the right to request additional information and documentation of the applicant and the proposed business to support or clarify any information previously provided. If a special permit to operate a cannabis establishment is granted, the information furnished in the application shall be updated within thirty (30) days of any material changes. Such update shall be filed with staff in the Building & Land Use Office.

**D. Location of Cannabis Establishments**

1. Cannabis establishments shall only be permitted in the M1, M2, and GC zones, and shall not be permitted in the Downtown Development District.

2. No cannabis establishment shall be permitted on a lot that is less than two hundred and fifty (250) feet from any residentially zoned lot as defined in the Town of Thomaston Zoning District Map, as may be amended.

3. No cannabis establishment shall be located within 750 feet from a specialized use, a place of worship, or another cannabis establishment, as these terms may be defined in Public Act 21-1 as may be amended and/or elsewhere in these Regulations.

4. For the purpose of this Regulation, the required 750 feet separation distance shall be measured by taking a straight-line measurement between the nearest respective lot boundaries of each site.

5. Notwithstanding the provisions of this article, one cannabis establishment may be located in a shopping center having a gross floor area for retail stores of 50,000 square feet or more, provided that such shopping center was constructed as a single design unit.

**E. Specific Requirements for Cannabis Establishments**

1. All cultivation, production, and retail activities must be conducted entirely indoors.

2. No consumption, by any means, of cannabis and/or cannabis products shall be permitted to occur on-premises.

3. No palliative marijuana dispensary permitted under these Regulations shall be allowed to sell marijuana for any use other than palliative unless they first obtain the necessary permitting from the Connecticut Department of Consumer Protection.

4. In addition to all State regulations governing site security, property containing production and cultivation facilities must be secured at all times by fencing and gating no less than eight (8) feet in height.

5. Detailed lighting plans shall be required and shall show security lighting in all parking areas and entrance/exit areas to the property.

6. Pursuant to Connecticut General Statutes Section 8-6, these Regulations shall not be varied by the Zoning Board of Appeals to accommodate the use or location of a cannabis establishment.

**F. Permit Revocation**

1. The Planning & Zoning Commission may revoke a cannabis establishment special permit upon determination that a permittee, operator, or employee has materially violated any part of this Artic le, pertinent Town Ordinance, or State Statute.

2. The Planning & Zoning Commission shall revoke any license where any of the following occur:

(i) It is discovered that materially false or misleading information or data was given on, or materials facts were omitted from, any application for a cannabis establishment.

(ii) A permittee has one (1) or more uncorrected material violations of this Article pending for over thirty (30) days, about which the licensee has received written notice via certified mail.

(iii) A permittee or employee has knowingly allowed any illegal activity to occur on the licensed premises.

3. Permit revocation shall occur in accordance with the procedures established in Section 11.5.M of these Regulations.

4.Notice of such revocation shall be forwarded to the State of Connecticut Department of Consumer Protection.

5. No cannabis establishment shall continue operations with a revoked permit.

**13.11 Large-Scale Solar Energy Systems**

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

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

**B. Building Permit and Building Inspection**

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

**C. Roof-Mounted SESs - Zoning Permit Review**

Roof-mounted large-scale Solar Energy Systems with 15kW DC or larger of rated nameplate capacity are allowed in the General Commercial, M1, & M2 Zones and the Downtown Development District

by zoning permit approval from the Town of Thomaston Planning & Zoning Commission or its ZEO prior to construction, installation, or modification.

**D. Ground-Mounted SESs - Special Permit Review**

Ground-mounted large-scale Solar Energy System with 15kW DC or larger of rated nameplate capacity are allowed in all zones except the General Commercial Zone and the Downtown Development District by special permit approval from the Town of Thomaston Planning & Zoning Commission prior to construction, installation, or modification as provided in this section.

