

**Frost Bridge to Campville 115-kV Project Bulk Filing #1 of Municipal Documents**

**Town of Harwinton**



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**TOWN OF HARWINTON, CONNECTICUT  
INLAND WETLANDS AND WATERCOURSES REGULATIONS**

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# HARWINTON INLAND WETLANDS AND WATERCOURSES REGULATIONS

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**Section 1**  
**Title and Authority**

- 1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Harwinton".
- 1.3 The Inland Wetlands and Watercourses Commission of the Town of Harwinton was established in accordance with an ordinance adopted on February 26, 1974 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Harwinton.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities in the Town of Harwinton pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

## **Section 2 Definitions**

2.1 As used in these regulations:

**“Act”** means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

**“Agency”** means the Inland Wetlands and Watercourses Commission of the Town of Harwinton.

**“Bogs”** are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

**“Clear-cutting”** means the harvest of timber in a fashion which removes all trees down to a two inch diameter at breast height.

**“Commissioner of Environmental Protection”** means the commissioner of the State of Connecticut Department of Energy & Environmental Protection.

**“Continual flow”** means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

**“Deposit”** includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

**“Designated agent”** means an individual(s) designated by the Inlands Wetlands and Watercourses Commission of the Town of Harwinton to carry out its functions and purposes.

**“Discharge”** means emission of any water, substance, or material into wetlands or watercourses of the state whether or not such substance causes pollution.

**“Disturb the natural and indigenous character of the wetland or watercourse”** means that the activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear cutting, altering or obstructing water flow, or will result in the pollution of the wetland or watercourse.

**“Essential to the farming operation”** means that the proposed activity is necessary and indispensable to sustain farming activities on a farm.

**“Farming”** means use of land for the growing of crops, raising of livestock or other agricultural use. (See Appendix A.)

**“Feasible”** means able to be constructed or implemented consistent with sound engineering principles.

**“Illegal Activity”** means any regulated activity that is performed without a valid permit.

**“License”** means the whole or part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands & Watercourses Commission.

**“Management practice”** means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

**“Marshes”** are watercourses with soils that exhibit aquic moisture regimes and are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

**“Material”** means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.

**“Municipality”** means the Town of Harwinton.

**“Nurseries”** means places where plants are grown for sale, transplanting, or experimentation.

**“Permit”** means the whole or any part of any license, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law.

**“Permittee”** means the person to whom a permit has been issued.

**“Person”** means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

**“Pollution”** means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

**“Prudent”** means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.



**“Regulated activity”** means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

**“Regulated area”** means any wetlands, watercourses or upland review area as defined in these regulations.

**“Remove”** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

**“Rendering unclean or impure”** means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

**“Significant impact activity”** means any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant, or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

**“Soil Scientist”** means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.

**“Submerged lands”** means those lands which are inundated by water on a seasonal or more frequent basis.

“Swamps” are watercourses with soils that exhibit aquic moisture regimes and are distinguishable by the dominance of wetland trees and shrubs.

“Town” means the Town of Harwinton.

“Upland Review Area” means any area within 100 feet of a wetlands or watercourse where activities may impact upon wetlands or watercourses.

“Waste” means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

“Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

“Wetlands” means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by USDA Cooperative Soil Survey.

### **Section 3 Inventory of Regulated Areas**

- 3.1 The map of wetlands and watercourses entitled “Inland Wetlands and Watercourses Map, Harwinton, Connecticut delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.

- 3.3 The Agency or its designated agent(s) shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

#### **Section 4** **Permitted Uses as of Right & Non-regulated Uses**

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation and activities conducted by, or under the authority of, the Department of Energy & Environmental Protection for the purpose of wetland or watercourse restoration or enhancement, or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
  - b. a residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987.
  - c. boat anchorage or mooring;
  - d. uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse;
  - e. construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statute;
  - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place. (f. – effective 3/1/12)
  - g. Withdrawals of water for fire emergency purposes. (g. effective 3/1/12)

- 4.2 The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- a. conservation of soil, vegetation, water, fish, shellfish, and wildlife;
  - b. outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, biking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated and
  - c. the installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is not alternative access to a public water supply. For purposes of this section, “dry hydrant” means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water. (c. effective 3/1/12)
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or non regulated operation shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required.

**Section 5**  
**Activities Regulated Exclusively by the Commissioner of Environmental Protection**

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board or education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental

Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.

- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

### **Section 6 Regulated Activities to be Licensed**

- 6.1 No person shall conduct or maintain a regulated activity of a wetland or perennial watercourse or intermittent watercourse without first obtaining a permit for such activity from the Inland Wetlands and Watercourse Commission of the Town of Harwinton.
- 6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law.

### **Section 7 Application Requirements**

- 7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Harwinton Town Clerk or the Agency.
- 7.2 If an application to the Town of Harwinton Planning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with such planning commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.4 A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.

- 7.5 All applications shall include the following information in writing or on maps or drawings:
- a. the applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
  - b. the owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
  - c. the applicant's interest in the land;
  - d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
  - e. the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures, *including low impact development practices (3/1/11)*, which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority; restore, enhance and create productive wetland or watercourse resources;
  - f. *alternatives, including low impact development practices (3/1/11)* which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
  - g. a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
  - h. names and mailing addresses of adjacent land owners;
  - i. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
  - j. authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
  - k. a completed DEEP reporting form; the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;
  - l. any other information the Agency deems necessary to the understanding of what the applicant is proposing; and
  - m. submission of the appropriate filing fee based on the fee schedule established in section 19 of these regulations.
  - n. a certified Class A-2 survey at 1":40' scale or other scale at the discretion of the Commission for all regulated activities;
  - o. a soil erosion and sediment control plan shall be prepared. For methods and practices necessary for certification, the "Connecticut Guidelines for Soil Erosion and Sediment Control (2002)" as amended, published by the Connecticut Council on Soil and Water Conservation shall be utilized; and
  - p. the applicant shall demonstrate compliance with 2004 Connecticut Storm Quality Guidelines, as amended.

- 7.6 If the proposed activity involves a significant impact activity as determined by the Agency, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:
- a. site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
  - b. engineering reports and analysis and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
  - c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
  - d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
  - e. a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative, *including low impact development practices (3/1/11)* which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
  - f. analysis of chemical or physical characteristics of any fill material;
  - g. management practices and other measures, *including low impact development practices (3/1/11)* designed to mitigate the impact of the proposed activity. Such measures include but are not limited to plans and actions which avoid destruction or diminution of wetlands and watercourse functions, recreational uses and natural habitats which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
  - h. the location of potentially affected wetlands and watercourses on adjoining properties and
  - i. delineation of the 100 foot upland review area.
- 7.7 The applicant shall certify whether:
- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
  - b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
  - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 7.8 Four copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Agency.

- 7.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided.
- a. the application may incorporate the documentation and record of the prior application;
  - b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
  - c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
  - d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
  - e. the Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.
- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit shall be valid for more than ten years and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years. (3/1/12)
- 7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply;
- a. For purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
  - b. For purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
  - c. No person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless



the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application.

- d. In lieu of such notice pursuant to subsection 7.11c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

(Section 7.11 effective 3/11/12)

## **Section 8 Application Procedures**

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Harwinton.
- 8.2 The Agency shall, in accordance with Connecticut General Statutes section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
  - a. any portion of the property affected by a decision of the agency is within five hundred feet of the boundary of an adjoining municipality;
  - b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
  - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

- 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.
- 8.5 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Request for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.
- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied. Failure to pay any application or other fee when due shall constitute an incomplete application.

### **Section 9 Public Hearings**

- 9.1 The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Agency not later than fourteen days after the date of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the Agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard. (See also Appendix B attached.)
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 Notice of the public hearing shall be mailed by the applicant to the owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing by certified mail with return receipt requested. Abutting land includes land directly across the road from the applicant's property.  
(effective 3/1/12)
- 9.4 In the case of any application which is subject to the notification provision of subsection 8.3 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.  
(effective 3/1/12)

**Section 10**  
**Considerations for Decision**

- 10.1 The Agency may consider the following in making its decision on an application:
- a. The application and its supporting documentation.
  - b. Public comments, evidence and testimony.
  - c. Reports from other agencies, commissions and expert consultants including but not limited to the Town of Harwinton:
    1. Conservation Commission
    2. Planning Commission
    3. Zoning Commission
    4. Building Official
    5. Health Officer
    6. Town Engineer
    7. Inland Wetlands and Watercourses Commission Enforcement Officer
    8. Town Attorney
  - d. The Agency may also consider comments on any application from the Litchfield County Soil and Water Conservation District, the Litchfield Hills Regional Planning Agency or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
  - e. Non-receipt of comments from agencies and commissions listed in subdivisions 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- 10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- e. the environmental impact of the proposed regulated activity on wetlands or watercourses;
  - f. **the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;**
  - g. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
  - h. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
  - i. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

- j. impacts of the proposed regulated activity on wetlands or watercourses outside the area of which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 For purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- 10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 7.11c of these regulations, the holder of the restriction may provide proof to the Inland Wetlands Agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Inland Wetlands Agency shall not grant the permit approval. *(effective 3/1/12)*
- 10.9 In the case of an application where the applicant fails to comply with the provisions of subsections 7.11c or 7.11d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the Inland Wetlands Agency, subject to the rules and regulations of such agency relating to appeals. The Inland Wetlands Agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty (30) days after receipt of actual notice of permit approval, file an appeal with the Inland Wetlands Agency, subject to the rules and regulations of such agency relating to appeals. The Inland Wetlands Agency shall

immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction. (effective 3/1/12)

- 10.10 Nothing in subsections 7.11c or 7.11d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction. (effective 3/1/12)

## **Section 11 Decision Process and Permit**

- 11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restrictions are necessary to carry out the policy of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes. (amended 6/11/13)
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.
- 11.3 The Agency shall state upon its record the reasons and basis for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections

8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of Harwinton Planning Commission and Zoning Commission within fifteen days of the date of the decision thereon.

- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued by the Agency for any activity for which an approval is not required under Chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. (amended 6/11/13)
- 11.6.1 Notwithstanding the provisions of Section 11.6 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval. (added 6/11/13)
- 11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.
- 11.8 If a bond or insurance is required in accordance with section 13 of these regulations, the Agency may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
- a. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
  - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Harwinton, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
  - c. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
  - d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
  - e. Permits are not transferable without the prior written consent of the Agency.

## **Section 12**

### **Action by Duly Authorized Agent**

- 12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall

contain the information listed under Section 7.5 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time.

- 12.2 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

### **Section 13 Bond and Insurance**

- 13.1 The Agency may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit. The amount and form of the bond shall be reviewed by the Town Engineer and the Town Attorney.
- 13.3 The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur with (2) years of completion of such operation, in an amount to be determined by the Commission, in an amount commensurate with the regulated activity.

### **Section 14 Enforcement**

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under section 10.2 of these regulations.
- 14.2 The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.

- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.
  - b. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and /or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection 14.3a or other enforcement proceedings as provided by law. After notice to the property owner and an opportunity to be heard, the Agency may record a notice of violation on the land records.
  - c. **May direct the Inland Wetlands & Watercourses Enforcement Officer to issue a citation for the violation in accordance with the ‘Ordinance Establishing Citation Procedures and Fines for Violations of the Zoning Regulations and the Inland Wetlands and Watercourses Regulations’ adopted 1/24/2006”**

The Agency may in its discretion invoke one or more of these enforcement procedures.

- 14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency’s decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.



## **Section 15 Amendments**

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Harwinton may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Energy & Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of Harwinton Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.
- 15.4 Petitions requesting changes or amendments to the “Inland Wetlands and Watercourses Map, Harwinton, Connecticut”, shall contain at least the following information:
- a. the petitioner’s name, mailing address and telephone number;
  - b. the address, or location, of the land affected by the petition;
  - c. the petitioner’s interest in the land affected by the petition;
  - d. map(s) showing the geographic location of the land affected by the petition and the
    - i. existing and the proposed wetland(s) and watercourse(s) boundaries on such land
    - ii. in accurate detail together with the documentation supporting such proposed boundary
    - iii. locations; and
  - e. the reasons for the requested action.
  - f. the names and addresses of adjacent property owners, and
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Harwinton, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land that is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
- a. the name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;

- b. the names and mailing addresses of the owners of abutting land;
  - c. documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
  - d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- 15.7 A public hearing shall be held on petitions to amend the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including map and documents relating to the petition shall be open for public inspection.
- 15.8 The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

## **Section 16**

### **Appeals**

- 16.1 Appeal on actions of the Agency shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

**Section 17**  
**Conflict and Severance**

- 17.1 If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

**Section 18**  
**Other Permits**

- 18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Harwinton, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

## Section 19 - Application Fees

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by personal check, certified check or money order payable to the Town of Harwinton at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 19.7 of these regulations.
- 19.3 The application fee is not refundable.
- 19.4 Definitions. As used in this section:

“Residential Uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

“Commercial Uses” means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

“Other Uses” means activities other than residential uses or commercial uses.

An additional charge for the DEEP Notification will be added to all application fees.

- 19.5 Fee Schedule. Application fees shall be based on the following schedule:
- |    |   |          |
|----|---|----------|
| a. | PERMITTED AND NONREGULATED USES (See section 4 of these regulations.)   |          |
|    | PERMITTED USES AS OF RIGHT – (Section 4.2)  | \$30.00  |
| b. | REGULATED USES (See section 6 of these regulations)   |          |
|    | RESIDENTIAL USES  | \$100.00 |
|    | COMMERCIAL USES   | \$200.00 |
|    | plus \$100 per acre of affected area  |          |
|    | ALL OTHER USES  | \$100.00 |
| c. | SIGNIFICANT ACTIVITY FEE  | \$500.00 |
|    | (See section 7.4 of these regulations.)   |          |
| d. | MAP AMENDMENTS PETITIONS  | \$200.00 |
|    | (See section 14.3 of these regulations.)  |          |
|    | .....PLUS FEE FROM FEE SCHEDULE OF THESE REGULATIONS  |          |
| e. | MODIFICATION OF PREVIOUS APPROVAL   | \$100.00 |
| f. | ILLEGAL ACTIVITY in a regulated area is subject to inspection and review fees and expenses at the rate of \$100.00 per hour (or a fraction thereof) in connection with such action. |          |

- g. After-the-fact permit: \$650.00 plus the regular application fees.
- h. Pursuant to Ordinance 102 effective 10-12-00, SURCHARGE FEES:
  - e. When the actual cost of processing an application exceeds the base application fee due to the need for outside consultant services, the Planning Commission, Zoning Commission, and Inland Wetlands and Watercourses Commission may charge the applicant an additional surcharge fee to cover the estimated reasonable cost of such consultant services. Any portion of the estimated surcharge fee not expended by the Town on such services shall be refunded to the applicant.
  - f. In addition the Planning Commission, Zoning Commission, and Inland Wetlands and Watercourses Commission may charge the application an additional surcharge fee to cover the actual, reasonable cost of outside consultant services required to review and inspect a project once an approval has been issued in order to ensure compliance with the regulations and conditions of approval.

THERE WILL BE NO FEE FOR CORRECTING TYPOGRAPHICAL ERRORS.

- 19.6 Exemption. Boards, commissions, councils and departments of the Town of Harwinton are exempt from all fee requirements.
- 19.7 Waiver. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:
  - a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
  - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

The Agency shall state upon its record the basis for all actions under this subsection.

## Section 20 - Records Retention and Disposition

- 20.1 The Agency and the Town Clerk for the Town of Harwinton shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set for in subsection 20.2.
- 20.2 The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal Inland Wetlands Agencies effective April 24, 1989:

| <u>RECORD TITLE</u>   | <u>MINIMUM RETENTION REQUIRED</u>   | <u>DISPOSITION</u>       |
|---|---|--------------------------|
| Applications (including supporting materials for site plan) |   |                          |
| a. Approved   | 10 years after issuance of decision   | destroy                  |
| b. Denied or Withdrawn                                      | 2 years after denial of decision or 2 years after application was withdrawn                     | destroy                  |
| c. Staff and public written testimony                       | 10 years after decision   | destroy                  |
| Decision Letters  | 10 years after issuance of decision   | destroy                  |
| General correspondence issued or received                   | 5 years   | destroy                  |
| Legal Notices   | 1 year after decision   | destroy                  |
| Staff and Public Written Testimony (hearing records)        | 10 years after decision   | destroy                  |
| Minutes of Meetings & Public Hearings                       | Permanent   | maintain in municipality |
| Tapes, Audio-Inland Wetland Matters                         | 1 year after minutes are approved unless pending appeal, then retain 1 year after appeal period | destroy                  |
| Notices of Violation & Orders                               | 10 years after correction of violation  | destroy                  |
| Text of Changes Adopted in Regulations                      | Continuous update/Permanent   | maintain in municipality |
| General Correspondence Issued or Received                   | 5 years   | destroy                  |

## Section 21 Effective Date of Regulations

- 21.1 These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Harwinton.

## Appendix A

### Connecticut General Statute section 1-1(q)

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

## Appendix B

### Connecticut General Statute section 8-7d

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.

(a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing if required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning or planning and zoning commission regarding adoption or change of any zoning regulation or boundary.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provision of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.



(g) (1) Any zoning commission, planning commission or planning and zoning commission initiating any action regarding adoption or change of any zoning regulation or boundary or any subdivision regulation or regarding the preparation or amendment of the plan of conservation and development shall provide notice of such action in accordance with this subsection in addition to any other notice required under any provision of the general statutes.

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-exempt organizations under the provisions of Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry and the process for registering for notice under this subsection. The zoning commission, planning commission or planning and zoning commission shall place on such registry the names and addresses of any such landowner, elector or organization upon written request of such landowner, elector or organization. A landowner, elector or organization may request such notice be sent by mail or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public notice registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any land owner, elector or organization may request to be placed on such registry for additional periods of three years.

(3) Any notice under this subsection shall be mailed to all landowners, electors and organizations in the public notice registry not later than seven days prior to the commencement of the public hearing on such action, if feasible. Such notice may be mailed by electronic mail if the zoning commission, planning commission or planning and zoning commission or the municipality has an electronic mail service provider.

(4) No zoning commission, planning commission or planning and zoning commission shall be civilly liable to any landowner, elector or nonprofit organization requesting notice under this subsection with respect to any act done or omitted in good faith or through a bona fide error that occurred despite reasonable procedures maintained by the zoning commission, planning commission or planning and zoning commission to prevent such errors in complying with the provisions of this section.



TOWN OF HARWINTON, CONNECTICUT  
ZONING COMMISSION

ZONING REGULATIONS

Adopted by the Harwinton Zoning Commission

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## ZONING REGULATIONS FOR THE TOWN OF HARWINTON

Preamble: In order to provide for the highest and best use of land in the Town of Harwinton, Connecticut, the Zoning Commission of said Town, in pursuance of the authority conferred by Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended, hereby adopts the following Zoning Regulations for the Town of Harwinton.

### SECTION 1 - PURPOSE, ADMINISTRATION AND ENFORCEMENT

1.1 PURPOSE. The purpose of the Zoning Regulations for the Town of Harwinton, Connecticut, is as follows:

- To encourage the most appropriate use of land;
- To conserve the value of buildings and property;
- To promote health, safety and general welfare;
  
- To regulate and determine size and location of yards;
- To provide adequate open spaces for light and air;
- To secure safety from fire, panic, flood and other dangers;
- To prevent overcrowding of land;
- To lessen congestion in the streets;
- To facilitate adequate provision for transportation, water, sewage, schools, parks and other requirements;
- To encourage where feasible and appropriate housing which is affordable and meets a wide range of housing types and opportunities consistent with soil types, terrain and roads and public facilities;
- To provide reasonable consideration for the protection of historic factors;
- To protect existing and potential public surface and ground drinking water supplies;
- To provide proper provision for soil erosion and sediment control;
- To encourage energy efficient patterns of development.
- To provide, through a Board of Appeals, a process to review and act on situations that do not conform to the normal situation anticipated by these regulations.

1.2 EFFECT OF REGULATIONS. In order to accomplish the above stated purposes, these Zoning Regulations:

Divide the Town into zones of such number, size, shape and area that may be best suited to carry out the purposes of these regulations.

Regulate the density of population and the location and use of buildings, structures, land for business, industry, residence or other purposes.

Regulate the erection, construction, reconstruction, alteration, or use of buildings or structures and the use of land in each zone.

Permit certain classes of uses or kinds of buildings and structures only after securing a Special Permit.

Regulate the height, number of stories and size of buildings and other structures; and the percentage of the lot area developed, the area of yards, open spaces and buffer strips.

Regulate height, size, location of signs, parking areas and other uses of land.

Regulate development to minimize its impact on wetlands, watercourses, flood hazard areas, steep slopes and other sensitive and significant features of the natural environment.

### 1.3 ADMINISTRATION - GENERAL REQUIREMENTS AND PROCEDURES.

#### 1.3.1 Minimum Requirements of Zoning Regulations. These Regulations are the minimum requirements for the Protection of public health, safety and welfare.

Any use which is not specifically permitted in a zone is prohibited and any use that is not specifically permitted in any zone is prohibited in the entire Town.

Where these Regulations impose a greater restriction on the use of buildings or land or impose higher standards than by provision of any other law, regulation or private agreement, these Regulations shall control.

Where greater restrictions or standards are imposed by any law, regulation or private agreement than required by these Regulations such greater restriction shall not be affected by these Regulations.

#### 1.3.2 Administration of Zoning Regulations. These Regulations shall be administered by the Zoning Commission (hereinafter "the Commission") or by its authorized agent, the Zoning Enforcement Officer (hereinafter "the ZEO") or other duly appointed Town employees, officials or agents.

The Commission or its agents shall receive applications, issue certificates of compliance and collect fees as established by these Regulations or by Town Ordinance.



- 1.3.3 General Requirements and Procedures. The following general requirements and procedures shall apply to all applications for a zoning permit:
- a. Zoning Permit. No land shall be occupied or used and no building shall be erected, moved, enlarged, or changed to another use and no use shall be authorized to be established or changed until the Commission has issued a Zoning Permit in writing. The ZEO may issue a zoning permit upon the direction of the Commission.
  - b. Fee. A fee for a zoning permit shall be required as specified in Appendix A of these Regulations.
  - c. Certificate of Compliance. No Certificate of Occupancy shall be issued by the Building Official until the Commission or the ZEO has issued in writing a Certificate of Compliance which states that the provisions of these Regulations have been complied with.
  - d. Site Plan. A site plan shall be required for all permitted uses, unless officially waived by the Commission. **(See Section 8)**
  - e. Site Plan and Special Permit Uses Involving Wetlands. Where a site plan or special permit application involves an inland wetlands or watercourse as defined in Harwinton's Inland-Wetlands Regulations, the following shall apply:
    1. The applicant shall provide the Zoning Commission with documentation that an application has been submitted to the Harwinton Inland Wetlands Commission not later than the day the application is filed with the Zoning Commission.
    2. The Zoning Commission shall not render its decision on the site plan or special permit application until the Inland Wetlands Commission has submitted a report to the Zoning Commission with its final decision.
    3. In making its decision, the Zoning Commission shall give due consideration to the report of the Inland Wetlands Commission.
    4. Where the Zoning Commission deadline is scheduled to lapse and no report has been received on an application pending before the Inland Wetlands Commission, the Zoning Commission's decision deadline may be extended to the thirty fifth (35) day after the date of decision by the Inland Wetlands Commission, if such action is requested in writing by the applicant, and conforms with applicable State regulations.
  - f. Sewage Disposal and Water Supply Approval Required. Prior to the approval of a Zoning Permit, the applicant shall obtain from the Health Officer written

approval of the plans for sewage disposal and water supply. Sewage disposal plans shall be in accordance with Harwinton Town Ordinance and Public Health Code of the State of Connecticut. A permit from the Health Officer shall also be required for extensive sewage disposal system repairs.

- g. Erosion and Sediment Control Plan. An erosion and sediment control plan, approved by the Soil and Erosion Control Officer, shall be required for any application for development when the cumulative disturbed area is more than one-half acre. A single family dwelling that is not part of a subdivision of land shall be exempt from the requirement for an erosion and sediment control plan. (See Section 8)
- h. Fire Marshal Approval. When a building or use is intended to accommodate the public, plans and specifications must be approved in writing by the Fire Marshal.
- i. Grading in a Town Road Right-of Way. Before beginning any grading work adjacent to a highway of the Town of Harwinton, the applicant shall obtain written approval from the Board of Selectmen.
- j. Non-Conforming Use. No non-conforming use shall be changed or extended without a zoning permit first being issued by the Commission or ZEO. (See Section 13)
- k. Where Subdivision is in Question, Planning Commission will decide. Where there is a question of whether a lot or lots proposed for building or development constitutes or is part of a subdivision or re-subdivision, the applicant shall be referred to the Planning Commission for a determination.
- l. Private Water Companies. No proposal for development using water supplied by a company incorporated on or after October 1, 1984, shall be approved by the Commission unless such company has been issued a certificate pursuant to Section 16-262 m of the Connecticut General Statutes.
- m. Expiration and Renewal. Any Zoning permit issued under these Regulations shall expire twelve (12) months from the date of issuance unless (a.) a valid building permit is in effect, or (b.) the Commission renews the Zoning Permit, for one period not to exceed twelve months when it is determined that the use, building and/or site development authorized by the Zoning Permit conforms with these Regulations. Where actions are covered by state or federal regulations, such regulations shall apply.

When a change is adopted in the Zoning Regulations or boundaries of zoning districts, no improvements or proposed improvements shown on a site plan for residential property which has been approved by the Zoning Commission prior to the effective date of such change, either pursuant to an application for a

Special Permit or otherwise, and filed or recorded with the Town Clerk, shall be required to conform to such change.

All work in connection with an approved site plan shall be completed within five years after the approval of the plan. The approval of such site plan shall state the date on which such five year period expires. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such plan. 'Work', for purpose of this subsection means all physical improvements required by the approved plan.

- n. Maintenance of improvements for Special Permit Uses. Required improvements shown on an approved site plan , including landscaping, must be maintained by the owner of the property for a period of ten years from the date of the approval.
- o. Records. The Land Use Coordinator shall maintain a record of all Zoning Permits and Certificates of Compliance.

#### 1.4 ENFORCEMENT.

- 1.4.1 These Regulations shall be enforced by the Commission through its authorized agent, the Zoning Enforcement Officer, the Soil and Erosion Control Officer or any and all other public officials or staff whose legal assignment or duties includes such enforcement responsibilities.
- 1.4.2 The ZEO is hereby authorized to cause any building, or use of land to be inspected and to order in writing the correction of any condition found to exist in violation of these Regulations.
- 1.4.3 The Commission, the ZEO or other official having jurisdiction may institute legal action to prevent the unlawful construction, alteration, or use of any building or to prevent the illegal occupation of buildings or land or to prevent any violation of these Regulations.
- 1.4.4 The penalties for violation of these Regulations shall be as provided for in the General Statutes of the State of Connecticut.

## SECTION 2 - RULES AND DEFINITIONS

- 2.1 **RULES.** In the interpretation of these Regulations, the rules and definitions contained in this section shall be observed and applied, except where the context clearly indicates otherwise.
- 2.2 **WORDS USED** in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.

The word *shall* is mandatory and not discretionary. The word *may* is permissive. The word *lot* shall include the words *piece* and *parcel*. The words *zone*, *zoning district*, and *district* have the same meaning. The phrase *used for* shall include the phrases *arranged for*, *designed for*, *intended for*, *maintained for*, and *occupied for*. The phrase *these Regulations* shall refer to the entire Zoning Regulation. Uses of land, buildings, or structures not clearly permitted in the various zones are prohibited.

- 2.3 **DEFINITIONS.**

**Accessory Building or Use** - A building structure or use which is subordinate and customarily incidental to the principal building and/or use on the same lot and carried on by the occupants of the principal use. A building attached to the principal building 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 (not an accessory building) and therefore shall be permitted according to the height and yard requirements applicable to the principal building. A detached private garage on a residential lot is an accessory building. (See also Section 2 of definitions for swimming pool and Section 6 - Disk Antennas and Swimming Pools). No accessory building or use shall be established in the absence of a principal building or use.

**Agriculture** –

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

farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

Nothing herein shall restrict the power of a local zoning authority under chapter 124.  
(effective 9-17-12)

**Building** - Any structure having a roof supported by columns or walls resting on its own foundation and intended for the shelter, housing or occupancy of persons, animals or materials.

**Building Height** - The vertical distance from the highest point of the roof to the average level of the outside ground level along all walls of a building.

**Commission** - The Zoning Commission of the Town of Harwinton, Connecticut.

**Condominium** - Shall be defined the same as in the Common Interest Ownership Act as amended. For descriptive purposes a condominium is an arrangement where a tenant in a dwelling unit within a multiple dwelling unit complex holds full title to the dwelling unit and joint ownership in the common grounds and facilities.

**Dwelling** - A building or portion thereof designed exclusively for residential occupancy including one family, two family or multiple family dwellings but not including hotels, motels, inns or bed and breakfast establishments.

**Dwelling Unit** - A building or portion thereof designed for housekeeping and occupied by a single family.

**Elderly Housing** - Dwelling units designed exclusively for the needs of single people ages 62 or over or couples with at least one member aged 62 or over and conforming to State and Town requirements for housing for the elderly.

**Family** - One or more related individual (s) or not more than six unrelated individuals living together as a single housekeeping unit and doing cooking on the premises not including a group occupying hotel or motel.

**Family Day Care Home** - A private family home caring for not more than six children including the provider's own children, not at school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regular recurring basis. This use shall not change the residential character of the home and shall be clearly secondary to the use of the home for residential purposes.

Garage, Public - A building other than a private garage used for the maintenance and repair of motor vehicles or for the storage of five or more vehicles.

Group Day Care Home - A private family home which offers or provides a program of supplementary care for no fewer than seven or more than twelve unrelated children on a regular basis for a part of the 24 hours in one or more days of the week.

Habitable Floor Area - The area of a building which has a minimum headroom of 7 feet measured vertically from a finished floor. The area immediately below the roof shall be counted only if it is connected with the floor below by a permanent inside stairway. Areas not included as habitable floor area are open or enclosed porches, verandahs, garages, basements, cellars, utility room, breezeway or other attached structures.

Hazardous Material - Hazardous materials are defined as those substances identified by the U.S. EPA as listed in 40 C.F.R. section 302.4 (1981) as amended. The amount of any substance which shall constitute a significant quantity is as listed in said table 302.4. Additionally, hazardous material shall include: oil and oil based derivatives as listed in 40 C.F.R. section 112.1 (1981). As used herein, a significant quantity of said material is equivalent to the "Reportable Quantity" of such substance as listed in 40 C.F.R. section 112.1 (1981) and Section 302.4 (1981).

Hotel or Motel - A building designed and used primarily for temporary occupancy by travelers, which provides or offers accommodations for a consideration for five (5) or more persons exclusive of employees living on the premises and which may provide rooms for public assembly and may include the serving of food.

Impervious Surfaces - Man-made surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt not including retention basins shall be considered impervious within the meaning of this definition.

Junk - Any worn out, cast-off or discarded articles or materials and inoperable equipment or motor vehicles which are ready for destruction or have been collected or stored for salvage or conversion to some use.

Junk Yard - A lot, land or structure or any part thereof, in excess of 50 square feet, used for collecting, storage and sale of waste paper, rags, scrap metal or other discarded material or for collecting, dismantling, storage and salvaging of machinery and for the sale of parts thereof.

Junk Yard (Motor Vehicle) - Any business and any place of storage or deposit whether in connection with another business or not which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on public highways or used parts of motor vehicles or the accumulation of old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which

has been a part or intended to be a part of a motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

Kennel - An establishment in which there are more than five (5) dogs over the age of six months are housed, groomed, bred, boarded, trained or sold. (This definition shall not apply to the keeping of one litter of dogs for a period not exceeding six months).

Lot - A parcel of land occupied or approved to be occupied by a building (s) or structure which meets the minimum requirements of these Regulations for lot width, lot area, and other dimensional requirements of the zone in which it is located. (See also Section 6.3.1 - Lot of Record, and Section 13 - Non-Conforming Lot)

Lot Coverage - The percentage of the total lot area that is covered by the footprint of buildings and/or all impervious surfaces. (See definition of impervious surface above)

Medical Marijuana Dispensary Facility - a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-155, Connecticut General Statutes, Chapter 420f, and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

Medical Marijuana Production Facility - a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Public Act 12-155, Connecticut General Statutes, Chapter 420f, and Section 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

Non-conforming Lot. A parcel of land which does not conform to the area and/ or dimensional requirements of these Regulations, and which was legally in existence on the effective date of these Regulations or any pertinent amendment thereto.

Non-conforming Structure. A building or structure, the size or location of which is not permitted by any provision of these Regulations for the zone in which it is located, but which was legally in existence at the effective date of these Regulations or any pertinent amendment thereto.

Non-conforming Use. Any use of land or buildings, structures or portions thereof, which is not permitted by these Regulations in the zone where it is located, but which was legally in existence at the effective date of these Regulations or any pertinent amendment thereto.

Parking Space - An off-street space of not less than nine (9) feet in width and not less than eighteen (18) feet in length. Each space shall be of usable shape, exclusive of driveways and access areas, and shall have access to a public street.

Principal Building - A building other than a barn within which a use permitted by these Regulations (other than as accessory use) is or may be carried on.

Professional Office - An office for use by a person who through specialized training or experience and is licensed by the State of Connecticut is qualified to perform services of a professional as distinguished from a business nature such as doctors, dentists, lawyers, accountants, engineers, architects and licensed teachers.

Restaurant, High Turnover - An establishment which exhibits one or more of the following characteristics: (1) Serves ready-to-eat foods, frozen desserts, or beverages in edible or paper, plastic or disposable containers; (2) Serves food over a general service counter and customers carry food to the restaurant's seating facilities, to motor vehicles, or off premises; or (3) Devotes 45 percent or more of the establishment's gross floor area to food service preparation, storage, or related activities.

Restaurant, Low Turnover - A public eating establishment which provides at least 20 seats and waiting on tables and not meeting the criteria of a Restaurant, High Turnover.

Story - A story is that portion of a building between the surface of any floor and the surface of the floor, ceiling, or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is five (5) feet or more above the average ground level within ten (10) feet of the building the basement shall be considered a story.

Street Line - The dividing line between a public street and a lot.

Street, Public - A State highway or a Town maintained street as shown on the current Town of Harwinton, State of Connecticut, approved Town Aid Road list which is on file in the office of the First Selectman.

Structure - A structure is anything other than signs constructed or erected which requires location on the ground or attached to something having a location on the ground.

Swimming Pool - A swimming pool shall be considered an accessory use where the pool is 24 inches or more deep or has a surface area of more than two hundred fifty (250) square feet or where such pools are permanently equipped with a water circulating system. *In locating and constructing any swimming pool, Connecticut State regulations must be followed.*

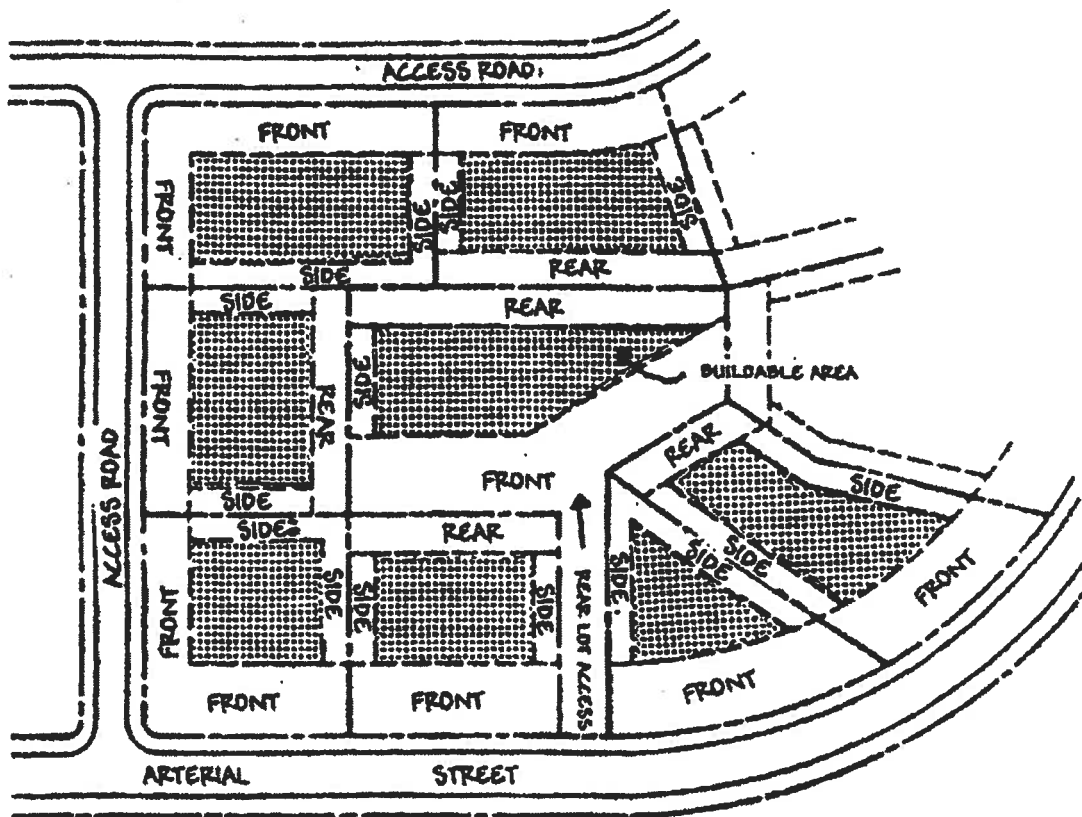
Trailer or Mobile Home - A vehicle originally or presently designed to be drawn by a motor vehicle, designed or used for living, sleeping or business purposes and standing on wheels or rigid supports.



Yard, Front - A space extending across the full width of the lot between the street line and a parallel line set back a distance equal to the front yard requirement. Rear lots shall have a front yard requirement measured from that lot line which most closely parallels the street from which the rear lot gains access.

Yard, Rear - A space extending across the full width of the lot between the rear lot line and a parallel line set back a distance equal to the rear yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

Yard, Side - A space extending from the front yard to the rear yard between the side lot line and a parallel line set back a distance equal to the side yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.



**YARD LOCATION AND BUILDABLE AREAS**

**SECTION 3 - LIST OF ZONES AND ZONING MAP**

- 3.1 **LIST OF ZONES.** For the purpose of these Regulations, the Town of Harwinton is hereby divided into the following zones:

CR - Country Residential Zone  
TR - Town Residential Zone  
LHC - Lake Harwinton Charter Zone ( Association Land)  
LHA - Lake Harwinton Area Zone (Non-Association Lands)  
RS-A - Retail Service Zone A (formerly Retail Service)  
RS-B - Retail Service Zone B (formerly Planned Retail Service)  
LI-A - Light Industrial Zone A (formerly Light Industrial)  
LI-B - Light Industrial Zone B (formerly Planned Industrial Park)  
MF - Multi-Family Zone  
FH - Flood Hazard Overlay Zone

- 3.2 **ZONING MAPS.**

- 3.2.1 **Zoning Map - Part of Regulations.** The boundaries of zones are established as shown on map entitled “Zoning Map for the Town of Harwinton, Connecticut” dated April 28, 1955 as amended. This map is filed in the Office of the Town Clerk and map is hereby declared to be a part of these Regulations.

When in accordance with the provisions of these Regulations an amendment is made to the zone boundaries on the Zoning Map, such amendment shall be shown on the Zoning Map together with an entry as follows: “As amended to (effective date of the amendment)”.

- 3.2.2 **Boundaries.** For the purpose of these regulations and unless otherwise indicated on the Zoning Map by fixed lines or dimensions, the boundaries are either street lines or lines drawn parallel to street lines and dimensioned as to depth. In case of uncertainty the Zoning Commission shall determine the location of boundaries.

## SECTION 4 - PERMITTED USES AND SPECIAL PERMIT USES FOR EACH ZONE

This Section lists the uses which are permitted by right and by special permit in each zone.

All uses are subject to the minimum lot area and other dimensional and space requirements of Section 5, unless otherwise specified.

Uses requiring a site plan are subject to the requirements of Section 8.

Special permit uses require a public hearing, submission of site plan and are subject to the General Standards and specific requirements of Section 9.

For certain uses the supplemental requirements of Section 6 also apply. For parking and sign uses the requirements of Sections 10 and 11 shall apply.

Uses of land or structures not clearly permitted in the various zones are prohibited.

Prohibited Uses: Medical Marijuana Dispensary Facilities and Medical Marijuana Production Facilities are not allowed in any ZONE. (Effective 8-28-15)

### 4.1 PERMITTED USES IN RESIDENTIAL ZONES.

CR - Country Residential Zone

TR - Town Residential Zone

LHC - Lake Harwinton Residential Zone (Association lands)

LHA- Lake Harwinton Area Residential Zone (Non-Association lands)

In the residential zones (CR, TR, LH, LHA) buildings and land may be used and buildings may be erected, altered or moved, to be used for the following permitted uses:

- a. Single family dwellings.
- b. Agricultural and horticultural uses, provided only the slaughtering of livestock and poultry raised on the premises shall be permitted.
- c. Roadside stand for sale of farm produce provided that the produce offered for sale is produced on the farm on which the stand is located.
- d. Family Day Care Home where such use shall not change the residential character of the lot or the neighborhood.

### 4.2 SPECIAL PERMIT USES IN THE CR - COUNTRY RESIDENTIAL AND TR - TOWN RESIDENTIAL ZONES. Subject to securing of a Special Permit from the Zoning Commission as provided in Section 9 of these Regulations, the following uses may be permitted in the CR and TR Zones.

- a. Church, school, library, museum, private or community club or building, provided such club shall not have as its chief activity a service that is customarily carried on as a business.
- b. Park, playground, athletic field, or other similar outdoor recreational use not conducted for profit.
- c. Hospital.
- d. Home occupations
- e. Professional office for the owner occupant and not more than two non-resident employees on the premises at any one time in a single family dwelling.
- f. Accessory apartments.
- g. Bed and breakfast use.
- h. Public utility building or structure not including service or storage yard.
- i. Cemetery provided no plot shall be within 75 feet of any property line.
- j. Buildings, structures and uses of the Town of Harwinton.
- k. Elderly housing.
- l. Fairgrounds, golf courses, and related accessory uses.
- m. Permanent landscaped entry signs to a subdivision
- n. Group day care home

4.3 SPECIAL PERMIT USES IN THE LHC - LAKE HARWINTON CHARTER ZONE AND THE LHA - LAKE HARWINTON AREA ZONE. Subject to securing of a Special Permit from the Zoning Commission as provided in Section 9 of these Regulations, the following uses may be permitted in the LH and LHA Zones.

- a. Park, playground, athletic field or other recreation area not conducted for a profit.
- b. Home occupations.
- c. Accessory apartments.
- d. Public utility structure, not including service or storage yard.
- e. Permanent landscaped entry signs to a subdivision.
- f. Group day care home

4.4 RS-A - RETAIL SERVICE ZONE A.

4.4.1 Special Permit Uses.

Subject to the securing of a Special Permit from the Zoning Commission as provided in Section 9 of these Regulations the following uses may be permitted.

- a. Store for retail trade, shop for custom work.
- b. Restaurant (low turnover), theater, motion picture theater, hotel, motel, office, office building.
- c. Bank or financial service institution, photographic studio, job printing, mortuary.
- d. Gasoline or other motor fuel filling stations.
- e. General business and professional office.

