

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

Town of Litchfield

Town of Litchfield

Connecticut

Inland Wetlands Commission



Inland Wetlands and Watercourses Regulations

**Adopted August 21, 1973,
revised 6/89, 8/91, 12/94, 3/96, 2/97, 5/98, 4/99, 4/00, 3/05, 8/07, 7/13**

*Town of Litchfield
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 uses 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 the 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 of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Litchfield."
- 1.3 *The Inland Wetlands Commission of the Town of Litchfield was established in accordance with an ordinance adopted October 17, 2000, revised May 2002, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Litchfield.
*Formally Conservation Commission of the Town of Litchfield adopted by Ordinance August 21, 1973.
- 1.4 These regulations have been prepared adopted and may be amended, from time to time, in accordance with the provisions of Sections 22a-36 through 22a-45 of the Connecticut General Statutes by The Litchfield Inland Wetlands Commission, as authorized by ordinance of the Town of Litchfield .
- 1.5 Pursuant to the General Statutes of the State of Connecticut, the Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall grant with conditions, or deny all regulated

activities on inland wetlands and watercourses in the Town of Litchfield pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

1.6 Specific duties shall include:

- a. To establish, change or repeal inland wetlands and watercourse regulations and boundaries of inland wetlands and watercourses.
- b. To hear, consider and decide upon petitions for changes in the inland wetlands and watercourses regulations.
- c. To hear, consider and decide upon application for regulated activities involving inland wetlands and watercourses and to determine whether proposed activities are exempt from or otherwise not subject to the regulations.
- d. To take the appropriate actions to enforce the inland wetlands and watercourses regulations and conditions of permits.
- e. Connecticut General Statutes Section 16-235 allows the agency to regulate and restrict with respect to impact on inland wetlands and watercourses, the proposed location of any steam plant, gas plant, gas tank or holder, water tank, electric substation, antenna, tower of earth station receiver of any public service company NOT subject to the jurisdiction of the Connecticut Siting Council.

Section 2 ***Definitions***

2.1 As used in these regulations:

"Act" means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45 of the General Statutes, as amended.

"Agency" means the Inland Wetlands Commission for the Town of Litchfield.

"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.

"Commission member" means a member of the Inland Wetlands Commission of the Town of Litchfield.

"Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Energy and 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 agency to carry out its functions and purposes.

"Discharge" means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

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

"Farming" means, 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 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, 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.

"Feasible" means able to be constructed or implemented consistent with sound engineering principles.

"License" means the whole or any part of any permit, certificate of approval or similar form of permission, which may be required of any person by the provisions of sections 22a-36 to 22a-45, inclusive.

"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 practice include but are not limited to erosion and sedimentation controls; restriction 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 time when water flows are low and fish and wildlife will not be adversely affected.

"Marshes" are watercourses that 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, peat, mud, debris, sand, refuse or waste.

"Municipality" means the Town of Litchfield.

"Nurseries" means places where plants are grown for sale, transplanting or experimentation. .

"Permit" means the whole or any part of any license, certificate or 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 Commission.

"Permittee" means the person to whom such 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 (i) any operation 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, and (ii) any earth-moving, filling, construction, or clear-cutting of trees or installation of septic systems within one hundred (100) feet, measured horizontally from the boundary of the wetlands or one hundred fifty (150) feet, measured horizontally from the ordinary high water mark of watercourses or within 200 feet of watercourses as defined by a pond or lake with a surface area greater than 5 acres. Since the environmental impact of proposed activity may, in some instances, come from outside the physical boundaries of a wetland or watercourse, the intent of these regulations is to regulate these adjacent areas and thereby implement the statutory authority necessary to effectuate the legislative purpose set forth in the Connecticut General Statutes 22a-36. Regulation means the construction of or alteration of ponds, including any construction to alter or create a wetland, but shall not include the activities specified in Section 4 of these regulations. The agency may rule that any other activity located within such upland area or any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

"Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, drag-line 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" means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

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

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

"Swamps" are areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs. Red Maple is the most characteristic tree of the wooded swamp, with black gum and black ash as frequent associates. A conspicuous shrubbery under story of high bush blueberry, spicebush, sweet pepperbush, clammy azalea and other wetland shrubs may be present and a rich diversity of wildflowers such as marsh-marigold, skunk cabbage, jewelweed, violets, and cardinal flower may also be present. Shrub swamps represent another swamp type, where alders, willows, button-bush and other shrubs can form relatively pure or mixed stands. Occasionally trees may be associated with a shrub swamp. However, a high water table often favors certain shrubs, such as buttonbush, over trees. In swamps the underlying deposits are often relatively shallow and usually highly organic. Swamps may develop through gradual invasion of marshes by woody species or directly, as in poorly drained depressions.