1. General

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

2. Required Documents

   Pursuant to the special permit review process, the project proponent shall provide the following documents in addition to the Site Plan submission requirements of Section 11.4:

   i. Blueprints or drawings of the Solar Energy System signed by a Professional Engineer licensed to practice in Connecticut showing the proposed layout of the system and any potential shading from nearby structures.
   ii. Manufacturer's data sheets or similar documentation of the major system components to be used, including the PV panels, mounting system, and inverter
   iii. Full contact information, including name, address, phone number and e-mail address for proposed system installer
   iv. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
   v. The name, contact information, and signature of any agents representing the project proponent;
   vi. Documentation of actual or prospective access and control of the project site;
   vii. An operation and maintenance plan;
   viii. Zoning district designation for the parcel(s) of land comprising the project site, and
   ix. Proof of liability insurance.

3. The Town of Thomaston Planning & Zoning Commission may waive documentary requirements that it finds are unnecessary to determine compliance with these Regulations, as it deems appropriate.

**E. Site Control**

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

**F. Operation & Maintenance Plan**

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

**G. Utility Notification**

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

**H. Dimension and Density Requirements**

1. Setbacks

   i. Large-scale, ground-mounted Solar Energy Systems shall meet all setback requirements for the zone in which they will be located.
   ii. Where the lot abuts a Residential district, the required setback shall not be less than 100 feet.

2. Minimum Lot Size

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

3. Height

The total height of any large-scale Solar Energy System, including any mounts, shall not exceed nine (9) feet above the ground.

**I. Accessory Structures**

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

**J. Design Standards**

1. Lighting

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

2. Signage

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

3. Utility Connections

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

4. Screening

   A large-scale ground-mounted solar energy system shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center located on the outside of the perimeter fence. The Commission may allow additional or alternative screening methods when it is determined that such alternatives are more appropriate for the particular site. The Commission may also allow fencing up to eight (8) feet in height, where deemed appropriate.

**K. Safety and Environmental Standards**

1. Emergency Services

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

2. Land Clearing and Soil Erosion Impacts

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

3. Pollinator-Friendly Proposals

   The large-scale Solar Energy System owner and/or operator shall, where possible and practicable, incorporate the recommendations detailed in the document entitled *Best Management Practices for Pollinator-Friendly Solar Arrays* prepared by the UMASS Clean Energy Extension.

**L. Monitoring and Maintenance**

1. Solar Energy System Conditions

   The large-scale ground-mounted Solar Energy System owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural

repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Marshal and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Energy System and any access road(s), unless accepted as a public way.

2. Modifications

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

**M. Bonding and Other Financial Guarantees**

1. Performance/Site Restoration Bond

As a condition of approval, the Commission may require a bank check, letter of credit, passbook savings bond, or other form of surety acceptable by the Town Attorney in an amount acceptable by the Town Engineer or staff sufficient to cover the cost of completing the installation or site restoration.

2. Soil and Erosion Control/Planting Bond

The Commission may require a bank check, letter of credit, passbook savings bond, or other form of security satisfactory to the Town Attorney to be held by the Town for a period of one (1) year to ensure that all ground cover or trees and shrub plantings are in good condition and have taken hold.

**N. Abandonment or Decommissioning**

1. Removal Requirements

Any large-scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned consistent with Section 13.13.L.2 of this Regulation shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Thomaston Planning & Zoning Commission by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

i. Physical removal of all large-scale ground-mounted Solar Energy System, structures, equipment, security barriers and transmission lines from the site.

ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Thomaston Planning & Zoning Commission may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

iv. A stabilization/re-vegetation plan shall be submitted along with the Special Permit application.

2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Thomaston Planning & Zoning Commission. If the owner or operator of the large-scale ground-mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

## 13.12 Smoke Shops

### 1. General Provisions/Purpose

Since the adoption of Public Act 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (RERACA), there has been a proliferation of retail establishments primarily engaged in the sale and/or consumption of tobacco, nicotine, vaping products, and related paraphernalia in the Town of Thomaston.

Commonly known as “smoke shops,” these establishments have raised community concerns regarding:

1. Excessive and noncompliant signage, including price advertisements and graphic depictions of smoking products
2. Proximity of such signage to schools, residences, and areas frequented by minors;
3. Unsafe or distracting lighting arrangements with potential impacts on traffic safety
4. Assertions of unauthorized cannabis sales without approvals required by the State of Connecticut and the Town of Thomaston.