- f. Veterinary hospital and office provided only animals under medical treatment are permitted to stay overnight.
- g. Contractors business office and storage including electric, plumbing, heating, painting, mason and general contractor, provided storage of all materials and equipment is in a fully enclosed building.
- h. Commercial day care center.
- i. Barber shop, beauty salon, hair salon and similar personal services.
- j. Exercise gym, dance studio, indoor tennis or squash facility, indoor facility for soccer, lacrosse or other similar sports.
- k. Miniature golf or indoor driving range.
- l. Accessory apartment use in a business building. One accessory apartment may be established in a business building subject to the following requirements:
  - minimum floor area 500 square feet.
  - a letter of approval required from the Fire Marshall and the Health Officer.
  - the apartment shall have its own bathroom, toilet, and kitchen facilities.
  - two off-street parking spaces shall be reserved for the accessory apartment.

#### 4.5 LI-A - LIGHT INDUSTRIAL ZONE A.

- 4.5.1. Statement of Purpose. This zone is established to provide areas for light industrial uses and certain other uses and insure that such uses will:

- not adversely impact the Harwinton's health, safety, welfare, and convenience or environment, and
- not potentially expose the Town to sources of pollution.

- 4.5.2 Special Permit Uses. Subject to the requirements of Section 8 - Site Plan and Section 9 - Special Permit requirements and the performance standards and requirements set forth herein the following uses may be permitted, providing the applicant proves that the use proposed is appropriate for the property itself as well as the properties in the vicinity.

- a. Any special permit use allowed in a RS-A zone (see 4.4 above) shall be a special permit use in the LI-A zone.
- b. Light manufacturing, light assembly and fabrication uses provided the materials involved in such uses are limited to the use of chemically stable, prepared materials and components such as wood, metal, glass, plastics, leather or paper. This excludes the manufacturing of plastics and other material involving a chemical conversion process.
- c. Wholesaling of goods and materials uses.
- d. Plants for processing stone or gravel materials.
- e. Dog kennel, veterinary hospital, and dog pounds, providing all buildings shall be at least 150 feet from all property lines and all animals shall be kept in buildings at night.

In each of the following Special permit categories, (f - j) the Commission may permit such other uses which it determines are of the same character.

- f. Storage and warehousing of goods and materials, such as building materials, contractor's equipment storage, dry goods, feed, and other similar uses.
- g. Motor vehicle or farm equipment sales, storage and service, equipment rental, service and repair, small machine shop uses and other similar uses.
- h. Indoor recreational uses, such as tennis courts, skating rink and other similar uses.
- i. Shop and storage uses for sheet metal, woodworking and millwork, blacksmith and welding operations and other similar uses.
- j. Landscaping, lawn services, arborists, crane services, excavation contracting services and other similar uses.
- k. Permanent landscaped entry signs.

4.5.3 Standards and Requirements. An application for a Special Permit in the LI-A zone shall be subject to the following standards and requirements in addition to the requirements of Section 9 - Special Permits.

4.5.4 Special Permit Approval - Conditions. In granting a Special Permit, the commission shall determine that the proposed application meets the requirements and performance standards stated herein.

The Special Permit approval shall authorize only the particular use(s) specified in the permit approval. The Special Permit and any condition(s) attached thereto shall be recorded with the property description in the Town Land Records in accordance with the requirements of the Connecticut General Statutes. Any violation of a Special Permit condition shall be the basis for revocation.

The Commission shall attach such conditions to the Special Permit as may be required to meet the performance standards stated herein and/or the general standards for Special Permits and to insure continued compliance with these Regulations. Such conditions may include but shall not be limited to hours and methods of operation, the types of vehicles, the number of vehicle trips per day, requirements for maintenance of on site improvements, such a storm water detention facilities, and limits on the activities conducted outside a building.

4.5.5 Application Requirements - Statement of Use. The applicant shall provide sufficient information to enable the Commission to insure compliance with the performance standards and requirements set forth below. The applicant shall submit a complete proposed use and the activities involved especially as such activities relate to the following requirements and standards.

4.5.6 Water Quality Requirements. The Statement of Use shall identify any hazardous waste material, external effects or other conditions which could pose a threat to

surface and ground water quality in accordance with Section 9.2 of these Regulations.

- 4.5.7 Performance Standard - Noise. No use may generate noise that exceeds the requirements established in the State Health Code as administered by the Torrington Area Health District.

Where the Commission determines that a proposed use is of a type that could produce a level of noise at the property boundary line approaching the thresholds established in the State health Code, the Commission shall be empowered to require the applicant to demonstrate that special building design and construction standards have been incorporated in the building plans for the purpose of reducing the effect of noise on surrounding property. For the purpose of reducing noise levels the Commission, as a condition of the permit, may limit hours of operation of an activity or use or require the modification of an activity or use.

- 4.5.8 Performance Standard - Vibration. No use, other than transportation, may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the property line.

- 4.5.9 Performance Standard - Odor and Air Quality. Where it is determined by the Commission that the proposed use is of a type that could produce an odor or have an effect on air quality the Commission may require that applicant's engineer to certify that the building design and construction plan have been designed to incorporate air quality and odor controls.

- 4.5.10 Performance Standard - Electrical Disturbance or Interference. No use may create an electrical disturbance that adversely affects any operation of equipment other than those of the creator of such disturbance, nor shall it cause, create, or contribute to interference with electronic signals to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

- 4.5.11 Storage Requirements. All storage shall be confined to the rear of the building or such other location(s) approved by the Commission and as specified on the site plan. Alternative locations shall be considered to minimize the visibility of outside storage from off-site. All storage shall be maintained in a manner that does not create a mess or hazard. All display merchandise shall be located inside a building unless otherwise specifically allowed as part of the Special Permit.

- 4.5.12 Sign and Parking Requirements. In addition to the requirements of Section 11 of the following shall apply. The applicant shall submit plans for signs showing:

- a. The design, size, construction, and proposed location of all signs.
- b. Positions of sign(s) and its relation to adjacent buildings and structures.  
Internally illuminated signs shall not be permitted (see Section 11). However,

illuminated signs may be permitted subject to the review by the Commission and provided the light source is shielded or hooded so it is not visible off premises.

Parking spaces and parking and loading areas shall be provided in accordance with the requirements of Section 10.

4.5.13 Additional Required Information. The Commission may within thirty-five (35) days after submission of an application for a Special Permit, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to the regulations. Such information may include but is not limited to the following:

- a. Depths to seasonal high groundwater levels and bedrock.
- b. Chemical analysis of existing surface water and groundwater.
- c. Hydrological analysis of runoff and peak flows, both before and after development.
- d. Analysis of local air quality and/or noise and/or vibration levels, both before and after development.
- e. A list of federal, state or other town permits or licenses which the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.

If the applicant elects to furnish the additional information required by the Commission, the applicant shall file with the Commission a written consent to extend for an additional thirty-five (35) days the time within which the Commission would otherwise be required by law to commence a public hearing. If the applicant declines or fails to furnish the additional information, the Commission shall proceed to act upon the application pursuant to these regulations.

4.6 FLOOD HAZARD OVERLAY ZONE. All uses allowed in the zone underlying the Flood Hazard Overlay Zone shall be allowed in the Flood Hazard Overlay Zone subject to the granting of a special permit by the Zoning Commission according to the requirements of Section 8 and the following requirements and standards. The Flood Hazard Overlay Zone includes all special Flood Hazard areas designated as Zone A, A1-30 on the Harwinton Flood Insurance Rate Maps, (FIRM), and the Flood Boundary and Floodway Maps, dated February 17, 1982, on file with the Zoning Commission or as updated. These maps as well as the Harwinton Flood Insurance Study are incorporated herein by reference.



- 4.6.1 Development Regulations. The following regulations apply within Zone A, A1-30.
- a. Residential Construction: New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation.
  - b. Non-residential Construction: New construction and substantial improvement of non-residential structures shall be constructed in accordance with the above and together with attendant utility and sanitary facilities shall:
    - be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,
    - have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and
    - be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
- 4.6.2 Flooding. Within the floodway, (as designated on the Flood Boundary and Floodway Map), all encroachments, including fill, new construction, substantial improvements to existing structures, and other developments are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
- 4.6.3 Zone A. Within Zone A, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Commission for its reasonable utilization toward meeting the elevation or flood-proofing requirements of this district.
- 4.6.4 General Standards. Within Zone A, A1-30, the following standards must be met prior to the issuing permits for any proposed construction development.
- a. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - b. Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into flood waters.
3. On-site sewage disposal systems shall be located to avoid impairment to the systems or contamination from the systems during flooding.

4.7 MF – Multi-Family Zone.

- 4.7.1 Procedure. Upon the effective date of this amendment (July 15, 1994) an application for a change of zone to MF shall be accompanied by a Special Permit application subject to these regulations. The change of zone application and the Special Permit application shall be submitted and considered simultaneously. A decision and vote shall be made on each application in the following order, first the application for change of zone then the application for Special Permit.

Fiscal Impact Study. The application for a change of zone to a MF zone shall include a fiscal impact study prepared by the applicant meeting the following requirements.

The fiscal impact study shall estimate (i) new municipal expenditures (based on a projected Town Budget) attributable to the application; (ii) the increase in local property tax revenues attributable to the application; and (iii) a comparison of these two estimates in order to develop a basic understanding of the fiscal impact of the application on the Town. The study shall be based on the following assumptions:

- a. Current average municipal operation costs for services per capita and per student are the best estimates of future operation costs attributable to growth.
- b. Current levels of municipal service are the best indicators of future levels of service.
- c. The current composition of the population contributing to current municipal costs is similar to the population contributing to future municipal costs.
- d. The number of residents and students introduced locally varies primarily with the size of the dwelling unit (number of bedrooms) and secondarily with the type of dwelling unit which shall be used as the basis for projected population.
- e. The current distribution of municipal expenditures will remain relatively constant.

The fiscal impact study shall specify the present capacity of schools and other public services and the effect of the application upon those capacities.

- 4.7.2 Special Permit Uses. Subject to securing a Change of Zone to MF and a Special Permit from the Zoning Commission in accordance with Section 9 of these Regulations the following uses are permitted in a MF zone.
- a. Dwellings (single, two family or multifamily) including condominiums as defined under the Common Interest Ownership Act, Connecticut General Statutes.
  - b. Parking, recreation and accessory structures associated with the development and limited to the use of the residents.
- 4.7.3 The site plan accompanying the Special Permit application shall set forth the proposed development for the entire Multi-Family zone.  
If the change of zone is approved, the Multi-Family zone shall contain no more than the number of dwelling units set forth on the site plan regardless of subsequent applications for Special Permits.
- Further, regardless of the number of dwelling units allowed in any Multi-Family Zone, an application for a Special Permit in a MF Zone shall consist of no more than 30 dwelling units. The Commission shall consider only one application for a Special Permit at a time and shall accept no further applications for a Special Permit within the Multi-Family Zone until such time as 70% of the dwelling units for any previously approved Special Permit in that Zone have been built and at least 50% of the total approved dwelling units have been occupied.
- 4.7.4 Standards and Regulations. A petition to establish a MF zone and the Special Permit application for any use allowed in a MF zone shall be subject to the following standards and requirements.
- a. Minimum Lot Area, Dimensional and Space Requirements. The minimum lot area shall be five (5) usable acres (as defined in c. below) and the lot shall have an average width of 250 feet. Other dimensional and space requirements shall be as specified in Section 5 of these Regulations.
  - b. Minimum Area Per Dwelling Unit Within an Existing or Proposed Public Water Supply Watershed. Within an existing or proposed public water supply watershed as classified and delineated by the State of Connecticut and as shown on the current State of Connecticut Water Quality Classification Map, Connecticut Water Resources Atlas Series, the minimum required land area per dwelling unit shall be *80,000 square feet not including regulated inland wetlands and watercourses* as defined in the Harwinton Inland Wetlands Regulations and shown on the Harwinton Inlands Map, the boundaries of which shall be located in the field by a certified soil scientist and mapped by a Connecticut licensed surveyor.
  - c. Minimum Area Per Dwelling Unit Outside of an Existing or Proposed Public Water Supply Watershed. Outside of the above defined watershed areas the minimum required land area per dwelling unit shall be *45,000 square feet of usable* land area for each dwelling unit *unless* the development is served by a

public water system approved by the State Department of Health Services and public sewer facilities approved by the Water Pollution Control Authority in which case the maximum number of dwelling units shall be 3.5 per usable acre.

For the purpose of this section “public sewer facilities” shall not include a “community sewer system” as defined in the Connecticut General Statutes.

For the purpose of this section “usable” area shall be defined as land other than the following areas which shall be shown on a site plan map:

- regulated inland wetlands and watercourses as defined in the Harwinton Inland Wetlands Regulations and shown on the Harwinton Inland Wetlands Map, the boundaries of which shall be located in the field by a certified soil scientist and mapped by a Connecticut licensed surveyor,
- 100 year flood hazard areas as defined by the Federal Emergency Management Agency (see Flood Hazard Areas Map on file in the office of the Planning and Zoning Commission), the boundaries of which shall be certified by a Connecticut licensed professional engineer.
- land subject to existing easements which prohibit building development, the boundaries of which shall be certified by a Connecticut licensed professional engineer,
- 50% of all land with a slope in excess of 25% as delineated on the site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed land surveyor.

Based upon the above required information the applicant’s engineer shall certify the total “usable” area of land on the site.

- d. Traffic and Circulation. Harwinton’s road system consists of State Highways, rural Town roads and local subdivision streets. Most of the Town’s roads have a narrow paved travelway surface, segments with steep grades and/or substandard sight lines. In general these roads have a low capacity to safely accommodate traffic and typically do not have sidewalks causing pedestrian use of the street and vehicular - pedestrian conflicts.

The following standards and requirements are established to insure that new multi-family development will be in locations with access to roads, which will safely accommodate the proposed development and will not have a significant adverse impact upon the safety. These standards are also established to insure that the location and design of the multi-family development will be such that it maintains property values of neighboring properties, especially single family residential neighborhoods.

1. Any development with 30 or more dwelling units or 250 or more projected vehicle trips per day shall have its primary vehicular access either:
  - directly onto a State Highway and shall have more than one point of vehicular access to a State Highway or Town road, or

- directly onto a Town road leading to a State Highway where the Town road has a minimum paved surface width of 22 feet and no grade in excess of 12% and shall have more than one point of vehicular access to the Town road.

2. Any development with less than 30 dwelling units *or* less than 250 projected vehicle trips per day shall have its primary access to a public road, which is capable of safely accommodating the proposed development.

For both 1 and 2 above where the access to the site is proposed from a Town road, the applicant shall provide an analysis of the traffic and circulation impact of the proposed development prepared by a qualified traffic engineer. This shall include a comprehensive assessment of the Town roads to be used for access to the development by its residents. It shall show that the proposed access meets the above stated standards.

The engineer shall cite and apply accepted traffic planning standards in assessing the width, grade and sight lines of the Town roads and the impact of the projected traffic on public vehicular and pedestrian travel safety.

3. The placement, size, arrangement and use of the proposed accessway and circulation system for the development site shall be shown on a construction plan prepared by a Connecticut registered professional engineer. Accessway construction design shall comply with the "Street Construction" and "Drainage Planning and Design" requirements of the Harwinton Subdivision Regulations, and drawn to the specifications for construction plans as stated in the Town Subdivision Regulations, except that the minimum paved width of the travelway shall be not less than 20 feet.
  4. Every building on the site shall be accessible by emergency vehicles.
  5. The intersection of the accessway to the development and any State Highway or Town road shall comply with the standards for intersections as set forth in the Subdivision Regulations and shall be designed to minimize interference with the flow of traffic and shall not pose danger to pedestrians or vehicles traveling on abutting streets.
- e. Drainage. The standards and requirements of the Harwinton Subdivision Regulations Section 4.13 Drainage Planning and Design, as revised, shall apply to the design and construction of drainage systems in a development proposed under this section.

In addition the following shall apply:

1. Streets and driveways shall be designed so that there will be no discharge of storm drainage to the travel surface of an existing or proposed street, nor into the immediate area of an existing or proposed water supply well or sewage system.

2. Where the Town engineer determines that an existing watercourse or Town storm drain system is inadequate for the projected drainage from a development it shall be the responsibility of the applicant to upgrade the drainage facility at no cost to the Town. No Special Permit application shall be approved unless the application includes satisfactory plans for upgrading the drainage facility and legally binding agreement for completing the required improvements which has been reviewed and approved by Town Counsel.
  3. Where a project has frontage on an existing Town road and the Town Engineer determines that the Town road drainage system is inadequate for the proposed project, the applicant shall be responsible for improvements to the road and drainage system to insure proper channeling of gutter flows and correction of existing drainage deficiencies to control erosion, flooding and other hazards.
- f. Grouping of Building and Standards for Architectural Design. There shall be a maximum of four (4) dwellings per building.

The shortest distance between any two buildings shall be not less than the height of the highest building. The Commission may permit a lesser separation requirement if the design of the proposed development is benefited by closer spacing.

The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standards listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and to preserve and improve the appearance and beauty of the community.

1. Pitched roofed buildings shall be encouraged.
  2. Roof-top mechanical equipment, including antennas but not including solar energy panels, shall be concealed from all sides.
  3. No building with more than one dwelling unit shall extend in a continuous plane without an offset or stagger.
  4. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
  5. The applicant shall show consideration was given to energy efficient patterns of development and solar orientation of residential buildings.
- g. Open Space. There shall be a minimum area of 3,500 square feet of landscaped open space for each dwelling unit. Landscaped open space shall consist of an acceptable balance of viable existing or proposed trees, shrubs and grass as designed by a landscape architect registered in the State of Connecticut. The landscape open space area may include land within the required yard setback area.

- h. Yard and Landscape Buffer Requirement. The minimum yard requirement for the front, side and rear shall be 75 feet. Where the MF Zone abuts a residential zone the requirements of Section 12 shall apply except that the requirement for a visual screen of plantings (Section 12.1a) along the front property line only shall be increased as follows. Along the front property line there shall be a landscape buffer of a minimum of 20 feet deep consisting of approved hardy indigenous plant materials of which at least 50% shall be evergreen trees.
- i. Parking. Two off street parking spaces shall be provided for each dwelling unit. One of these two spaces shall be an enclosed garage parking space for not less than 75% of the total number of dwelling units. The area of the garage apron shall not be included in the calculation of required off street parking space. No portion of any required parking space shall be located more than 200 feet from the dwelling that it serves.  
No more than 10 parking spaces may be located along an access driveway or in a parking lot without a separating landscape buffer strip of at least 10 feet in width. Garages detached from a principal dwelling shall not exceed one story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of passenger vehicles of residents.
- j. Dwelling Floor Area. Each multiple family dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 600 square feet of habitable floor space for a two room unit and at least 725 square feet of habitable floor space for a three room unit. In no case shall a dwelling unit have more than three bedrooms.  
Single family and two family dwelling unit minimum habitable floor area requirements shall be as established for the Town Residential Zone.  
(Note: A dwelling unit as defined in these Regulations is a building or portion thereof designed for housekeeping and occupied by a single family.)
- k. Pedestrian Walkways. Where it is determined necessary for public safety, the Commission shall require pedestrian walkways with all-weather surfacing to provide safe pedestrian access to school bus routes or for other reasons of convenience and safety.
- l. Lighting. All access roads, sidewalks, parking areas and common facilities shall be sufficiently illuminated to ensure security of property and safety of persons. All outdoor lighting shall be fully shielded and shall not illuminate beyond the site property line. Fully shielded shall mean that light rays shall be projected below a horizontal plane running through the lowest part of the light fixture.
- m. Signs. The requirements for Signs in Residence Zones shall apply in a MF zone. In addition each MF development shall be permitted a single sign with exterior illumination for the purpose of identifying the development. The identification sign shall be no more than 8 square feet in area, no more than 5 feet in height and shall set back from the front property line a minimum of 20 feet.
- n. Common Facilities. Common Facilities such as laundry rooms, dining rooms, common food preparation area, provision for medical treatment may be permitted as part of a proposed development.
- o. Sales Office. A temporary sales or rental office may be permitted for use only until completion of the initial sale or rental of units is complete.

- p. Manager's Office. A manager's office appropriate for the proposed development may be provided.
- q. Home Occupations. A Special Permit for a home occupation as defined in these regulations shall not be permitted in a dwelling unit in a MF zone.
- r. Bond. All site improvements other than buildings shall be subject to the requirement for a bond as specified in the Harwinton Subdivision Regulations.
- s. Certificate of Zoning Compliance. A certificate of zoning compliance shall not be issued by the Zoning Enforcement Officer until a Connecticut registered engineer has certified that the site work has been completed in accordance with the approved site development plan.

#### 4.8 RS-B – Retail Service Zone B

4.8.1 Special Permit Uses. Subject to securing a Special Permit from the Zoning Commission as provided for in Section 9 of these Regulations the following uses are permitted in the RS-B Zone.

- a. Store for retail trade, shop for custom work.
- b. Restaurant (low turnover or high turnover), theater, motion picture theater, hotel, motel, office building.
- c. Bank or financial service institution, photographic studio, job printing, mortuary.
- d. Gasoline or other motor vehicle filling station.

4.8.2 Standards and Requirements. A petition to establish a RS-B Zone and a special permit application for any use allowed in a RS-B Zone shall be subject to the following standards and requirements.

- a. Lot Area. The minimum lot area shall be five (5) acres.
- b. Access. Primary access to the proposed zone and uses shall be from a State Highway.
- c. Maximum Lot Coverage. Not more than 50% of the total lot area shall be covered with buildings, structures, paved or other impervious surfaces.
- d. Yards and Landscape Buffer. The minimum front, side and rear yard requirement shall be 100 feet. Where a RS-B Zone abuts a single family residential zone the landscaped buffer requirements in Section 12 shall apply. Where a RS-B Zone abuts another retail zone or an industrial zone, the minimum side and/or rear yard requirement may be reduced to 50 feet.
- e. Parking and Sign Requirements shall be the same as for the RS-A Zone.



#### 4.9 LI-B – Light Industrial Zone B

4.9.1 Special Permit Uses. Subject to securing a Special Permit from the Zoning Commission as provided for in Section 9 of these Regulations the following uses are permitted in the LI-B Zone.

- a. Any special permit use allowed in the RS-B Zone (see 4.9.1 above).
- b. Storage in bulk or warehouse for such material as building material, contractors' equipment, dry goods, feed, fertilizer (to be stored in such a manner that no offensive odor shall be emitted), food, fuel, furniture, hardware, metals, oils and petroleum products, paint and paint materials, pipe, rubber, shop supplies.
- c. Wholesale business.
- d. Motor vehicle repair shop, motor vehicle sales room, steam laundry, cold storage plant.
- e. Creamery, bakery, bottling or distributing station.
- f. Foundry, veterinary hospital, kennel, stone crusher.
- g. Indoor tennis court, indoor skating rink or similar indoor recreation activity.
- h. Wireless Communication Facility subject to special permit under Section A8.10

4.9.2 Standards and Requirements. A petition to establish a LI-B Zone and a special permit application for any use allowed in a LI-B Zone shall be subject to the following standards and requirements.

- a. Lot Area. The minimum lot area shall be ten (10) acres.
- b. Access. Primary access to the proposed zone and uses shall be from a State highway.
- c. Maximum Lot Coverage. Not more than 50% of the total lot area shall be covered with buildings, structures, paved or other impervious surfaces.
- d. Yards and Landscape Buffer The minimum front yard requirement shall be 250 feet. The minimum side and rear yard requirement shall be 150 feet. Where a LI-B Zone abuts a single family residential zone the landscape buffer requirements of Section 12 shall apply.  
The front yard requirement may be reduced to 125 feet where a LI-B Zone abuts a retail or other industrial zone. The side and rear yard requirement may be reduced to 75 feet where a LI-B Zone abuts another retail or industrial zone.
- e. Parking and Sign Requirements. The standards and requirements provided under the LI-A Zone Sections 4.5.4 to 4.5.13, inclusive, shall apply to Special Permit uses in the LI-B Zone

| Section 5 - LOT AREA. OTHER DIMENSIONS AND SPACE REQUIREMENTS |  |  |                             |                       |                       |   |                          |                         |
|---|--|--|-----------------------------|-----------------------|-----------------------|---|--------------------------|-------------------------|
| ZONE  | Minimum Lot Area (Sq. Ft.)   | Minimum Lot Width On Public Street (1) | Minimum Front Yard (2) (-5) | Minimum Side Yard (2) | Minimum Rear Yard (2) | Minimum Habitable Floor Area (Sq.Ft.) (2) | Maximum Lot Coverage (3) | Maximum Building Height |
| CR COUNTRY RESIDENTIAL  | 87,120   | 200'                                   | 60'                         | 35'                   | 75'                   | 950 1st Fl                                | 15%                      | 2 story or 30' (2)      |
| TR TOWN RESIDENTIAL   | 65,340   | 175'                                   | 50'                         | 25'                   | 50'                   | 950 1st Fl                                | 15%                      | 2 story or 30'          |
| LAKE (LC) HARWINTON CHARTER (ASSOC. LAND) (4)                 | 65,340   | 150'                                   | 35'                         | 25'                   | 50'                   | 950 1st Fl                                | 15%                      | 2 story or 30'          |
| LAKE (LA) HARWINTON AREA (NON-ASSOC. LAND)                    | 65,340   | 175'                                   | 50'                         | 25'                   | 50'                   | 950 1st Fl                                | 15%                      | 2 story or 30'          |
| MF MULTI-FAMILY APARTMENT                                     | 5 ACRES  | 150'                                   | 75'                         | 75'                   | 75'                   | 600 2 Rm<br>725 3 Rm                      | 35%                      | 2 story or 30'          |
| RETAIL SERVICE ZONE (RS-A)                                    | 43,560   | 200'                                   | 100'                        | 10'                   | 20'                   |   | 50%                      | 3 story or 45'          |
| RETAIL SERVICE ZONE (RS-B)                                    | 5 ACRES  | 200'                                   | 100'                        | 100'                  | 100'                  | 2,000                                     | 50%                      | 3 story or 45'          |
| LIGHT INDUSTRY ZONE (LI-A)                                    | 87,120   | 200'                                   | 100'                        | 35'                   | 50'                   |   | 50%                      | 3 story or 45'          |
| LIGHT INDUSTRY ZONE (LI-B)                                    | 10 ACRES   | 500'                                   | 250'                        | 150'                  | 150'                  | 10,000                                    | 50%                      | 3 story or 45'          |
| FLOOD HAZARD OVERLAY ZONE                                     | Same requirements as underlying zone except as provided in Section 4.6 |  |                             |                       |                       |   |                          |                         |
| See following page for footnotes to this table                |  |  |                             |                       |                       |   |                          |                         |

LOT AREA AND OTHER DIMENSION AND SPACE REQUIREMENT TABLE  
FOOTNOTES

1. Lot Width - The distance between the side lines of a lot measured along the front street line. Where the front streetline is on a curve or the side lot lines converge toward the front street line, lot width may be measured at the required front yard setback line. Where lot width is measured at the front yard setback line the lot width along the front street line shall be not less than 2/3 of the required lot width.

Rear Lot - A lot which does not meet the minimum lot width requirement is a rear lot. A rear lot may be permitted by special subject to the requirements of Section 9.

Public Street - (see Section 2 - Definitions).

2. See Section 2 for Definitions of Yard and Story and Habitable Floor Area.

3. Maximum lot coverage of all buildings and other impervious surfaces (see Section 2 - Definitions).

4. All applications for zone change, special permit or zoning permit from properties located within the legal authority of the Lake Harwinton Association must be accompanied by an official report from the Lake Harwinton Association certifying compliance or non-compliance with Association regulations.

5. The Zoning Commission may require that front yards on lots which have frontage on State Highways or roads designated as arterial roads in the Harwinton Plan of Development be increased by 15' in the CR Zone and 10' in the TR Zone. Prior to imposing this requirement, the Commission shall request a report from the Planning Commission, which report shall state the Planning Commission's reasons and this report shall be entered into the record of the decision.

**SECTION 6 - SUPPLEMENTARY REGULATIONS**

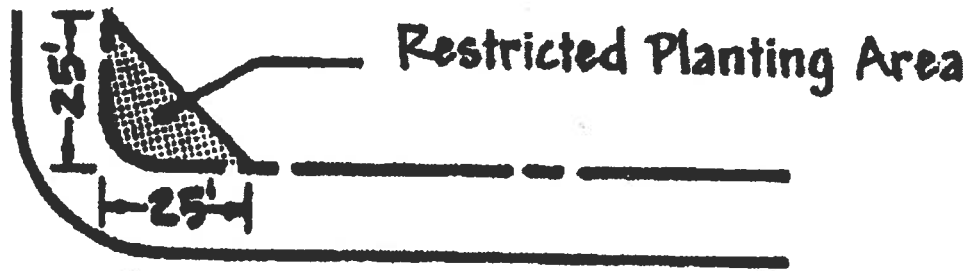
This section sets forth the regulations that apply to a specific class of uses or a use which is permitted in more than one zone.

- 6.1 **ONE PRINCIPAL BUILDING OR USE ON A LOT** in a Single Family Residential Zone. Except as may be specifically otherwise provided for in these Regulations only one principal building or use is permitted on a lot in single family Residential Zones. (CR, TR , LH and LHA).
- 6.2 **MIXED USES**. The Commission may permit more than one non-residential use on a lot in a commercial or industrial zone.
- 6.3 **EXISTING LOTS**. Nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use on a lot containing less than the required lot area or width as set forth in these Regulations on the original effective date (April 28, 1955) or on the effective date of any pertinent amendment thereto, if:
  - 6.3.1 **Lot of Record**. The lot was recorded in the land records of the Town of Harwinton prior to the adoption of these Regulations, April 28, 1955, or any pertinent amendment hereto.
  - 6.3.2 **Water and Sewers**. Safe and adequate disposal of sewage and a safe water supply can be provided without endangering the health and safety of adjoining resident.
  - 6.3.3 **Approved Subdivision Lot**. The lot is shown on a subdivision plan approved by the Planning Commission and recorded in the land records of the Town, provided such subdivision plan approval has not expired subject to the Subdivision Regulations and Section 8-26c of Chapter 126 of the Connecticut General Statutes.
- 6.4 **DRIVEWAYS AND ACCESSWAYS**. All Driveway construction, relocation, changing of grade or layout requires Zoning review/approval. Driveway location and design shall meet the following standards:
  - 6.4.1 Driveways and accessways shall be located on the owner's property and must be designed and constructed to prevent erosion and prevent excessive drainage onto streets or adjacent land.
  - 6.4.2 All lots shall have a corridor of land for location of a driveway which is suitable for safe access. Driveway location and design shall meet the standards of the Town of Harwinton in accordance with Ordinance 94.

- 6.4.3 Driveways in excess of 200 feet in length or in excess of 10% gradient, the Commission may require submission of a driveway construction and drainage plan prepared by a Connecticut licensed professional engineer. Engineer Certification for driveways in excess of 200 feet or in excess of 10% gradient is required. Pull-offs at intervals may be required by the Zoning Commission for driveways in excess of 200 feet or in excess of 10% gradient. Cross-sections of driveways in excess of 200 feet or in excess of 10% gradient is required.
- 6.4.4 Driveway intersections with the street and separating distances between driveway intersections shall be located to provide adequate sight line distances based upon the street traffic volume and conditions and requirements of the Board of Selectmen or the State Department of Transportation.
- 6.4.5 Driveways in excess of 10% grade shall be paved where erosion could enter out into highway.
- 6.4.6 Driveways shall be capable of accommodating automobile access from street to a parking space or spaces on the lot by means of a driveway not exceeding 4% gradient for the first 30 feet in length, having safe alignment and sight distances and meeting the street in a manner that maintains the standard cross section for the street.  
(Section 6.4 Amended 10/6/08)
- 6.5 **KEEPING OF ANIMALS.** No enclosure, shelter or building for use of animals, including horses, cows, pigs, goats, etc., shall be constructed or maintained closer than 150 feet to a lot line. No enclosure, shelter or building for use of poultry shall be constructed or maintained closer than 300 feet to a property line.
- Where the maintenance of animals or poultry is primarily for the benefit of the occupants of the premises and not in connection with any business or agricultural operation such building shall be constructed and maintained not closer than 50 feet to a property line.
- The minimum land area for the keeping of horses (including ponies and donkeys) shall be 65,340 square feet for one horse, 87,120 square feet for two horses and one acre for each additional horse. Watercourses and water bodies, including ponds, swamps and bogs shall not be included in the calculation of the minimum land area required for the keeping of horses. No horse shall be kept or pastured within a radius of 25 feet of any septic tank leaching field system or water supply well. (amended square footage to reflect true acreage – effective 9/17/12)
- 6.6 **EXCAVATION FOR FOUNDATION.** The excavation or filling of earth for a foundation or for building site improvements shall be considered a part of erecting or moving a building and no such work shall start before a zoning permit and where required, a soil and erosion permit is granted.

- 6.7 NO OCCUPATION OF CELLAR. No structure designed as a basement or cellar or garage shall be used or occupied for residential purposes prior to the completion of the residence.
- 6.8 SPECIAL PERMIT FOR NON-CONFORMING TEMPORARY BUILDING. A non-conforming temporary building or use shown to be necessary pending construction of a conforming building or use may be permitted by Special Permit subject to the requirements of Section 9 for not more than one year, but renewal permits for successive periods of six months each may be granted.
- 6.9 TRAILERS AND CONSTRUCTION TRAILERS AND MOBILE HOMES. No person shall occupy a trailer, mobile home or recreational vehicle for domestic or business purposes , except that the owner of land not engaged in the business of renting rooms or parking space may permit the occupancy of said land by a guest using a trailer, mobile home or recreational vehicle for living purpose for a period not exceeding two weeks.
- Construction trailers used for a business office or storage purposes in connection with a bona fide construction operation may be allowed by the Commission for a period not to exceed six months and may be renewed for six month periods. No construction trailers may be permitted within the front yard and shall be removed from a permitted site no later than 30 days from the time the construction operation is completed.
- 6.10 AREA LIGHTS AND FLOOD LIGHTS. No light shall be transmitted outside the lot from which it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value or reasonable use of any other lot.
- 6.11 SWIMMING POOLS. All swimming pools must be located in conformance with the setback and other dimensional requirements of Section 5 of these Regulations. A Zoning Permit must be obtained to construct said pool, also approval of the Health Officer is required.
- 6.12 DISK ANTENNAS. A disk antenna shall be considered an accessory use and may be permitted in a rear yard. A disk antenna may be permitted in a side yard if provided with a permanent landscape screen.

- 6.13 ON A CORNER LOT no planting, structure or other obstruction to vision of more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of intersection.



- 6.14 ON CORNER LOTS, front yard requirements (setback) per Section 5 shall be enforced on both streets
- 6.15 HEIGHT EXCEPTIONS. The maximum height requirements of Section 5 of these Regulations shall not apply to restrict the height of a church spire, tower or belfry, flagpole, radio tower, radio or television antenna, chimney, water tank or silo.
- 6.16 FENCES. Fences are permitted in any yard except fences located on a corner of a corner lot which are subject to the height restrictions of Section 6.13.
- 6.17 STORAGE SHEDS. Storage sheds in the Lake Harwinton Association only, in the Lake Harwinton zone, shall be permitted as temporary structures only under permit from the Association. At all times such temporary structures shall be kept in good repair and appearance and suitably painted. Exceptions to the side yard set back requirement set forth in Section 5 will be considered.

Structures used for storage of lawn furniture and equipment and other household uses, the minimum side yard distance will be 10 feet. When agreeable to adjacent property owners these sheds may be placed "back to back" on a mutually agreed boundary.

- 6.18 SOIL AND EROSION CONTROL PERMITS A soil and erosion permit is required for all excavation or filling exceeding fifty yards or within 50 feet of a mapped or designated Inland Wetland Soil, whatever the volume. A Soil And Erosion Plan, as required by Section 8, or an Earth Excavation Special Permit as required by Section 14 may also be necessary.

6.19 USE OF HOME FOR PERSONAL BUSINESS. Nothing in these regulations shall restrict the use of a private home for personal business by the owner or occupant where there are no employees other than the occupants, no signs indicating a non-residential use, no clients coming to the house and a reasonable neighbor would not know that such an operation is taking place.

6.20 OVERNIGHT PARKING OF COMMERCIAL VEHICLES IN A RESIDENTIAL DISTRICT.

Commercially operated or commercially registered vehicles having a gross vehicle weight in excess of 19,500 pounds or greater than two axles are not allowed to park or be stored on private property in a residential zone overnight except when:

They are providing a service related to the property where they are parked or kept overnight.  
They are in conjunction with the need for an emergency repair, but only on an occasional basis.

On-call vehicles (Municipal, Water Co., CL&P, Gas Co., Service Vans, etc.) shall be exempt from this regulation. Farm vehicles, as listed as Code 4 with the Harwinton Assessor's office, in conjunction with a farm are also exempt.

In accordance with the above three exceptions the following shall apply:

- One commercial vehicle shall be permitted per property.
- The commercial vehicle must be operated only by owner of the vehicle who derives his livelihood from the operation of the vehicle and not family members or employees.
- The number of trips permitted in a 24-hour period is six (6) which means no more than three (3) round trips to the residential home where the vehicle is permitted to be parked onsite.
- Commercial vehicles cannot idle for more than 15 minutes.

(effective 10/6/08)



**SECTION 7 - STORMWATER MANAGEMENT** (effective 3-1-11)**1. Purpose**

This Section of the Regulations is intended to:

- promote the application of Low Impact Development (LID) strategies for the analysis and design of stormwater treatment systems,
- minimize degradation of water resources within the Town of Harwinton from pollution from non-point source runoff,
- mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff, and
- reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development.

**2. Requirement**

Unless modified by the Zoning Commission as provided in Section 7.3 below, any development within the Town of Harwinton which requires Site Plan Approval, except any development of a single-family dwelling or any related accessory structures or uses, shall implement the following provisions of Chapter 7 of the *Connecticut Stormwater Quality Manual* (2004), as amended, for the development proposed as part of the application:

- a. Pollutant Reduction (CSQ Manual Section 7.4).
- b. Groundwater Recharge and Runoff Volume Reduction (CSQ Manual Section 7.5).
- c. Peak Flow Control (CSQ Manual Section 7.6) for the 10-year, 25-year, and 100-year storm events.

**3. Guidelines**

In the design of a stormwater management system, design professionals may utilize low impact development techniques as contained in:

- a. The Harwinton “Recommended Low Impact Development Techniques” Manual.
- b. The *Connecticut Stormwater Quality Manual* (2004), as amended (may be found on-line at

[http://www.ct.gov/dep/lib/dep/water\\_regulating\\_and\\_discharges/stormwater/manual/Chapter\\_7.pdf](http://www.ct.gov/dep/lib/dep/water_regulating_and_discharges/stormwater/manual/Chapter_7.pdf). (\* Link active as of December 2010).

**4. Modifications**

The Zoning Commission may, by Special Exception, modify the requirements of this section provided that adequate information has been submitted by the applicant to evaluate the request and, at the applicant’s expense:

- a. The Town Engineer has provided a positive recommendation regarding the request, or
- b. The Commission has received a report from an independent (third party) professional engineer licensed in the State of Connecticut:
  1. hired by the Zoning Commission, and
  2. with significant expertise in low impact development.

SECTION 8 - SITE PLAN AND EROSION AND SEDIMENT CONTROL PLAN

- 8.1 APPLICABILITY. The Commission may require a site plan for any application it is required to review where the Commission feels that it is necessary to render a considered judgment.

A site plan, as prescribed in this section, shall accompany the application for any permits required by section 1.3.3. d of these regulations. The Commission may waive or modify the requirement for a site plan where in its judgment such a plan is not required.

The site plan shall be approved by the Commission or its authorized agent prior to the issuance of a zoning permit or special permit when in the opinion of the Commission it is needed to aid in determining conformance with these Regulations.

A permit for decks under 200 sf may be issued by the Land Use Coordinator without a site plan.

- 8.2 PURPOSE OF SITE PLAN. The site plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the specific requirements of these Regulations. A site plan may be modified or denied only if it fails to comply with the specific requirements of these Regulations.

- 8.3 EXPIRATION AND RENEWAL OF A SITE PLAN (See Section 1.3.3m).

- 8.4 PERFORMANCE GUARANTEE. The Commission may, as a condition of approval of any site plan, require a performance guarantee in the form of a savings passbook, letter of credit or other acceptable form of surety. The performance guarantee shall be in an amount payable to the Town of Harwinton and with surety and conditions satisfactory to its securing that any modification of such plans are made.

The performance guarantee shall be held by the Commission. The Commission shall not release the performance guarantee until it has certified that all of the requirements of the zoning permit have been met. Where required 'as built' drawings shall be submitted before the performance guarantee is released.

- 8.5 SITE PLAN REQUIREMENTS. The site plan shall be prepared by a registered land surveyor to a Class "A - 2" level of accuracy. For a parcel in excess of the minimum lot size a Class "D" survey may be accepted for the perimeter boundary where the perimeter survey is not essential to the evaluation of the proposed use.

Where the plan proposes substantial grading or new improvements the plan shall be prepared, signed and sealed by a Connecticut registered professional engineer, and if plans of buildings are involved, by a Connecticut registered Architect. The

Commission may waive these requirements where they in their sole judgment feel the endorsements are not required. All plans requiring a professional seal must contain an original signature on all required copies.

The plan shall be drawn at a scale not smaller than one inch equals forty feet or at such other appropriate scale as may be approved by the Commission. The plan shall contain the following, as applicable:

- 8.5.1 Name of applicant and owner of property.
- 8.5.2 Scale and north arrow.
- 8.5.3 Property boundary, dimensions, angles, area of the lot (in square feet) prepared by a Connecticut registered land surveyor.
- 8.5.4 Names of record owners or abutting properties.
- 8.5.5 Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas. Also all regulated inland wetlands and watercourses drainage features, fences and walls, wetlands, and exposed ledge rock.
- 8.5.6 Location and type of any easement. Identification of any site development related condition required by any local or other agency.
- 8.5.7 A table or chart showing the proposed and required number and types of uses, lot area (in square feet), lot width, yards, building heights, coverage, floor area, parking spaces, landscaping, open spaces or other requirements of these Regulations.
- 8.5.8 Floor plans of proposed apartments, condominiums, offices or commercial buildings showing square feet (and habitable floor area for residential uses) within each room. Illustrations, elevations and renderings of proposed buildings and recreation and landscaped areas to clearly show what is proposed.
- 8.5.9 A rendering of any proposed sign and its location, dimensions, and means of illumination.
- 8.5.10 Locations and methods of water supply and sewage disposal facilities, location of power and telephone lines.
- 8.5.11 Landscaped areas, including types of trees and shrubs to remain or to be planted.
- 8.5.12 Certification by the Health Officer concerning satisfactory conditions for water supply and sewage disposal, consistent with the Health Code.
- 8.5.13 Certification by the Fire Marshal for any building proposed to accommodate the public.

- 8.5.14 Where grading is required or where site improvements are proposed, a Connecticut registered land surveyor shall plot existing and proposed contours at two-foot intervals, unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indication of elevations. Sufficient information shall be required to clearly show existing and post-construction surface drainage patterns. [Note: Where the cumulative disturbed area is more than one-half acre the requirements of Section 8.6 (below) - Erosion and Sediment Control Plan shall apply].
- 8.5.15 The site plan shall include an approval block which shall include a space for the date of approval of the site plan and the date of expiration of the site plan which shall be five (5) years from the date of approval (see Section 1.3.3m).

The Commission may specify that one or more of the above requirements need not be included on the site plan if it agrees that the information is not needed to evaluate the proposal.

- 8.6 **EROSION AND SEDIMENT CONTROL PLAN.** A soil erosion and sediment control plan shall be submitted for certification by the Soil and Erosion Control Officer with any application for development when the cumulative disturbed area is more than one-half acre, or where any Timber Harvest Permit has been obtained from the State. A single family dwelling that is not part of a subdivision of land shall be exempt from this section on erosion and sediment control.