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

"Town" means the Town of Litchfield.

"Vernal Pool" – means small bodies of standing fresh water that are most obvious in the landscape during the spring of the year and must have the following characteristics (a) Contains water for a minimum of two months during the growing season, usually the spring, (b) occurs within a confined depression or basin that lacks permanent outlet streams, (c) lacks a fish population, (d) dries out

most years, usually by late summer, (e) serves as a habitat for one or more obligate species. (Obligate species shall include, but not be limited to, fairy shrimp, spotted salamander, eastern spadefoot toad, Jefferson salamander, marbled salamander and wood frog.)

The regulatory boundary of a vernal pool is defined as the lower of (a) and (b) or the elevation as defined by (c) below:

- a. A maximum elevation of a topographical depression that holds water for a minimum of two (2) continuous months.
- b. The maximum observed or recorded water level in a topographic depression.
- c. The maximum water elevation based on a theoretical one year storm of a total of 2.6 inches of water in 24 hours taking into account the ground water that the basin is holding at the beginning of spring amphibian breeding season.

"Waste" means sewage or any natural or man-made substance, liquid, gaseous, solid or radioactive, hazardous waste or toxic waste, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

1. Hazardous waste includes materials which may pose or present a potential hazard to human health or the environment including but without limitation hazardous waste identified and listed in the Code of Federal Regulations Part 261, 20 through 33, as amended or as superseded by subsequent regulation or which meets the criteria outlined in Part 261, 20 – 24 of said code.
2. Toxic waste includes substance shown in scientific studies to have toxic, carcinogenic mutagenic, or teratogenic effects on humans and other life forms.

"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 the Town or any other portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive. Intermittent watercourse 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 or recent alluvium or detritus, (b) The presence of standing or flowing water for a duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a components, however small of groundwater outflow or infiltration, and (c) the presence of or ability to support the growth of hydrophilic 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 floodplain by the National Cooperative Soil 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 the USDA Cooperative Soil Survey. A soil scientist, geologist or ecologist shall delineate wetlands.

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

- 3.1 The map of regulated areas entitled "Litchfield Water Resources" (adopted 2007 as part of the POCAD) 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 Inland Wetlands Commission. In all cases, the precise location of regulated areas 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 property owner who disputes the designation of any part of his or her land as a regulated area in the Litchfield Water Resources Map, may petition the Agency to change the designation in accordance with section 15, of these regulations. 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 provide proof that the designation is inapplicable. Documentation in accordance with section 15 of these regulations may be required of the property owner when the agency requires and accurate delineation of regulated areas.
- 3.3 The Inland Wetlands and Watercourse Commission/Agency or its designated agent(s) shall monitor and maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping or other available information. Such map amendments are subject to the public hearing process outlined in section 9 of these regulations.
- 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 and 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 and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provision 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 purpose of sale.
 - b. A residential home (a) for which a building permit has been issued for (b) 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, which ever 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. The individual claiming a use of wetlands permitted as a right under this subdivision shall

document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement;

- c. Boat anchorage or mooring, not to include dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or similar 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) and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial 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 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 Statutes;
- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22-42a 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; and
- g. withdrawals of water for fire emergency purposes.

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 wetlands or watercourses 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. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing and cross-country skiing where otherwise legally permitted and regulated.
- 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.

- 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 shall accordance with section 12 of these regulations.
- 4.4 To carry out the purpose of this section, any person proposing a permitted operation and use or a non-regulated operation and use 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 the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation and use is a regulated activity and that a permit is required.