The intent of this Section is to regulate the siting, signage, and operation of smoke shops to protect the public health, safety, and welfare of the community.

**2. Definitions**

**Smoke Shops:** An establishment primarily engaged in the retail sale of tobacco or onsite consumption of tobacco products, tobacco paraphernalia, electronic smoking devices, liquid nicotine containers or vapor products. These products include, but are not limited to; Cigarettes, cigars, e-cigarettes, pipes, hookahs, bongs, tobacco, vape cartridges, and chewing tobacco. A business shall be classified as being within this use if more than 30% of the floor space, including displays and aisles, is based on the retail sale of the products.

***The sale of Cannabis and Marijuana and products derived therefrom shall be explicitly prohibited from sale in a Smoke Shop Store.*** ***See section 13.10 Cannabis Establishments***

**3. Location of Smoke Shops:**

a. Smoke Shops Shall only be permitted in the M1, M2, GC, and DDD. They shall not be allowed in Residential Districts.

b. Shall not be located within 750 feet, property line to property line, from another smoke shop Distance shall be measured in a straight line from the nearest property line of the smoke shop to the nearest property line of the protected use."

**4. Signage for Smoke shops shall meet all sign regulations for the respective zoning district as prescribed in Article 9 of these Regulations. In addition, the following regulations shall apply:**

a. There shall be no illumination of a Sign advertising tobacco or other products containing nicotine at any time;

b. There shall be no signage that advertises tobacco or other products containing nicotine brand names or utilizes graphics related to tobacco, other products containing nicotine or paraphernalia on the exterior of the building in which the store is located;

c. There shall be no display of tobacco, other products containing nicotine or paraphernalia within the facility which is clearly visible from the exterior of the facility;

d. There shall be no signage on the exterior of the facility which advertises the price of tobacco or other products containing nicotine.

e. Smoke shops shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian.

**5. Application Procedures**

a. **Special Permit Required:** No land, building, or structure shall be used as a Smoke Shop unless a Special Permit application, submitted in accordance with §11.5 – Special Permit Requirements, has been approved by the Planning & Zoning Commission.

b**. Site Plan:** All applications shall include a Site Plan showing details on lighting, signage, hours of operation, security measures, and waste disposal methods.

c. **Enforcement:** Violations of this Section shall be subject to enforcement as well as possible revocation of the Special permit.

d. **Conditions of Approval:** The Commission may impose conditions necessary to ensure the operation does not affect public health, safety, or welfare, including but not limited to hours of operation, signage restrictions, and security measures.

## 13.13 Short-Term Rentals

**1. General Provisions/Purpose**

It is the intent of these regulations to expand the hospitality industry in the Town of Thomaston in a manner consistent with the most recent Plan of Conservation and Development (POCD) update, while protecting neighborhood character and the health, safety, and welfare of residents. Short-Term Rentals (STRs) can contribute to economic development, support property owners in maintaining their homes, and increase visitor spending within the community. This Section establishes conditions under which STRs may operate to balance economic benefits with quality of life for residents.

**2. Definitions**

**Short-Term Rental (STR):** The rental of a dwelling unit, or portion thereof, to the same guest or group of guests for a period of fewer than thirty (30) consecutive days. This term includes rentals arranged through online platforms such as Airbnb, VRBO, or similar services, as well as those arranged directly with the property owner or operator.

**3. Applicability**

a. The provisions of this Section shall apply to all Short-Term Rentals within the Town of Thomaston.

b. STRs shall comply with all applicable provisions of these Regulations, the Connecticut State Building Code, the Connecticut Fire Safety Code, and any applicable state licensing or lodging tax requirements.

**4. Permitted Locations and Approvals**

**Commercial Zones: GC and Downtown Development District**
**Industrial Zones: M1 and M2 Industrial Zones**
**Residential Zones: RA-15, RA-80, and RA-80A**

a. STRs shall be permitted subject to Site Plan Approval in accordance with § 11.4 of these Regulations.

b. An on-site operator is not required.

c. The property owner or a designated local contact person shall provide the Zoning Enforcement Officer (ZEO) with a 24-hour telephone number and shall be available to respond to complaints or emergencies within one (1) hour.

d. If there is a change in ownership of the property, or contact person, immediately within 24 hours the ZEO shall be provided with updated contact information.