A lot in a subdivision is subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of a zoning permit/application.

The applicant shall describe in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the *Connecticut Guidelines for Erosion and Sediment Control (2002)*.

Mapped information as required below shall be shown separately or as part of the site plan and/or construction plan. Said plan shall contain but not be limited to the following:

- 8.6.1 **Narrative** describing the following:
- a. Development project and construction time schedule for:
    - All major construction activities indicating the anticipated start and completion of development.
    - Creating and stabilizing disturbed areas.
    - Grading operations.
    - Applying erosion and sediment control measures and facilities onto the land.

- b. Design criteria, construction details, detailed installation/application procedures and maintenance program.
- c. Soil erosion and sediment control measures.

8.6.2 Site Plan Map at a sufficient scale to show:

- a. Within the disturbed areas topography contours shall be at a detail adequate to evaluate the proposal based upon the standards defined below. Where determined necessary the Commission may require 2 foot contour intervals based upon field or aerial survey.
- b. Proposed site alterations and disturbed areas, including cleared, filled or graded areas.
- c. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.

8.6.3 Inspection. Inspections by the Commission or its authorized agent during development shall assure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

**SECTION 9 - SPECIAL PERMITS**

9.1 **PROCEDURES.** After public hearing, the Commission may approve an application to permit the establishment of one or more of the uses listed in these Regulations for which a Special Permit must be secured if it finds that the proposed use and the proposed buildings and structures will conform to the General Standards and to the specific requirements for particular uses specified in this Section.

All applicants for any special permit use must notify all property owners within 200' of his property, by registered mail that he has applied for a special permit use and the date of the hearing. Receipts for the mailings must be submitted to the Commission at the public hearing.

All special permit applications shall be accompanied by a site plan prepared in accordance with Section 8. The Commission may also require as a condition of the grant of any special exception that the applicant post a performance guarantee acceptable to the Town of Harwinton to assure the satisfactory completion of all improvements, excluding buildings shown on the site plan. The applicant shall provide an estimate of improvements to be subject to a performance guarantee together with a description of the basis of the estimate.

Upon completion of the public hearing the Commission may grant or deny the special permit. In either case the Commission shall:

- State upon its records the reason for its decision.
- Publish a notice of its decision in the newspaper.
- Send the notice of its decision by certified letter to the applicant within 15 days of its decision.

The special permit shall be effective upon the filing of a copy thereof by the applicant in the office of the Town Clerk.

9.1.1 **General Standards.** The following general standards shall apply to all Special Permit applications.

- a. The location, types, character and size of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof;
- b. The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes;

- c. The streets serving the proposed use shall be adequate to carry prospective traffic, that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided;
- d. The lot on which the use is to be established shall be of sufficient size and adequate shape and dimension to permit conduct of the proposed use and placement of buildings, other structures and facilities;
- e. The property shall be suitably landscaped to protect the neighborhood and adjacent property.

## 9.2 STANDARDS FOR ANY SPECIAL PERMIT USE INVOLVING TOXIC OR HAZARDOUS MATERIALS.

- 9.2.1 **General.** Any special permit use which involves the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, as defined in Section 2, other than that associated with normal household use, shall include additional information on the permit application and the site plan and comply with the design and performance standards specified in this Section.

Examples of uses involving toxic or hazardous materials include, but are not limited to underground storage of petroleum products or any materials listed in the definition of toxic and hazardous materials in Section 2 (also carwashes, automotive service and repair shops, gas stations, fuel storage depots, truck terminals, petroleum, chemical, and other hazardous materials, warehousing, dry cleaning and dyeing establishments and laundries that utilize organic cleaning solvents, printing and photo-processing establishments, metal plating or etching, research laboratories, veterinarians and kennels, beauty parlors, commercial lawn care businesses and golf courses).

- 9.2.2 **A List of Materials Required.** A complete list of all chemicals, pesticides, fuels or other hazardous materials as defined in Section 2 to be used or stored on the premises in quantities greater than associated with normal household use shall be required as part of the site plan application.

- 9.2.3 **Control Plan Required.** Plans designed to protect all storage containers from vandalism, corrosion, leakage and spillage and for control of spilled materials shall be required as part of the site plan and may be sent by the Commission to the Harwinton Water Pollution Control Authority for its review and comment.

- 9.2.4 **Decision.** A Special Permit may be granted for a use involving a toxic or hazardous material if the Zoning Commission determines that the intent of these Regulations are met, and if it determines that the proposed activity will not, during construction or thereafter, have an adverse environmental impact on any aquifer or recharge area in the Town and will not adversely affect an existing or potential water supply.

**9.2.5 Floor Drain Standards.**

- a. No interior floor drains from any areas where possible contaminants are handled shall be directed to any stream, storm drain, or subsurface leaching system.
- b. No interior floor drains from any areas where possible contaminants are handled shall be directed to a sanitary sewer without adequate pre-treatment as required by DEP and the Harwinton Water Pollution Control Authority.

**9.2.6 Hazardous Materials and Waste Storage and Disposal.**

- a. Hazardous materials and waste storage tanks located outside shall be surrounded by an impervious containment dike. Containment dikes for most chemicals should be concrete or coated metal and shall have an adequate holding capacity for all hazardous materials. The tank and dike shall either be protected from rainwater accumulation with a permanent roof, or the dike shall have a drain valve which will allow clear storm water to be manually released. Tanks shall be supplied with a mechanical type level gauge, not a sight tube, and may have a top vent pipe or overfill pipe which is directed to the inside of the containment area.
- b. All storage drums shall be sealed or covered. For outside storage, drums or other containers shall either be protected from rain water accumulation with a permanent roof, or the dike shall have a drain valve which will allow clear storm water to be manually released.
- c. Plans for other storage areas not included in (a) and (b) above shall provide for acceptable containment.
- d. Dumpsters utilized in conjunction with uses regulated under this Section shall be covered or located within a roofed area and shall have drain plugs intact.

**9.3 ACCESSORY APARTMENT IN AN EXISTING RESIDENCE MAY BE PERMITTED UNDER SPECIAL CIRCUMSTANCES.**

The intent of this provision is to permit separate living quarters as accessory apartments under special circumstances related to the need of the owner/occupant of the single family house. It is not the intent to limit these circumstances to resident domestic employees or estate caretakers or in-laws or grown children or the caretaker needs of the elderly or infirm, but to list these uses and needs as typical.

There shall be a limit of one (1) accessory apartment for each eligible residence.

- 9.3.1 The apartment shall contain a minimum of 450 square feet and shall be no larger than one third of the floor area of the principal use.
- 9.3.2 A letter of approval is required from the Fire Marshall, the Building Inspector or any appropriate professional or public official stating that all safety codes have been met.
- 9.3.3 A letter of approval is required from the Health Officer.



- 9.3.4 The accessory apartment shall have its own bathroom, toilet and kitchen facilities.
- 9.3.5 Off street parking - 2 spaces for the accessory apartment are required.
- 9.3.6 Any portion of the basement used for living quarters must be approved by the Zoning Commission.
- 9.3.7 Because the intent of this section is to permit uses which are accessory to the principal single family use, the applicant must be the owner and occupant of the principal use.
- 9.3.8 So that proposals may be properly reviewed during the application, construction and occupancy stages, the proposal must be accompanied by a set of drawings prepared and originally sealed by an architect registered in Connecticut. The Commission and any reviewing official may request any other information necessary to properly review and act on the request.
- 9.3.9 A new Zoning permit is required if the alterations require a change in the footprint of the principal use building.
- 9.3.10 In approving any application for an accessory apartment the Commission must rule that the essential single-family character of the neighborhood has not been affected by the accessory apartment.
- 9.4 **HOME OCCUPATIONS.** A Special Permit for a Home Occupation in a residential zone will be granted after the Zoning Commission determines that the application meets the above general standards and the following specific requirements.
- 9.4.1 In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure is recognized as serving a non-residential use (either by color, materials, construction, lighting, signs, sounds or noises, vibrations, etc.).
- 9.4.2 Said proposed use will not tend to depreciate the value of property in the neighborhood or be otherwise detrimental to the neighborhood or its residents or alter the neighborhood's residential characteristics.
- 9.4.3 There shall be no outside employee other than members of the resident family.
- 9.4.4 The use shall not generate pedestrian or vehicular traffic beyond that which the Commission determines is typical of the traffic pattern in the zone and location in which it is proposed

- 9.4.5 It shall not involve the use of signs other than one sign no larger than two (2) square feet.
- 9.4.6 There shall be no display of products or materials and no external evidence that the premises are being used for any purpose other than residential.
- 9.4.7 Home Occupation permits shall expire on the last day of the calendar year. The permit must be renewed annually for its continuance.
- 9.4.8 Home Occupation Renewal Forms are provided and a renewal fee shall be collected as specified on the fee schedule in the Appendix to these Regulations.
- 9.5 **BED AND BREAKFAST ESTABLISHMENT.** A Special Permit for the provision of rooms for transient visitors in an owner occupied residential dwelling may be permitted by the Commission subject to the above general standards and the following specific requirements.
- 9.5.1 In order to qualify for and maintain this special permit in a residence, the residence must be owner occupied for the duration of the permit.
- 9.5.2 The lot shall be of adequate size and shape to provide one off-street parking space for each guest room. The parking space shall be located to the rear of the building or screened from view from the street.
- 9.5.3 The building must be sound, safe and of adequate size to accommodate guest rooms without reducing the habitable floor area for the principal residential use below the required minimum (see Section 5).
- 9.5.4 No more than three guest rooms shall be permitted.
- 9.5.5 The Torrington Area Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.
- 9.5.6 Minor additions of no more than a total of 200 square feet may be made to the building for improvements related to and necessary for this special permit use.
- 9.5.7 At least one complete bathroom shall be provided accessible to the guest room or rooms.
- 9.5.8 The operation of a Bed and Breakfast use shall require a written permit which shall expire on the last day of the calendar year. The permit must be renewed annually for its continuance. Bed and Breakfast renewal forms are provided and a renewal fee shall be collected as specified on the fee schedule in the Appendix to these Regulations. Willful failure to abide by these Regulations is cause for the Commission to revoke such permit.

- 9.6 **REAR LOTS.** A rear lot is a lot that does not meet the requirement for minimum lot width on a public street as defined in Section 5. A rear lot may be permitted by special permit in a residential zone for a single family residential lot subject to the above general standards and following requirements.
- 9.6.1 The minimum lot area for a rear lot shall be double the minimum lot area of the residential zone in which the lot is located.
- 9.6.2 The rear lot shall be served by an accessway to a public street of not less than 50 feet in width at all points.
- 9.6.3 The accessway shall be owned in fee simple by the owner of the interior lot.
- 9.6.4 The area of the accessway shall not be included in the calculation of the required minimum lot area.
- 9.6.5 The rear lot shall meet all of the setback requirements of these Regulations. However, the minimum lot width requirement shall be measured along the lot line of the rear lot which intersects the accessway and is most parallel to the street line.
- 9.6.6 Only one rear lot shall be served by an individual driveway.
- 9.6.7 The Commission may require a driveway construction and drainage plan where the driveway grade is in excess of 10% or its length is in excess of 200 feet.
- 9.6.8 Rear lots may be permitted by the Planning Commission in a subdivision as follows:
- A maximum of 20% of all of the lots in a subdivision may be interior lots.
  - This maximum may be increased to permit not more than 50% of the lots in a subdivision as rear lots where all of the following conditions are met.
    - a. The applicant must clearly demonstrate that the increased number of rear lots will result in permanent preservation of a natural resource feature or other significant natural or cultural feature, view or vista that would not be so protected under the conventional subdivision requirement.
    - b. Such natural resource, significant natural or cultural feature, view or vista shall be as recommended in the Town Plan or as documented in the application in writing by a qualified expert.
    - c. The application shall clearly delineate on the plan map the land, water, historic and/or other cultural feature that will be preserved and shall also include legal documentation assuring its permanent protection.
- 9.7 **RESTAURANT, GRILL, TAVERN, PACKAGE STORE OR OTHER BUILDING OR ESTABLISHMENT SELLING OR SERVING ALCOHOLIC LIQUOR.** A Special Permit for these uses may be permitted subject to the above general standards and the following specific requirements.

- 9.7.1 No building or land shall be used and no building shall be erected, altered or moved to be used for a restaurant, grill, tavern, package store or other building or establishment selling or servicing alcoholic liquor (as defined in the Liquor Control Act) for consumption on or of the premises, if any of said building or land is located within a radius of 1000 feet of any of the following:
- From the boundary line of the Town of Harwinton.
  - From the property line of a lot on which there is a church, school, library, park or playground.
  - From the property line of a lot on which there is an existing restaurant, grill or tavern or other such building or establishment selling or serving alcoholic liquor.
- 9.8 MOTOR VEHICLE SALES OR SERVICE STATION. A Special Permit for a motor vehicle sales or service station may be permitted subject to the above general standards and the following specific requirements.
- 9.8.1 No building or land shall be used and no building shall be erected, altered or moved to be used for a motor vehicle sales or service station if any portion of said building or land is located within a radius of 500 feet from the property line of a lot on which there is a church, school, library, park, playground, theater, hospital, nursing home, fire station, or building for public assembly.
- 9.9 TOWN SPONSORED HOUSING FOR THE ELDERLY. A Special Permit for Town sponsored (approval at Town meeting) Housing for the Elderly may be permitted by special permit subject to the above general standards and the following requirements.
- 9.9.1 No elderly housing building shall have more than five dwelling units contained herein.
- 9.9.2 On site parking shall be provided, using the ratio of one and one-half cars per dwelling unit.
- 9.9.3 Where the housing is served by both public water and sewer systems there shall be not more than six (6) dwelling units for each forty thousand square feet of site area. Where the housing is served by on-site sewer and a public or private community water system there shall be not more than four (4) dwelling units for each forty thousand square feet of site area.
- 9.9.4 No building shall be less than thirty feet from any other building.
- 9.9.5 Recreational facilities, open spaces and facilities suitable for active and passive use of said elderly housing project shall be provided to serve the same, said area shall be adequately protected from streets, driveways and parking areas.

- 9.9.6 The main interior walks shall be of sufficient width and construction to serve emergency vehicles and apparatus if a structure is not served by a roadway or parking lot on one side along its length.
- 9.9.7 Each property line except street lines shall be parallel by a continuous buffer strip at least fifteen feet wide of natural and mixed planting, which shall be maintained in order to protect adjacent property and the neighborhood in general from detriment.
- 9.9.8 Approval of any plans for an elderly housing project shall be by Torrington Area Health District in regard to septic locations, well locations, etc.
- 9.9.9 Units shall be at least four hundred fifty square feet of habitable floor area for each single occupancy (efficiency) dwelling unit, and at least five hundred seventy square feet of habitable area for each double occupancy (one bedroom) dwelling unit.
- 9.9.10 At the time of application, the applicant shall submit a site development plan which should include the information required in Section 8 of these Regulations and in addition shall show the following where applicable:
- a. A plan showing location and size of property.
  - b. Location of building or buildings, septic tank fields, walls and drainage.
  - c. Parking, recreation and restricted areas.
  - d. Number of dwelling units proposed.
  - e. All statistical data to show that the requirements of the regulation are met.
  - f. All the land and the lot together with such detail of adjacent properties as will relate the proposed development to the neighborhood and to the street pattern within fifty (50) feet.
  - g. The relation of proposed buildings to the existing and estimated future development of the area, if any.
  - h. Proper provision for the protection of existing residences and districts through the use of landscaping, fencing or buffering, subject to the Commission's approval, and planting and landscaping around buildings and parking areas as required by the Commission.
  - i. Floor plans of proposed efficiency and double occupancy units and recreation buildings, if any, showing square footage of habitable floor area within each room and the location of all recreational facilities.
  - j. Illustrations and elevations of the proposed buildings and project areas sufficient to show clearly what is proposed; and
  - k. Underground utilities (electric and telephone) if required by the Zoning Commission.
- 9.9.11 Minimum lot area shall be five acres and the minimum lot width on a public highway shall be no less than fifty feet, and shall be served by an access strip to a public highway, which access strip shall be not less than fifty (50) feet wide.

**SECTION A9.10 WIRELESS COMMUNICATION FACILITIES** Effective Date: March 3, 2000

**ADDENDUM: A.9.10 WIRELESS COMMUNICATION FACILITIES**

- A.9.10.1 Statement of Purpose
- A.9.10.2 Definitions
- A.9.10.3 Use Regulations
- A.9.10.4 General Standards and Requirements for Permitted and Special Exception Uses
- A.9.10.5 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses
- A.9.10.6 Application Filing Requirements
- A.9.10.7 Co-location
- A.9.10.8 Modifications
- A.9.10.9 Monitoring and Maintenance
- A.9.10.10 Abandonment or Discontinuation of Use
- A.9.10.11 Reconstruction or Replacement of Existing Towers and Monopoles
- A.9.10.12 Term of Special Permit

**Section A.9.10 WIRELESS COMMUNICATION FACILITIES**

**A.9.10.1 Statement of Purpose:** This regulation is adopted pursuant to Connecticut General Statutes, 8-2(a), and in furtherance of the Plan of Conservation and Development and of the Town of Harwinton, adopted in 1995 by the Harwinton Planning Commission pursuant to Connecticut General Statutes, Section 8-23(a), specifically, in order to maintain “the rural character of the Town” (p.3), “preserve ridge lines from development” (p.4), “to regulate future land use” (p.6), to preserve the Town’s two Historic Districts (pp.68-9), “to protect the natural environment” (p.98), and “to preserve the Town’s rural quality” (p.99).

This regulation establishes standards and requirements and permitting procedures for wireless communication facilities that are subject to local zoning regulation in Connecticut. Its purpose is to regulate the placement of antennas, towers, and other regulated wireless communication facilities to protect the health, safety and welfare of the Town, and to provide for locations consistent with the Town Plan of Conservation and Development and the purposes of these Regulations, to minimize adverse visual effects through proper design, siting and screening, to avoid potential damage to adjacent properties, and to provide for orderly removal of abandoned facilities.

**A.9.10.2 Definitions**

In addition to the definitions and requirements set forth elsewhere in the Zoning Regulations the following definitions shall apply to this Addendum.

**Antenna.** The surface from which wireless radio signals are sent and received by a personal wireless service facility.

**Camouflaged.** A wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered “camouflaged”.

**Carrier.** A company that provides wireless services.

**Co-location.** The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

**Commission.** The Zoning Commission of the Town of Harwinton.

**Elevation.** The elevation at grade or ground level may be given in many ways, usually Above Mean Sea Level (AMSL). The height of a wireless service facility is often given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The Total elevation of the wireless service facility is AGL plus AMSL.

**Environmental Assessment (EA).** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

**Equipment Shelter.** An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

**Fall Zone.** The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**Guyed Tower.** A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

**Lattice Tower.** A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

**Licensed Carrier.** A company authorized by the FCC to construct and operate a wireless communication facility.

**Monopole Tower.** The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

**Mount.** The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted Tower. Mounted on the ground.
4. Structure-mounted. Mounted on a structure other than a building.

**Omnidirectional (whip) antenna.** A thin rod that beams and receives a signal in all directions.

**Panel Antenna.** A flat surface antenna usually developed in multiples.

**Radiofrequency (RF) Engineer.** An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**Radio frequency Radiation (RFR).** The emissions from wireless communication facilities.

**Regulated Facility, Service and/or Site.** All facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.

**Security Barrier.** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

**Separation.** The distance between one carrier's array of antennas and another carrier's array.

**A.9.10.3. Use Regulations**

**9.10.3.1 Exemptions.** The following shall be exempt from this regulation.

**9.10.3.1.1** Repair and maintenance of towers and antennas.

**9.10.3.1.2** Antenna used solely for residential television and radio reception.

**9.10.3.1.3** Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location.

**9.10.3.2 Permitted Uses.** The following Regulated facilities located on existing structures or co-located shall be Permitted Uses in all districts subject to Site Plan approval:

**9.10.3.2.1 Camouflaged.** A regulated facility which is completely camouflaged and not recognizable as part of a wireless facility such as within a flagpole, steeple, chimney, or similar structure.

**9.10.3.2.2 Existing Structure.** A regulated facility on an existing structure (whether or not it is conforming in terms of height) including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided it does not increase the height and does not impair the structural integrity of the existing structure.

**9.10.3.2.3 Utility Structures.** An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure. The installation may increase the height of the existing structure by no more than twenty feet, except in designated historic districts (or other historic or scenic areas of the town as shown on a map on file in the Planning and Zoning Office) or within 150 feet of the paved portion of a Town road or State highway proposed for or designated as a scenic road or highway.

**9.10.3.2.4 Building (roof or side) mounts** provided it does not project either above the building or the height limit of the zoning district by more than 10 feet.

**9.10.3.2.5 Building (roof or side) mounts** may locate on a building or structure legally nonconforming with respect to height, provided it does not project above the existing building or structure height, or more than 10 feet above the height limit of the zoning district.

**9.10.3.2.6 Police and Emergency Services.** A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A Tower may be erected as a Permitted Use for these purposes unless it is to be shared by a commercial wireless service carrier which shall require a Special Permit.

**9.10.3.3 Special Exception Use.** The following co-located regulated facilities and ground mounted towers shall require a Special Exception and Site Plan approval:



**9.10.3.3.1** Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in 9.10.3.2 above.

**9.10.3.3.2** All Ground Mounted Towers.

**A.9.10.4.0 General Standards and Requirements for Permitted and Special Exception Uses.**

**9.10.4.1 Location.** Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.

**9.10.4.1.1** Applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated facilities.

**9.10.4.1.2** The following zoning districts are considered preferred locations for new freestanding towers: Retail Service (RS), Light Industrial (LI), Planned Retail Service (PRS) and Planned Industrial Park (PIP) zones.

The following zoning districts, as designated on the zoning map attached to and made part of this regulation, are the least preferred locations for free-standing towers: Country Residential (CR), Town Residential (TR), Lake Harwinton (LH), Lake Harwinton Area (LHA) and Planned Residential (PR) zones.

**9.10.4.1.3 Site Justification for Ground Mounted Tower.**

An application for a ground mounted tower shall include a detailed site justification report which:

- a. Establishes the location and defines the elevation of all proposed antenna facilities on the tower consistent with federal regulations and accepted engineering practice,
- b. Demonstrates that the proposed location (which includes both tower position and antenna height) is superior to other potential locations for the proposed uses,
- c. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the tower,
- d. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower,
- e. Demonstrates that for each proposed use of the tower the proposed height is the minimum necessary to provide adequate coverage as defined in federal guidelines and accepted engineering practice.

**9.10.4.2 Visibility - Camouflage and Color.** The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

**9.10.4.2.1 Requirements for Existing Buildings or Structures.**

**a. Roof Mount.** Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within

or behind existing architectural features to limit visibility from public streets.

**b. Side Mount.** Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building.

**c.** Mounts and antennas located on an historic structure shall be fully removable without diminishing the historic quality of the structure.

**d.** Regulated facilities in an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

#### **9.10.4.2.2 Requirements for proposed Ground Mounted Towers.**

Proposed ground-mounted towers shall provide a vegetated buffer of sufficient height and a depth of not less than 50' to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut Licensed Landscape Architect. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character.

#### **9.10.4.2.3 Scenic Roads and Areas.**

**a.** The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area, or residential zone only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a co-location.

**b.** A regulated facility located within 300 feet of a scenic area or Historic District identified in the Town Plan and as shown on a map on file in the Planning and Zoning Office, or Town or State designated scenic road, shall not exceed the height of vegetation at the proposed location.

**9.10.4.2.4 Tree Cover and Sight Line Information.** Where the Commission determines that tree cover and/or sight line information, including viewpoints (points from which view is taken) and visible points (points being viewed), are necessary to determine compliance with the standards in this section it shall require the following:

**a.** Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.

**b. Sight lines and photographs.**

A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.

Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet.

Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.

**c. Sight elevations.** Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

1. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
2. Security barrier. If the security barrier will block views of the regulated facility the barrier drawing shall be cut away to show the view behind the barrier.
3. Any and all structures on the subject property.
4. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
5. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

**9.10.4.4 Environmental and Safety Standards.**

**a.** Regulated Facilities shall not be located in wetlands. Locating of facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.

**b.** No hazardous or contaminating waste shall be discharged on the site of and Regulated Facility. If any hazardous or contaminating materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed

containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

- c. Stormwater run-off shall be contained on-site.
- d. Ground-mounted equipment for regulated service facilities shall not generate noise in excess of 45 dbA at the property line.
- e. Roof-mounted or side-mounted equipment for Regulated Facilities shall not generate noise in excess of 50 dbA at ground level at the base of the building closest to the antenna.
- f. **Radio frequency Radiation (RFR) Standards and Requirements.** The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation (FCC Guidelines) or its successor publication.

#### **A9.10.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses.**

**9.10.5.1 Lot Size and Use.** A ground mounted tower and its equipment shelter shall require its own lot of sufficient area such that the size and shape of the lot shall be not less than the minimum fall zone setback surrounding the base of the tower on all sides. The ground mounted tower shall be considered the principal use and principal structure to which the lot is dedicated, and no other use or principal structure shall be allowed on the lot while the tower is in place. The lot shall have a safe and suitable accessway or legal right-of-way from a public street. The driveway shall comply with the driveway and parking requirements of the Zoning Regulations applicable to single family dwellings.

**9.10.5.2 Setback.** In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted tower to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the tower including any antennas or other appurtenances.

**A9.10.6.0 Application Filing Requirements.** The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may waive one or more of the following for a Permitted Use Site Plan application.

##### **9.10.6.1 General Filing Requirements**

- a. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- b. Co-applicants may include the landowner of the subject property, licensed

carriers and tenants for the Regulated Facility.

- c. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a “licensed carrier.”
- d. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo reproductions of signatures will not be accepted.

#### **9.10.6.2 Location Filing Requirements**

- a. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- b. Tax map and parcel number of subject property.
- c. Zoning district designation for the subject parcel (Submit copy of Town Zoning Map with parcel identified).
- d. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
- e. A town-wide map showing the other existing non-residential wireless service facilities in the Town and outside the Town within three miles of its boundary.
- f. The proposed locations of all existing and future wireless service facilities in the Town on a Town-wide map for this carrier.

**9.10.6.3 Site Plan Requirements.** The following Site Plan requirements shall be in addition to the requirements of Section 8 of these regulations regarding Site Plan. Where the requirements of this section are more restrictive than that of Section 8 these requirements shall apply. For a Permitted Use the Commission may determine that the information specified under subsections 9.10.7 and 9.10.8 is not needed to determine compliance with this regulation. A one-inch equals 40 feet vicinity plan shall be submitted showing the following:

- 1. Property lines for the subject property.
- 2. Property lines of all properties adjacent to the subject property within 300 feet.
- 3. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
- 4. Proposed location of antenna, mount and equipment shelter(s).
- 5. Proposed security barrier, indicating type and extent as well as point of controlled entry, including necessary security signs.
- 6. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.
- 7. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.

8. Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.
9. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
10. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
11. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" subsection below.

#### **9.10.6.4 Design Filing Requirements**

- a. Equipment brochures for the proposed Regulated Facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- b. Materials of the proposed Regulated Facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- c. Colors of the proposed Regulated Facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- d. Dimensions of the Regulated Facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- e. Appearance shown by at least two photographic superimpositions of the Regulated Facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth. The Commission may determine that this information is not needed for a Permitted Use.
- f. Landscape plan prepared by a Connecticut licensed landscape architect including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- g. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 15 days, but

not more than 21 days, prior to the test.

- h.** If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal footcandle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

**9.10.6.5 Noise Filing Requirements**

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Regulated Facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- 1) Existing or ambient: the measurements of existing noise.
  
- 2) Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this regulation.

**9.10.6.6 Radiofrequency Radiation (RFR) Filing Requirements**

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

- 1) Existing or ambient: the measurements of existing RFR
- 2) Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
- 3) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.

**9.10.6.7 Federal Environmental Filing Requirements**

The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication facility proposed in or involving any of the following:

- 1. Wilderness areas.
- 2. Wildlife preserves.
- 3. Endangered species habitat.

4. Historical site.
  5. Indian religious site.
  6. Flood plain.
  7. Wetlands.
  8. High intensity white lights in residential neighborhoods.
  9. Excessive radio frequency radiation exposure.
- a. At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility site that requires such an environmental assessment to be submitted to the FCC.
  - b. For all Special Permit uses the applicant shall identify and assess the impact of the proposed facility on areas recommended for conservation as presented in the Town Plan and State Plan of Conservation and Development.
  - c. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

#### **A9.10.7.0 Co-location**

**9.10.7.1** Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Permit for a Regulated Facility shall provide sufficient documentation proving that co-location with other carriers is not feasible. Such proof shall include:

1. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;
2. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility; and
3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

**9.10.7.2** In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant as provided in the Town Ordinance on Land Use Fees. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.



**9.10.7.3** If the applicant does intend to co-locate or to permit co-location, the Commission shall request drawings and studies which show the ultimate appearance and operation of the Regulated Facility at full build-out.

**9.10.7.4** If the Commission approves co-location for a Regulated Facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.

Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

**A9.10.8.0 Modifications.**

A modification of a Regulated Facility may require a Special Permit application where the following events apply:

- a. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the Regulated Facility in one or more of the following ways:
  1. Change in the number of facilities permitted on the site;
  2. Change in technology used for the Regulated Facility.
- b. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

**A9.10.9.0 Monitoring and Maintenance**

**9.10.9.1** After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio frequency Standards section of this Regulation.

**9.10.9.2** After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of the issuance of the Special Permit, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of this regulation.

**9.10.9.3** The applicant and co-applicant shall maintain the Regulated Facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

#### **A9.10.10.0 Abandonment or Discontinuation of Use**

**9.10.10.1** At such time that a licensed carrier plans to abandon or discontinue operation of a Regulated Facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the Regulated Facility shall be considered abandoned upon such discontinuation of operations.

**9.10.10.2** Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within 90 days from the date of abandonment or discontinuation of use. "Physically removed" shall include, but not be limited to:

- a. Removal of antennas, mount, tower structure, equipment shelters and security barriers from the subject property.
- b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- c. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

**9.10.10.3** If a carrier fails to remove a Regulated Facility in accordance with this section of this regulation, the town shall have the authority to enter the subject property and physically remove the facility. The Commission may require the applicant to post a bond at the time of construction to cover costs for the removal of the Regulated Facility in the event the Town must remove the facility.

#### **A9.10.11.0 Reconstruction or Replacement of Existing Towers and Monopoles.**

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

#### **A9.10.12.0 Term of Special Exception**

A Special Permit issued for any ground mounted tower over fifty (50) feet in height shall be valid for fifteen (15) years. At the end of that time period, the regulated facility shall be

removed by the carrier or a new Special Permit shall be required which shall be subject to the regulations in effect at that time.

Note: The existing Section 9.10 shall remain in the Zoning Regulations. Wireless communication tower applications received prior to the effective date of the above amendment shall be reviewed in accordance with Section 9.10.

9.10 TRANSMISSION TOWERS. A special permit may be granted for the erection and operation of radio relay and similar towers in any zone. In approving applications the Commission must find the following:

- 9.10.1 That the tower is located a distance from any property line which exceeds the height of the tower.
- 9.10.2 That the tower is required for the public interest, convenience or necessity.
- 9.10.3 That the proposed location is necessary and that alternate locations where similar special permit uses are located are not available.
- 9.10.4 That the visual inconvenience of the location is clearly less than the public necessity which requires the tower.

**SECTION 9.11 – WIND TURBINES** (effective 9-14-09)**9.11 WIND TURBINES**

Wind turbines are designed to generate electricity to supplement or supplant power from the local electric utility company. This regulation covers residential/commercial not-for-resale electric generating systems and metrological test towers.

Wind turbines may be permitted through a Special Permit and Site Plan Approval from the Harwinton Zoning Commission. The following requirements and conditions shall apply.

**9.11.1 ONE TURBINE AND TOWER PER PROPERTY**

A single wind turbine shall be permitted per lot. Minimum lot acreage to support a wind turbine shall be five (5) acres. Tower shall be located on the property in a location to provide minimal visual impact. Only monopole or lattice frame towers shall be considered unless otherwise approved per following:

**Application details**

All tower designs shall be free-standing, not requiring support guy wires.

Fall distance and ice throw distance of tower and turbine blades shall be calculated at 1.5 times the total height of tower and blades and be within property boundaries.

Maximum generating power shall be 10 KW. Only one turbine assembly permitted per tower.

Maximum tower plus blade height to be determined by the Commission based on location and application details, but not to exceed 125 feet above ground level.

**9.11.2 VISUAL**

Impact shall be assessed on a site-specific basis. Advertisements on towers shall be prohibited. Blades shall be painted/fabricated a neutral color in a low-gloss finish to minimize blade glare. A six (6) foot high fenced enclosure with a locking gate shall be required with a warning sign posted on the fencing. All electrical cables shall be underground. Painting of ancillary control facilities shall be a neutral color.

**9.11.3 INTERFERENCE**

The wind turbine shall not interfere with satellite and/or cell phone reception on adjacent properties as depicted on site plan. Wind Turbines shall be inaudible at surrounding residences in a 25 MPH wind.

**9.11.4 REMOVAL**

A plan for decommissioning and removing the structure once it has reached its lifespan shall be included in the application. On larger units a performance bond may be required. If a turbine ceases operation for two or more years the owner shall be required to dismantle the structure.

**9.11.5 APPROVAL**

Applicant shall submit proof of notification of adjoining property owners and all other property owners within 200 feet of the property on which the tower is to be located. Applicant shall submit a complete application including all items as listed below. Following this the Commission will schedule a Public Hearing.

**9.11.6 APPLICATION SUBMITTAL**

Application shall include all the following:

- A) Site plan including all adjoining properties per 9.11.5 above, distances to these structures, location of tower, contour lines, distances to and heights of any potential wind barriers, i.e., trees, buildings, hills, etc.
- B) Manufacturer's data including photographs, KW rating, sound dB rating at specified distances and wind speed, factory supplied tower design details including specified foundation and mounting data. Data on maximum safe sustainable wind velocities shall be included.
- C) If the support tower and the foundation design are not being provided by a manufacturer, certified tower design and support drawings are required, with as-built drawings signed by a professional engineer.
- D) If the power generated is proposed to be integrated with the local electric utility company, proof of acceptance of the system from the electric company is required prior to final approval of the installation, per CL&P "Certification for Generating Facilities, 10 KW and Less."
- E) Applicant shall provide Before and Test color photographs of the proposed Tower location taken from residential, historical or environmental sites as selected by the Commission. The Before photographs shall show the location where the tower would be located and the Test photographs shall show the same view with a tethered colored balloon flying at the height and location of the proposed tower. Date and time of balloon test shall be included in the notification to surrounding property owners per 9.11.5 and shall be conducted prior to the public hearing.

**SECTION 10 - OFF-STREET PARKING AND LOADING**

10.1 **GENERAL.** Off-street parking facilities shall be provided to serve all buildings and uses according to the following standards and requirements.

10.2 **OFF-STREET PARKING PLAN REQUIRED.** An application for a building permit for the erection or enlargement of any building or structure for which off-street parking is hereinafter required, or an application for uses requiring a public hearing or site plan

approval shall be accompanied by a site plan of not less than 1" = 40' scale showing parking area and space, including the means of access and interior circulation and traffic control.

- 10.3 DESCRIPTION OF PARKING SPACES AND AREAS. Each parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways and aisles.

No area shall be credited as a parking space which is in any part also credited or used as a loading space.

All required parking spaces (except for single-family residences and other special permit uses related to a single family residence) shall be located on paved surfaces, drained and permanently marked to delineate individual parking spaces (also note provisions of Section 10.7). Parking areas shall be maintained by the owner of the premises.

- 10.4 LOCATION OF PARKING AREAS. No parking space shall be located within twenty five (25) feet of a front property line, fifteen (15) feet of a side property line or ten (10) feet of a rear property line. Where parking areas for a non-single family residential use abut a residential zone, parking areas and circulation drives shall not be located within the required front, side or rear yards. No parking areas shall be permitted within a Landscape Buffer Area as required in these Regulations.
- 10.5 OFF-STREET PARKING LOT LANDSCAPE REQUIREMENT. The Commission may require landscape planting, parking islands and site improvements to reduce the visual and noise impact of proposed parking areas.

10.5.1 Interior Landscape. Off-street parking areas shall have at least ten(10) square feet of interior landscape for each parking space excluding those parking spaces which abut the perimeter of the parking area where said perimeter is landscaped in conformance with the requirements of these Regulations for a landscape buffer area.

10.5.2 Minimum Dimensions. Each interior parking lot landscape area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least five (5) feet and shall include at least one (1) tree (having a clear trunk of at least five (5) feet, with the remaining area adequately landscaped with shrubs, ground cover or other authorized landscaping material not to exceed three (3) feet in height. Landscape areas shall be located to divide and break up the expanse of paving.

10.6 OFF-STREET PARKING REQUIREMENTS

| <u>Use</u>  | <u>Required Off-Street Parking Spaces</u>                   |
|---|---|
| Single family dwelling                                | 2/dwelling unit   |
| Multi-family dwelling                                 | 2/dwelling unit   |
| Elderly housing                                       | 1.5/dwelling unit   |
| Accessory apartment                                   | 2/apartment unit  |
| Bed and Breakfast                                     | 1/guest room  |
| Hospital, rest home and nursing home                  | 1/each 3 beds   |
| Day Care facility                                     | 2/1000 sq. ft. of gross floor area <input type="checkbox"/> |
| Bank  | 10/1000 sq. ft. of gross floor area                         |
| Church, theater, assembly hall                        | 1/each 3 seats  |
| Office, professional/business                         | 5/1000 sq. ft. gross ft. area                               |
| Medical office/vet clinic                             | 6.5/1000 sq. ft. gross ft. area                             |
| Retail store up to 10,000 sq. ft of gross fl. area    | 6.5/1000 sq. ft. gross ft. area                             |
| Shopping center over 10,000 sq. ft. of gross fl. area | 5/1000 sq. ft. gross ft. area                               |
| Restaurant, low turnover                              | 6.5/1000 sq. ft. gross ft. area                             |
| Restaurant, high turnover                             | 15/1000 sq. ft. gross ft. area                              |
| Bowling alley, tennis court, etc.                     | 5/each alley or court                                       |
| Club  | 6.5/1000 sq. ft. of gross ft. area                          |
| Funeral Home  | 20/1000 sq. ft. of gross ft. area                           |
| Motor vehicle service/repair                          | 5 bay, minimum 10   |
| Motor vehicle showroom                                | 10/1000 sq. ft. of gross ft. area                           |
| Hotels and motels                                     | 1/guest room & 1/each employee                              |
| Industrial, warehouse or manufacturing                | 1/each employee on largest shift                            |

In all cases the calculation of gross floor area shall not include an unfinished basement.

10.7 SPECIAL PERMIT RELATED TO PARKING REQUIREMENTS. The Commission may, after a public hearing, grant a special permit to:

- 10.7.1 Decrease the number of parking spaces required up to fifty percent (50%) by creating a future reserve parking area shown on the site plan, or
- 10.7.2 Modify the surface construction requirements of the proposed reserve parking area to decrease storm water run-off and increase groundwater infiltration.
- 10.7.3 Modify the surface construction requirements to allow alternative all-weather surfaces.

The Commission may require a site plan prepared in accordance with Section 8 and information concerning the number of employees, visitors, and other persons expected

to use the parking area. In considering the request for special permit, the Commission shall apply the general standards set forth in Section 9.

As a condition of approval for a decrease in the number of parking spaces required, 10.7.1 above, the site plan shall stipulate that the owner and all successive owners will install any or all of the reserve spaces, as the Commission deems necessary within six (6) months of the Commission's request.

#### 10.8 OFF-STREET LOADING REGULATIONS.

10.8.1 In any zone, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, one (1) off-street loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.

- a. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.
- b. No such space shall be located within the required setback line or within fifty (50) feet of a residential zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

10.9 CLASSIFICATION OF USES. Where separate parts of a land use building or structure are used for more than one of the uses listed in Section 10.6, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

10.10 JOINT USE. As a Special Permit, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required for the uses for each lot. The Commission may require a long term lease or other legal agreement as a condition of approval for a joint parking use.



**SECTION 11 - SIGNS**

- 11.1 **SIGN IN RESIDENCE ZONES.** In residence zones, the following signs only are permitted:
- 11.1.1 A non-illuminated nameplate or sign giving only the name of occupant or use of the premises not over two (2) square feet in area.
  - 11.1.2 A non-illuminated real estate sign not over eight (8) square feet in area and set back from the front lot line at least twenty (20) feet, advertising the sale or lease of the premises on which the sign is displayed, except that a sign not over thirty-two (32) square feet in any area may be allowed under a permit for not more than six (6) months to advertise a real estate development.
  - 11.1.3 A contractor's sign not over twelve (12) square feet in area when displayed on the premises while active construction is in progress.
  - 11.1.4 Bulletin boards on premises of churches and education institutions not over twelve (12) square feet in area when located at least ten (10) feet back from the front lot lines.
- 11.2 **SIGNS IN RETAIL, OFFICE AND INDUSTRIAL ZONES.** In these zones the following signs are permitted:
- 11.2.1 Signs permitted in residential zones. (See 11.1)
  - 11.2.2 Business signs for permitted uses, except that a total area of all wall, or canopy, or free standing signs shall be limited to one (1) square foot for every running foot of building frontage. In no case, however, shall more than one (1) free standing sign be used for each lot and such sign shall be limited to thirty-two (32) square feet. Both sides of a sign may be used, but not more than sixty-four (64) square feet shall be used in a business zone. No flashing, rotating, or intermittent illumination shall be permitted.
- 11.3 **PERMITTED SIGNS FOR USES IN ZONES REQUIRING SITE PLANS.**
- 11.3.1 No sign shall be permitted in any zone within which an approved site plan is required unless such sign is shown on an approved site plan, and the illustration of such sign has been approved by the Commission.
  - 11.3.2 In reviewing the signs in these zones, the Commission shall consider the size and scale of the sign in relation to its specific location, purpose of the sign, and other buildings in its immediate vicinity.

11.3.3 No sign shall be approved which is internally lighted or which in the judgment of the Commission is not required to identify the use to which it relates. Replacement of approved signs which are the same size and shape, with only the wording changed shall not require reapproval. The location of traffic directional signs must be shown on the site plan, but the area of these signs is not included in the calculation of maximum allowed total sign area.

11.4 MULTIPLE SIGNS.

11.4.1 Multiple signs required for multiple uses on single lots shall be limited to the area requirements of this Section, and further shall be limited to one (1) wall or canopy sign per use and one (1) free standing sign for the total area. The Commission may vary this requirement where, in its judgment, the specified use and its related sign requirement are of such peculiar or extraordinary nature as to require such variation.

11.5 TEMPORARY OUTDOOR SIGNS. Temporary outdoor signs for political, charitable, and civic purposes shall be permitted in all zones under the following conditions:

11.5.1 A temporary permit is issued by the Zoning Enforcement Officer which clearly states the purpose, size, location and tenure of the sign or signs.

11.5.2 No permit shall exceed sixty (60) days and the sign or signs shall be removed by the applicant prior to the expiration of the permit.

11.5.3 No sign shall exceed thirty-two (32) square feet, but both sides may be used for a total display area not to exceed sixty-four (64) square feet.

11.6 PERMANENT SIGNS FOR PUBLIC PURPOSES. Permanent signs for municipal, civic, charitable, or non-profit purposes are permitted as a special exception in any zone following a public hearing.

11.6.1 No sign shall be approved which is internally lighted.

11.6.2 Written permission from the property owner or agency having jurisdiction over the property where the sign is to located shall be obtained.

11.6.3 No sign shall exceed thirty-two (32) square feet, but both sides may be used for a total display area not to exceed sixty-four (64) square feet.

11.6.4 All signs specified in the "Manual On Uniform Traffic Control Devices for Streets and Highways" by the U.S. Department of Transportation, Federal Highway Administration, as amended, shall be exempt from the provisions of this Section.

11.7 PERMANENT SIGNS AS ENTRY TO SUBDIVISIONS AND INDUSTRIAL PARKS

Permanent landscaped signs showing only the name of the subdivision or industrial park shall not be considered as “signs” within the context of these regulations. They are listed as special permit uses in the appropriate zone.

11.8 REMOVAL OF SIGNS BY THE TOWN

Any sign not conforming to the zoning requirements of the zone in which it is located may be removed by the Town.

**SECTION 12 - LANDSCAPE BUFFER REQUIREMENTS**

12.1 **LANDSCAPE BUFFER REQUIRED ABUTTING RESIDENTIAL ZONE.** Where a Multi-Family, Retail Service or Light Industrial abuts a single family Residential Zone (CR, TR, LH), a landscape buffer at least 50 feet in depth along the abutting property line shall be provided and maintained by the owner. The landscape buffer area shall be a part of the setback requirement listed in Section 5. This area shall not be used for storage of materials or parking of cars and trucks.

The landscape buffer shall consist of:

- a. Trees and shrubs planted according to a planting plan designed by a Connecticut registered landscape architect to provide a visual screen of plantings at least 15 feet deep using approved, hardy indigenous plant materials of which at least 30% shall be evergreen.
- b. The remainder of the depth of the 50 foot landscape buffer shall be planted with trees or shrubs or shall be planted and maintained as lawn consisting of acceptable permanent grasses.
- c. Existing suitable natural landscape growth shall be preserved where practical and supplemented with new planting according to the foregoing regulations in order to provide the required landscape screening.
- d. Permanent structures such as fences, walls, etc. may be approved to supplement existing or proposed plantings where in the opinion of the Commission the intent of these Regulations will be served.
- e. Existing and proposed grading shall also be considered in evaluating the proposed landscape buffer plan.

**SECTION 13- NON-CONFORMING SITUATIONS****13.1 INTENT.**

- 13.1.1 **General.** Within the zones established by these Regulations there exist lots, buildings, structures and uses which were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated or restricted at present. Where such a non-conforming situation has not been changed to conformity with these Regulations or otherwise terminated it may remain and be continued and shall not be required to conform to these Regulations.
- 13.1.2 **Non-conforming Uses Incompatible.** Non-conforming uses are declared by these Regulations to be incompatible with permitted uses in the zones involved.
- 13.1.3 **Building on Non-conforming Lots.** A permit may be issued for the erection of a building on any lot, recorded in the Harwinton Land Records, that was made non-conforming with respect to area, frontage or width requirements, by the adoption of, or any amendment to, these Regulations or the Zoning Map, provided:
- a. The owner of any such lot did not own sufficient adjoining land at the time of the adoption of said Regulations April 28, 1955 or said amendments to conform therewith, or more nearly therewith, and
  - b. All yard and open space requirements of the Regulations are met, and
  - c. Adequate provision is made for protecting the general health, safety, and welfare and providing adequate access, drainage facilities, and protection of the nearby properties, and
  - d. The lot has not been used in conjunction with adjacent property to the extent that its identity has merged with adjacent property in the same ownership. Uses or activities that may cause the identity of a lot to be merged with adjacent properties include, but are not limited to the following:
    1. Allowing two or more parcels to be assessed as one building lot, or
    2. Construction of a structure crossing the property line, or
    3. Location of an accessory structure (tool shed, pool, garage, etc.) on the lot, or
    4. Having utilities and/or services (electrical, telephone, sewer, water, septic system, etc.) on or crossing the lot without having an easement or documented distinction between the parcel being serviced and the lot in question, or
    5. Having a driveway, parking area, accessway or similar facility on or crossing the lot, or
    6. Planting and/or maintaining a garden, lawn, row of planted trees or shrubs, fence, or similar improvement (s) on or encompassing the lot or portion of the lot, or
    7. Other actions of the lot owner that indicate that they have treated the lot as a portion of the adjoining property.

When the owner of two or more adjacent non-conforming lots abandons the separate, non-conforming status of the lots by failing to comply with any of the above standards, the non-conforming lots shall be eliminated and the parcels shall, for purposes of these Regulations, be considered merged into one or more conforming lots or a single more nearly conforming lot. This shall apply even if one or more of the non-conforming lots has been developed. Once considered merged the lots may not be sold, conveyed, altered, or otherwise used as separate lots.

### 13.2 RESTRICTIONS ON NON-CONFORMING LOTS.

- 13.2.1 A non-conforming lot may be used, and a structure thereon may be constructed, reconstructed, enlarged, extended, moved or altered, provided that the use and structure shall conform to all other requirements of these Regulations.

### 13.3 RESTRICTIONS ON NON-CONFORMING STRUCTURES.

- 13.3.1 A non-conforming structure shall not be enlarged except in conformity with these Regulations.
- 13.3.2 A non-conforming structure damaged or destroyed by fire, flood, explosion, Act of God or the public enemy may be restored and used as before if such restoration is completed with 2 years after the damage or destruction occurred.

Restoration of non-conforming structures shall not further reduce established setbacks or increase the floor area or the lot area occupied.

- 13.3.3 A non-conforming structure which is moved for any reason and for any distance shall thereafter conform to the regulations for the zone in which it is located.

### 13.4 RESTRICTIONS ON NON-CONFORMING USES.

- 13.4.1 A non-conforming use of land, where no structure is involved, may be continued, provided that:
- a. It shall not be enlarged or increased, or moved, or extended to occupy more land than at the effective date of these Regulations.
  - b. If it is changed to a conforming use, future use of the land shall be in conformity with these Regulations.
  - c. Any structure erected in connection with the non-conforming use shall be in conformity with these Regulations.

- 13.4.2 Non-conforming uses of buildings or structures, or of buildings or structures and land in combination:

- a. A building or structure the use of which is non-conforming may be extended only throughout those parts of the structure which were manifestly arranged or designed for such use at the effective date of these Regulations.
- b. A building or structure, the use of which is non-conforming, shall not be enlarged, extended, altered, reconstructed or moved, unless the use therein is changed to a conforming use.

13.5 **TERMINATION.** Except as provided for in 13.4.2 above, no non-conforming situation or use shall be resumed or restored.

13.5.1 If such use or situation has in fact not existed (without regard to any intent to abandon or resume) for a period of one year from the date of cessation or from the effective date of the pertinent prohibiting regulation whichever is later; or

13.5.2 If it is abandoned.

**SECTION 14 – EXCAVATION, GRADING, FILLING OR REMOVAL OF EARTH**

- 14.1 **GENERAL.** There shall be no excavation grading, filling, redistribution, introduction or removal of earth-based material of any nature in excess of 50 cubic yards without a special permit.
- 14.2 **EXCEPTIONS.** The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:
- 14.2.1 Excavation for the foundation/basement of a building or alteration of a structure for which a building permit has been issued, provided that less than 50 cubic yards is disturbed or removed.
- 14.2.2 The landscaping and/or improvement of an existing structure that will not adversely affect the surrounding area and the neighboring residences provided that less than 50 cubic yards is disturbed or removed.
- 14.2.3 Excavation, grading, filling or removal in conformance with an approved permit for installation of underground utilities.
- 14.2.4 Excavation, grading, filling, redistribution, introduction or removal in conformance with an approved subdivision and/or site development plan, except as provided hereafter. When the Planning Commission or Zoning Commission determine that subdivision or site development plans include significant grade changes that require extensive excavation and grading operations in terms of time duration and/or material removed, an Excavation and Grading permit prior to commencement of construction may be required.
- 14.3 **SPECIAL PERMIT APPLICATION.** Application for special permit under this section shall be submitted in writing to the Zoning Commission and shall be accompanied by the following:
- A general description of the proposed work and its location.
- Four (4) copies of maps and plans prepared by a professional engineer or land surveyor licensed to practice in the State of Connecticut, showing all of the following information:
- a.) Property lines and streets adjoining the lot and the names of owners of property adjoining the lot.
  - b) The location and exterior limits of the area to be excavated, graded or filled.
  - c) Existing contour lines on the lot, drawn to a scale of not less than 40 feet to the inch and with a contour interval not exceeding two (2) feet.



- d) Proposed contour lines within the area to be excavated, graded, filled or removed drawn to a scale of not less than 40 feet to the inch and with a contour interval not exceeding two (2) feet.
- e) Existing and proposed drainage on the lot and existing rivers, streams, watercourses, ponds, swamps and wetlands on or within 200 feet of the lot.
- f) Proposed vehicular access to the lot and any proposed work roadways.
- g) The location on the lot of any wooded areas, rock outcrops and existing and proposed buildings, structures and processing equipment.
- h) An estimate of the number of cubic yards of material to be excavated, graded, filled or removed.

Other: The Zoning Commission may request the submission of such additional information that it deems necessary in order to decide on the application.

14.4 APPROVAL. After a public hearing is held the Commission may grant the application to permit the excavation, grading, filling or removal if it shall find that the following standards and conditions will be met:

14.4.1 The excavation, grading, filling or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the exterior limits shown thereon;

14.4.2 The excavation, grading, filling or removal shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or condition which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations in the zone where the lot is located;

14.4.3 At all stages of the work, proper drainage shall be provided to avoid stagnant water soil erosion problems, excessive runoff, silting of streams and damage to public property, streets and drainage facilities.

14.4.4 Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood.

14.4.5 There shall be no washing or crushing of material except in a Light Industrial zone.

14.4.6 No building or other structure shall be erected on the lot except as may be otherwise permitted in the zone or, as approved by the Commission, as a temporary shelter for equipment and field office;

14.4.7 The work shall be limited to such hours as are determined reasonable by the Commission and to such days as specified by the Commission. The Commission may restrict the type of operation, the types and location of equipment, the use of explosives or any other aspect of the operation which may have adverse impacts on the surrounding properties.

14.4.8 Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles; roads which have been damaged as a result of the applicant's operations shall be repaired by the applicant.

Any deviation from the plan and above conditions without the consent of the Zoning Commission shall be cause for the Commission to revoke the permit.

14.5 **BONDING**. Before a permit is granted under this section, the applicant may be required to post a cash bond or letter of credit with the Town of Harwinton in an amount approved by the Commission as sufficient to guarantee conformity to the provisions of the permit.

14.6 **TIME LIMIT**. Each application granted under this Section shall be valid for a period of one (1) year or for such shorter period as may be requested by the applicant or fixed by the Commission. The Commission may, by resolution, renew the permit annually when the applicant presents copies of site plans, prepared by and bearing the seal of a professional engineer or land surveyor, showing that the excavation, grading, filling or removal is progressing as approved. The special permit shall not be renewed unless the excavation completed to date conforms with the approved site plan.

14.7 **EXISTING OPERATIONS**. All legal existing operations which were established prior to the effective date of this Regulation (9/14/09) may continue as they are for a period of one (1) year from such effective date, after which time they shall be subject to all requirements of this Section.

14.8 **RETURN OF BOND**. Upon completion of the operation, in accordance with the terms of the permit, the applicant may apply to the Commission for the return of the bond filed as provided in this Section, and if the Commission is satisfied that the work has been completed as required, the bond shall be returned to the applicant, but otherwise the bond shall remain in full force and effect. Final Grade Site Plans shall be required prior to return of any bond.

The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

(Amended 9/14/09)

**SECTION 15- ZONING BOARD OF APPEALS**

15.1 **AUTHORITY.** The Zoning Board of Appeals is duly constituted pursuant to Chapter 124, Section 8-5 of the Connecticut General Statutes.

15.2 **POWERS AND DUTIES.** The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised subject to appropriate conditions and safeguards in harmony with the purpose and intent of these Regulations, the Plan of Development and in accordance with the promotion of the health, safety, welfare and maintenance of property values in the Town of Harwinton:

15.2.1 **Appeals.**

To hear and decide appeals where it is alleged that there is an error in any order or decision made by the Zoning Enforcement Officer in the enforcement of these Regulations.

15.2.2 **Variances.**

- a. To vary the strict application of the requirements of these Regulations in cases of exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions as a result of which strict application would result in exceptional difficulty and unusual hardship that would deprive owners of the reasonable use of land or buildings involved.
- b. No variance in the strict application of any provision of these Regulations shall be granted by the Board of Appeals unless it finds:
  1. That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or buildings for which the variance is sought and that these circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the zone in which they are situated and have not resulted from any act subsequent to the adoption of these Regulations whether in violation of the provisions hereof, or not.
  2. That for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or buildings, that the granting of the variance is necessary for the reasonable use of the land or buildings, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

3. That the granting of the variance will be in harmony with the purposes and intent of these Regulations and the Plan of Development and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.
- c. The Zoning Board of Appeals shall not permit by variance any use of land or building not allowed by the provisions of these Zoning Regulations, and shall not permit by variance in any zoning district a use of land or building not allowed in such zoning district.

15.3 RULES AND PROCEDURES. The Zoning Board of Appeals shall adopt such rules and regulations as may be deemed necessary to carry out the provisions of this Section.

#### SECTION 16 - AMENDMENTS

These Regulations and boundaries of zones may be amended only after public hearing and other procedures required by Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended.

#### SECTION 17 - SEVERABILITY

Articles, sections, subsections, paragraphs, sentences, clauses and phrases of these Regulations are severable, and if any such article, section, subsection, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining articles, sections, subsections, paragraphs, sentences, clauses, or phrases of these Regulations.

(effective 9-17-12)

ZONING COMMISSION - FEE SCHEDULE  
APPENDIX A (2014)

Zoning Permit : \$5.00 for each \$1,000 (or fraction thereof) of fair market value of the permitted construction.  
*Minimum - \$35.00*      Maximum fee – *\$125.00*

THE FOLLOWING FEES ARE IN ADDITION TO THE FEE FOR A ZONING PERMIT

Fee for: \$200.00. The Special Permit fee is used to defray the cost of newspaper notice publication and other costs associated with Special Permit or other Permit involving a Public Hearing plus Site Plan review, if appropriate  
conduct of a public hearing. (Plus state DEEP fee).

Petition to establish or change Zoning District Boundary Lines

- a. For any single family, Residential zoning districts (CR, TR, LH zones) \$500.00
- b. For all other Zoning Districts (RS-A, LI-A, MF, RS-B, LI-B FH zones) \$1000.00

Petition for change to Zoning Regulations (text) \$500.00

Fee for: Erosion and Sediment Control Plan Inspection and Set Back Inspections \$35.00 for each inspection

Fee for:  
 Home Occupation and Professional Office                      \$200.00 Special Permit fee plus \$25.00 annual renewal

Fee for:  
 Bed and Breakfast    \$300.00 Special Permit fee plus \$50.00 annual renewal

Fee for Certificate of Compliance      \$50.00

\$60.00 State fee PA92-235 amended by PA03-6 to be collected for each application.

**IF PROPERTY OWNER DOES NOT COME INTO COMPLIANCE, A CEASE AND DESIST ORDER WILL BE ISSUED AND INSPECTION AND REVIEW FEES WILL BE CHARGED AT THE RATE OF \$50.00 PER HOUR (OR A FRACTION THEREOF).**

**Fees:** The schedule of fees to be charged for applications shall be as set forth in Addendum A of these regulations.

In addition, estimated fees for outside consultant services required to review and inspect a project shall be paid at the time application is received. If the appropriate fee is not paid when due, the application shall be deemed incomplete and may be denied for that reason.

In accordance with Ordinance 102, Base Application Fees shall be considered the minimum application fee required for a routine application. When the anticipated cost of processing an application exceeds the base application fee due to the need for additional outside consultant services, beyond the standard fees, the Zoning Commission may charge the applicant an additional surcharge fee to cover the estimated reasonable cost of such consultant services. Any portion of the estimated surcharge fee not expended by the Town on such services shall be refunded to the applicant. In addition, the Zoning Commission may charge the applicant an additional surcharge fee to cover the actual, reasonable cost of outside consultant services required to review and inspect a project with approval contingent upon final payment of those fees once an approval has been issued in order to ensure compliance with the regulations and conditions of approval.

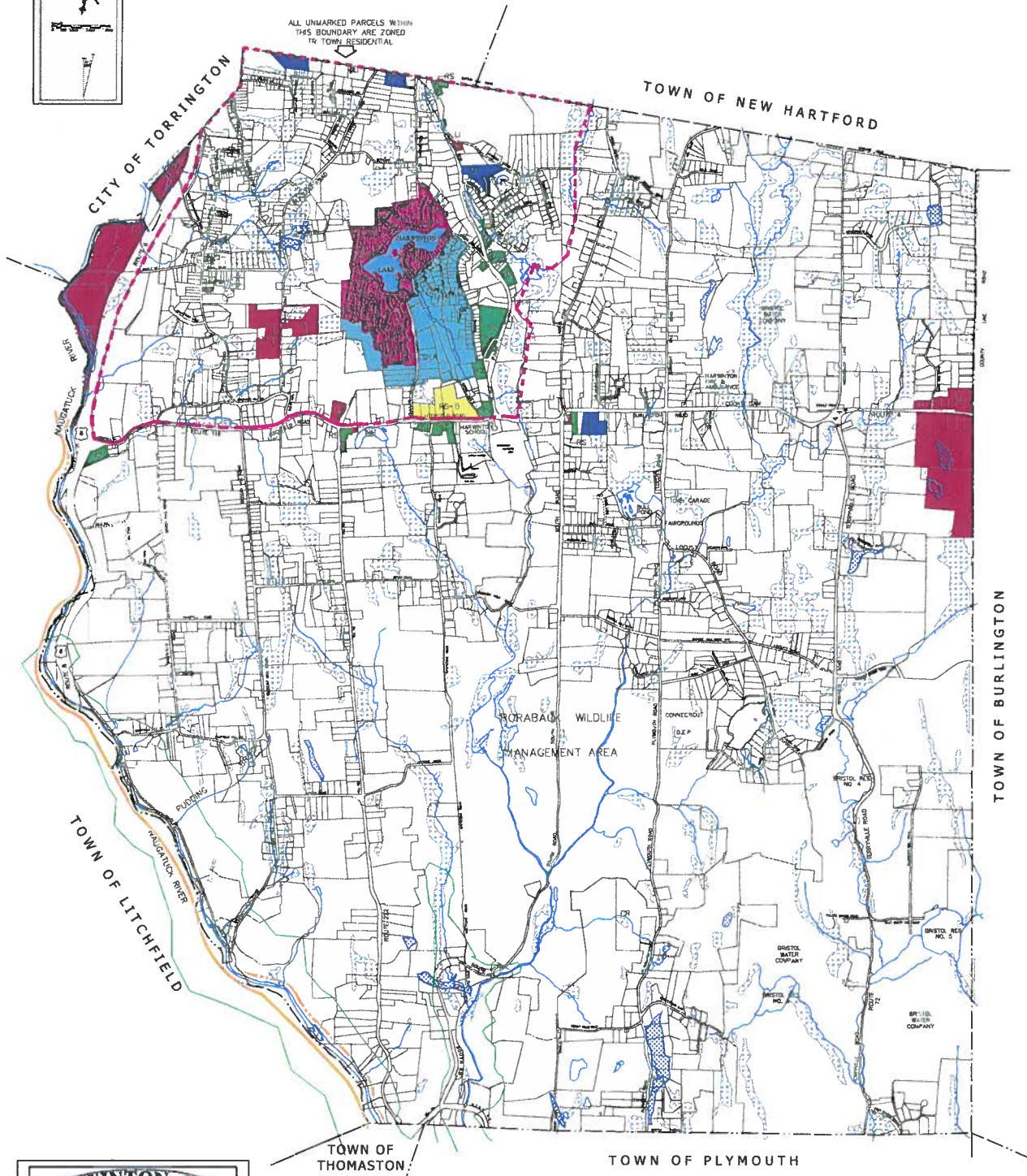
(effective 10/6/08)

Doc: Zoning fee amendments effective 2-7-14

# TOWN OF HARWINTON ZONING MAP



ALL UNMARKED PARCELS WITHIN THIS BOUNDARY ARE ZONED TR TOWN RESIDENTIAL



HARWINTON PLANNING COMMISSION  
SCALE: 1" = 1500'  
THIS MAP IS PREPARED FROM TOWN ASSESSORS MAPS FOR PLANNING PURPOSES ONLY. DO NOT USE FOR SURVEY PURPOSES OR PROPERTY LINE DETERMINATIONS

## LEGEND

- CR - COUNTY RESIDENTIAL ZONE
- LI-A - LIGHT INDUSTRIAL ZONE A
- LI-B - LIGHT INDUSTRIAL ZONE B
- RS-A - RETAIL SERVICE ZONE A
- RS-B - RETAIL SERVICE ZONE B
- MF - MULTI FAMILY ZONE
- LHC - LAKE HARWINTON CHARTER ZONE
- LHA - LAKE HARWINTON AREA ZONE
- TR - TOWN RESIDENTIAL
- FH - FLOOD HAZARD OVERLAY
- POORLY DRAINED SOILS
- FLOOD DRAINED SOILS
- RIVERS & STREAMS
- EXISTING NAUGATUCK RIVER GREENWAY
- PROPOSED NAUGATUCK RIVER GREENWAY

|                |                |
|----------------|----------------|
| MAP ADOPTED    | SEPT. 28, 1998 |
| PUBLIC HEARING | AUG. 24, 1998  |
| AMENDMENTS     |                |
| REVISION       | JUNE, 2000     |
| REVISION       | JULY, 2006     |
| REVISION       | NOV., 2006     |
| REVISION       | DEC., 2009     |







**A PLAN OF CONSERVATION AND DEVELOPMENT  
FOR THE TOWN OF HARWINTON**



**PREPARED BY THE  
Harwinton Planning Commission**

January, 2010

## Harwinton Planning Commission

**Michael Orefice, Chairman**

**Paul Roche, Secretary**

**Elizabeth Brayboy**

**Christina Emery**

**Sabrina Janco**

**John Souchuns**

**John Sullivan**

**Vincent Wheeler**

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## INTRODUCTION

In 1995, the Planning Commission of Harwinton published a Plan of Conservation and Development. The Connecticut General Statutes require that the Plan must be updated each decade. The purpose of this Plan is to guide the Town in matters of development and conservation and to inform residents of trends and challenges the town faces. The Plan addresses economic growth, residential trends, and the infrastructure needs required to accommodate future growth.

For the last six years the Planning Commission has reviewed the activities and issues that have come before the board in order to understand the development and conservation trends and pressures facing our Town. The Commission has held numerous hearings at which residents could present their views on housing, land use, recreation, commercial development, and open space. A survey of our citizenry, a summary of which is presented below, was conducted on major developmental topics. The Commission has requested input from other Town boards and commissions where their knowledge and responsibilities are applicable. The Commission has followed with interest similar issues in nearby towns and throughout Connecticut.

This Plan of Conservation and Development relies on the 1995 Plan, available in the town library, for earlier history, statistics, and trends, and attempts to update statistics of continuing significance. It presents the current evaluation and observations of the Planning Commission relative to growth, the use of our land, and challenges we face. It presents the Commission's recommendations relative to these matters.

The Town of Harwinton is centrally located in the Bristol/Torrington/Hartford commercial corridor and both reaps the benefits of and feels the effects of increased commerce in neighboring towns. Residents have easy access to stores and services but must deal with increasing traffic as a "connector town".

There has been a steady increase in population and more particularly in the school population. Developers have built and turned over to the Town several new roads, which we must now maintain. Our Town has acquired two significant parcels of land for recreational and other purposes, and has created an Open Space Committee that will likely lead to land acquisition for open space and passive recreation. Commercial development has been minimal, as most citizens of Harwinton seem content to do business outside our borders while living in the Town. Rising tax bills are a constant topic of discussion and dissatisfaction. At the same time, we insist on quality education and retention of a rural atmosphere. Recent submissions to Town boards have included multi-family homes and potential subdivision plans as large as fifty-six residences.

The Planning Commission consists of five members who are elected by the voters of Harwinton and three alternates who are appointed by the Commission and approved by the Board of Selectmen. Membership changes over time, so many different members have provided input to this Plan.

The Commission's objective is that this plan be a "living" guide, providing direction on key issues, while recognizing that the pace of change has accelerated dramatically – and once every 10 years may not be the appropriate interval for reevaluation of priorities. The Commission anticipates continued input and comment on this document and on development issues as they arise in the future.

In the summer of 2005, the Planning Commission began work on crafting the required Plan of Development for the town of Harwinton. As part of this process, a questionnaire consisting of thirteen questions was sent to every household in town. There were 342 returns, with approximately 16% of households responding. This information was compiled into a data sheet, which has been used in putting together the Plan of Development. The Planning Commission would like to thank those residents who took the time to respond for their input.

The survey and results follow.

## HARWINTON PLANNING COMMISSION PLAN OF DEVELOPMENT SURVEY RESULTS

Question 1: What is the most attractive characteristic of Harwinton as a place to live (Please check all that applies.)?

- 55.73% Quality of Life
- 92.36% Rural Character
- 42.99% Schools
- 14.33% Taxes/Cost of Living
- 9.55% Other

Question 2: Would you support setting aside funds to purchase property for specific purposes (Please check all that apply.)?

- 73.89% Open Space
- 28.98% Senior Housing
- 28.03% School Expansion
- 17.52% Industrial Park Development
- 14.65% Other

Question 3: Over the past several years the town has purchased two parcels of land (the Wilcox property on Hill Road and the Zavatkay property on Bentley Drive). How would you like to see those utilized (Please check all that apply.)?

- 70.70% Open Space/Conservation Area
- 62.10% Recreation Fields
- 18.79% Cemetery
- 13.38% Town Hall Expansion
- 12.42% Other

**Question 4: Should the Town of Harwinton set aside an area in town to promote economic development?**

53.18% No

40.45% Yes

**Question 5: Would you like to see the Planning Commission be more proactive in driving economic development through the plan?**

51.59% No

37.35% Yes

**Question 6: Would you be interested in being part of this effort?**

66.88% No

16.24% Yes

**Question 7: Would you like to see the Planning Commission be more proactive in driving conservation efforts through the Plan?**

79.98% Yes

13.06% No

**Question 8: Would you be interested in being part of this effort?**

52.87% No

28.34% Yes

**Question 9: Should building lot sizes in town be redefined?**

65.61% Keep Them the Same

32.17% Increase Size

3.50% Decrease Size

**Question 10: Please tell us a little about yourself.**

52 average age

21 average years lived in town

3 average number in household

**Question 11: Are you retired?**

75.16% No

20.38% Yes

**Question 12: Do you have children?**

**74.2% Yes**

**20.38% No**

**Question 13: Do they attend Region 10 schools?**

**35.35% Yes**

**58.28% No**

Percents represent the percentage of total respondents who selected a specific option and so may not total 100%.

## PLAN OF CONSERVATION AND DEVELOPMENT SUMMARY

The purpose of the Plan of Conservation and Development is

- To protect our natural environment
- To maintain the rural character of the Town
- To make Harwinton an even better place to live
- To improve municipal "housekeeping"
- To regulate future land use

### PROPOSALS

#### TO PROTECT OUR NATURAL ENVIRONMENT

1. Present regulations of the Planning, Zoning, Inland Wetlands and Conservation Commissions are generally sound. The maintenance and, where appropriate, strengthening of these regulations is the best way to assure the future beauty and character of Harwinton.
2. The streams and watercourses of the Town should be designated as the official storm water drainage system. This will increase the authority of the appropriate boards and commissions to protect the streams as the Town develops. Streams shown on the USGS map are a good point of departure.

#### TO MAINTAIN THE RURAL CHARACTER OF THE TOWN

1. Results of the survey indicate that the rural character of the Town must be preserved. That preservation is a foundational policy of this Plan of Conservation and Development.
2. The provision of sewers to all parts of the Town being an unreasonable policy, the Town will continue to operate on a policy of no new sewers. This is the reasoning for existing large lot zoning and strict wetland preservation policies. The preservation of quality water supply yields the fringe benefit of rural character.

3. Any proposal by a landowner or developer that adds to the rural flavor of the Town should be considered, even if it means amending regulations.
4. Changes in the subdivision regulations that encourage subdivisions to develop internally and not front on existing roads and that preserve open space should be considered.
5. Similar changes that preserve ridgelines from development should be considered.
6. Distinctive rustic signs for subdivisions should be encouraged.
7. Natural-design public-works engineering, which encourages stonework instead of steel and concrete, should be considered. The impact of commercial, municipal and residential lighting should also be considered and every effort made to minimize potential "light pollution."
8. The existing historic districts should be maintained. A map of natural and historic buildings and features of the Town should be kept up to date and preserved so that it can be referred to by commissions involved in development.
9. Every effort should be made to design roads that retain the rural flavor of the town. Stonewalls and selected trees should be preserved when considering road-bed layout.

## TO MAKE HARWINTON AN EVEN BETTER PLACE TO LIVE

1. Trail systems should be encouraged to tie together open space areas such as Cook's Dam, the Roraback Conservation Area and the Naugatuck River Valley, including the proposed Greenway.
2. More housing for the elderly should be constructed and services provided as needs and opportunities arise.
3. The Town should consider the prohibition of underground fuel tanks and require periodic inspection of septic tanks and systems.
4. The Town should encourage active involvement of the Lake Harwinton Association Representatives with town commissions when appropriate.
5. The Town should continue to work with the Connecticut DOT to identify projects of concern.
6. The Town should continue its policy of improvements to Town roads as the need arises and funds permit.
7. The Town should continue to acquire open space to preserve the natural environments.

## **TO IMPROVE MUNICIPAL "HOUSEKEEPING"**

1. A uniform procedure for design review, bonding, construction and inspection should be agreed upon and structured. The Town should consider forming a Design Committee to ensure new development is consistent with the existing rural character.
2. The task of determining Town owned roads and public rights-of-way should be pursued. A policy of abandoning (or discontinuing) roads should be adopted and town roads should be improved as necessary.
3. In preparation for future development, all existing policies, regulations, and procedures should be reviewed and improved when called for.
4. Location for a new ambulance base should be identified and secured.

## **TO REGULATE FUTURE LAND USE**

The regulation of future land use is the heart of the statutory requirements for a Plan of Development. Such regulation, together with the proposed residential densities, is a key responsibility of the Plan.

## STATE & REGIONAL PLAN STATEMENT

According to state statutes, municipalities are required to consider consistency with both the state and regional plans of conservation and development.

### STATE OF CT CONSERVATION AND DEVELOPMENT PLAN

The Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan) contain policies that guide the planning and the decision-making process of state government relative to:

1. Addressing human resource needs and development
2. Balancing economic growth with environmental protection and resource conservation concerns
3. Coordinating the functional planning activities of state agencies to accomplish long-term effectiveness and economies in the expenditure of public funds

The C&D Plan includes the following six Growth Management Principles:

1. Redevelop and revitalize regional centers and areas with existing or currently planned physical infrastructure
2. Expand housing opportunities and design choices to accommodate a variety of household types and needs
3. Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options
4. Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands
5. Protect and ensure the integrity of environmental assets critical to public health and safety
6. Promote integrated planning across all levels of government to address issues on a statewide, regional and local basis.

It is the finding of the Harwinton Planning Commission that this Plan is consistent with the above growth management principles.

### LITCHFIELD HILLS REGIONAL PLAN OF CONSERVATION AND DEVELOPMENT

The Litchfield Hills Council of Elected Officials (LHCEO) is the state recognized planning organization for the eleven-town Litchfield Hills Region, including the Town of Harwinton. The LHCEO adopted a Regional Plan of Conservation and Development in October of 2009 as an advisory document that



“evaluated conditions, trends and issues of regional significance; recommends policies that will address regional issues; and provides a framework to guide residents and local officials in considering conservation and development activities in the region.”

The major objectives of the Regional Plan are to:

1. Conserve and strengthen exiting urban and village centers
2. Promote compatible development forms adjacent to these areas
3. Provide sufficient land and infrastructure for vigorous economic development
4. Avoid intensive development on environmental sensitive areas
5. Promote the protection of important open space and agricultural land
6. Preserve the unique rural charter of the Region

The Harwinton Planning Commission reviewed the Litchfield Hills Regional Growth Policy Map (Appendix A-16) and concluded that the town plan is consistent with the recommendations of the regional plan in regards to the following land categories:

1. Rural Community Centers
2. Low Density Neighborhood Areas
3. Rural Areas
4. Preservation Areas
5. Existing Preserved Open Space
6. Watershed Land and Other Open Space

## HOW HARWINTON CAME TO BE: A BRIEF HISTORY

The Town of Harwinton is fortunate to have had citizens like Raymond George Bentley. Born in the Town in 1892, he attended the old fourth district Clearview School, lived a full life in Harwinton and contributed to the Town's future by writing a book, History of Harwinton, now out of print, but available in the Town Library. It is from this book that much of the following information comes. This short chapter is not about the social, political or economic history of the Town, but about the land and how it came to be divided and occupied.

In 1614, six years before the Pilgrims landed at Plymouth in 1620, a Dutch navigator, Adrian Block sailed up the Connecticut River. In June of 1633, a trading post was established by the Dutch where Hartford is now. English settlers came to what is now the Town of Windsor in September of the same year. The Windsor site, where the Farmington River joins the Connecticut, gave easier access inland than Hartford would have. Wethersfield was settled in 1634, Old Saybrook shortly thereafter, and the Dutch, not interested in farming on the Connecticut River, withdrew. Hartford was settled in 1635.

With the Dutch in New York (New Amsterdam) and the English in Massachusetts and along the Connecticut River, there remained a large area of uninhabited land between. There were no roads, save for Native American and animal trails, and most settlements were located by the rivers and shores. By 1686, there were 29 towns in Connecticut. Some, like Farmington (1645), were quite large, covering land occupied today by many other towns.

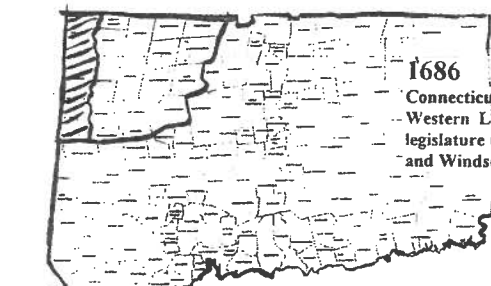
The large undeveloped area in what is now Connecticut was referred to simply as "the Western Lands." In 1686, there was a fear in Connecticut that Sir Edmond Andros, appointed Captain-General of New England by King James II, was getting ready to annex the "Western Lands" to New York or claim it for himself. To prevent this, the Colonial court passed the following resolution:

"This Court grants to the plantations of Hartford and Windsor those lands on the North of Woodbury and Mattatuck, and on the west of Farmington and Simsbury, to the Massachusetts line north, to run west to the Housatonick or Stratford River, provided that it be not, or part of it, formerly granted to any particular person to make a plantation or village."

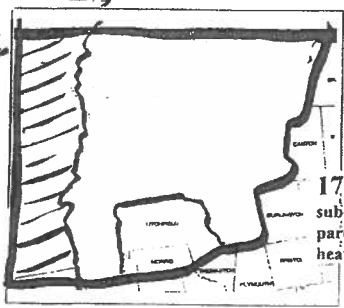
Thirty-three years later, as more and more of the state was settled, the demand for land increased and in 1719, Hartford and Windsor divided Litchfield, which included Morris and part of Washington, into house lots and sold them. Since there had been great controversy over whether these lands were actually owned by Windsor and Hartford a compromise was reached. The Connecticut Colony got the Western half and Hartford and Windsor got the Eastern half, and now occupied by seven towns including Harwinton, illustrated by maps on the following pages.

With all the subdivided lots in Litchfield, traffic between Farmington and Litchfield increased, and the trail it followed was right where it is today – State Routes 4 and 118, Burlington Road and Litchfield Road. Along this roadway came Harwinton's first recorded settlers: Daniel Messenger settled in 1730,

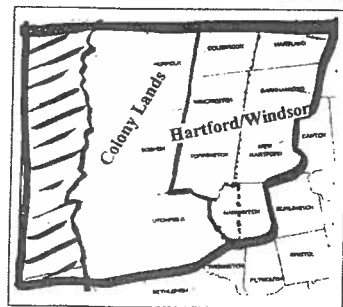
followed shortly by the Brace, Hopkins, Webster, Phelps, and Wilson families. Hartford and Windsor, following the Litchfield example, subdivided the Town and started selling lots. Hartford and Windsor had more or less divided the Town east and west. The Windsor side was incorporated in May, 1732 and the Hartford side May, 1733. In 1735 the settlements were given the right to raise taxes for a minister's salary. The Hartford group and the Windsor group joined forces and the Town was incorporated in 1737. There is little disagreement that the first part of the Town's name came from HARTford and WINdSOR, but historians have disagreed about the final syllable. Many have that "TON" is simply a common English shortening of "town:" HAR-WIN-TON.



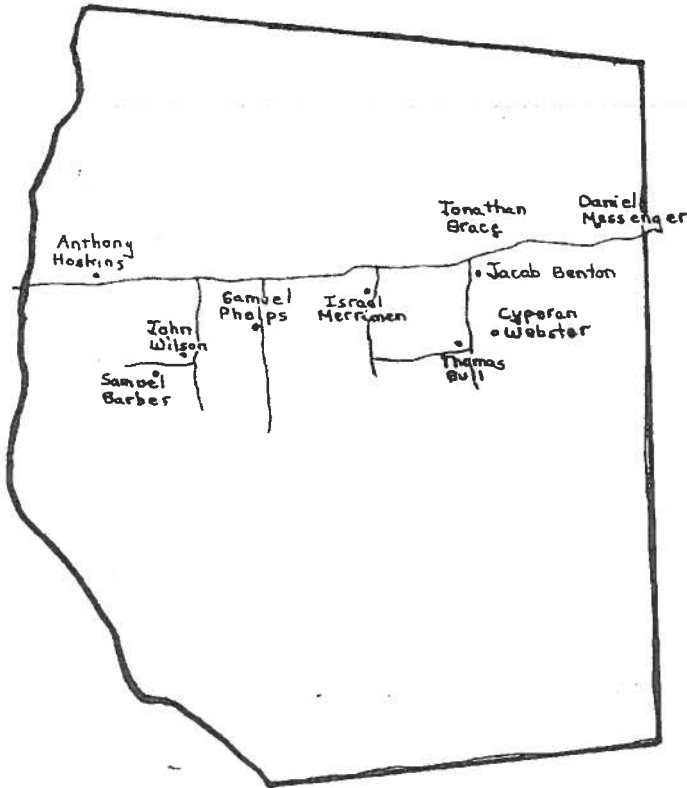
**1686** That portion of Connecticut known as "The Western Lands" is granted by the legislature to the Towns of Hartford and Windsor.



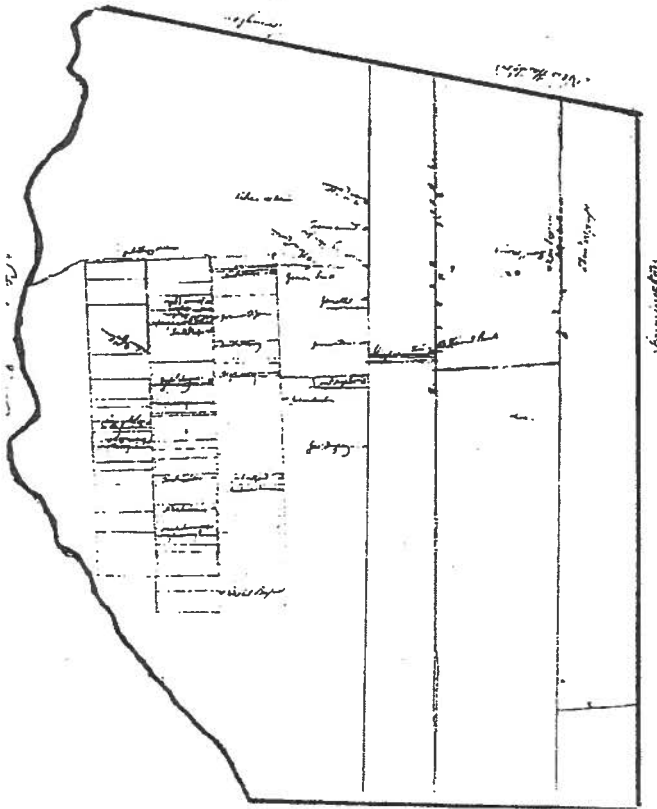
**1719** Hartford and Windsor sub-divide Litchfield and sell the parcels as homelots causing much heated controversy.



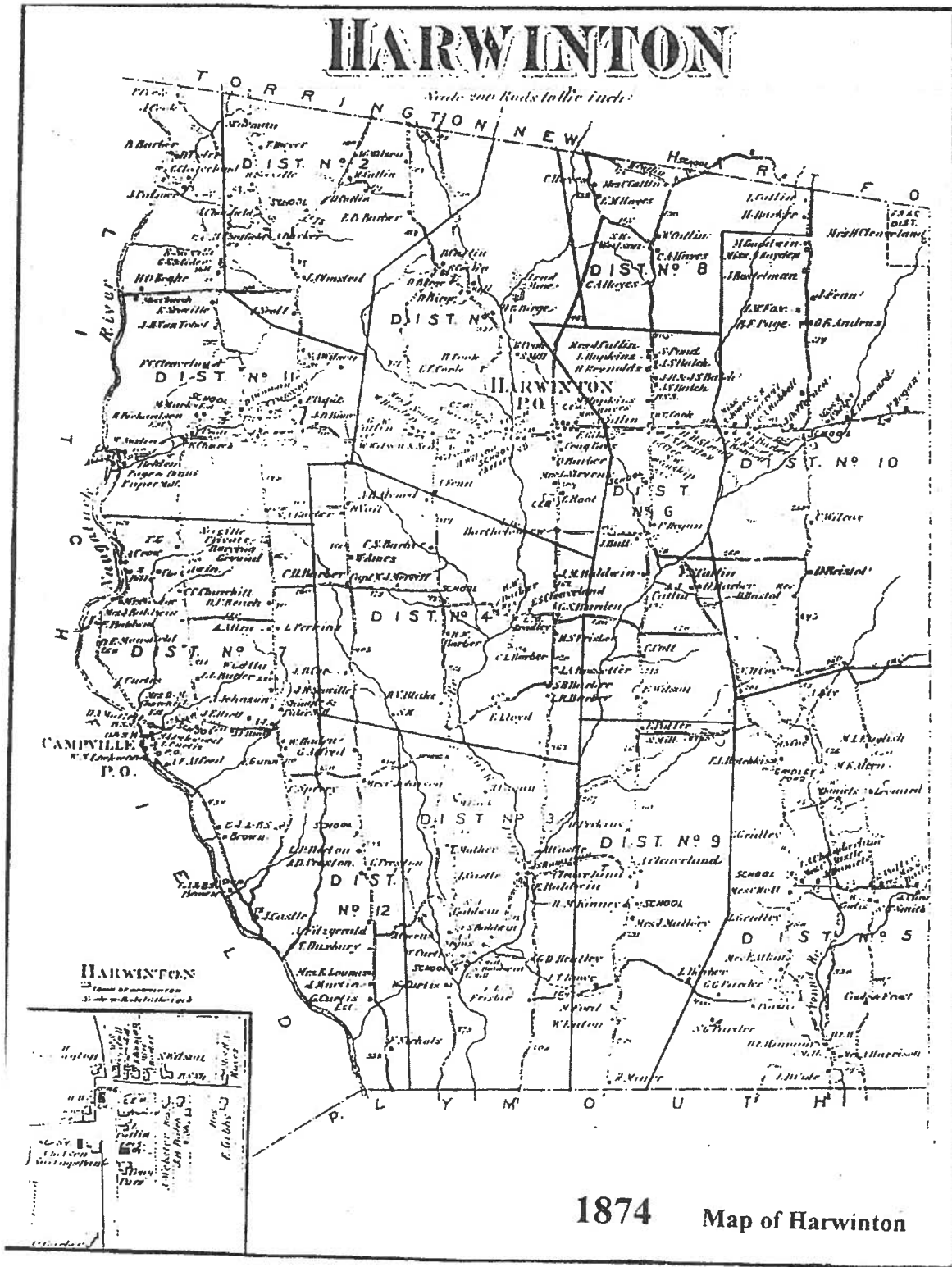
**1726** Hartford and Windsor comprise with the Colony by dividing the Western Lands again. Eastern portion goes to Hartford and Windsor, while the Colony got the Western part, which they, in turn split. Land now Harwinton is divided between them.