**Residential Zones:**

a. STRs shall be permitted subject to Special Permit approval in accordance with §11.5 of these Regulations.

b. An on-site operator is not required.

c. The property owner or a designated local contact person shall provide the ZEO with a 24-hour telephone number and shall be available to respond to complaints or emergencies within one (1) hour.

d. The Commission may impose reasonable conditions related to parking, occupancy limits, noise control, trash management, and other measures to mitigate potential impacts on the neighborhood.

## 5. Operational Standards

All STRs shall comply with the following minimum standards:

a. Occupancy: Maximum occupancy shall not exceed two (2) persons per bedroom plus two (2) additional persons, unless otherwise limited by septic capacity or Building/Fire Code.

b. Parking: Adequate off-street parking shall be provided for all guests; on-street parking shall not be relied upon to meet this requirement.

c. Trash and Recycling: Waste shall be stored in covered containers and disposed of in accordance with Town regulations.

d. Safety: STRs shall have functional smoke detectors, carbon monoxide detectors, and clearly marked emergency egress routes in compliance with Building and Fire Codes.

e. Contact Information: The required local contact information shall be posted prominently inside the unit for guest access.

f. If there is a change in ownership of the property, or contact person, immediately within 24 hours the ZEO shall be provided with updated contact information.

**6. Registration**

a. All STR operators shall register bi-annually with the ZEO and provide:

1. Owner/operator name and contact information.
2. Designated local contact person and 24-hour phone number.
3. Proof of compliance with safety requirements
4. Registration shall be renewed annually and is subject to inspection by the ZEO.
5. If there is a change in ownership of the property, immediately within 24 hours the ZEO shall be provided with updated contact information.

**7. Enforcement**

a. The ZEO shall have the authority to investigate complaints, inspect properties, and enforce compliance with this Section.

b. Violations of this Section may result in suspension or revocation of STR approval.

c. The ZEO will collaborate with the Police Department, Building Official. Fire Marshal and Torrington Area Health

**Section 13.14: Zoning Changes Mandated by Public Act 25-1**

**Section A. Purpose**

In a Special Session in November 2025 HB 8002 was passed and required certain zoning changes to take effect as of July 1st, 2026. These are mandated by the State of Connecticut and the Local Planning and Zoning Commission has no choice but to implement it within their Zoning Regulations.

**Summary Review**

Under Public Act No. 25-1, Summary Review is designed to streamline housing production by removing discretionary hurdles. For middle housing (2–9 units) in commercial or mixed-use zones, municipalities are prohibited from requiring public hearings or special exceptions, provided the project meets objective physical standards like setbacks and height. This process limits municipal oversight to a non-discretionary "site plan" check, ensuring that if a developer follows the written rules, the permit must be issued.

Compliance: The project meets standard zoning terms (setbacks, lot size, building frontage).

Site Plan: The site plan conforms to applicable regulations.

Safety: A determination is made that public health and safety will not be substantially impacted.

**Residential Parking Requirements for Small-Scale Residential and Large-Scale Residential**

**a. Small-Scale Residential (16 or Fewer Housing Units)**

No Minimum Parking: Zoning authorities shall not reject an application for residential development solely for failing to meet off-street parking requirements.

Exception (Health & Safety): An application may only be rejected if the commission finds a lack of parking will have a "specific adverse impact" on public health and safety that cannot be mitigated.

Conservation Districts: A municipality may adopt up to two "conservation and traffic mitigation districts" (totaling no more than 4% of municipal land) where parking may still be required for fewer than 16 units.

**b. Large-Scale Residential (17 or More Housing Units)**

Municipal Requirement: For developments with more than 16 units, a municipality may require a minimum number of off-street parking spaces. Parking Needs Assessment: The developer may submit a parking needs assessment (at their own expense) analyzing public transportation, existing parking, and traffic studies.

Maximum Limits: The required parking cannot exceed the lesser of: The number recommended in the developer's assessment. One space for each studio/one-bedroom unit and two spaces for each unit with two or more bedrooms.