**1737** Location of homes of men who attended the first Town meeting from a map drawn for Bentley's History of Harwinton.



**1740** First recorded map showing land subdivision in Harwinton.



## HARWINTON'S LAND AND HOW IT IS USED

The land in Harwinton today is very much like it was when the Town was incorporated in 1737. A report in 1836 called it, "elevated and hilly, with great granite rocks." The Naugatuck River was where it is today. The Town is still "six miles in length and upwards of five in width." (1837) The Stage road across town from Hartford to Litchfield is still the road across town from Hartford to Litchfield, now Routes 4 and 118. The same streams and rivers exist, although most of the lakes and ponds in town have been manmade.

In short, what is different now from 270 years ago is how the land is used – what is built on the land.

### OVERVIEW OF HARWINTON LAND

The total size of Harwinton is 31 square miles or 19,904 acres.

| Land Use Type          | Number of Acres | % of Total Land |
|------------------------|-----------------|-----------------|
| Residential            | 3,162           | 15.9%           |
| Utility                | 623             | 3.1%            |
| Commercial             | 182             | 0.9%            |
| Public and Semi-Public | 133             | 0.7%            |
| Roads                  | 800             | 4.0%            |
| Total Land in Town     | 19,904 Acres    |                 |

Source: Town of Harwinton, Tax Assessor

### RESIDENTIAL

3,162 acres of land in Harwinton, 31.2% of all the land in use and 15.9% of the total land in town is used for residential use. While there are minor exceptions, the great portion of residential uses are single-family-detached dwellings.

While housing types in town are predominantly single-family on a single lot, there are exceptions, but they are in such a minority as to be almost insignificant. Some of the older houses in the town center, which are within an area zoned for multi-family use have apartments.

There are three multi-family zones located along Leadmine Brook Road/Garden Lane, Burlington Road and Mountain View Drive.

Scattered throughout town are a few homes with in-law apartments. These special exceptions have provided residency options for those who might otherwise not be able to reside in town.

The Wintergreen Housing complex located off Bentley Drive provides 20 units specifically designed for the elderly.

According to the US Bureau of the Census, housing data is as follows:

2000 U.S. Census Count of Dwelling Units:

|                               |       |
|-------------------------------|-------|
| Total Population              | 5,283 |
| Owner- Occupied Housing Units | 1,822 |
| Renter-Occupied Housing Units | 136   |

Source: USCensus 2000

#### HARWINTON'S NORTHWEST CORNER

Clearly the most densely developed section of Harwinton is its northwest corner. Well over half of the Town's population is located in an area bounded by Burlington Road on the south and Harmony Hill Road on the east. Harwinton's northwest corner is the only area in town that has public sewers.

The US Bureau of the Census has collected data for two census tracts in Harwinton. According to 2000 data, the population for Northwest Harwinton (Census Tract 2983) is 2,857 individuals and the population for the remainder of the town (Census Tract 2984) is 2,426 individuals.

Source: LHCEO Census Data

## HISTORICAL DISTRICT

The Harwinton Historic District Commission was established in 1987. The Commission continues to promote the educational, cultural, economic and general welfare of the Town of Harwinton through the preservation and protection of buildings and places of historic significance within the Town, and to preserve and protect the several architectural phases recognizable in Harwinton's history.

Harwinton has two historic districts and one historic property: the Litchfield Road/South Road District (Center Corners District), and the Burlington Road/Harmony Hill Road District (Catlin Corners District). These districts are on the National Register of Historic Places. The historic Samuel Peck House property is located on County Line Road. Additionally, a 1.7-mile segment of Route 4 is designated as a State Scenic Road. The segment begins in the east at Rock Brook and site of Cook's Dam, and ends in the west at Cemetery Road.

A major function of the Commission is to act upon applications for Certificate of Appropriateness for various changes, construction and/or modifications to properties within the district. The Commission works with the property owners to guide them in their plans for change in an effort to preserve the historic details of the building's architecture for future generations to appreciate and study.

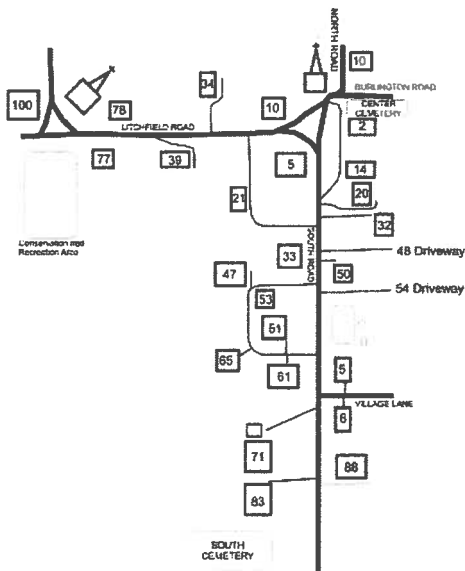
Even as the Town grows and changes, there is a desire shared by residents of Harwinton to retain the qualities that led them or their ancestors to choose it as a place to live. Accordingly, the citizens established a Planning Commission and a Zoning Commission with comprehensive regulations, and in 1990 voted to create two Harwinton Historic Districts, administered by an appointed commission working under the provisions of Connecticut State General Statutes and the Town Ordinances.

The intent of any Historic District is: 1) To encourage the preservation of sites and buildings within the district which contributes to the educational, architectural, and aesthetic values that make the area unique; 2) To comply with the pertinent Statutes; and 3) To advise and guide new construction or additions to existing buildings so that exterior features visible from a public way are compatible with the surroundings. Through the Historic District and Historic Properties Commission the character of Harwinton can survive rather than be sacrificed to unrestricted development.

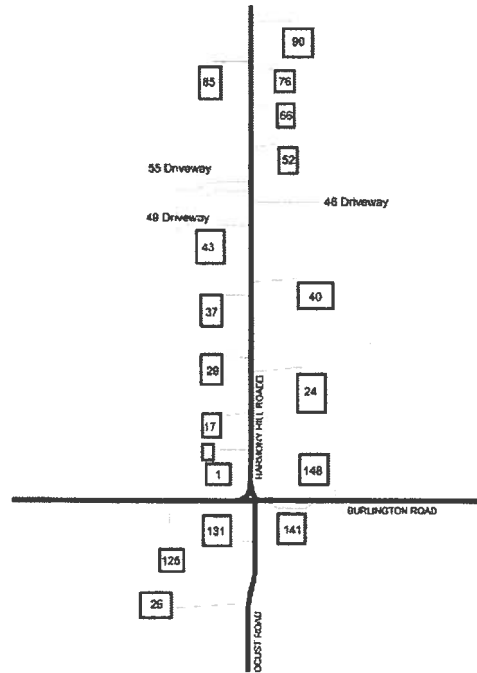
Harwinton's history is one of change and maturity. Some of Connecticut's Historic Districts consist of structures almost identical in style and age. By contrast, Harwinton's structures range from mid-18th century to late 20th century buildings. Many of them have been homes at one time and have seen public or commercial uses at another. It is this continuity, wed to natural growth that is worthy of preservation and protection. Harwinton has changed and adapted, but always with an awareness of how the past affects the present. The Historic Districts and Properties have been created to ensure that change takes place in a manner that preserves and protects the buildings, structures and overall character presently in place.



Past experience indicates that threats to the integrity of Historic Districts may come from commercial interests indifferent to local surroundings. Changes to historic properties may be presented by conscientious concerned citizens whose project proposals may require some adjustment.



Center Corners/  
Litchfield Road-South Road  
Historic District



Catlin Corners/  
Burlington Road-Harmony Hill  
Historic District

The character of a town such as Harwinton is the sum of small elements, which together, constitute the town's attributes and sense of place. These fragile qualities belong in common to all who live here and are enjoyed by those who visit. The Historic Districts and Properties serve to perpetuate the community's heritage, the destruction or compromise of which would be an irreparable loss.

No building or structure within the Historic Districts or Historic Properties may be erected, altered, removed, or demolished until a Certificate of Appropriateness as to exterior architectural features has been granted by this commission.

Among the benefits of Historic Districts is the assurance they provide to the town and residents of a stable environment. It is to this end that the Historic District and Properties Commission address its efforts.

## Pre-1900 Homes in Harwinton

| Street Name       | House No. | Owner (As of Sept 2007)     | Original Owner      | Year          |
|-------------------|-----------|-----------------------------|---------------------|---------------|
| Bentley Drive     | 60        | Harwinton Housing Authority | Jason Skinner       | 1800          |
| Bull Road         | 115       | Ferry                       | Bull                | 1750          |
| Burlington Road   | 8         | Ryan                        | Unknown             | 1800          |
| Burlington Road   | 58        | Cushman                     | Marvin Pierce       | 1870          |
| Burlington Road   | 12        | Sullivan                    | Moses Beach         | 1780          |
| Burlington Road   | 21        | Febbroriello                | Walter Balch        | 1840          |
| Burlington Road   | 25        | Febbroriello                | Jonathan Beach      | 1840          |
| Burlington Road   | 32        | Lubus                       | Newman Hungerford   | 1870          |
| Burlington Road   | 33        | Mankus                      | Elijah Gibbs        | 1795          |
| Burlington Road   | 131       | Chiaromonte/Archer          | Bygher Gibbs        | 1820          |
| Burlington Road   | 257       | Sheahan                     | Jones               | 1760          |
| Clearview Avenue  | 212       | Hetlinger                   | Adin Phelps         | 1836          |
| County Line Road  | 295       | Gurin                       | Samuel Peck         | 1754          |
| Harmony Hill Road | 95        | Rabinko                     | Riggs               | 1865          |
| Harmony Hill Road | 1         | Baker                       | Elijah Catlin       | 1760          |
| Harmony Hill Road | 76        | Norton                      | Jonathan Balch      | 1830          |
| Harmony Hill Road | 90        | Alexsavich                  | Lathrop Bartholomew | 1733          |
| Harmony Hill Road | 252       | Callahan                    | Chester A. Hayes    | 1810          |
| Harmony Hill Road | 345       | Colette                     | Deacon Spooner      | 1850          |
| Harmony Hill Road | 85        | Reilert                     | Unknown             | 1700's        |
| Harmony Hill Road | 270       | Cables                      | Unknown             | 1894          |
| Litchfield Road   | 10        | Elliott/McMillen            | Trueman Kellogg     | 1824-<br>1838 |
| Litchfield Road   | 77        | F. Rybak                    | Eli Wilson, Jr.     | 1818          |

|                   |     |                                 |                    |      |
|-------------------|-----|---------------------------------|--------------------|------|
| Litchfield Road   | 100 | M. Rybak                        | Phineas W. Noble   | 1809 |
| Litchfield Road   | 172 | Nashe                           | Lewis Smith        | 1790 |
| Locust Road       | 44  | Camp                            | Nathan Winship     | 1798 |
| Mansfield Road    | 144 | Arsego                          | David Mansfield    | 1822 |
| North Road        | 10  | Chin                            | L. Adams Francisco | 1760 |
| North Road        | 330 | Lareau                          | Lawrence Carrol    | 1824 |
| Plymouth Road     | 160 | Booth & Steincamp               | Corneaise Holt     | 1770 |
| Plymouth Road     | 230 | State of CT – DEP               | Cyrus Wilson       | 1878 |
| Plymouth Road     | 760 | Seleman                         | Mary Miner         | 1830 |
| South Road        | 5   | Davis                           | Anson Hungerford   | 1813 |
| South Road        | 14  | Town of Harwinton               | Christ Episcopal   | 1790 |
| South Road        | 20  | Harwinton Congregational Church | Dr. Timothy Clark  | 1790 |
| South Road        | 33  | Tilley                          | Rev. George Pierce | 1822 |
| South Road        | 50  | Romano                          | Unknown            | 1763 |
| South Road        | 88  | O'Sullivan                      | Winship            | 1735 |
| Terryville Road   | 210 | Coppola                         | David Wilcox       | 1750 |
| Valley Road       | 260 | Brown                           | Samuel Brown       | 1830 |
| Whetstone Road    | 64  | Brayboy                         | Eli Wilson         | 1790 |
| Wildcat Hill Road | 251 | Petrovits                       | Thomas Shanley     | 1857 |
| Wildcat Hill Road | 369 | Cofrancesco                     | Unknown            | 1860 |
| Wildcat Hill Road | 250 | Combs                           | Unknown            | 1860 |
| Woodchuck Lane    | 155 | Brazaitis                       | Benjamin Page      | 1790 |

Source: The list above and the locations on the accompanying map were prepared by interested citizens as part of the Plan of Conservation and Development process.

## INDUSTRIAL AND UTILITY

623 acres, 6.2% of the land in use and 3.1% of the land in town is used for industrial and public utility purposes.

The most obvious utility in Harwinton is the sewage disposal plant of the City of Torrington, located on a 30-acre site along the Naugatuck River, north of Bogue Road. Just east of that is Supreme Industries, a wood processing facility and sand and gravel supplier. On the west side of Clearview Avenue, on the hill above the street, is Clearview Storage Park.

The area most people think of when "Industrial & Utility" is mentioned is the area on County Line Road across from the now defunct airport. On the north side of Route 4 are about 26 acres in four sites, all occupied, which are zoned Light Industrial. Unfortunately, one of these locations is the source of a state "superfund" pollution problem that is undergoing remediation.

The land around the defunct airport appears suited for light industrial development on landscaped lots. The problem, of course, is traffic. Vehicles emerging from this area that have a Route 8 or Torrington destination have to traverse the entire length of the town.

## COMMERCIAL

Only 182 acres, 1.8% of the total land in use and 0.9% of the total land is used for business and commercial uses. There appears to be little demand for additional commercial land.

The largest commercial entities assessed in Harwinton are Connecticut Light and Power, Torrington Water Company, ERA II, Inc., Supreme Forest Products, Inc., Orix Financial Services, Inc., Supreme Industries, Inc., Fairview Farms Golf Course LLC, O&G Industries, Inc., Lafferty Enterprises, Inc. and Flowers Landscaping Development, Inc.

According to the Connecticut Economic Resource Center (CERC) in 2006, the top five employers in Harwinton are Region School District 10, Harwinton Town Hall, Supreme Industries, Putnam Tennis Courts and Hometown Pizza II.

## OPEN SPACE

The Harwinton Open Space Committee defines open space as follows:

“OPEN SPACE” is undeveloped, natural land that is publicly owned for the purpose of conservation, watershed protection, or passive recreation. Publicly-owned land includes parcels owned by the Town of Harwinton, the State of Connecticut, or the United States Government, as well as land owned or leased in perpetuity by non-profit conservation organizations, including, but not limited to, the Harwinton Land Trust and the Audubon Society. Natural land includes forestland, grassland, old-field, or wetlands including swamps, marshes, ponds and streams. Lands designated as Open Space have mechanisms for public access, use, oversight, perpetual protection, and conservation.

Open Space does not include all other lands in Harwinton, even though some may be used for recreation or maintained in an undeveloped condition. Open Space does not include golf courses, sports fields, playgrounds, fairgrounds, cemeteries, private forestland, private farmland, conservation easements that do not allow public access and use, non-profit conservation organization land that does not allow public access and use, and land used for utilities and storm water detention.

All undeveloped water company lands are not Open Space. Although these large tracts of natural habitat are important for watershed protection, conservation of natural resources and maintaining the rural character of Harwinton, they provide limited or no public access and use and have no public oversight and no guarantee for perpetual protection.

Passive recreation open spaces should be protected to retain Harwinton’s rural character. Protection could involve purchase of land, purchase of development rights, or conservation easements that provide public access.

Recommendation: The Town Open Space Committee should continue to identify parcels, communicate with landowners, and establish a fund or bonding mechanism to pay for this protection. The Town should also utilize its 10% of value or donation policy from developers to purchase open space.

## HARWINTON OPEN SPACE LAND

### STATE OF CONNECTICUT, DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Roraback Wildlife Management Area

The area is 2,222 acres of mixed hardwoods, open/agricultural space with ponds, gravel roads for hiking, wetlands, and large segments of Leadmine Brook and Rock Brook. The area is situated in the southern part of Harwinton, essentially straddling the Leadmine Brook and Rock Brook valleys.

Fishing and hunting are allowed. It is open to small game and archery deer hunting in season but no camping is allowed.

#### HARWINTON LAND TRUST

The Trust is organized exclusively for charitable purposes to preserve and conserve the natural resources within the Town of Harwinton. Legal fishing is permitted but hunting and camping are not. Hiking and walking on the properties are allowed.

#### High Meadow Farms

This is a wildlife refuge which consists of 6.83 acres on Birge Park Road (Route 4) on the west side across from the intersection with Dutton Hill Road.

#### Bull Pond

This is a 70.5 acre wildlife refuge at the intersection of Locust and Bull Roads with a short walking trail. Legal fishing is permitted. Rowboats and canoes are allowed but not power boats.

#### Indian Meadow

33.87 acres are located north of Burlington Road (Route 4) between Woodchuck Lane and White Oak Drive.

#### Meadow View

22.1 acres are located off Meadowview Drive, which is off of Woodchuck Lane. A hiking trail has been developed.

#### Forever Forest

11.65 acres located off Whetstone Road. A hiking trail has been developed.

### Laurel Marsh

23.75 acres are located across from Wilson Pond on Laurel Road. There is a short walk to an observation platform.

### Prudden Property

In addition, the Harwinton Land Trust manages the Prudden property containing 36.08 acres on North Road, which is not open to the public.

## LITCHFIELD HILLS AUDUBON SOCIETY

### Kalmia

The Audubon Society maintains 12 acres at the end of Laurel Road, dedicated to hiking and environmental training. Picnicking is allowed. There is a butterfly observation/conservation area for public viewing.

## HARWINTON RECREATIONAL LAND

### TOWN OF HARWINTON

#### Harwinton Conservation/ Recreation Area

The area consists of 88.9 acres located just south of the traffic light at the intersection of Connecticut Routes 4 and 118. About 25 acres are considered as recreation area and include three tennis courts administered by the Harwinton Recreation Commission. Also included are picnic and play areas, sand volleyball court and playground, hiking trails through the woods and along Leadmine Brook.

During 2006 and 2007, the Selectmen established a committee to consider the acquisition of permanent space for recreation in town. As a result, the town purchased 32.28 acres (the Zavatkay property) directly behind the Town Hall in 2007 through a combination of town and state funding. The Stage 1 design for this property includes 7 multi-use fields designed for soccer, lacrosse and Little League baseball. An additional 10 acres are available for future expansion with an expectation that this will not occur until the next iteration of this plan is completed. While much of the effort involved with the design of the property involved the Harwinton Youth Sports Association (HYSA), the property is expressly defined as Town Property and available for use by all town residents.

In an advisory report to the Board of Selectmen, the Planning Commission supported the development of this new recreation complex with the caveats that in order to meet the objectives of the Plan of Conservation and Development the following occur:

- The proposed fields not be lighted and will be available for use only during daylight hours. The access road will not be plowed in the winter months and the fields will be gated and fenced to prevent access during other times.
- Access to the fields will be managed and controlled by the Town Recreation Director, with primary focus on Harwinton residents. The fields will not be rented out to external groups.
- Layout of the fields will attempt to maintain as many of the existing stonewalls and important features of the land as possible.
- Safety considerations be added to the proposed design, including buffers for adjacent property owners, improved access and parking, adequate signage and seating room by each field.

## PUBLIC AND SEMI-PUBLIC LAND

133 acres are in this designation, which includes all schools, churches and cemeteries, the Town complex, elderly housing, fairgrounds, and two firehouses.

In addition, approximately 110 acres of privately owned land are protected by conservation easements.

## ROADS

Approximately 800 acres, nearly 7.9% of the land in use and 4.0% of all the land in town are used for roads. Roads are the Town's third greatest use of land, behind residential uses and open space.

## CLASSIFICATION OF HARWINTON'S ROADS

Roads are commonly defined by their function. Expressways, arterials, collector, and local roads are the most common designations. There is some confusion in the classification of roads in Harwinton in that in the past, roads have been defined in several additional or alternate categories. Existing subdivision regulations mention rural residential streets, local residential streets, feeder streets, and commercial streets.



In fact, it appears that the various types of roads mentioned above were used more as descriptors of Harwinton's existing roads rather than an attempt at formal classification.

It appears prudent to have the same road classification in the Plan of Development, the Subdivision Regulations, and the Town Highway standards, with the same standards and procedures for construction.

There are two designated scenic dirt roads in Harwinton, Hayden Road and Shingle Mill Road. Anyone who lives at Lake Harwinton knows about passways, the alley-like paths that provide access to homes and cottages. The purpose of a valid road classification system, however, is not so much to define a road but to apply specific standards of construction to it. These are especially important in the subdivision regulations because the developer builds the road to town standards.

It is also important, to avoid confusion, to use nomenclature commonly used by others. A feeder road and a collector road may have the same meaning, but the word collector is more commonly used. We propose that the following classification be applied to the Town's roads:

- Expressways
- Arterial Roads
- Collector Roads
- Local Roads

There are 65.38 miles of locally maintained roads in the town. Through an annual survey of local roads, town officials develop a strategy for maintaining and improving the local road network within available funding limits. The town has traditionally applied a sand seal periodically for basic roadway maintenance. However, the town is in the process of phasing out this road oiling and sand-sealing program in favor of paving and chip sealing. This is being done due to environmental concerns, resident objections to road oiling and sand, and general satisfaction with the final product in roadway paving. The town generally paves about two miles of roadway each year and chip seals about 6 miles each year, with the intention to reach 10 miles per year in the not-too-distant future.

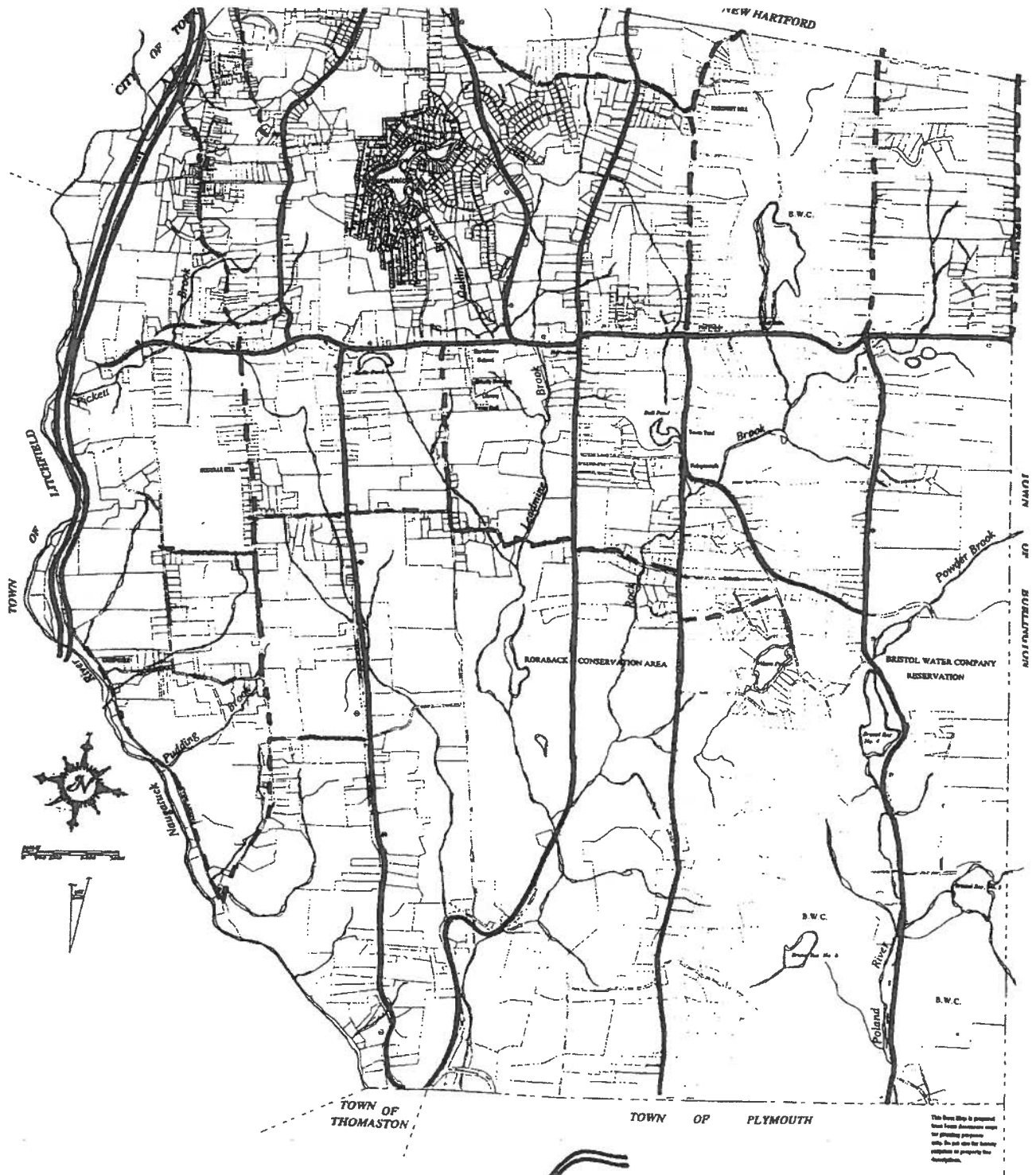
The Highway Dept. maintains a Road List of Locally Maintained Roads. This list shows the following:

|                         |       |
|-------------------------|-------|
| Total Improved Miles:   | 61.69 |
| Total Unimproved Miles: | 3.69  |
| Total Miles:            | 65.38 |

Note: All data as of 1/25/08

**Note:** the above roads do not include Bentley Drive, which is not a road, rather a driveway with a length of 2,750 feet. The inclusion of Bentley Drive will bring the total number of improved miles to 65.90. By adding four miles of Lake Passways for winter maintenance, the total number of improved miles is 70.

The map on the following page illustrates the types of roads located in Harwinton.



EXPRESSWAYS  
 ARTERIAL ROADS  
 COLLECTOR ROADS

**DEFINITION OF ROAD CLASSIFICATION**

**EXPRESSWAYS** are easy; there is only one: Route 8. Expressways carry traffic across towns and across states. They are divided and, in Connecticut, have grade-separated interchanges. An expressway is meant to move large volumes of traffic.

**ARTERIAL ROADS** carry traffic across town and from one town to another. In some towns all arterial roads are state highways and the definition is simple. Certainly, all state highways in Harwinton are arterial roads (not counting Route 8), but other roads in town also serve as arterials.

The following roads are classified as Arterial Roads:

|                    |                 |                 |
|--------------------|-----------------|-----------------|
| CT Route 4         | CT Route 72     | CT Route 118    |
| CT Route 222       | Birge Park Road | Burlington Road |
| Clearview Avenue   | Hill Road       | Litchfield Road |
| Locust Road        | North Road      | Plymouth Road   |
| Scoville Hill Road | South Road      |                 |

**COLLECTOR ROADS** serve the function that their title implies. They collect traffic from the local roads and feed it into the Arterial Roads or to other collectors. This is why in the past the Town has called them Feeder Roads. They are called feeder roads in the existing subdivision regulations. The name Collector Road is, the Planning Commission feels, preferred.

The following roads are designated Collector Roads:

|                         |                  |                    |
|-------------------------|------------------|--------------------|
| Bogue Road              | Breezy Hill Road | Bull Road          |
| Clearview Avenue        | County Line Road | Harmony Hill Road  |
| Leadmine Brook Road     | Mansfield Road   | Scoville Hill Road |
| Twenty-Four Bumper Road | Weingart Road    | Wildcat Hill Road  |
| Woodchuck Lane          |                  |                    |

**LOCAL ROADS** serve only the immediate neighborhood. Its purpose is simply to connect arterial and connector roads to driveways.

## INLAND WETLANDS AND WATERCOURSES

Since the early 1970's, Connecticut Statutes have permitted municipalities to control and regulate the development of the land categorized as inland wetlands and watercourses. Inland wetlands are defined as all streams, water bodies, and land with soil types classified by the U.S. Department of Agriculture as "poorly drained or very poorly drained."

The importance of these wetlands is best stated in Sec. 22a-36 of the Connecticut Statutes.

"The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the State have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life."

Because of Harwinton's many streams and its dependence on underwater aquifers for well water, the control of development affecting inland wetlands and watercourses is a continuing process under the administration of the Inland Wetlands and Watercourses Commission.

The official Wetlands Map from which locations in this report are taken is indicative only of the approximate location. The precise location of regulated areas can only be determined by field inspections by qualified professionals. This mapping inaccuracy is inherent since the original Connecticut wetlands maps were taken from soil maps, which were in turn taken from aerial photographs from the mid-1950's. The aerial photographs were never intended for accurate measurement.

The Inland Wetlands and Watercourses Commission regulates a zone of 100 feet in width adjacent to all wetlands and watercourses and reviews sewage disposal systems 100 feet from watercourses. 24% of the Town area is categorized as inland wetlands and watercourses and is a major factor in land development. There are 3,300 acres of soils classified as wetlands and 266 acres of water bodies, with an additional estimated 164 acres of streams and watercourses, a total of 3,370 acres or 18.9% of the Town. Land not in use has wetlands covering 1,978 acres or 19.2% of the Town.

Please see the appendix for the following related maps:

|     |               |     |                       |     |                   |
|-----|---------------|-----|-----------------------|-----|-------------------|
| A-2 | Wetlands Soil | A-4 | Surface Water Quality | A-6 | 2002 Land Cover   |
| A-3 | Surface Water | A-5 | Regulated Lands Map   | A-7 | Land Cover Change |

## DEMOGRAPHIC AND ECONOMIC DATA

Harwinton is fortunate to be a member of the Litchfield Hills Council of Elected Officials (LHCEO), a regional planning agency that has done the analytical work necessary to make the U.S. Census data accessible. Without the work of the LHCEO staff the census information that follows would not be available in the form shown for this Plan of Development.

The LHCEO in April 2006 published a profile of the Litchfield Hills Region that included Harwinton. The form and availability of this material permitted us to sift through and present data we felt was necessary for the presentation of a balanced statistical overview of the Town. Because it was a Regional report, all towns in the region were shown on all information tables in the LHCEO report. For most tables, we have shown only Harwinton. For others, where we felt a comparison was important, we have included all towns in the region.

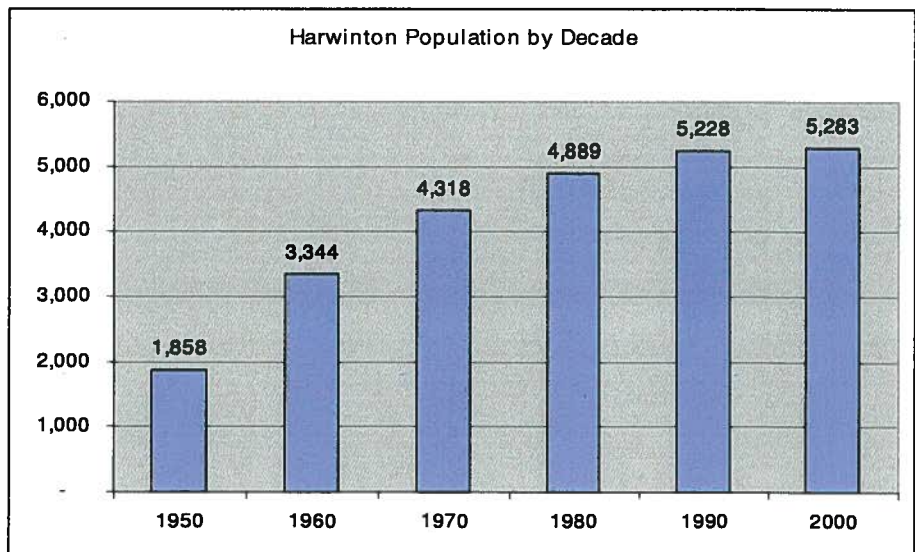
The heart of the US Census analysis includes POPULATION, EMPLOYMENT, LABOR FORCE CHARACTERISTICS and HOUSING data.

### HARWINTON POPULATION CHARACTERISTICS

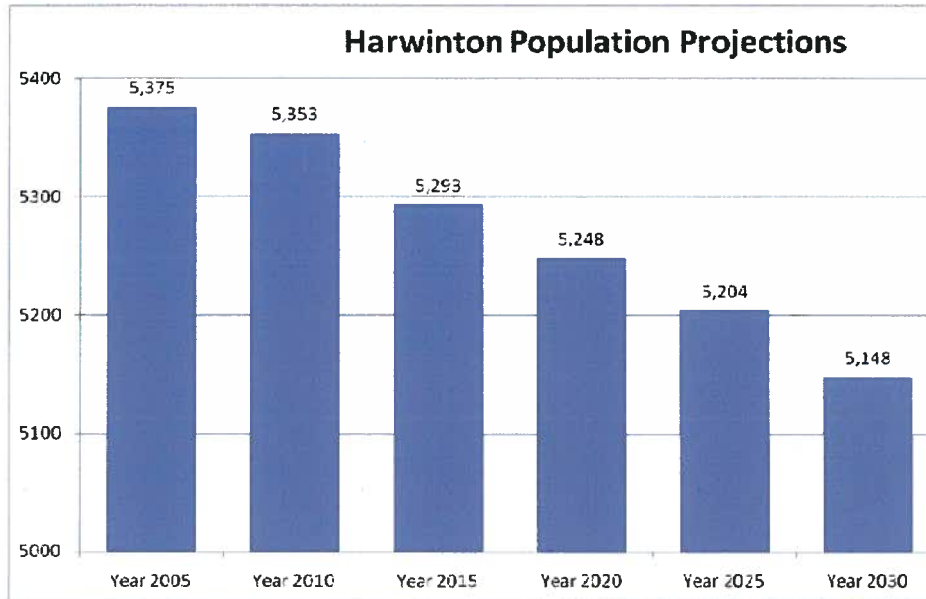
The population of the Litchfield Hills Region experienced a steady rate of growth between 1950 and 2004, with an average annual increase of 538 persons. The Region is projected to continue with this steady growth rate over the next 20 years, with an average annual increase of 568 persons.

The Town of Harwinton represents 6.74% of the Region's population. From 1950 through 2000, Harwinton's population increased 1.1%, slower than the Region's growth rate of 2.0%. Over this time period, the Town of Harwinton saw an average increase of 69 persons per year.

The State Census Data Center takes the U.S. Census figures, considers certain



projection items, such as forecast of births and deaths and in-and-out migration, and estimates future population. The figures for Harwinton are shown below.



**HARWINTON POPULATION DENSITY, 1960-2004**

| Square Miles | 1960 | 1970 | 1980 | 1990 | 2000 | 2004 | % Density Change<br>1960-2003 |
|--------------|------|------|------|------|------|------|-------------------------------|
| 30.74        | 109  | 141  | 159  | 170  | 172  | 180  | 65%                           |

The rural nature of Harwinton is reflected in the population density of the town, which is about one third of the statewide average. Nevertheless, since 1960 the population density of Harwinton has increased by 65% to 180 persons per square mile.

**HARWINTON POPULATION AS PERCENT OF REGION, 1950-2000**

| 1950  | 1960  | 1970  | 1980  | 1990  | 2000  |
|-------|-------|-------|-------|-------|-------|
| 3.51% | 5.51% | 6.33% | 6.93% | 6.74% | 6.67% |

**HARWINTON GENERAL POPULATION CHARACTERISTICS, 1990 AND 2000**

|      | Total Population | % Female | Families | Households | Persons Per Household |
|------|------------------|----------|----------|------------|-----------------------|
| 1990 | 5,228            | 50.6     | 1,510    | 1,811      | 2.89                  |
| 2000 | 5,283            | 49.8     | 1,547    | 1,958      | 2.70                  |

**HARWINTON POPULATION BY AGE GROUPS, 1980, 1990 AND 2000**

|      | 0-19             | 20-34            | 35-54            | 55-64          | 65+            | Total |
|------|------------------|------------------|------------------|----------------|----------------|-------|
| 1980 | 1,660 (34%)      | 1,019<br>(20.8%) | 1,328<br>(27.2%) | 498<br>(10.2%) | 384<br>(7.8%)  | 4,889 |
| 1990 | 1,456<br>(27.9%) | 985 (18.8%)      | 1,709<br>(32.7%) | 471<br>(9.0%)  | 607<br>(11.6%) | 5,228 |
| 2000 | 1,443<br>(27.3%) | 656 (12.4%)      | 1,868<br>(35.4%) | 627<br>(11.9%) | 689<br>(13.0%) | 5,283 |

Consistent with statewide trends, the number of elderly residents in Harwinton is increasing as a percentage of total population. In 1980, 7.8% of the town's residents were age 65 and over. By 2000, this percent increased to 13%. The aging of the population is also reflected in the town's median age, which increased by 13.9 years to 41.4 years in 2000.

**HARWINTON MEDIAN AGE, 1970-2000**

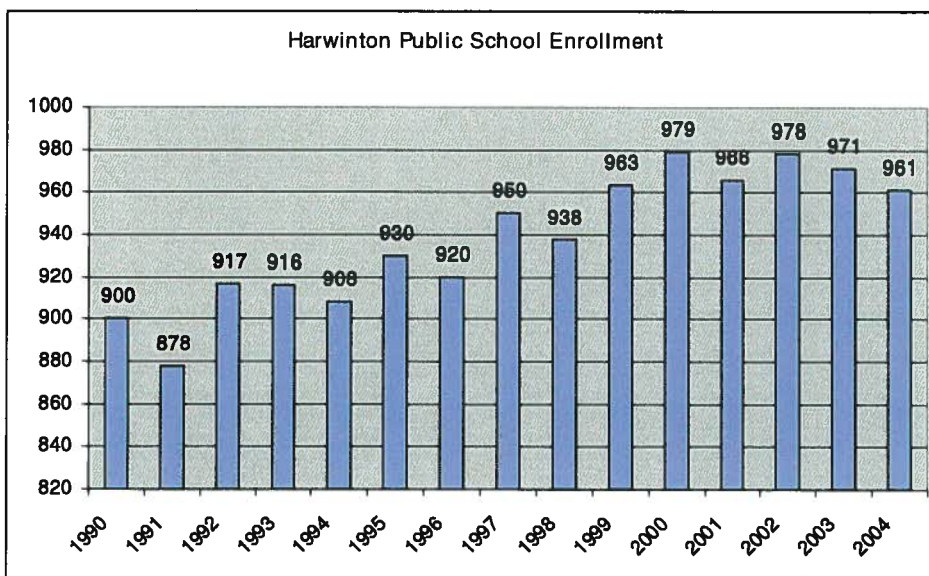
| 1970 | 1980 | 1990 | 2000 |
|------|------|------|------|
| 27.5 | 32.5 | 36.8 | 41.4 |

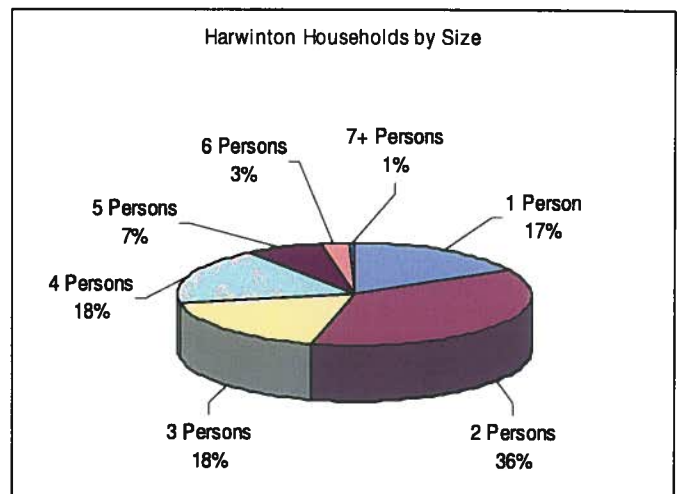
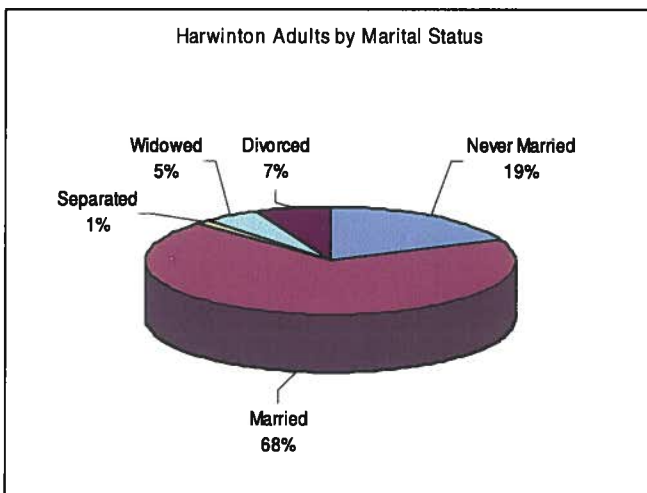
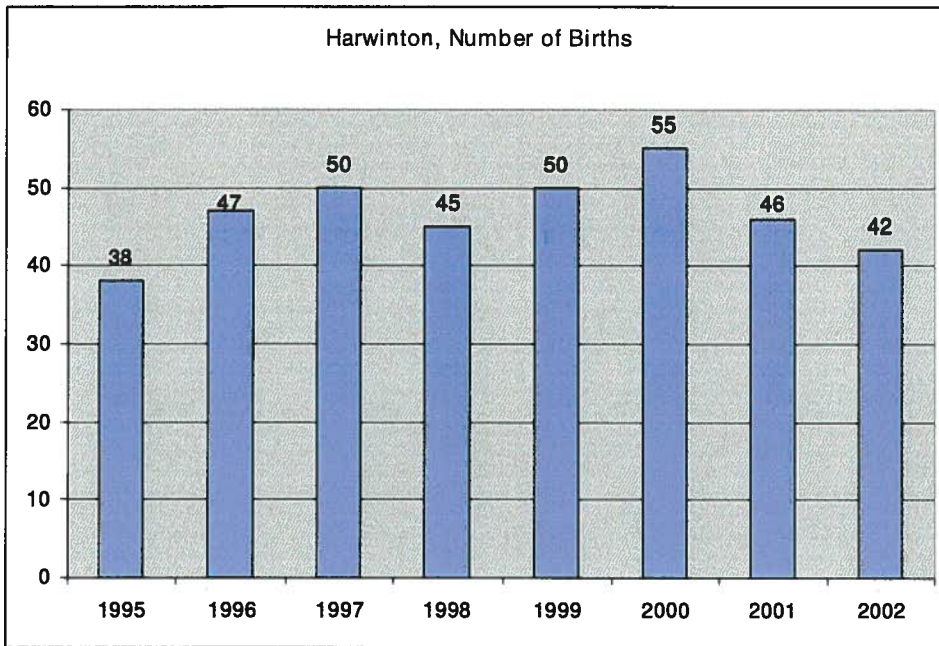


**HARWINTON EDUCATIONAL ATTAINMENT, 1980-2000**

|           | %High School Graduate or Higher |       |       | %Bachelor's Degree or Higher |       |       |
|-----------|---------------------------------|-------|-------|------------------------------|-------|-------|
|           | 1980                            | 1990  | 2000  | 1980                         | 1990  | 2000  |
| Harwinton | 73.3%                           | 86.8% | 92.3% | 17.0%                        | 26.4% | 33.0% |
| Region    | 65.7%                           | 78.2% | 83.3% | 15.4%                        | 21.5% | 24.1% |
| State     | 71.5%                           | 79.2% | 84.0% | 20.7%                        | 27.2% | 31.4% |

The town witnessed a significant increase in the percentage of persons aged 25 and over with high school degrees (73% to 92%) and college degrees (17% to 33%) between 1980 and 2000. This increase in educational attainment is consistent with regional and state trends.





**HARWINTON POPULATION, BY RACE 1980-2000**

|      | White | Black | Asian<br>Pac. Isl. | or<br>Other | Two or More<br>Races | Total |
|------|-------|-------|--------------------|-------------|----------------------|-------|
| 1980 | 4,863 | 2     | 7                  | 17          | NA                   | 4,889 |
| 1990 | 5,200 | 9     | 16                 | 3           | NA                   | 5,228 |
| 2000 | 5,214 | 4     | 30                 | 10          | 25                   | 5,283 |

**HARWINTON INCOME STATISTICS**

According to the U.S. Bureau of the Census, the median household income in Harwinton increased 33% over a ten-year period to \$66,222 in 1999. According to data from Connecticut Economic Resource Center (CERC), Harwinton's income levels have continued to increase steadily, reaching \$85,114 in 2008. This remains above both the region and statewide levels.

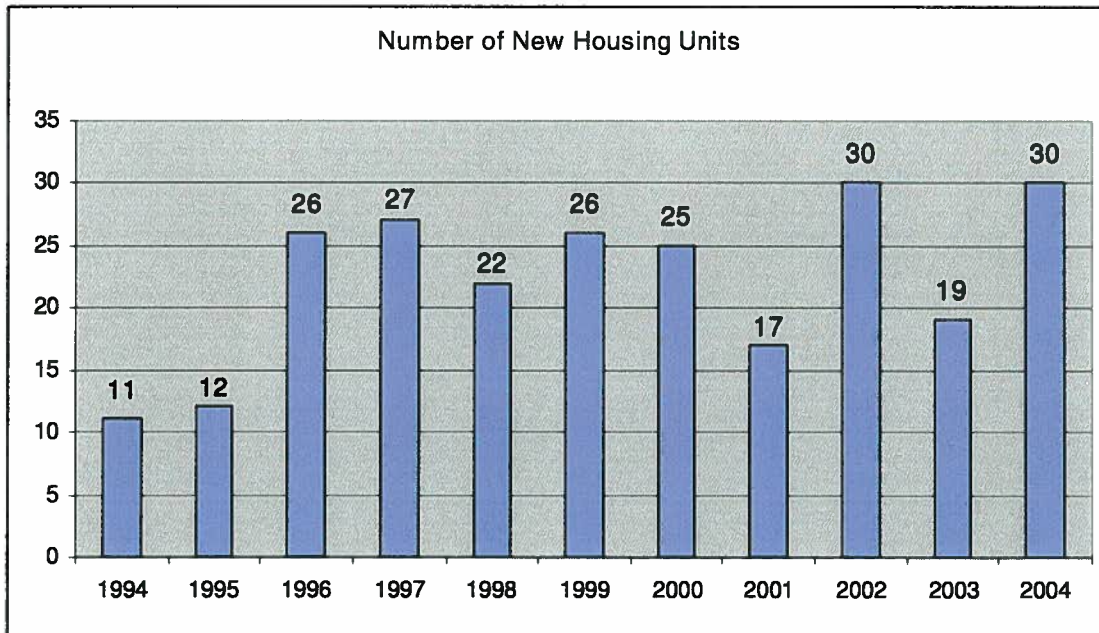
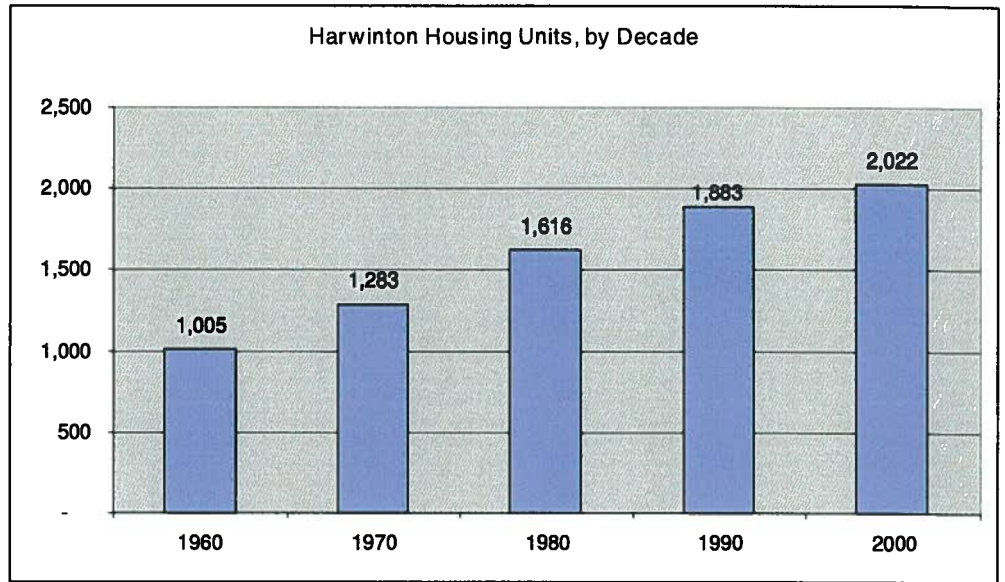
|                         | 1979     | 1989     | 1999     | % Change 1989-1999 |
|-------------------------|----------|----------|----------|--------------------|
| Per Capita Income       | \$7,942  | \$23,636 | \$32,137 | 36%                |
| Median Household Income | \$21,530 | \$49,926 | \$66,222 | 33%                |

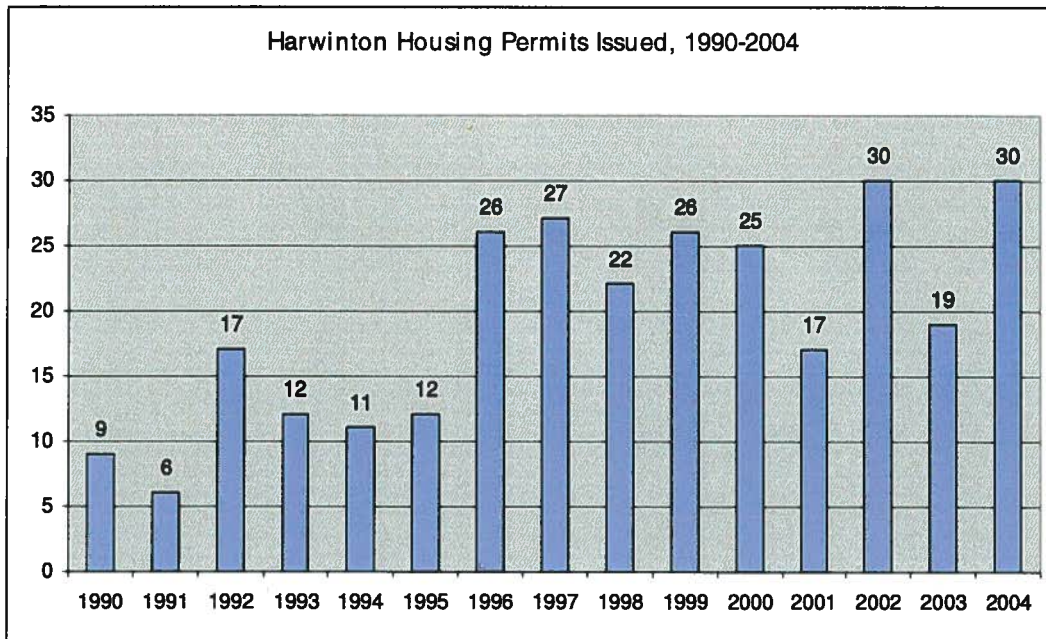
The percent of Harwinton's residents living below the poverty level was 2.2% according to the 2000 U.S. Census. This is the third-lowest rate in the region, behind only New Hartford and Hartland.

## HARWINTON HOUSING DATA

From 1990 to 2000 one hundred thirty-nine (139) new homes were erected in town. As a comparison to the number of homes built during the last three decades, this number is approximately one-half of the average number of homes built in each of the prior three decades.

From 1994 to 2004 the average number of homes built annually was 22.27.



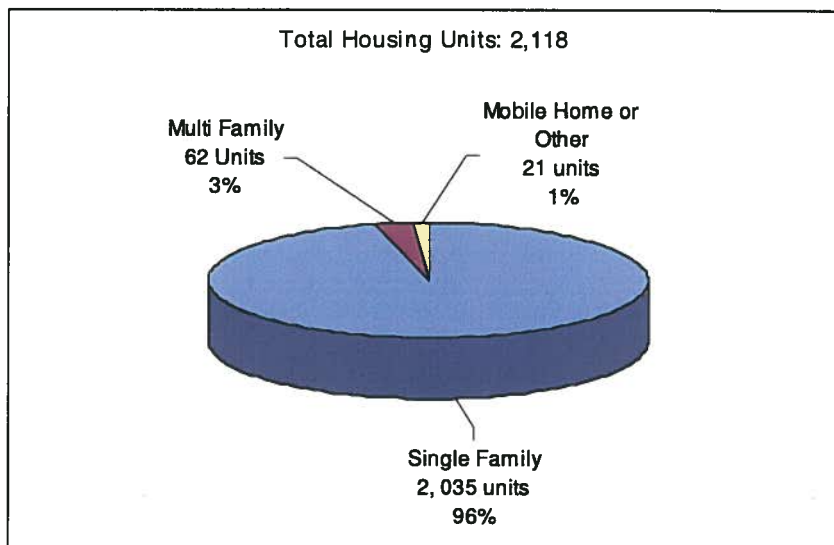


**HOUSING UNITS BY TYPE**

Harwinton is a community of single-family homes on single lots. This fact has been the foundation of zoning for the Town. Moreover, with a future of no sewers, there is little opportunity for alternate housing types, especially multi-family housing, even though zoning regulations permit them in restricted zones. There were exceptions noted in the land use study, however, and these exceptions show up in the census.

Of all the housing units in town, 96% are considered single family homes. Only 3% are considered multi-family units.

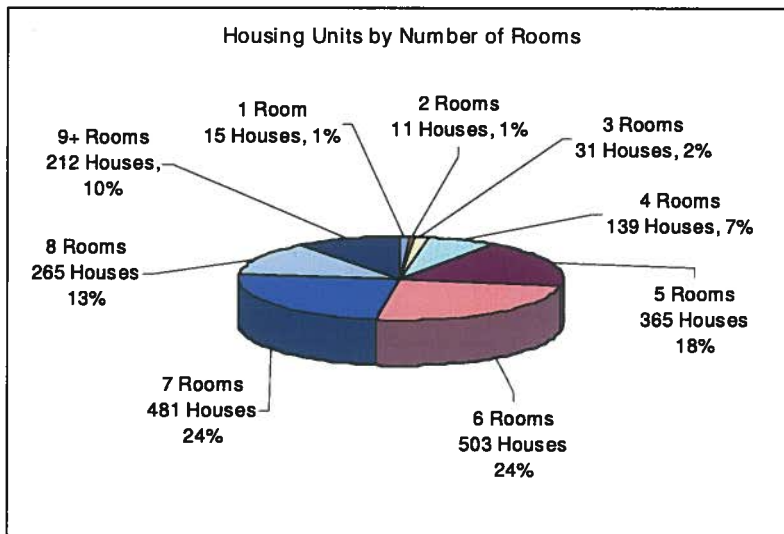
The majority (90%) are owner-occupied. Only 6.7% are occupied by renters.



**HARWINTON HOUSING UNITS BY TENURE AND VACANCY, 1990 AND 2000**

| Year       | Owner Occupied |       | Renter Occupied |      | Seasonal/ Recreational |      | Vacant |      | Total Housing Units |       |
|------------|----------------|-------|-----------------|------|------------------------|------|--------|------|---------------------|-------|
|            | 2000           | 1990  | 2000            | 1990 | 2000                   | 1990 | 2000   | 1990 | 2000                | 1990  |
| Units      | 1,822          | 1,682 | 136             | 129  | 17                     | 23   | 47     | 49   | 2,022               | 1,883 |
| % of Total | 90.1%          | 89.3% | 6.7%            | 6.7% | 0.9%                   | 1.2% | 2.3%   | 2.6% |                     |       |

Forty-seven percent of the homes in town have seven or more rooms. Eleven percent have four or fewer rooms. Forty-two percent have five to six rooms.



**MEDIAN SALES PRICES**

The median sales prices of single-family homes in Harwinton has steadily increased from \$157,450 in 2000 to \$235,000 in 2007; representing a 49.3% increase over a seven-year period.

In eleven towns of the two Regions in the Northwestern Corner, the median sales prices of single-family housing declined in 2007. However, in eight towns the median sales price actually increased. In one town it was unchanged. Both the increases and the decreases ranged from minor – a 1.1% increase in Winchester – to significant – a 22.5% decrease in Norfolk.

Perhaps the most significant change from 2006 to 2007 was the decline in the number of sales. In the LHCEO Region, the total number of sales declined 13.4%; in the Northwest Connecticut Council of Governments (NWCCOG) Region, the decline was 15.9%. As might be expected, there were some exceptions to the decline in housing sales: three towns in the NWCCOG and three in the LHCEO regions had increases in the number of sales.

Year-to-year changes in housing prices should not obscure the longer-term trends. Between 2000 and 2007, the median sales prices of single-family houses in all twenty LHCEO municipalities increased much faster than the rate of inflation (20.4%). The smallest percent of increase in sales price (47.3% in Norfolk) was still more than twice the rate of inflation.

Of the twenty towns, Winchester in 2007 had the lowest median sales price, \$177,000. Despite a 13.6% decline between 2006 and 2007, Roxbury at \$605,000 still had the highest. Only three municipalities – North Canaan, Torrington and Winchester – had median sales prices under \$200,000. Eight of the NWCCOG towns and three of the LHCEO towns had median sales prices over \$300,000.

Source: Northwest Connecticut Council of Governments (NWCCOG) and, Litchfield Hills Council of Elected Officials (LHCEO)

| Median Sales Price:<br>Single Family Homes |            |
|--|------------|
| 1990                                       | \$ 157,750 |
| 2000                                       | \$ 157,450 |
| 2005                                       | \$ 272,000 |
| 2006                                       | \$ 285,000 |
| 2007                                       | \$ 235,000 |
| % Change 2000-2007                         |            |
|  | 49.3%      |
| % Change 2006-2007                         |            |
|  | -17.5%     |
| Source: The Warren Group                   |            |

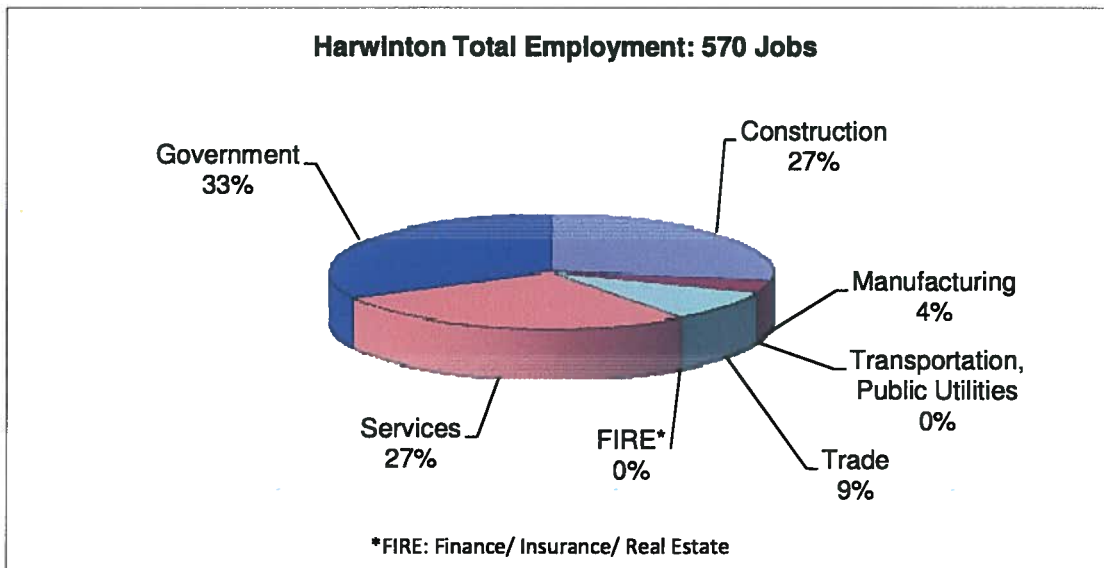
## HARWINTON ECONOMY

Employment in the region is projected by the state to increase steadily over the next 25 years. However, annual growth is anticipated to be less than experienced during the preceding 25 years.

Harwinton employment is made up of Government (33%), Services (27%), Construction (27%), Manufacturing (4%), and Trades (9%). As with national and state trends, the manufacturing/heavy industrial sector has declined as a percent of total employment for Harwinton. It is anticipated that the ratio of employment sectors will remain the same over the next 5 years unless the regional economy trends lower and the impact moves into other employment sectors.

Employment Trends, 1970-2001

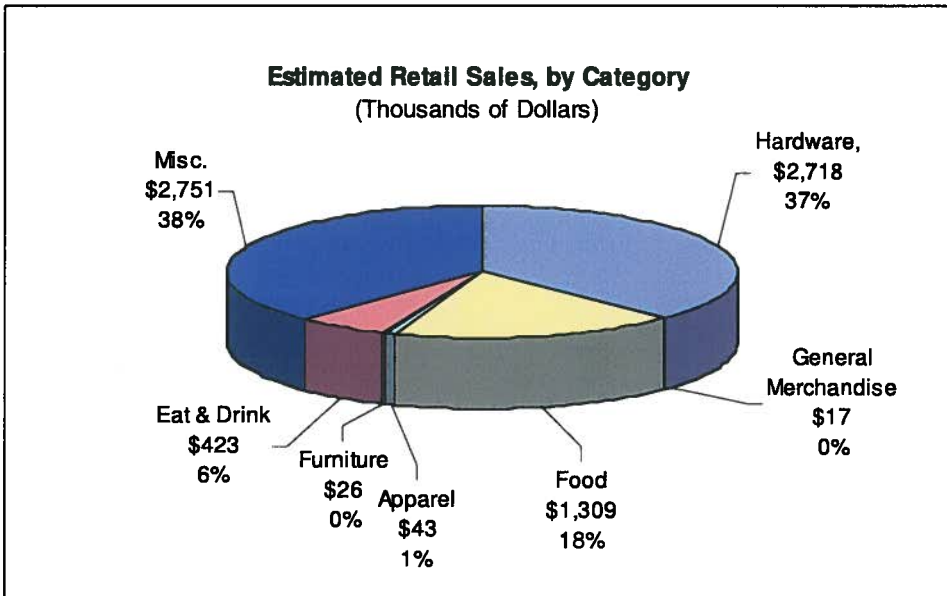
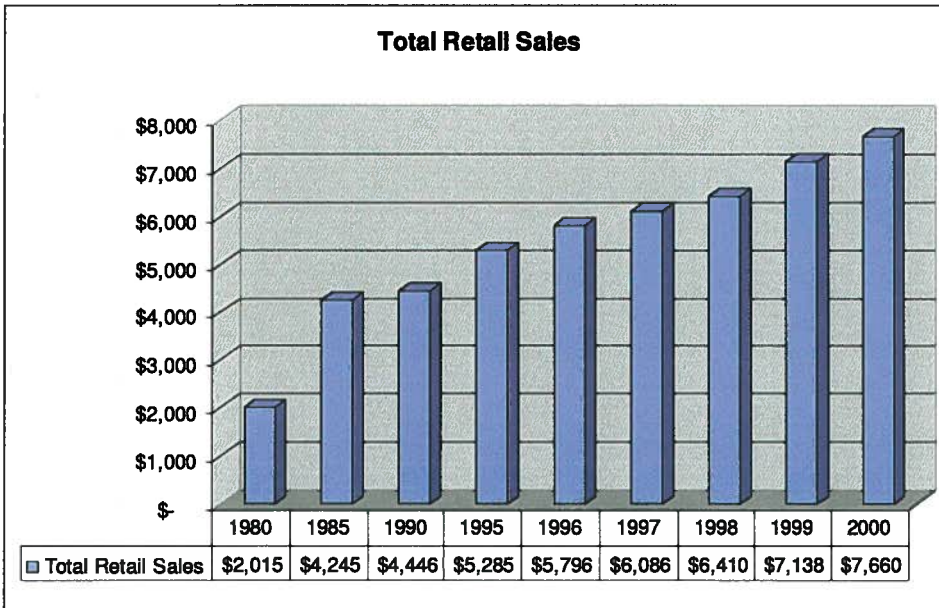
| Year              | Harwinton | % of Region's Employment |
|-------------------|-----------|--------------------------|
| 1970              | 230       | 1.0%                     |
| 1975              | 160       | 0.8%                     |
| 1980              | 230       | 0.6%                     |
| 1985              | 410       | 1.6%                     |
| 1990              | 380       | 1.3%                     |
| 1995              | 520       | 1.9%                     |
| 2000              | 560       | 2.0%                     |
| 2001              | 570       | 2.0%                     |
| Avg Annual Change |           | 11%                      |





**RETAIL SALES**

According to the CT Department of Revenue Services, total retail sales in Harwinton reached \$7,660,000 in 2000. The majority of these sales (37%) were in the hardware category.



Note: Data for the above charts are from the CT Department of Revenue Services. Sales are assigned to the town where tax returns are filed and may not accurately reflect sales within a particular town (e.g. a chain store may file from a corporate headquarters.)

**LABOR FORCE TRENDS**

| Year | Labor Force | Unemployment |
|------|-------------|--------------|
| 1980 | 2,424       | 7.3%         |
| 1990 | 3,077       | 4.5%         |
| 1995 | 2,880       | 5.2%         |
| 2000 | 2,981       | 1.8%         |
| 2004 | 3,046       | 4.6%         |

| Employment Projections |      |
|------------------------|------|
| 2000                   | 560  |
| 2010                   | 600  |
| 2020                   | 660  |
| 2025                   | 690  |
| Avg. Annual Change     | 5.2% |

Regionally, a significant and increasing proportion of residents commute to jobs outside the region. This indicates that the region is increasingly serving as a bedroom community for other labor market areas. It is anticipated this trend will continue for Harwinton.

Employment in the region is projected by the state to increase steadily over the next twenty-five years. However, the annual rate of growth is anticipated to be less than that during the preceding twenty-five years.

**JOURNEY TO WORK FROM RESIDENCE IN HARWINTON**

| Rank | Work Site     | Trips |
|------|---------------|-------|
| 1    | Torrington    | 658   |
| 2    | Harwinton     | 305   |
| 3    | Hartford      | 196   |
| 4    | Farmington    | 122   |
| 5    | Bristol       | 119   |
| 6    | Waterbury     | 91    |
| 7    | Litchfield    | 87    |
| 8    | Burlington    | 87    |
| 9    | Winchester    | 70    |
| 10   | Thomaston     | 68    |
| 11   | East Hartford | 49    |
| 12   | New Hartford  | 42    |
| 13   | New Milford   | 40    |
| 14   | Woodbury      | 38    |
| 15   | Berlin        | 38    |
| 16   | Canton        | 37    |
| 17   | Naugatuck     | 35    |
| 18   | Watertown     | 34    |
| 19   | New Britain   | 33    |
|      | All Other     | 668   |

**OCCUPATIONAL CHARACTERISTICS FOR HARWINTON**

| <b>OCCUPATIONS</b>                     |       |
|--|-------|
| Management, professional               | 1,240 |
| Service                                | 311   |
| Sales and office                       | 686   |
| Construction, extraction, maintenance  | 359   |
| Production, transportation             | 225   |
| <b>INDUSTRY</b>                        |       |
| Agriculture, forestry, mining          | 22    |
| Construction                           | 294   |
| Manufacturing                          | 366   |
| Wholesale trade                        | 55    |
| Retail                                 | 394   |
| Transportation, warehousing, utilities | 73    |
| Information                            | 77    |
| Finance/Insurance/Real Estate          | 281   |
| Professional, scientific, management   | 242   |
| Education, social services             | 656   |
| Arts, entertainment                    | 138   |
| Other services                         | 99    |
| Public administration                  | 124   |
| <b>CLASS OF WORKER</b>                 |       |
| Private wage and salary                | 2,136 |
| Government                             | 463   |
| Self-employed                          | 222   |

Of the 2,821 men and women over the age of 16 who comprise the town’s labor force, about 44 percent (or 1,240 workers) hold professional or management positions. Workers in sales and office occupations represent another quarter of the town’s working population. Construction, production, transportation and service occupations comprise the remainder of the jobs held by Harwinton residents.

When considering the industries in which we work, the greatest concentration can be found in education and social services with nearly one-quarter of the town’s labor force engaged in that industry. Retail and manufacturing are virtually tied at second place with 14 and 13 percent respectively. Construction, FIRE (finance, insurance and real estate), and professional, scientific and management endeavors account for approximately ten percent each.

The majority (76%) of residents have careers in private industry while sixteen percent are government employees. Self-employed individuals account for under eight percent of workers. The distribution of occupations among Harwinton jobholders is roughly equivalent to their incidence across the State of Connecticut as a whole.

## FUTURE HARWINTON... PROPOSED POLICIES TO GUIDE GROWTH

### GENERAL DEVELOPMENT POLICY

Harwinton will continue to be a place where families can enjoy the rural quality and character of the Town while benefiting from the Town and State services, which their taxes provide. The key to the effectiveness of this development policy is the continued protection and enhancement of the rural quality of the community and the continuation of prudent spending policies and a sound economic base. Preservation of agricultural land should be encouraged. The State of Connecticut has delegated strong zoning and subdivision controls to its towns through local Zoning and Planning Commissions and powers to protect natural resources through Inland Wetlands Commissions.

It should be the policy of Harwinton to use all reasonable controls to enhance and support its development goals. As an example, the large-lot zoning requirement that provides open space and a non-built-up flavor to the Town is a byproduct of a health policy formulated to protect the effectiveness of septic tanks for sewage disposal. The flowing streams that are protected by the Inland/Wetlands and Watercourses Commission add to the rural character of the Town and are currently the storm water drainage system for Harwinton.

In order to facilitate energy efficiency and promote energy cost savings, the Town of Harwinton should adopt the Leadership in Energy and Environmental Design (LEED) standards as mandatory for any new town-funded construction, should encourage compliance with LEED standards in private commercial and residential construction, and should evaluate whether incentives or regulations should be adopted concerning compliance with the LEED standards in private construction. According to the United States Green Building Council:

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria. LEED is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

The State of Connecticut has already passed legislation mandating compliance with LEED standards in the construction of state-funded buildings. Numerous municipalities across the country have now adopted LEED standards, including, for example, Arlington, Massachusetts; Babylon, New York; and Bangor, Maine.

## TO PROTECT OUR NATURAL ENVIRONMENT

THE KEY TO THE MAINTENANCE OF HARWINTON AS A RURAL COMMUNITY IS THE PROTECTION OF THE NATURAL ENVIRONMENT.

This policy is so important that a valid question for any public action, whether subdivision development or utility line tree cutting is, "Have we done everything within our legal power to make sure that the natural environment of Harwinton has not been damaged?"

### PROPOSALS TO PROTECT THE NATURAL ENVIRONMENT

1. Existing zoning controls are sound. While many textual changes should be considered by the Zoning Commission, the policies contained within the regulations support the policies of this Plan. It is extremely important that present and future Zoning Commissions maintain the policies of the present regulations, particularly as they relate to lot size. The residential density proposals of this Plan are based on existing zoning regulations.
2. The streams and watercourses of the Town should continue to be protected, including as the storm drainage utility system. This appropriate boards and commissions should preserve the Town's streams and watercourses as the Town develops.
3. The Conservation Commission, Planning Commission, Zoning Commission, Inland/Wetlands and Watercourses Commission, Open Space Committee, Board of Selectmen, and other interested parties should meet at least once a year to make certain that there is consensus on policies for the preservation of natural features. This applies to the obvious issues of wetlands and open space, but it is also important to have a uniform policy for public works activities.
4. Existing subdivision regulations provide authority to preserve natural features. They should be used as necessary. The subdivision regulations should be amended to provide for low-impact design techniques that preserve the environment, such as ridgeline preservation and tree buffers by the roadways.

## PROPOSAL TO PROMOTE ALTERNATIVE ENERGY

The Town of Harwinton should facilitate the use of alternative energy sources, such as wind, geothermal and solar, which are abundant, renewable and nonpolluting energy sources. Alternative energy is a community asset because it 1) enhances the reliability of the power grid by reducing peak power demands and thereby reduces the threat of blackouts; 2) contributes to national security by reducing dependence on foreign energy sources; 3) reduces dependence on polluting forms of electric generation; and 4) can ultimately save Town residents money. As provided in Addendum I to the Town's Subdivision Regulations, "Energy Conservation in Subdivisions," the Town already encourages the use of alternative energy. This Plan of Development now strongly encourages the Town and its residents to utilize alternative energy, particularly solar and wind, to the fullest extent possible.

Regarding solar energy, residents and developers are strongly encouraged to consider installing photovoltaic solar systems on residential and business properties. The Connecticut Clean Energy Fund estimates that in Connecticut, a residential solar system can be expected to generate approximately 6,560 kilowatt hours (kWh) per year, or about three-quarters of the average Connecticut household consumption of 8,400 kWh of electricity per year. Solar has been made more affordable because of the significant rebates available; for example, a rebate of up to \$46,500 per household for Connecticut residents installing a solar photovoltaic system is available from the Connecticut Clean Energy Fund. The Town should work with the Energy Fund to provide information regarding this program. There is also a federal income tax credit available for homeowners who install a solar system.

Regarding wind energy, the Connecticut Clean Energy Fund is planning to develop a rebate program similar to its solar rebate program. The Town should work with the Energy Fund to provide information regarding this program once it is established. Harwinton should enact wind-power-friendly ordinances and regulations. However, because the development of such ordinances and regulations must consider the potential secondary impacts of wind turbines, including noise and visual impacts, it is recommended that wind-power-related ordinances and regulations include the following:

1. Only "small wind" energy systems be allowed, consisting of a wind turbine, a tower, and control/conversion electronics with a rated capacity of not more than 10kW (which size, according to the American Wind Energy Association, typically lowers a household electricity bill by 50% to 90%).
2. A tower may only be located on a property that is at least 2 acres in size.
3. The maximum tower height will be 120 feet (with the understanding that, to be effective, a tower should be at least 30 feet taller than any structure, trees or hills within 300 feet of the tower).
4. The tower should be located in the center of the property, away from the property line, to the maximum extent possible.

5. Noise from the system shall not exceed 60 db at the property line.
6. Color and surface treatment of the installation (such as painting the tower and turbine blades dark green) shall minimize visual impact.
7. The turbine blades shall have safety features to prevent uncontrolled rotation.

The Town should explore the potential for a regional wind farm, utilizing much larger wind turbines than the "small wind" type used for individual businesses or residences if appropriate locations for a regional wind farm are identified, such as the Johnnycake Airport site.

## TO MAINTAIN THE RURAL CHARACTER OF THE TOWN

The preservation of the natural environment goes hand in hand with a policy that has been stated and assumed since these planning studies began. This policy was inherent in the work of the Planning Commission in the mid-1980's round of Plan of Development activities and has subsequently been endorsed by each Planning Commission, including the present Commission.

This policy, simply stated, is that the Town of Harwinton should do everything possible to maintain its rural character. At this time, there is no additional sewage disposal capacity; thus the Town should operate on a policy of no new sewer service areas. Rural quality has various shadings of meaning to different groups and different property owners and developers. Here, it is assumed to mean a flavor physically characterized by farms, streams, open fields, meadows, aged trees, great outcroppings of rocks, and roads that wind around the natural beauty of the land. Even the main highway, through town, Routes 4/118, flows over the hills and through the old town centers.

Harwinton's physical structures also fit into this definition of rural character. The farmhouses and barns, the historic houses and churches, the small scale of the commercial areas are such that contemporary features such as traffic signs and overhead wires seem to fit into the overall fabric of a rural place. Even the occasional fallen barn does not detract from the scene.

## PROPOSAL TO PROTECT FOREST AND FARMLAND

The U.S. Census Bureau in 1990 identified 1.5% of Harwinton's population as being employed in Agriculture, Forestry, Fisheries, or Mining. In 2000 this percent dropped to 0.8%, or 22 people.

According to the Harwinton Grand List of 2006, there are 4,477.2 acres of land that have been identified as forestland and have been placed under the protection of Public Act 490. The acreage does not

include the Bristol Watershed or land owned by the State of Connecticut. An additional 1,971.25 acres is protected under Public Act 490 and is classified as Farmland.

Agriculture was once an important activity in Harwinton, but much of the former farmland is now overgrown or has been converted to other uses. Existing open farmland contributes to the attractiveness of the town and most certainly adds to the rural character cherished by most Harwinton citizens. However, this land is vulnerable to the pressures of development, and once lost, cannot be recovered.

The Town of Harwinton needs to take a proactive approach in considering ways to preserve and protect prime forestland, wildlife habitat and agricultural parcels of land. Grants, preservation programs, and the like should be explored to help generate the funds necessary to purchase these properties. Innovative planning and zoning practices and techniques should also be considered to preserve existing prime farmlands, forestland, wildlife habitat and agricultural land.

A committee should be established to explore funding options as well as to identify significant properties that may have potential as farmland, wildlife habitat and agricultural land.

## **PROPOSALS TO PROTECT AND ENHANCE THE TOWN'S RURAL CHARACTER**

The above proposals for the protection of the natural environment will also enhance and preserve the rural character of the Town. In addition, we propose the following:

1. Any proposal by any landowner or developer that adds to the rural character of Harwinton should be seriously reviewed and considered. Because it is impossible to anticipate all good ideas, some of these proposals may require amendments to existing regulations. Town commissions should be amenable to such changes when the end results will benefit the Town.
2. Changes to existing town ordinances and subdivision regulations recommended in the chapter on ROADS to permit the construction and improvement of rural roads should be considered for adoption.
3. Change to both subdivision and zoning regulations to encourage subdivisions that develop internally, leaving natural tree cover along the collector roads, should be considered for adoption.
4. Changes to the subdivision regulations to permit the Planning Commission to preserve ridgelines in certain subdivisions should be considered for adoption.
5. Distinctive designs for rustic signs and entryways for subdivisions should be encouraged.
6. Advocate natural design and materials in public-works engineering. Use of stonework should be encouraged instead of concrete.



7. Consideration should be given to amending the zoning regulations to permit a small reduction of frontage and area to subdividers who prefer not to construct their homes with direct access to collector roads.
8. Amend local road specifications to permit flexibility where rural design quality is a result.
9. Permit shared driveways to limit entry to collector roads and encourage shared driveways where rural design is achieved.
10. Consider amending the zoning regulations to permit open space subdivisions where, under strict design control, lot sizes are reduced and the land saved is designed into the subdivision as open space.

## PRESERVATION OF THE HISTORIC CHARACTER

The Town of Harwinton's logo is illustrated below. It shows a stylized view of the corner of South Road and Burlington Road with the distinctive road marker sign in the foreground and the church in the background, which are located in the Harwinton Historic District. The logo was designed so that it could be adopted as the Town's seal and letterhead and to illustrate the distinctive character of Harwinton's historical heritage.



In a prior planning process, the Planning Commission and the Historic District Committee coordinated efforts. The result is several maps shown in the HISTORIC PRESERVATION section in this Plan, which show all the buildings built before 1900 in Harwinton and the Historic District area information. The maps can be amended in the future; giving the Planning Commission a tool to use as the Town develops.

## PROPOSALS TO PRESERVE THE TOWN'S HISTORIC CHARACTER

The Planning Commission recommends the following to preserve Harwinton's unique historic character:

1. Maintain and preserve the existing historic district.
2. Prepare the HISTORIC HOUSES map for public display in Town Hall.
3. As each development proposal is reviewed, the reviewing Commission should check the historical maps to see if a preservable site or building is involved and then work with the developer and the Historic District Commission to determine whether it can be preserved.
4. The historical maps should be periodically reviewed and updated as necessary.

## TO MAKE HARWINTON AN EVEN BETTER PLACE TO LIVE

### OPEN SPACE

The Town has an ad hoc Open Space Committee that is looking into obtaining and preserving open space land. The Committee is presently working on the following projects:

1. An application has been made to the DEP for a \$50,000 Recreational Trails Grant.
2. An application, which proposes to purchase flood plain property along the east bank of the Naugatuck River south of the Campville Bridge to provide recreational and fishing access to the river, has been made for \$100,000 to the administrators of grant funds available from the federal government's settlement with General Electric involving the Housatonic River PCB contamination.
3. The purchase of 85-acres south of the DEP property on Plymouth Road.
4. The Committee hopes to have the Town secure bond money for purchase of open space, or, where appropriate, development rights. The Committee has been consulting with bond specialists and the Trust for Public Land on the subject of bonding.

5. Purchasing the 65-acre Carros property; this land adjacent to Leadmine Brook will provide continuous hiking trails from the present Conservation Area to Roraback Wildlife Management Area.

In order to retain the rural character of Harwinton, and in order not to prevent growth, but to keep it to a reasonable and acceptable pace, the Committee plans to pursue the following:

1. Obtain land on the east side of the Naugatuck River, from Route 118 southward (eventually all the way to the border with Thomaston) for trails, fishing access, parking, and general recreation.
2. Secure land adjacent to Leadmine Brook to provide continuous hiking trails from the present Conservation Area to Roraback Wildlife Management Area.
3. Obtain land to have connecting preserved land between the Land Trust property on Whetstone Road and the Wilcox property.

In addition, the Planning Commission recommends that:

1. The Town pursue several categories of land if and when various suitable parcels become available. Large tracts, and land adjacent to existing open spaces or critical areas, are of particular interest.
2. The Town works closely with the Lake Harwinton Association to set aside open space. These should be investigated for purchase of development rights, Open Space Designation, or outright purchase.
3. Any funds generated by utilizing Payment in Lieu of Open Space must be solely used for the purchase of open space.

## NAUGATUCK RIVER GREENWAY

The Naugatuck River flows through the Litchfield Hills region and is one of the most significant natural resources in the area. The Litchfield Hills Council of Elected Officials (LHCEO) in cooperation with the Towns of Harwinton, Litchfield, and Thomaston, initiated the preparation of a Greenway Assessment (July 2006). This was done to better understand the natural and cultural resources of the six-mile long segment of the river corridor located on Route 118 at the Harwinton and Litchfield town line and the Thomaston Dam.

The Naugatuck River Greenway Project study team developed a conceptual plan for improving public access, enjoyment, and passive recreational use of the river. The following activities were identified as top priorities for that section of the Naugatuck River that is in the Town of Harwinton.

1. Construct a short handicapped-accessible trail from the old roadbed located on the Army Corps of Engineers' property just north of Campville Hill Road on the east bank of the river.
2. Extend the side trail, recommended above, northerly along the east bank of the river to the Route 118 crossing and beyond.
3. Pursue the creation of a hiking trail along the east bank of the river from the Campville Road Bridge south to the Thomaston Dam.
4. Enhance parking opportunities along the roadway shoulder on Valley Road, with additional trail development in this area.
5. Consider reconstruction of the old Route 8 bridge located midway between the Thomaston Dam and Campville Road Bridge as a footbridge to enhance non-motorized trail access and use.
6. As a long-term objective, pursue connecting the Greenway to adjacent preserved open spaces such as a trail system to the existing trails at the Roraback Wildlife Management Area and the Town of Harwinton's Conservation Area on Route 118.

The following are general recommendations for the Naugatuck River Greenway:

1. Promote the continued judicious management of the U.S. Army Corps of Engineers (USACE) property within the Greenway for multiple uses, including the remote control aircraft field, wildlife food plots and nesting boxes, forest management program, and existing trail network for dirt bike, snowmobile, and other recreational uses.
2. Because this area may contain prehistoric and historic archaeological relics, consider conducting a professional reconnaissance survey to identify and evaluate them.
3. As trails are developed along the river corridor, consider opportunities to enhance user experience by installing a trailside system of historical markers.
4. Encourage a meeting between the Army Corps of Engineers, ConnDOT, the DEP, and the Northwest Conservation District to discuss how to address serious erosion problems occurring from storm water runoff at the Route 8 crossing of the Naugatuck River.
5. To enhance fisheries' habitat, encourage the DEP to work with other interested groups in improving cover for fish populations in selected channel segments.
6. Restore the riparian corridor by planting a species-diverse, noninvasive mix of trees and shrubs.
7. Apply to the Connecticut Greenways Council for official greenway designation of the Naugatuck River from the Route 118 crossing to the Thomaston Dam.
8. Pursue recognition of the Naugatuck River Greenway as a priority open space protection area.

9. Consider the creation of an "Upper Naugatuck River Watershed Association" to pursue and help coordinate implementation of the recommended Greenway enhancement measures.

The Town of Harwinton should consider meeting with local landowners to pursue the establishment of conservation easements and a hiking trail along the east bank of the River from the Campville Road Bridge south the Thomaston Dam in cooperation with the Army Corps of Engineers. With the creation of any additional trails, provisions will need to be made for ongoing maintenance of the trail. With the support of local officials and landowners, selected property acquisitions by the DEP along the river could also be explored. Consideration should also be given to the need for additional parking opportunities along the roadway shoulder with the creation of a trail in this area.

Please See A-8, A-9, and A-10 for maps of the proposed Greenway.

## COOK'S DAM RESERVOIR

This area consists of 11.65 acres immediately north of Connecticut Route 4, .3 miles east of the firehouse. Fishing is allowed in accordance with state law. No hunting or camping is permitted.

Since the early 1960's, the City of Bristol water department acquired additional land to double the size of the old Cook's Dam Reservoir north of Burlington Road between Harmony Hill Road and Woodchuck Lane. In the future, when circumstances and finances are available, the City of Bristol may construct a new dam and reservoir that will stretch from Route 4 to the New Hartford line.

With the recent introduction of waterlines on Route 4, the need to access this reservoir for future water supply is diminished.

Harwinton should maintain its ten- acre buffer around the dam and should avoid potential tax consequences resulting from drawing water from the reservoir.

The availability of this reservoir for future water supply for Harwinton may be important. Equally important is the opportunity for a dramatically beautiful lake and open space area for Harwinton.

The following policies regarding Cook's Dam should be followed:

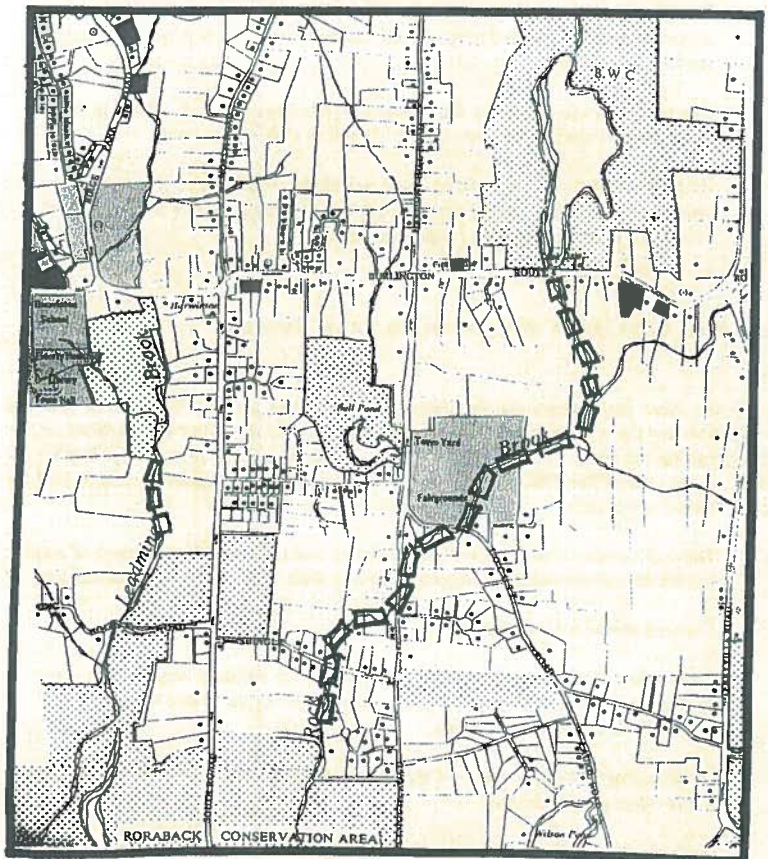
1. The Town should cooperate with the City of Bristol and their water department administrators. If handled properly this reservoir can be a win-win situation for both Bristol and Harwinton.
2. The new reservoir should be dramatically visible from Route 4. This will involve close cooperation and, perhaps, legislative action at the State level.
3. Every attempt should be made to make use of the abutting land for recreational purposes.

4. Provision should be made for a minimum flow release from the Cook's Dam area, with cool water piped from the bottom of the water body to aid the trout in the brook.

## NORTH/SOUTH TRAIL SYSTEM

If development of the Cook's Dam Reservoir continues, the Town of Harwinton should consider introduction of a North/South Trail System. Design and acquisition details should be guided by the following principles:

1. The trail system could be developed, financed and maintained in a variety of ways, but the overall coordination should be by a specific trail development committee.
2. The trail should follow Rock Brook.
3. Separately from any reservoir construction considerations, every effort should be made by the Town to acquire rights of way and easements as soon as possible. Much of the private land between the Water Company land and the state land is undeveloped.
4. The Planning Commission should encourage the contribution of right-of-way land as individual parcels develop.
5. Similar walking trails could be developed along Leadmine Brook and other brooks that flow into the Roraback land. The system of trails would maximize the use of the reserve and enhance the creation of a distinctive community.
6. The Planning Commission recommends that this North/South Trail System should be a low priority of the Open Space Committee.



## CONSERVATION

One of the guiding principles of this Plan of Development is to propose policies and recommend procedures for keeping Harwinton rural. As the Town grows, fair and reasonable development controls should be applied to maintain this rural character. This Plan proposes that policies should focus on both the preservation of existing natural resources, agricultural lands and open space areas, and the addition of new parcels to protect natural resources and expand open space. This section will deal only with natural resources and open space.

## NATURAL RESOURCES

Natural resources are defined as substances that occur in nature that can be used by people in general. They include, but are not limited to, clean and unpolluted air, water, and soil; undomesticated vegetation, fish, and wildlife; petroleum and ores; and natural and scenic areas.

## AIR

Connecticut lies in the Northeast corridor where air pollution may travel in from the south and west. That is beyond the scope of this document.

**Recommendation:** The local preservation of our clean air should focus on restricting commercial development of incineration or combustion facilities.

## WATER AND SOIL

Since most of Harwinton's population is serviced by well water, which is filtered through soil and rock, these topics will be addressed together. Most wells provide healthy, potable water. This means that, generally, our soil is not overloaded with inorganic pollutants from manufacturing or organic pollutants from human or animal waste.

Soil is a natural resource, as it allows percolation of rainwater and cleanses and protects groundwater sources. It also is necessary for agriculture, which helps retain the town's rural character. Steps should be taken to aid the establishment of small farms as well as the retention of larger established

agricultural usages. With the increased difficulty of shipping food for long distances, local sources must be cultivated.

## REDUCING POLLUTION

**Known sites:** There are two known pockets of ground pollution. One is near the site of the service station near the intersection of Route 4 and Locust/Harmony Hill Roads. The second site is that of the defunct Mitral Corporation, near the intersection of Route 4 and County Line Road. The EPA is currently monitoring this property. In addition, the installation of a water line from Torrington provides clean water to homes affected by the Mitral site.

**Unknown sites:** It is possible that small businesses, including now-defunct agricultural usages, have polluted smaller areas of ground.

**Recommendation for the future:** Develop a system of communication to ensure that small businesses have access to current best practices for the proper disposal of pollutants. Ensure that any businesses not using proper disposal practices are provided with information on how to dispose of wastes appropriately, before groundwater pollution occurs.

## HARWINTON'S TRANSPORTATION POLICY

The purpose of transportation policies is to provide for the safe and efficient movement of people and goods into, out of and within the Town. The following are transportation recommendations:

1. Provide safe and efficient vehicular traffic circulation patterns within all areas of Harwinton that include residential neighborhoods, recreational areas, business and commercial areas, places of worship and employment.
2. Encourage developers to look at improving east-west corridors throughout the town as land is developed.
3. Encourage developers to plan for future use of cul-de-sacs and dead-end streets for connections to other roadways in the immediate neighborhood of the development.
4. Annually evaluate road projects proposed by the State Department of Transportation (ConnDOT) for potential impact on the Town's infrastructure. Secure annual updates from this agency for the Land Use Office. A review should be done annually by the land use commissions so an assessment can be made of the impact on the Town Plan of Conservation and Development.



5. Continue to work with the Litchfield Hills Council of Elected Officials (LHCEO) as a resource tool for assessing local traffic impacts and with the state to address regional transportation issues.
6. Maintain consistency of all road classifications on mapping to reflect the functional road classifications established by ConnDOT and adopted by the Federal Highway Administration and LHCEO. Road classifications are tied to federal funding sources for road improvements.
7. With the number of work trips increasing due to the trend of increased distances between job and residence, promote increased options for mass transit.
8. Work with ConnDOT to facilitate and promote carpooling.
9. To periodically evaluate roads that need improvement and encourage the town to fund needed improvements as necessary.

Areas of concern:

1. Erosion of drainage areas from roads into wetlands and waterways.
2. Development of airport land with new water line.
3. Route 8 access and maintenance.
4. Speed of vehicles.

#### LITCHFIELD HILLS REGIONAL TRANSPORTATION PLAN

As in all towns in the Region, state funding for local road maintenance has not kept pace with rising costs, and the town has been forced in recent years to raise the local budget for road maintenance and improvement.

Routes 4 and 8 are the major arterial highways in the town, with Routes 222, 118, and 72 serving as major collectors. In general, the condition of the state highways in town is good. However, several safety improvements are needed along the state road network. Along Route 118, the removal of a rock ledge just west of Davis Road is needed. This ledge, located on the south side of Route 118, limits sightline distances and promotes hazardous icing of the roadway during the winter months. Minor straightening of the curve at this location should also be considered.

A suggested local road improvement need is vertical realignment of a section of Bogue Road near Clearview Avenue to correct sight line deficiencies at this location. As detailed in a March 2001 letter to the town prepared by WMC Consulting Engineers, "An examination of the roadway vertical alignment in the field revealed that the length of the crest vertical curve is extremely insufficient for the travel speed of the road. It would appear that the top of the hill would need to be lowered from 8 to 10 feet to

accommodate adequate sight line over the crest. Lowering the roadway in this area probably involves some rock excavation, and realignment of at least one private driveway, perhaps two." The estimated cost of the proposed improvement according to the WMC letter was \$240,697.

An assessment of the Route 8 southbound off-ramp at Route 118 is also recommended due to the high accident experience at this location. It appears that the bridge railing is restricting sightlines to the east at this location.

There are no programmed improvements to state highways, other than bridge improvements at two locations (Catlin Road and Northfield Road) in the Town of Harwinton over the next ten years, according to the states' 2007 Master Transportation Plan.

Source: LHCEO: Regional Transportation Plan

#### IMPROVEMENTS TO STATE HIGHWAYS

The major cross-town road is comprised of Burlington Road, Route 4, and Litchfield Road, Route 118. This highway was carrying 7,300 cars per day in 1986, 8,300 cars in 1992 and 13,900 cars in 2006. At the Torrington line the figures for Route 4 remained the same as they were in 1992 at 8,400. Any future State plans should respect local planning initiatives.

#### CONDITION AND STATUS OF COLLECTOR ROADS

All the collector roads are accepted and maintained by the Town. All the roads are old and were not built to modern construction standards. The list of necessary road improvements is reviewed and updated annually. Improvements are constructed as money permits on collector roads.

The effort to bring town collector roads up to a reasonable standard will be continuing well into the future and it is expected that continued funding will be required. All subdivisions, with few exceptions, front on or have access to a state highway or a collector road. Subdivision roads are built to contemporary standards, including streets, rights-of-way and storm drainage. The collector roads or state highways that they connect to are not.

Harwinton Subdivision Regulations require an adjustment of rights-of-way from the subdivision to the old road. They also require the recognition of drainage systems from adjacent land. This adjacent land could also include an existing old town road that needs improvement. How much of the improvements to existing systems in connecting town roads must be made by the developer will always be subject to reason and, at times, negotiation. The problem of a subdivision connecting to a private road or an unpaved road relates more to Local Roads and is discussed below.

## EAST-WEST ROADS

A major deficiency in Harwinton's traffic circulation system is the lack of east-west collectors across the town. The Town should continue to pursue possible east-west connections to allow movement of traffic around Routes 4/118 should that route become blocked.

## HARWINTON'S LOCAL ROADS

A local road serves only the immediate neighborhood; its purpose is simply to connect arterial and connector roads to driveways.

Harwinton has a variety of local roads, many of which are different in construction, alignment, purpose, and even ownership. Harwinton maintains an adopted list of accepted town roads, which are publicly maintained. Following are types of local roads:

### SUBDIVISION ROADS

Subdivision roads have been built to town standards since Subdivision Regulations were adopted in 1961. They are built with wide rights-of-way, proper width, a base that will last, and a surface that is easy to maintain.

There are also subdivision roads built before those regulations. These roads may have been built to whatever town standard existed at the time or not. These roads have high maintenance costs because of inadequate base and surface and, in most cases, an absence of drainage structures, but they are still accepted Town roads.

Some local roads are unpaved, even though town-maintained. Some unpaved roads are private or in debatable ownership. Each of these roads presents a separate problem with a unique solution, which must be solved one at a time. New subdivision roads cannot be built when access is from a private road.

## SCENIC ROADS

There are rural roads whose scenic beauty is to be preserved to help maintain the rural character of the Town as expressed in the Plan of Development. These situations can only be handled on an individual basis until such time when they are officially designated as "scenic". When considering an individual road as "scenic," the potential impact to connector roads, remaining developable land, and the potential need for access by emergency vehicles should be kept in mind.

## PASSWAYS

A group of roads in Harwinton is clearly an exception to standard road planning. These are the Passways around Lake Harwinton. Laid out long before town regulations, these alleyways were intended to provide access to the houses around the lake. Some are paved, others are not. Some are named, others are not. They are not town roads but they are roads in the Town. The Zoning Commission has worked with the Lake Harwinton Association of property owners to bring the area within the overall density controls of zoning. In the future the Town should cooperate, if possible, in rebuilding passways to town road standards. The proposed language to permit rural roads in certain design circumstances could very well apply to some of the passways. In the meantime they are private roads and remain the responsibility of the owners.

The illustration on the following page shows the roads around Lake Harwinton.

## EXCEPTIONS TO PROPOSED ROAD SIZE FOR CERTAIN LOCAL ROADS

An Unimproved Road Plan should be prepared showing:

1. All unimproved roads (passways not included).
2. Ownership or acceptance as best determined.
3. Roads that are required for future orderly that provide access to few if any buildings for which no subdivision can abut), add to rural flavor of the Town, and will be left unaccepted.



## TO IMPROVE MUNICIPAL HOUSEKEEPING

The zoning policy of one and a half and two-acre zoning is dependable for reasons of sanitary health and is the existing town policy as established in the Zoning Regulations.

## PROPOSALS FOR TOWN UTILITIES

### PUBLIC SEWERS

There are approximately five miles of sewer lines in Harwinton that include a Clearview Ave interceptor as well as the Scoville Hill Road line that was installed in 1985 at a cost of \$1.7 million. The discharge capacity is limited by a flow contract with Torrington. The current contracted capacity with Torrington is 77,000 gallons per day. Harwinton's average annual flow is about 50,000 gallons per day. The remaining capacity by WPCA regulation is limited to a single residential connection for each assessor's lot of record on existing sewer lines (at the time of the WPCA regulation change). This precludes the possibility of any new sewer line construction or additional connections as a result of property divisions.

Given the current demands on the Torrington Wastewater Treatment Plant and the City of Torrington's Plan of Development, it is highly unlikely that any additional flows will be available for purchase by the Harwinton WPCA.

### PUBLIC WATER

The map in Appendix-11 shows public utilities and the natural drainage areas that Harwinton lies across. A is the Naugatuck River Basin, B the Housatonic River Basin and C the basin of the Farmington River.

The Natural Drainage Areas map also shows the watershed areas of the various drainage systems. Harwinton has many public water supply reservoirs owned by the City of Bristol, which are adjacent to the Metropolitan District Commission property. The MDC serves the greater Hartford area but has no public water system of its own.

In 2005, as a result of the contamination of well water by the Mitral site, the town extended the Torrington Water Company water line along Route 4 to the Burlington town line to provide public water to Harwinton residents on Town Line Road and White Oak Drive. Other residents along the route are

able to access the public water if they so desire. The water line has been connected to the Municipal Complex and Recreation Fields.

See A-11 for Public Utilities Map

The problem of using water from Bristol or the MDC has not been one of availability. It is a function of how limited the original charters were written as to who water clients could be. This limited policy ethic on the part of the state is no longer as strict and there is reason to believe that should the need arise, the Town could become a part of the Bristol or MDC supply system. The Planning Commission recommends utilizing the Torrington Water Company as needed to avoid potential tax implications resulting from drawing from the Cook's Dam Reservoir.

## **PROTECTION OF EXISTING WELL WATER SUPPLIES**

Because of the small lot sizes, the Town should continue to work with the Lake Harwinton Association and take steps to make any studies necessary and enforce any controls required to avoid pollution at Lake Harwinton. Controls include the prohibition of underground fuel tanks, the periodic pumping out of septic tanks, and system inspections and corrections.

## **PROPOSED SEWER AND WATER SUPPLY**

The Town should continue its policy of large-lot zoning. In recognition that public water and sewer systems are not reasonable alternatives, the most important action that the Town can take to maintain the quality of its drinking water and avoid household waste problems is to maintain this present policy.

## MUNICIPAL FACILITIES

The Town of Harwinton owns and maintains the following facilities:

| Location          | Address           | Date Built    | Build Cost   | Value<br>(Per Assessor)                                   | Building SF | Comments  |
|-------------------|-------------------|---------------|--|---|-------------|---|
| Town Hall         | 100 Bentley Drive | 1989          | \$1,486,584  | \$939,200 in 1998   | 8,850       | Building is in good condition, but will need a roof in near future.     |
| Public Library    | 80 Bentley Drive  | 1989          | \$1,231,941  | \$666,570 in 1998   | 5,900       | Building is in good condition, but will need a roof in near future.     |
| Town Garage (old) | 104 Locust Road   | 1952/<br>1962 | \$409,505  | \$160,000 in 1998   | 5,816       | Building is in good condition, the exterior was painted 10/06.          |
| Town Garage (new) | 104 Locust Road   | 2001          | \$1,939,107  | \$675,000 in 2002   | 12,400      | Metal building in new condition.  |
| Salt Barn         | 104 Locust Road   | 1991          | \$60,000   |   | 3,750       | Concrete and steel building in good condition.                          |
| Dog Pound         | 104 Locust Road   | 1997          | \$110,000  |   | 1,500       | Block and steel building in good condition.                             |
| Senior Center     | 209 Weingart Road | 1996          | \$448,247  | \$310,000 in 1998   | 4,828       | Bought by the Town in 1996 and rehabbed into a senior center.           |
| Community Hall    | 14 South Road     | 1916          |  | \$370,000   |             | Stone and brick building once used as the Town Hall.                    |
| Recreation Area   | Litchfield Road   | 1978          | \$11,128 for pavilion,<br>\$30,000 for tennis court.<br>Town also owns many acres. | \$5,500 in 1998 for pavilion,<br>\$5,000 for tennis court | 600         | Wood pavilion in good condition. Tennis court in good condition.        |
| Wilcox Property   | 160 Hill Road     | 1920s         | Town paid \$375,000 for house & acreage in 2002.                                   | \$262,578 in 2009   | 1,250       | Old wood and stone house in fair condition. Bought for recreation land. |

Over recent years Harwinton has planned and developed a 140.3 acre site in the center of town off Litchfield Road that is unique for a town of 5,700.



Located on the campus are the Town Hall, Library, Wintergreen Elderly Housing, the Consolidated School, and the Town Conservation/Recreation Area.

The site, illustrated below, is home to the facilities below.

### EDUCATION FACILITIES

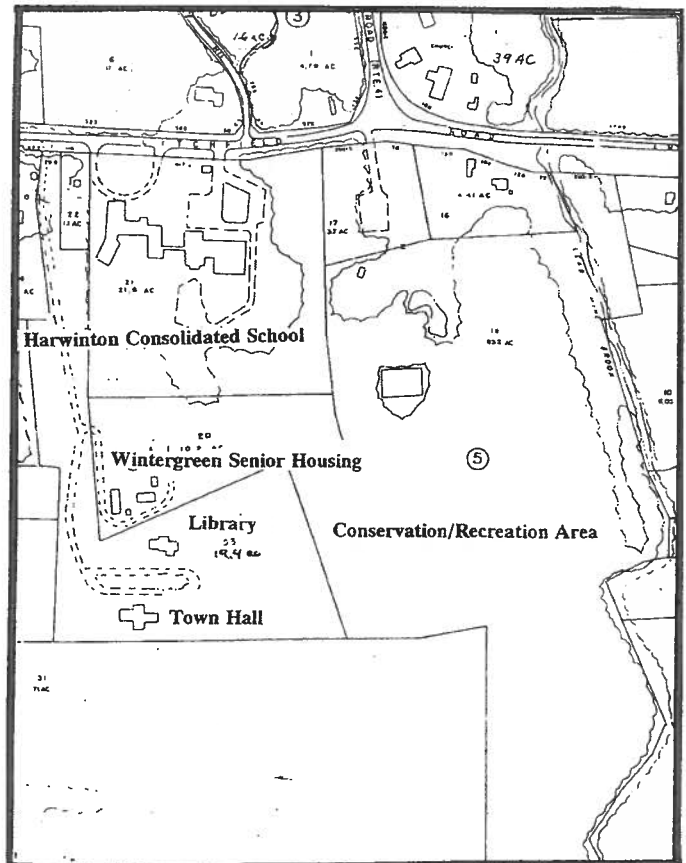
Harwinton is a part of Connecticut Regional School District #10, and its public education program is supervised by the Regional School District Board of Education. Grades 9 – 12 are taught at the Lewis S. Mills High School in Burlington, grades 5-8 at the Har-Bur Middle School and Elementary grades K – 4 at the Harwinton Consolidated School on Route 118 at the municipal complex in Harwinton.

Continuing expansion of facilities occurs at the Consolidated School as needs arise and as funds are authorized.

The Consolidated School site is 21.8 acres and has a playground as well as playfield facilities that serve a portion of Harwinton’s recreation needs.

### TOWN HALL AND LIBRARY

The Town Hall and Library share a 19.4 acre site. The Town Hall houses Town offices and meeting rooms and the resident state trooper and constables. The Library was built in 1986 and was intended to meet the needs of the town for twenty years. Because of the time it takes to accomplish library planning, the Library Board established a planning committee in 2007 to review the need for expansion. This committee will consider the impacts of the digital revolution on the need for space as well as changing town demographics. While there is currently room for expansion on the site, this may be constrained by the new Recreational Fields.



## FUTURE PLANS: HARWINTON PUBLIC LIBRARY

Libraries across Connecticut are changing and becoming information and cultural centers for their communities. Harwinton Public Library is no exception, as wireless internet access, cultural programs, video, DVD and audio availability are now a routine part of our library services.

The Library has a Ten Year Planning Committee that is examining our current resources and identifying a number of unmet needs. Included are the need for a larger, comfortable reading and gathering space, a room devoted to teenagers, a separate quiet study area with carrels, a separate room for copy machine, fax, and office supplies for use by students and others, a separate room for students and tutors, a coffee/tea area, recreational software for children, self-checkout, a larger meeting room, expansion of Harwinton historical resources, more space for displaying new books, more space for DVD's, audio, video, magazines and books and a shut-in service.

The existing Library was built to meet the town's needs through 2009. There are many unmet needs that can be addressed through remodeling and enlarging the current building. Due to the 7–8 year time span it takes to meet the state's requirements for library planning, financing, and construction, a Library Planning and Building Committee should be appointed in the immediate future with members selected from the existing Library Board as well as several at-large community members appointed by the Board of Selectmen.

## EMERGENCY SERVICES

The Town of Harwinton is served by two volunteer fire departments and one volunteer ambulance association. Law enforcement is provided by two resident state troopers and the CT State Police, Troop L District in Litchfield.

## FIRE PROTECTION

The Harwinton Volunteer Fire Department is located on a 1.4 acre site on Route 4, Burlington Road. Harwinton Westside Volunteer Fire Department is located on a 1.8 acre site on Scoville Hill Road. The Westside firehouse was renovated and expanded in 1995 and meets the space needs of the Department.

The Insurance Service Organization (ISO) collects information on municipal fire-protection efforts in communities throughout the United States. In each of those communities, ISO analyzes relevant data using their Fire Suppression Rating Schedule (FSRS). They then assign a Public Protection Classification

(PPC) from 1 to 10; Class 1 represents exemplary public protection, and Class 10 indicates that the area's fire-suppression program doesn't meet ISO's minimum criteria. By securing lower fire insurance premiums for communities with better public protection, the ISO program provides incentives and rewards for towns that choose to improve their firefighter services.

The Town of Harwinton currently has an ISO rating of 4/8b. In an effort to improve the ISO rating, Harwinton should require developers to include a cistern in all new residential developments. Cisterns will help with water supply issues in the event of a structure fire. The Emergency Services Committee should also encourage both fire departments to work together to improve the town's rating.

### **AMBULANCE SERVICE**

The Harwinton Ambulance Association (HAA) currently shares space with the Harwinton Volunteer Fire Department. In 1982, the HAA signed a 99-year lease agreement for \$1/year. This space no longer meets the Association's current and projected needs.

The 32-member Ambulance Association is currently looking for another location that can house two ambulances, with expansion capabilities to house an additional vehicle if needed in the future. To accommodate overnight crews, separate male and female bunkrooms and restrooms are needed. Due to the nature of emergency responses, the new ambulance garage also needs shower facilities for the decontamination of personnel and facilities for the decontamination of equipment. The new facility needs a day room for crews and, ideally, will have a separate training room. The Ambulance is currently evaluating properties.

### **HOUSING FOR THE ELDERLY**

There is and will continue to be interest in housing facilities for the Town's senior residents. The Wintergreen project with its rehabilitated historic building is located on the Town campus within walking distance to the Library. Additional sites for affordable elderly housing should be explored.

### **FACILITIES AT HARWINTON CENTER**

The historic center of the Town is at the intersection of South Road and Burlington Road. Here are located the historic district, the old Town Hall – now a Community Center – the historic burying ground, the Congregational Church with its architectural dominance, the Town Green with its historic signpost and, a short distance away, the old Theodore A. Hungerford Memorial Library, now used as a museum.

## TOWN GARAGE, DOG POUND AND STORAGE YARD

The Town Garage, dog pound and storage yard are located on a 3.175 acre site next to the Harwinton Agricultural Society Fairgrounds. The original cement block garage was built in 1952, and a substantial addition was built in 1962 to increase the total square footage to 5,816. In 1991 a 3,750 square foot salt and salt/sand storage barn was constructed of concrete with a steel roof and side extensions. This building meets or exceeds all present state regulations for salt storage. In 1997 a 1,500-square-foot new dog pound was constructed as an addition to the east side of the salt barn. This dog pound meets all state regulations and at this time is considered state-of-the-art, often housing other town's dogs on a temporary basis.

A new Town Garage was constructed in 2001. This building is insulated steel, clear span with a maintenance garage, office space, break room, parts room and bathroom facilities. This new garage covers 12,400 square feet and presently houses the entire town's everyday rolling stock. The old garage is used for storage of less-used equipment and as a welding garage. This upgrade of the Town Garage facility should carry the public works needs of the Town for the next twenty-five years or so. The storage yard is a problem, as more space could be used for materials storage, and there is no more room for buildings should the time come as the town continues to grow. A larger site will be needed in the future, or perhaps neighboring property could be acquired. This is something that may need to be considered in the future.

## PROPOSED LAND USE POLICIES

The Connecticut statutory provision for a municipal Plan of Development requires that the plan contain, “the Commission’s recommendation for the most desirable use of land within the municipality for residential, recreational, commercial, industrial and other purposes and for the most desirable density of population in the several parts of the municipality”. The chapter on OPEN SPACE AND RECREATION contains proposals for the recreation requirement. This section covers Residential, Residential Densities, Commercial, and Industrial uses.

## RESIDENTIAL LAND USE POLICIES

The Town is fortunate that several years ago its basic residential policies were set down in the Plan of Development and in the Zoning Regulations that exist today. The Zoning Commission, supported by the Planning Commission, adopted regulations requiring building lots of two acres in the Country Residential (CR) zones and one and a half acres in the Town Residential (TR) zones. The CR zone covers most of the Town and the TR zone most of the rest. (The Lake Harwinton zone is a special-purpose zone that recognizes special lot development around Lake Harwinton, but new construction requires the acre and a half density.)

There is also Multi-Family zone, but because of a lack of sewers in town its use has been limited.

Please see A-12 for a Zoning Map which shows the generalized location of the residential zones.

With the exception of the TR zone, the Town has developed under the patterns required by present zoning regulations. The TR zone includes older portions of town that were developed with smaller lots and fewer controls.

As the maps clearly show, the great majority of land in Harwinton is zoned in at least two-acre lots in the Country Residential zone. The major growth areas of town lay almost exclusively in the CR two-acre zones. Current zoning regulations in Harwinton achieve the valuable goal of protecting the freshwater aquifers from which the private wells on each building lot draw water.

## EXISTING ZONING POLICY

Zoning requirements cover more than permitted uses and lot sizes for residential areas. Equally important are requirements for yards, frontage, setbacks, and floor area, to name only a few. We have printed below the key zoning requirements for the residential zones of Harwinton.

| Zone                     | Min Lot Area (SF) | Min Lot Width | Min Front Yard | Min Side Yard | Min Rear Yard | Min Habitable Floor Area (SF)      |
|--------------------------|-------------------|---------------|----------------|---------------|---------------|------------------------------------|
| CR – Country Residential | 87,120 SF         | 200 ft.       | 60 ft.         | 35 ft.        | 75 ft.        | 950 SF on 1 <sup>st</sup> floor    |
| TR – Town Residential    | 65,340 SF         | 175 ft.       | 50 ft.         | 25 ft.        | 50 ft.        | 950 SF on 1 <sup>st</sup> floor    |
| LC – Lake Harwinton      | 65,340 SF         | 150 ft.       | 35 ft.         | 25 ft.        | 50 ft.        | 950 SF on 1 <sup>st</sup> floor    |
| LA – Lake Harwinton      | 65,340 SF         | 175 ft.       | 50 ft.         | 25 ft.        | 50 ft.        | 950 SF on 1 <sup>st</sup> floor    |
| Multi Family             | 5 acres           | 150 ft.       | 75 ft.         | 75 ft.        | 75 ft.        | 600 SF – 2 room<br>725 SF – 3 room |

These requirements, and the zoning maps showing residential districts, are printed in this Plan of Development because they are sound and will provide well-planned growth. This Plan proposes that they be continued as the foundation of proposed residential densities.

## TO REGULATE FUTURE LAND USE

### RESIDENTIAL POLICIES

1. The key decisions about residential development in Harwinton were made decades ago and before recent development; however, the basic zoning regulations are sound and should be maintained.
2. The text of the zoning and subdivision regulations must be modified when necessary.
3. Both the Planning and Zoning Commissions should consider any proposal that would accomplish the goals of this Plan and the policies of the Town. New ways to design subdivisions that preserve open space and maintain the rural character of the Town will always be an issue and should be carefully and seriously considered while preserving public safety.
4. Driveways and local roads should be engineered and constructed to facilitate easy passage of emergency vehicles. Consideration should be taken in when reviewing lengths of driveways because most fire apparatus carries 1,200 – 1,500 feet of supply hose.
5. The Town may consider researching soil based land use policies, in accordance with CT State Statute Sec. 8-23, e.

### PROPOSED RESIDENTIAL DENSITIES

The present policy of 2-acre density in that part of Town south of Routes 4 and 118 and east of Route 4 northerly should be continued. Because of the necessity to maintain septic systems and on-site wells, it is essential to maintain this policy.

The map in Appendix-12 shows existing Zoning. A statutory requirement, this map is a major part of the Plan of Development. The Zoning Regulations control residential densities in the Town. This plan proposes to keep the existing pattern of residential zoning and no boundary changes are proposed.

In fact, as the Town develops, growth will occur in the two-acre density area where open land is located. However, this portion of Harwinton south of Routes 4/118 contains the large reservations of the Bristol Water Company and the open space of the Roraback Wildlife Area.

As of 2008, the town's residential population density is 184 persons per square mile compared to 209 for the County and 707 for the State.

## AFFORDABLE HOUSING

The State of Connecticut, pursuant to Section 8-23 of the Connecticut General Statutes, requires that a Plan of Conservation and Development address housing, "including housing for both low and moderate-income households." Affordable housing is now an important consideration in planning because, in a municipality (such as Harwinton) with less than 10% affordable housing (calculated via the state's definition, including public housing, rent subsidized housing, state funded CHFA mortgages, and Affordable Housing Developments) a developer may seek a court order for approval of a rejected mixed-income housing development proposal where 25% of all of the units are affordable. Pursuant to the state's Affordable Housing Appeals Procedure, a court will likely grant such an order unless the municipality can show that 10% or more of its total housing units are affordable. Thus, unless Harwinton takes the steps necessary to achieve 10% affordable housing, as required by state statute, developers will likely provide the affordable housing in a manner against the planning wishes of the town and its residents.

If the town wants to avoid affordable housing imposed by developers, and if the town wishes to control where affordable housing will be located, Harwinton must facilitate the construction of affordable housing. The town should consider Affordable Housing Developments. These developments must be designed, constructed, and managed according to formulas set forth in the statute setting requirements for the percentage of total housing units that must be certified as Affordable, the income levels for which the units must be priced, and management standards for how the Affordable Housing units are to be advertised, marketed, and leased or sold. It very well likely may require town funding to establish Affordable Housing Developments. The town could recoup its investment via receiving rental income on the properties or by selling the properties. As a positive incentive for accepting Affordable Housing Developments, a town earns a three-year moratorium from appeals under Sec. 8-30g when a qualifying Affordable Housing Development is completed.

In 2007, the state created a new program to facilitate the creation of affordable housing via Incentive Housing Zones. The State's Office of Policy and Management has a program of direct grants to localities to provide incentives for the creation of Incentive Housing Zones ("IHZ districts") and the implementation of housing within those districts. These grants include Planning Grants to initiate local planning for IHZ's. This program allegedly has a streamlined application procedure and few pre-ordained requirements as to the outcome of the planning process. Torrington has recently received approval for a \$50,000 grant, and Goshen a \$43,000 grant. The Town of Harwinton should immediately seek such a grant, if it has not already done so. There are also state grants available to reward the enactment of Incentive Housing Zones. These grants are structured as a dollar amount for each unit allowable in the IHZ. In addition, the state provides Building Permit Grants to reward the actual construction of Affordable Housing units. These grants are structured as a dollar amount for each building permit issued within the IHZ.

The Planning Commission recognizes that construction of affordable housing in town, particularly if it is partially or fully funded by the town, will create controversy. However, based upon current state law,



the town has no option unless it wants to allow developers to decide where to put affordable housing. This is a matter of utmost priority for the town to address and the Board of Selectman must address this issue immediately.

The town should also try to comply with the state affordable housing requirements, along with promoting Harwinton's goal of providing sufficient housing for its elderly citizens, by exploring establishing programs to develop more affordable rental housing for low-income elderly residents. Affordable elderly housing provides elderly residents the opportunity to continue to reside within the community where they have lived and not be forced to move elsewhere. Such housing is a critical concern statewide.

With regard to determining suitable and needed affordable elderly housing, the town should establish a committee to explore: 1) the type(s) of affordable elderly housing to develop in Harwinton; 2) potential sites in town for such affordable elderly housing; and 3) non-profit organizations who might be willing to partner with the town in the development of affordable elderly housing.

With regard to the type of affordable elderly housing to develop in Harwinton, there is a large and growing need for independent living facilities for the elderly and those with disabilities. These facilities are not, and should be distinguished from, nursing homes, residential care facilities, assisted living facilities, congregate living facilities, and continuing care retirement communities. Independent living facilities provide rental housing for those senior citizens, and younger persons with disabilities, whose physical health allows them to live independently without assistance. There is currently a shortage of independent living facilities in the state and a long waiting list to obtain a residence in one. An independent living facility should be developed with a non-profit organization to provide affordable housing for low-income, independent senior citizens and disabled persons.

## ECONOMIC DEVELOPMENT

In keeping with the community's rural character, careful consideration must be given to the further development of existing sites or development of future sites. Positive changes can help control the impact on the appearance of the community and may have significant implications for the tax base of Harwinton. The Town's goal should be to retain and attract businesses, sustain business investment, and create economic opportunity and jobs.

The Planning Commission recommends the following:

1. Review and enact zoning regulations that are conducive to the development of a town center, and identify a market niche for the area.
2. Reaffirm the policy of permitting home-based businesses when they are compatible with single family neighborhoods.

3. Encourage private investment in brownfield site(s). Continue to secure federal and state help to clean up and monitor the site(s).
4. Expand the Town's tax base and employment opportunities through existing businesses or by attracting new businesses to suitable locations within the community.
5. Give priority to those prospective businesses that would support existing businesses, provide employment opportunities for residents, and not overburden the ability of the Town's infrastructure to provide necessary services.
6. Continue to use the Litchfield Hills Council of Elected Officials (LHCEO) as a resource tool for assessing economic development in the region that impacts how Harwinton modifies or expands its economic plan.
7. Examine the feasibility of a small office park, which could promote the diversity of businesses and commercial uses.
8. Determine the responsibility of the developer in providing and extending Town services prior to approval of any commercial development proposal. The burden for providing services to any development should not fall solely upon the public.
9. The Economic Development Commission should be established and tasked to identify areas in town suitable for industrial and commercial operations.
10. Encourage Mitral site for smart development once it has been deemed "clean" by the government.
11. There are three "Gateways" to Harwinton: Route 118 near Route 8, Route 4 near the Torrington border, and Route 4 near the Burlington border. Focus, rather than scatter, the development of light industrial and/or commercial sites at the Town's gateways of Routes 4, taking into consideration the architectural and rural community flavor of the area.
12. As funds are available, participate in regional economic development efforts that can assist Harwinton businesses such as the Litchfield Hills Micro Loan Program and the Litchfield Hills Regional Façade Improvement Program.

## COMMERCIAL DEVELOPMENT

There are three basic land uses in a Connecticut municipality: Residential, Commercial, and Industrial. Of the three, Commercial is usually the most controversial. It is the battle for Commercial zoning that creates the warehouse store and shopping center wars that are so disruptive to orderly growth. Not so in Harwinton.

## COMMERCIAL POLICIES

1. There appears to be little demand in Harwinton for expanded commercial uses by either residents or commercial developers. Land presently zoned for commercial uses contains land for expansion.
2. Present zoning regulations for commercial uses are workable and effective.
3. Future commercial development should be at or near present zones. Centers should be well-landscaped and small scale.
4. The Town should keep an open mind as to commercial development and seriously review ideas that would benefit it.

## PRESENT PATTERNS OF COMMERCIAL DEVELOPMENT

Almost all commercial uses in Town are located on land zoned for commercial use. The exceptions to this are home-operated service businesses, which may or may not be governed under zoning, but they have little impact on the Town.

There are two commercial zones in Harwinton, a Retail Service (RS-A) zone and a Planned Retail Service (RS-B) zone.

The Retail Service zones (RS-A) are scattered along Routes 4 and 118 from the fire station west and along Route 4 as it turns north toward Torrington. Retail development is small in scale and conforms to the development patterns of the Town.

The Planned Retail Service zone (RS-B) is located across from the Consolidated School on Route 118. This zone, which consists of 40 acres, was clearly intended to be more tightly controlled and design-restricted.

All commercial development is permitted only by special permit, which requires site plan approval and is controlled by parking, landscaping, and sign restrictions.

Both zones are shown on the Zoning Map in A-12.

## PROPOSED COMMERCIAL POLICY

There appears to be little demand for additional retail outlets by town residents. The following proposals for changes and new direction are offered for consideration:

- The 1,000 foot restriction from a town line for restaurants serving liquor seems somewhat limiting.
- If there is ever an opportunity for the construction of a new small shopping center, it should be located on Route 4 approaching Torrington. Development should be of small scale, set well back from the highway with well-designed buildings, landscaping and controlled signs.
- The future of the airport land, zoned for Industrial use, is unknown. The Town should stay flexible and open to any good ideas that will serve the Town, its citizens, and its tax base.
- The Town of Harwinton is encouraged to provide continued support for the growth of the Harwinton Fair. The annual fair takes place the first weekend in October and is a long-standing town event that highlights and encourages businesses in town. This event draws people from other towns far and wide.
- The Town should establish an Economic Development Commission that would encourage dialogue about Commercial Development proposals.

## INDUSTRIAL

Industrial uses in Harwinton cover a wide range of activities, from the Torrington Sewage Disposal plant to small shops and the businesses in the Clearview Storage Park.

### EXISTING PATTERNS OF INDUSTRIAL DEVELOPMENT

The Town has two Industrial zones, a Light Industrial Zone A (LI-A) and Light Industrial Zone B (LI-B). Both are intended for light, non-polluting industries. Both are special-permit zones requiring site plan approval. The LI-B requires a ten acre site.

Both zones are shown on the Zoning Map in A-12.

## PROPOSED INDUSTRIAL POLICY

1. The Town tax base must be broadened. While there appears to be little pressure for additional industrial development, the Town should be open to any proposal which is well designed, does not impact the residential character of the Town, has highway access, and is not harmful to the environment.
2. The Town should establish an Economic Development Commission that would encourage dialogue about Industrial Development proposals.

There appears to be universal agreement that it would be beneficial to increase Harwinton's tax base. However, there seems to be no pressure to provide additional industrial sites.

Industrial uses in rural communities range from haphazard construction to well-planned office areas that have landscaping and large grounds and are appropriate neighbors to most residential properties.

Assuming that no use should be permitted that is damaging to the Town or neighborhood either visually or environmentally, a good industrial use for Harwinton would have the following characteristics:

1. Professional design, in keeping with the rural character of the Town.
2. Underground utilities
3. Large, well landscaped lots with low coverage
4. Uses which generate no noise, no waste, no outside storage
5. Uses which are usually limited to one story
6. Uses that have no adverse visual impact on neighbors
7. Adequate buffers to adjacent residential zones

Please see the Zoning Map in A-12.

## IMPLEMENTATION OF THE PLAN

Critical to the success of any plan is the approach taken to its implementation. The Planning Commission expects this document to serve as a reference and guide for the Board of Selectmen and various commissions of the Town of Harwinton. The Planning Commission also expects that the plan may need to evolve over the next ten years as economic and demographic trends change in the Town. With commitment and accountability by the members of Town government and a proactive approach to implementation, the Commission believes this Plan can be a useful and worthwhile tool for the future.

### ESTABLISHING COMMITMENT AND ACCOUNTABILITY

Upon completion of the plan, it should be made available to residents and other interested parties through the town's web site. In addition, the Plan will be referred to the Regional Planning Agency and a copy filed with the Town Clerk. After public noticing in a local newspaper, a Public Hearing will be held, any necessary revisions made, and the draft referred to the Board of Selectmen.

Once adopted, the three selectmen, all town commission members and key Town employees should be given hard copies and should reference this document when considering changes to regulations or policy.

### IMPLEMENTING THE RECOMMENDATIONS

#### MODIFICATION OF REGULATIONS AND STANDARDS

Once the Plan of Conservation and Development has been finalized and accepted, the Planning Commission will need to work with the Board of Selectmen, the Town Engineer, and certain Commissions to ensure that regulations and ordinances are modified as appropriate to support the recommendations. Primary on this list will be a review of the Zoning, Inland Wetlands, and Subdivision Regulations. This work should be started within two years following adoption of the plan. An ongoing review of the Plan vis-a-vis Zoning, Wetlands and Subdivision regulations should be conducted on an annual basis, driven by the First Selectman and the Town Engineer. In addition, construction standards within each set of regulations should be reviewed against other towns' standards and the stated objectives and updated as appropriate.

## DETERMINING NEEDED MUNICIPAL IMPROVEMENTS

A committee should be formed to identify needed improvements to the town's infrastructure, including:

- Transportation
- Schools
- Emergency services
- Community center
- Senior housing and services
- Recycling center
- Communication of information to residents (website, signs, etc.)
- Other services (e.g., internet access, business support)

This committee should include representatives from all Commissions, the Board of Finance, and interested groups and will be responsible for:

- Determining needed and desired improvements
- Evaluating costs and benefits of potential improvements
- Prioritizing potential improvements and developing recommendations
- Presenting recommendations to the Board of Selectmen and town residents as appropriate
- Monitoring implementation of recommendations

This committee should be established one month after Plan adoption and should be expected to complete its review and recommendations within one year of adoption. A smaller subcommittee will be needed to monitor ongoing implementation and to evaluate the need for the attention of a larger group again in subsequent years. The Board of Selectmen will be accountable for ensuring that this Committee is re-formed if resident input determines the need for additional improvements.

A Trail Development Committee and Elderly Affordable Housing Committee should also be established or become the responsibility of a current committee.

## ACCESSING AVAILABLE MONIES

The Board of Selectmen should continue to pursue available funds for land acquisition and preservation, including state, grants, and matching funds. They should work with the Conservation Commission and Harwinton Land Trust to identify parcels of interest and possible approaches for acquisition.

## MANAGING ECONOMIC DEVELOPMENT

A crucial element to the success of this plan will be proactive attention to economic development. As described earlier, some commercial enterprise will help improve the tax base of the Town, making it more affordable for residents to remain. This will need to be actively managed in order to maintain the desired balance with rural character. An Economic Development Council should be established with the ongoing charge to:

- Define desired business characteristics
- Determine possible sites (by industry type)
- Seek out potential businesses for relocation to Harwinton
- Identify new business opportunities for start up in Harwinton
- Work with business owners to determine infrastructure needs and evaluate risk/return
- Determine potential incentives, if appropriate
- Work with business owners to coordinate transition
- Monitor success and report results

Clearly, the success of this council will require the commitment at some level of resource by the Town. While we initially expect this to be a volunteer activity, the group must have adequate representation and be supported as needed by Town staff. The Council will be expected to report on activities at the Selectmen's meetings. The First Selectman will be accountable for ensuring the success of this Council and will have the authority to make changes as needed.



## ONGOING UPDATING TO THE PLAN OF CONSERVATION AND DEVELOPMENT

Based on the experience of the current Planning Commission, we recommend that the Board of Finance set aside funds for consultant help in updating and creating the next required Plan of Conservation and Development. While the involvement of local people and direction by the Planning Commission is critical, it was essentially impossible for a volunteer board with a heavy load of development requests to complete the process in the time required. Setting aside funds over the next 8 years should ensure that the next Plan is completed in a more timely manner. In addition, the Town should consider funding a build-out analysis to help shape the next Plan of Development.

## **ACKNOWLEDGEMENTS**

The Harwinton Planning Commission would like to thank the following sources that provided valuable input during the preparation of this Plan of Conservation and Development:

Litchfield Hills Council of Elected Officials (LHCEO) – Census Data

LHCEO – Regional Transportation Plan

LHCEO – Naugatuck River Greenway Assessment

LHCEO – Profile of the Litchfield Hills Region 2006

Harwinton Ambulance Association

Harwinton Westside Volunteer Fire Department

John Fredsall, Harwinton Highway Supervisor

Michael D. Rybak, Town Attorney

Roger Plaskett – Town Historian – Harwinton Historical District

Harwinton Conservation Commission

Harwinton Housing Authority

Harwinton Water Pollution Control Authority

Harwinton Public Library, Board of Directors

Harwinton Open Space Committee

The Planning Commission would also like to thank past members for their contribution in bringing the Plan of Conservation and Development to completion. Those past members are:

Christopher Beyus, former Chairman

Lawrence Connors, former Chairman

Susan McClen, former Secretary

Kathleen Deprey

Cathleen Gautherin

Roger Johnson

Martin Peabody

Roland Perreault

Judith Pleau

Donald Prigitano

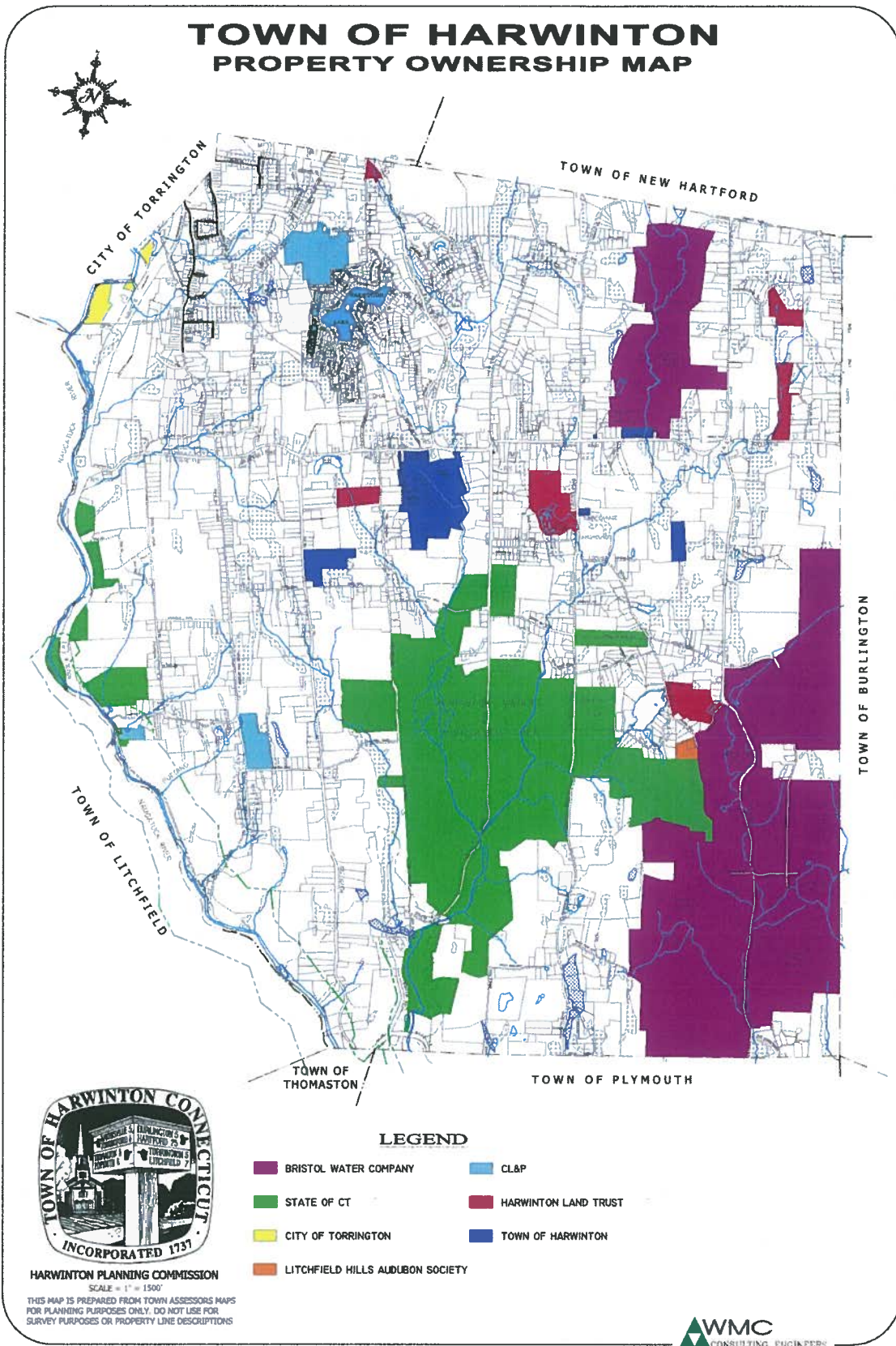
Scott Ragaglia

Special thanks also to Henry Camp and Janet Burritt for their contribution and insight that they always bring to the town.



## **APPENDIX**

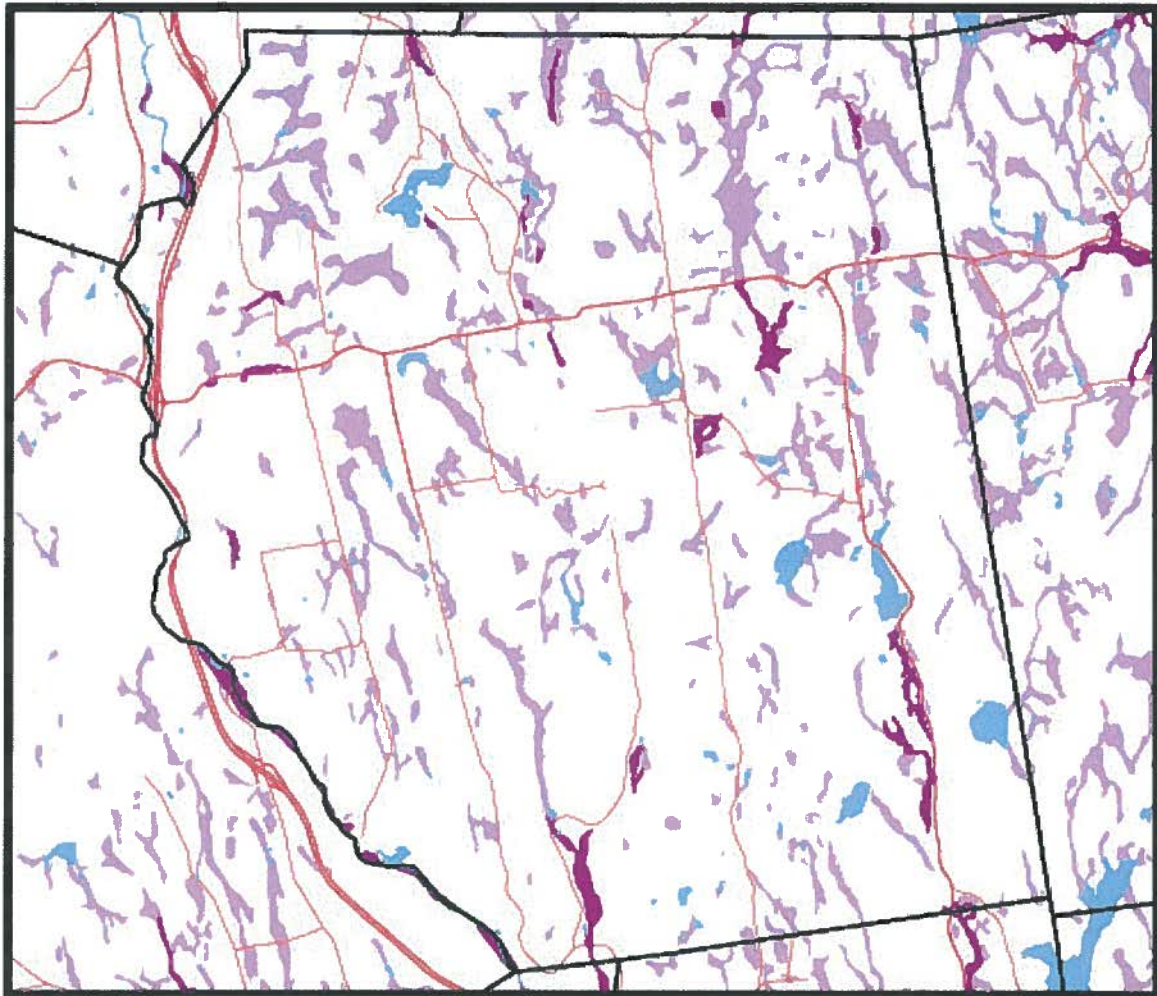
- A-1 HARWINTON OWNERSHIP MAP**
- A-2 WETLANDS SOILS**
- A-3 SURFACE WATER**
- A-4 SURFACE WATER QUALITY**
- A-5 REGULATED LANDS MAP**
- A-6 2002 LAND COVER**
- A-7 NAUGATUCK RIVER GREENWAY (SECTION 1)**
- A-8 NAUGATUCK RIVER GREENWAY (SECTION 2)**
- A-9 NAUGATUCK RIVER GREENWAY (SECTION 3)**
- A-10 HARWINTON DRAINAGE MAP**
- A-11 HARWINTON PUBLIC UTILITIES MAP**
- A-12 HARWINTON ZONING MAP**
- A-13 HARWINTON SLOPES MAP**
- A-14 HARWINTON ACREAGE MAP**



# Harwinton, CT

# Wetland Soils

## Community Resource Inventory Map Series



### Legend

- Towns
- Primary Route
- Secondary Route
- Alluvial and floodplain soils
- Poorly/very poorly drained soils
- Water



0 0.250.5 1 1.5 Miles



**More Information:** Visit <http://clear.uconn.edu/projects/cri>

**Data source:** Natural Resources Conservation Service (NRCS) by way of the CT DEP <http://www.ct.gov/dep/gis/>

This project was funded in part by the CT DEP through an EPA Clean Water Act Section 319 Nonpoint Source Grant. NEMO is an educational program of the Center for Land use Education and Research (CLEAR) at the University of Connecticut.

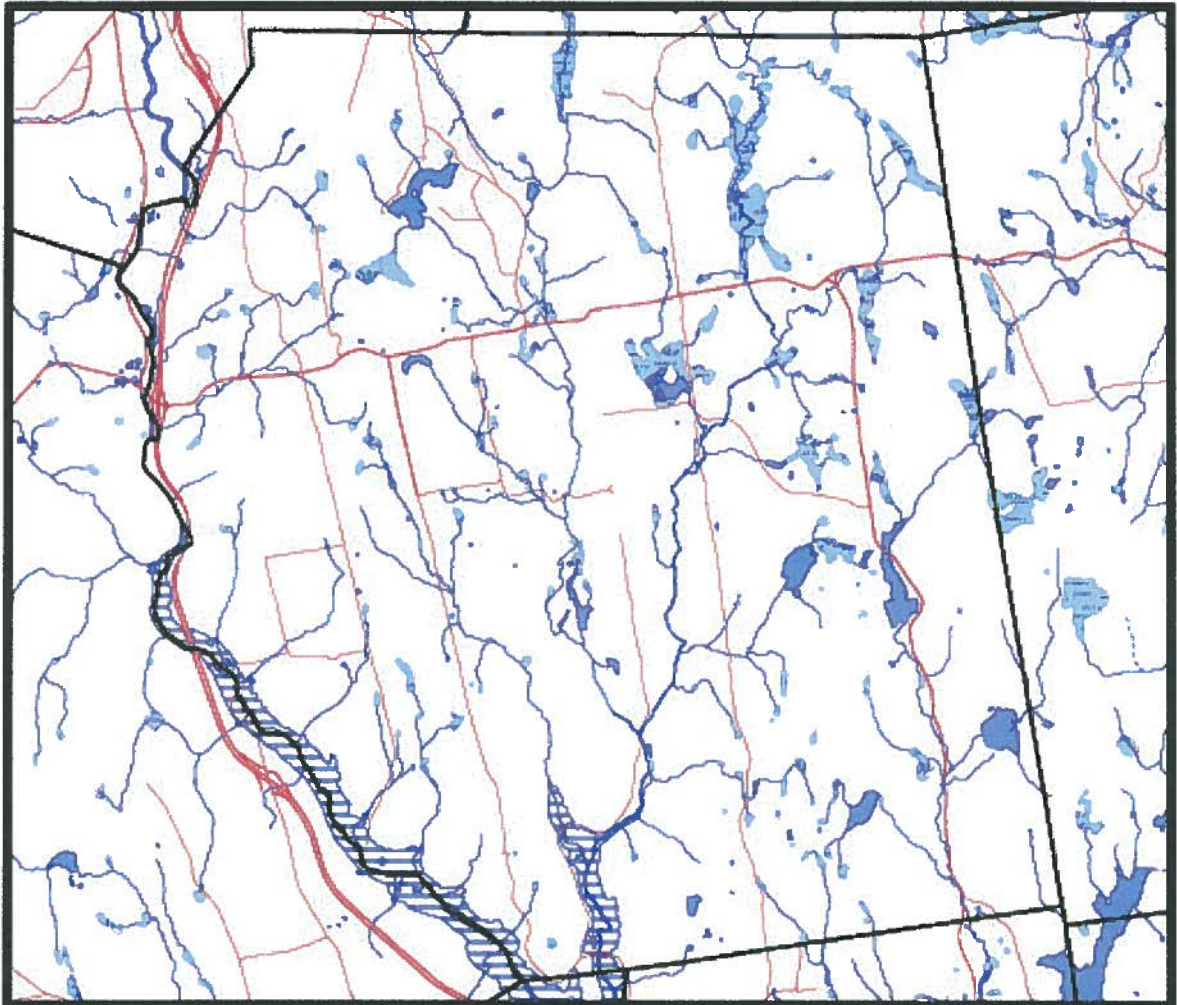
These maps are intended for general information and planning purposes only. They contain no authoritative positional information.



# Harwinton, CT

# Surface Water

## Community Resource Inventory Map Series

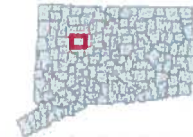


### Legend

- Towns
- Primary Route
- Secondary Route
- Flat
- Intermittent Water
- Water/Shore
- Water
- Intermittent Water
- Flats
- Rocks
- Inundated Area
- Marsh on Quad



0 0.25 0.5 1 1.5 Miles



**More Information:** Visit <http://clear.uconn.edu/projects/cr>

**Data source:** CT DEP <http://www.ct.gov/dep/gis/>

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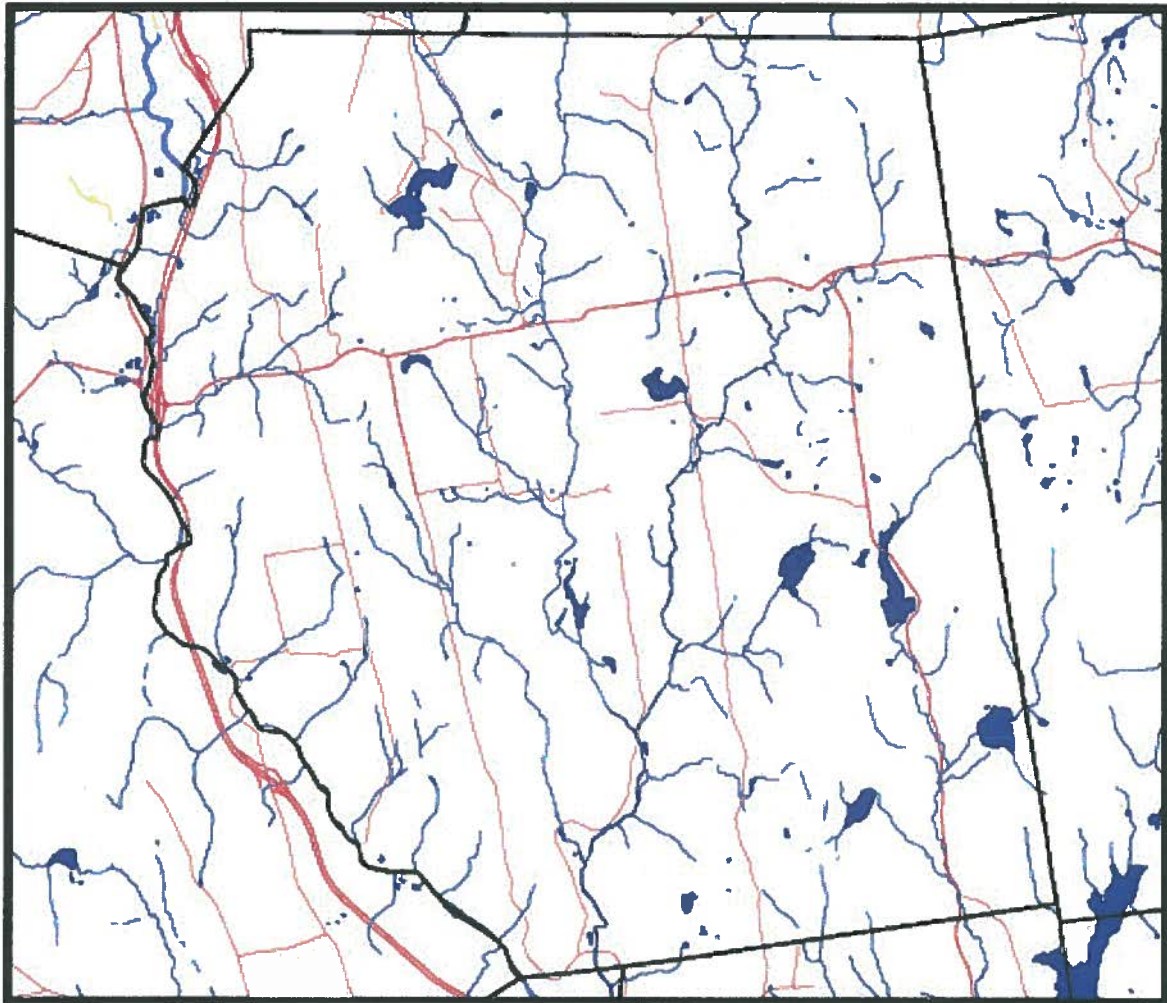




# Harwinton, CT

# Surface Water Quality

## Community Resource Inventory Map Series



### Legend

- Towns
- Primary Route
- Secondary Route

### Surface Water Quality

- Good to excellent natural quality (A, AA)
- Fishable, swimmable (B)
- Natural quality may be threatened (B/A, B/AA)
- Impaired (C/A, C/B, D/B)
- Coastal good to excellent natural quality (SA)
- Coastal fishable, swimmable (SB)
- Coastal impaired



**More Information:** Visit <http://clear.uconn.edu/projects/cri>

**Data source:** CT DEP <http://www.ct.gov/dep/gis/>

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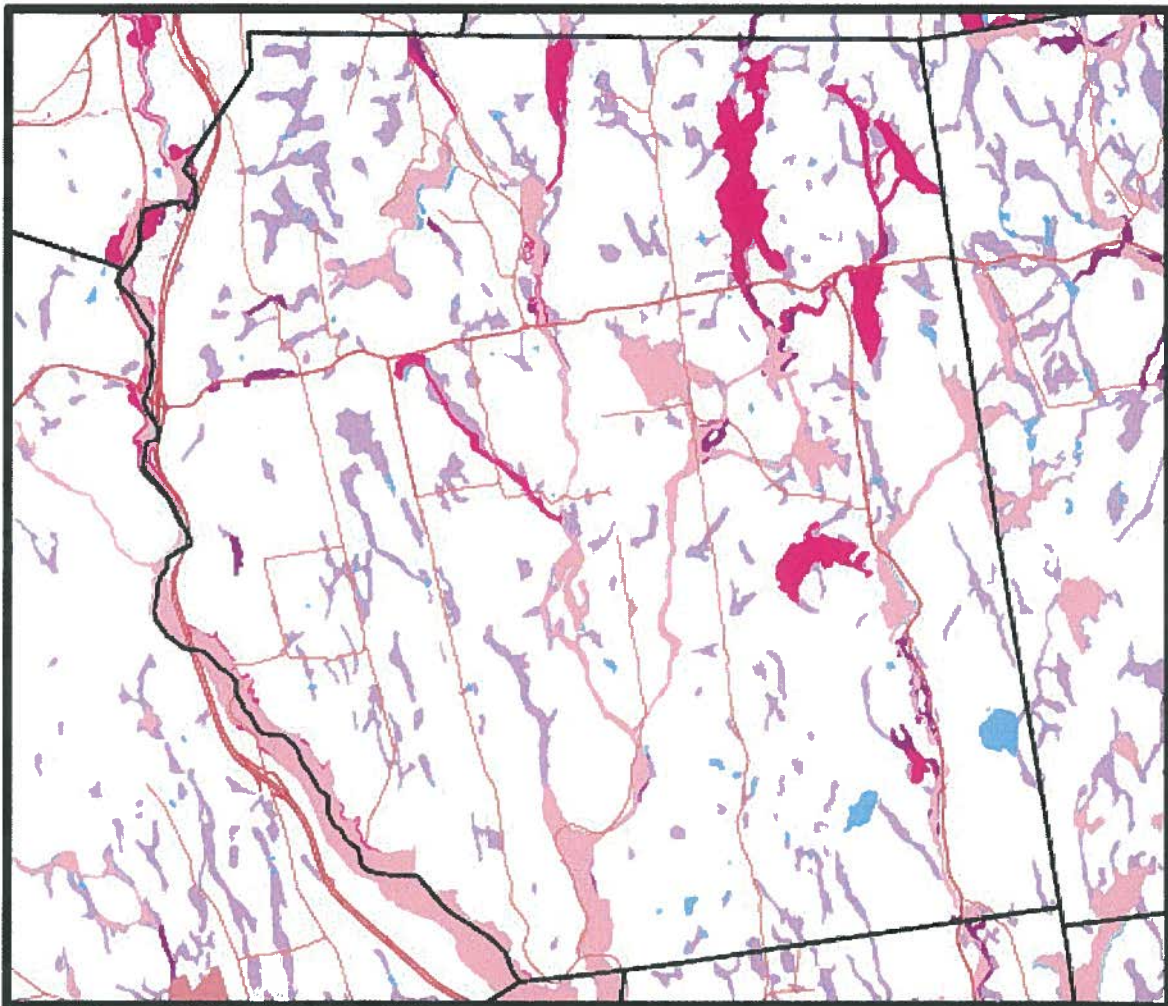
These maps are intended for general information and planning purposes only. They contain no authoritative positional information.



# Harwinton, CT

# Regulated Lands

## Community Resource Inventory Map Series



### Legend

- Towns
- Primary Route
- Secondary Route
- Alluvial and floodplain soils
- Poorly/very poorly drained soils
- Water
- 100 Year Flood Zone
- 500 Year Flood Zone
- Floodway in Zone AE
- Other Flood Areas
- Coastal Boundary
- Adopted
- Final
- Preliminary



0 0.25 0.5 1 1.5 Miles



**More Information:** Visit <http://clear.uconn.edu/projects/cr/>

**Data source:** CT DEP <http://www.ct.gov/dep/gis/>

Quifer Protection Areas updated December 2007.

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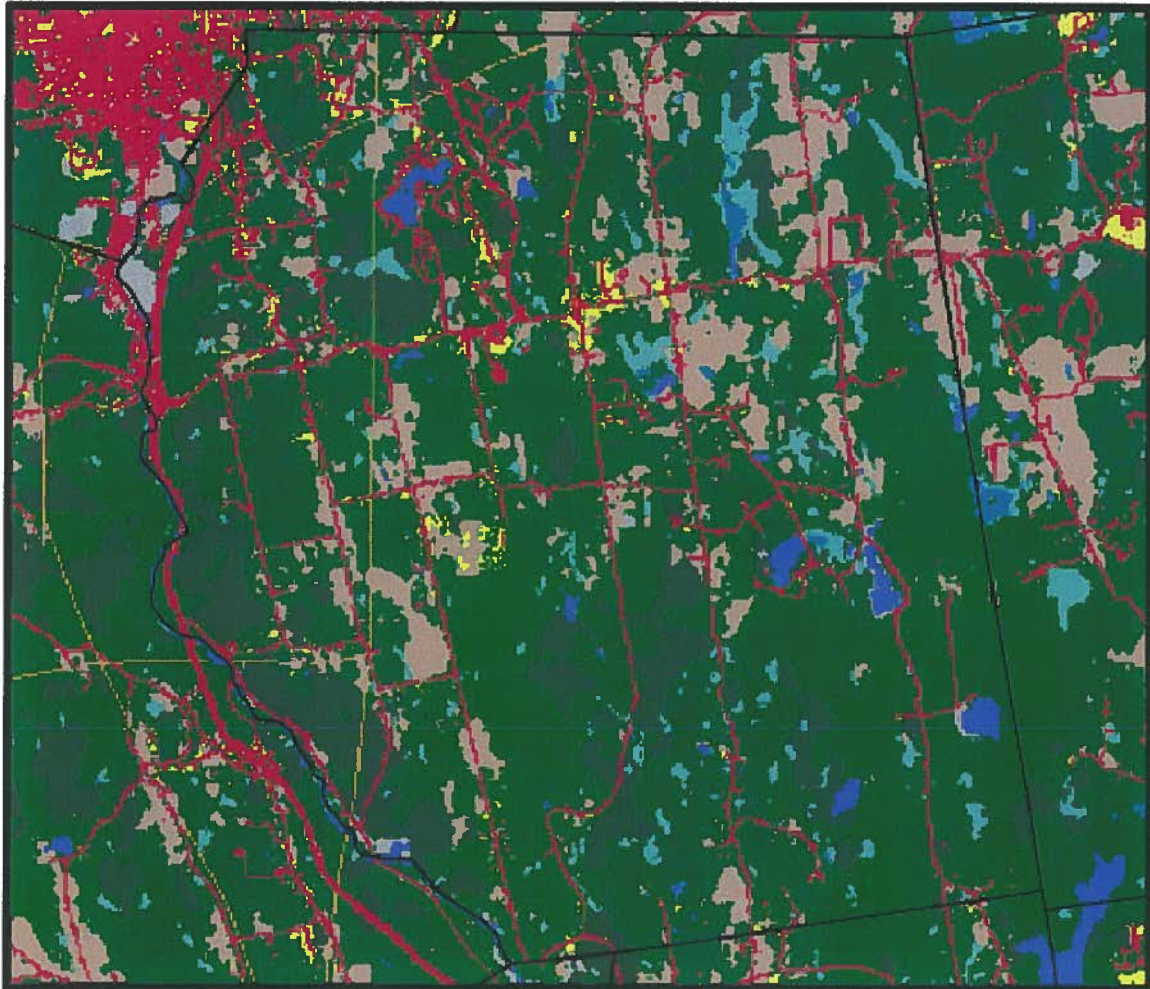
These maps are intended for general information and planning purposes only. They contain no authoritative positional information.



# Harwinton, CT

# Land Cover

## Community Resource Inventory Map Series



### Legend

- Towns
- 2002 Land Cover Classes**
- Developed
- Turf and Grasses
- Other Grasses and Ag.
- Deciduous Forest
- Coniferous Forest
- Water
- Non-forested Wetland
- Forested Wetland
- Tidal Wetland
- Barren
- Utility Right-of-way



0 0.2 0.4 0.8 1.2 Miles



**More Information:** Visit <http://clear.uconn.edu/projects/cri>

**Data source:** The 2002 land cover was created by the Center for Land Use Education and Research (CLEAR) at the University of Connecticut. Visit <http://clear.uconn.edu/projects/landscape> for more information.

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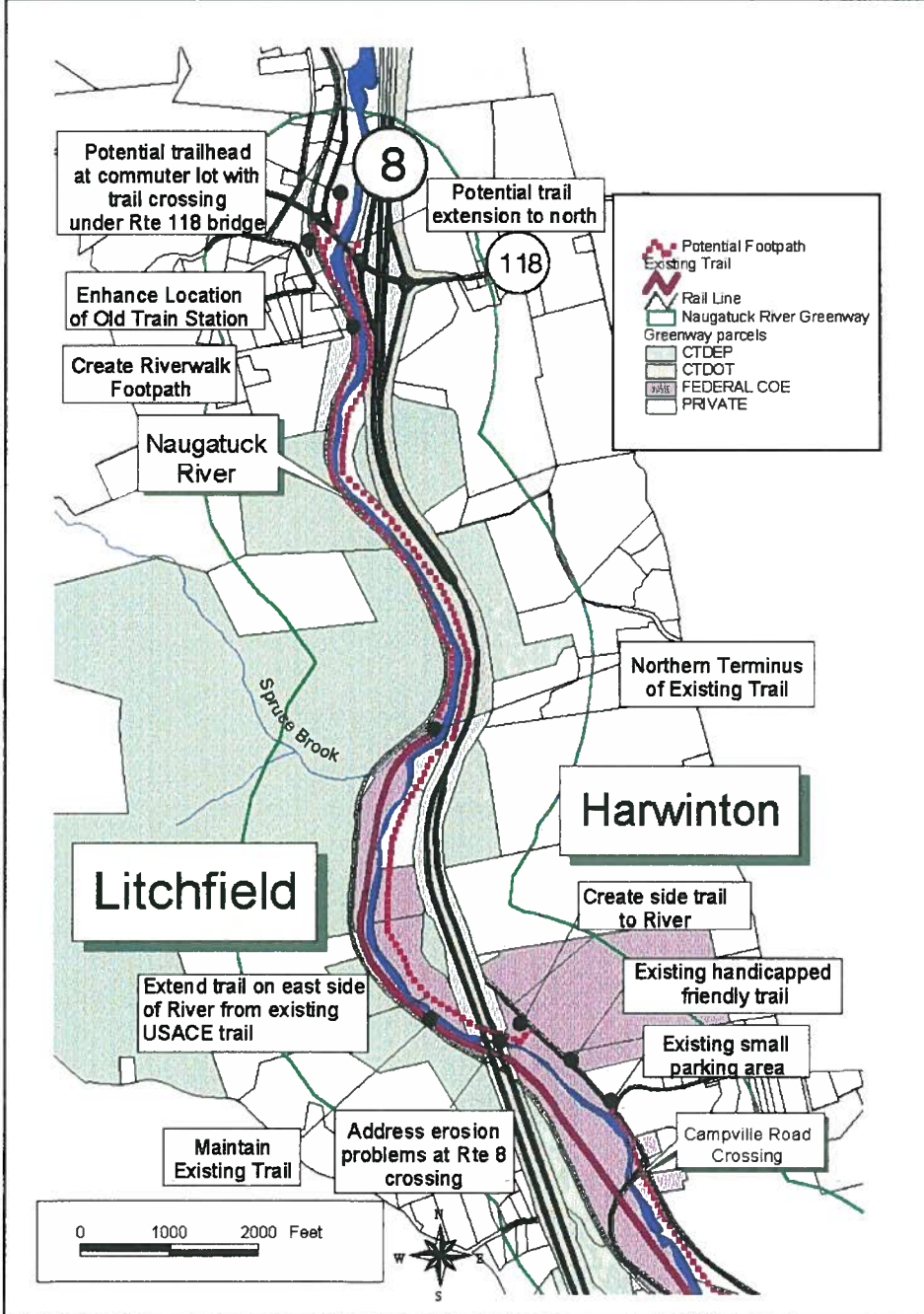


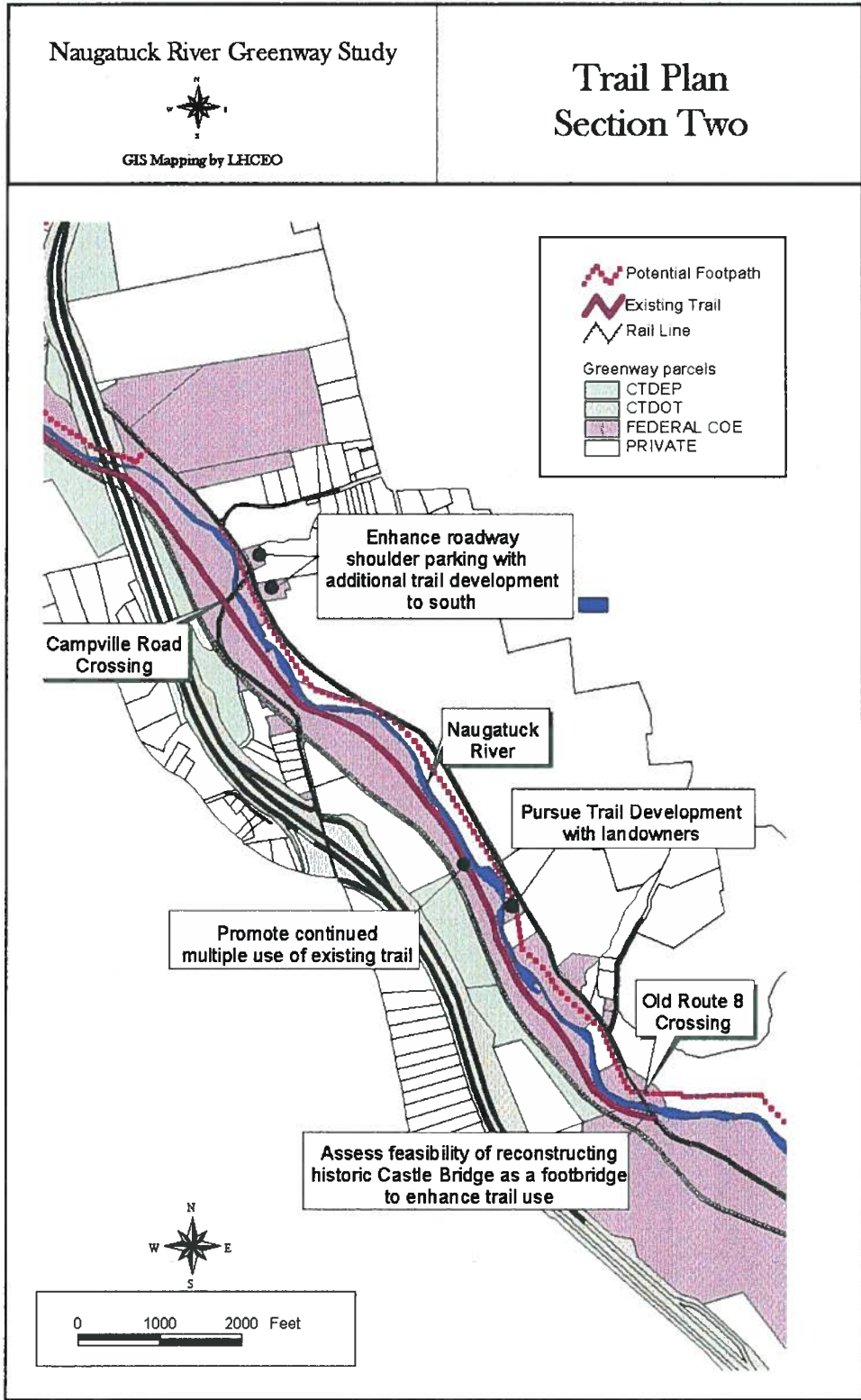
### Naugatuck River Greenway Study

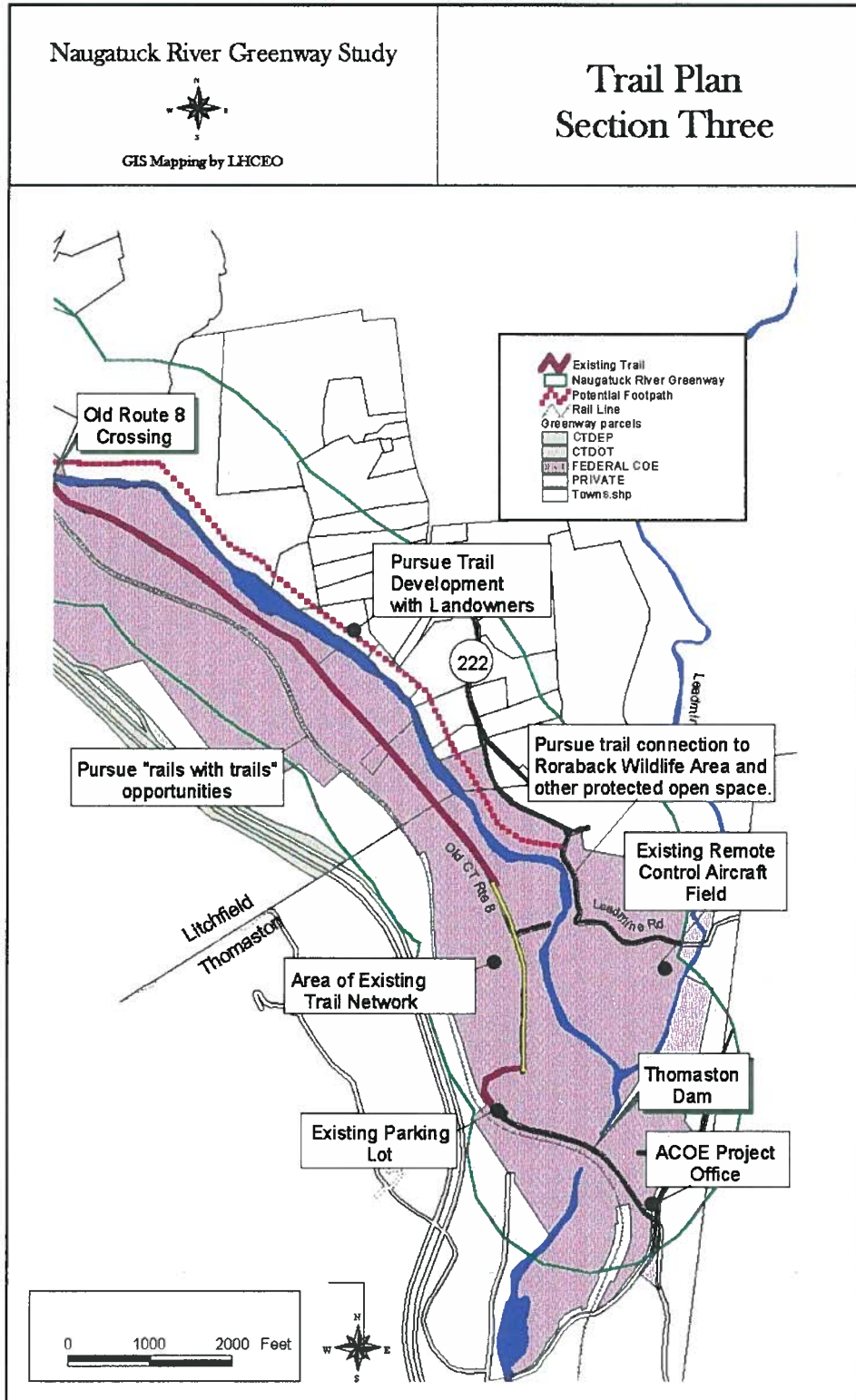


GIS Mapping by LHCEO

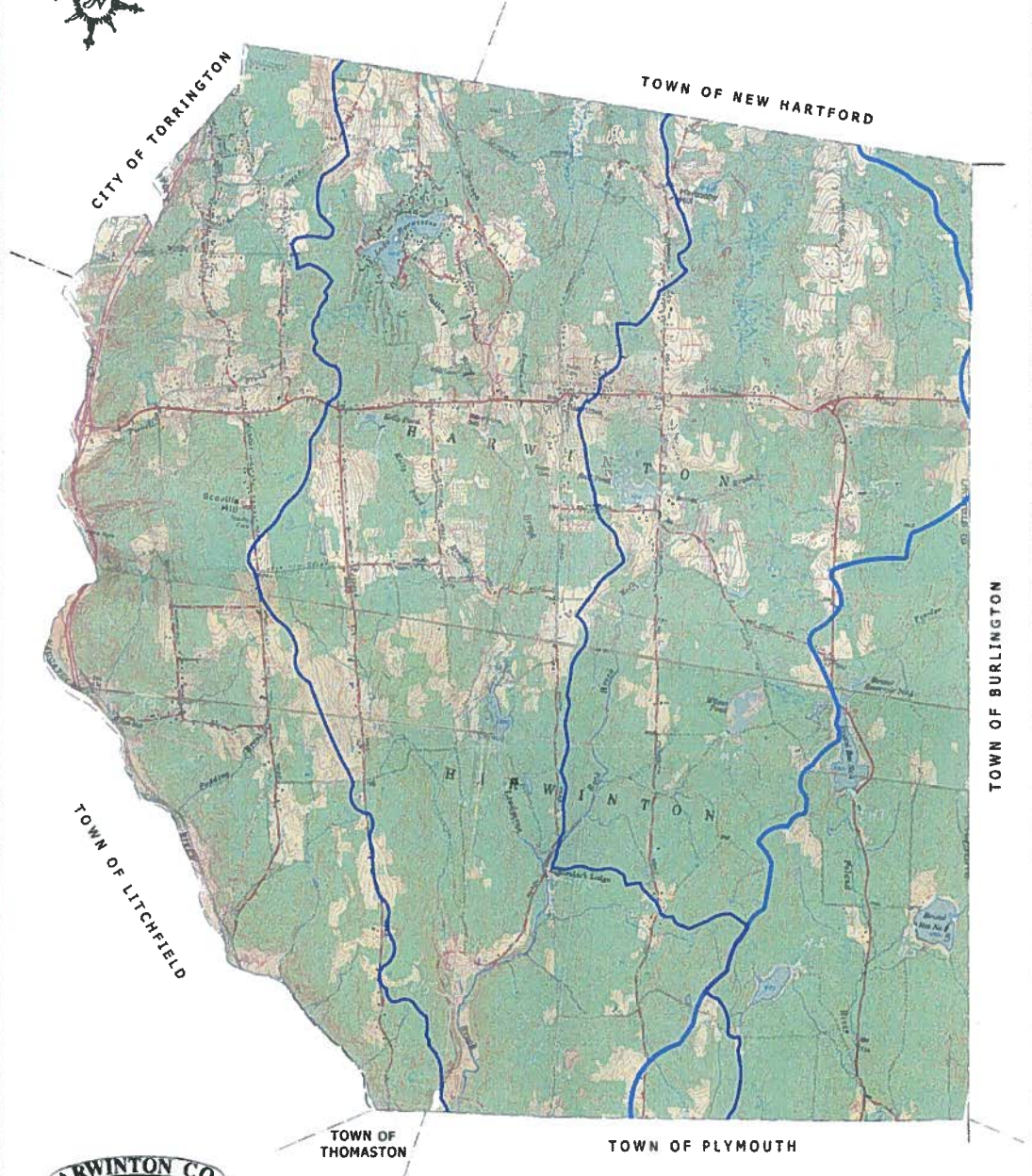
### Trail Plan Section One







# TOWN OF HARWINTON NATURAL DRAINAGE AREA MAP



HARWINTON PLANNING COMMISSION  
SCALE = 1" = 1500'

THIS MAP IS PREPARED FROM TOWN ASSESSORS MAPS FOR PLANNING PURPOSES ONLY. DO NOT USE FOR SURVEY PURPOSES OR PROPERTY LINE DESCRIPTIONS

### HOUSATONIC RIVER BASIN

- A NAUGATUCK RIVER SUBREGION DRAINAGE BASIN
- B LEADMINE BROOK SUBREGION DRAINAGE BASIN
- C ROCK BROOK SUBREGION DRAINAGE BASIN