Section 5

Activities Regulated Exclusively by the Commissioner of Energy and 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 of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the General Statutes as amended.
- 5.3 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under section 22a-402 of the General Statutes or a permit issued by the Commissioner of Energy Environmental Protection under section 22a-403 of the Connecticut General Statutes. Any person receiving a dam repair or removal order or permit shall not be required to obtain a permit from the 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 Energy and 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 without first obtaining a permit for such activity from the Inland Wetlands Commission of the Town of Litchfield.
- 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 section 7.5 and, in the case of a significant activity, in subsection 7.6 of these regulations. Application forms may be obtained in the offices of the Inland Wetlands Commission.
- 7.2 If an application to the Town of Litchfield Planning and Zoning Commission for subdivision or re-subdivision of land involves land containing a wetland or watercourse, as defined in section 2 of these regulations, 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 to the Inland Wetlands Commission, no later than the day the application is filed with such planning and zoning commission. No decision may be made on the planning and zoning application until the wetlands and watercourses agency has submitted a report with its final decision to the planning and zoning commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the agency.
- 7.4 The prospective applicant may request the agency to determine whether or not a proposed activity involves a significant 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 address and telephone numbers; if the applicant is a Limited Liability Corporation or a 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. applicant's interest in the land;
 - d. the geographical location of the land which is the subject of the proposed activity including 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. This shall include but not limited to (1) location map of the proposed activity, (2) a separate mapping of the wetlands as defined by these regulations from the site plan, and (3) soils mapping.
 - e. the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activities including, but not limited to

measures to (1) prevent or minimizing 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 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 diagrammed 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 addresses of adjacent property 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 the Energy and 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;
- m. submission of the appropriate filing fee based on the fee schedule established in section 19 of these regulations.
- n. Certification of the present flow of storm water for a 50-year storm and the flow, which would result from the proposed activity. In addition, the Agency may require certification of existing flows and determination of flow, which would result from the proposed activity associated with a 2,5,10,25 and 100-year storm event.

7.6 At the discretion of the Agency or its agent, or when the proposed activity involves a significant impact, as described in Section 2 of these regulations, 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, profession engineer, licensed land surveyor, architect or landscape architect licensed in the State of Connecticut or by such other qualified person;
- b. engineering reports and analyses and additional drawings to fully describe the proposed project and 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 that the field delineation 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,

- which would cause less or no environmental impact to wetlands or watercourses and a description of why which alternative considered was deemed neither feasible nor prudent;
- f. analysis of chemical or physical characteristics of any fill material;
 - g. Measures which would mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland to 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. A storm water management plan to minimize runoff. The goal of the plan shall be to provide no increase in peak rate of storm water runoff. The Connecticut Department of Energy and Environmental Protection's 2004 Connecticut Storm Water Management Quality Manual is available for reference.
 - i. Location Map of the proposed site. Applicant must locate in the field all activities proposed in the regulated area. This includes road centerlines, all proposed structures and telephone pole numbers in or adjacent to the parcel associated with the application.

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 The original and 3 copies of all application and site plan, filing fees and any other materials required by the Agency shall be submitted to comprise a complete application unless otherwise directed, in writing, by the Agency.

7.9 Any application to renew or extend an existing permit shall be filed with the Agency in accordance with Section 8 of these regulations at least sixty-five days prior to the expiration date for the permit. Any application to renew or amend such permit shall contain the information required under Section 7 of these regulations provided:

- a. the application may incorporate the documentation and record of the original 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.

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.
- 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 the 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.

7.12 Unless otherwise authorized by the Agency or designated agent, the site plan required under this section shall be prepared by a licensed land surveyor or professional engineer or architect registered in the State of Connecticut. It shall be drawn at a scale, which, in the opinion of the Agency, is adequate to show the information required to evaluate the proposed activity and its environmental impact. The site plan shall include but shall not be limited to the following:

- a. Boundary lines, dimensions, and the areas of the property
- b. Locations of all wetlands and watercourse on the property thereof and the extent of proposed changes in their configuration.
- c. Regulated areas shall be indicated.
- d. Elevations at one (1) foot contour intervals in all areas of the property that are within one hundred (100) feet of the wetland or one hundred fifty (150) feet of a watercourse and at five (5) foot contour intervals throughout the remainder of the property. If deposition or removal of earth materials is proposed, resulting elevations shall be shown by one (1) foot contour intervals.
- e. Locations and description of all existing and proposed drainage features.
- f. Locations and descriptions of all proposed activities
- g. Locations of any soil boring or test holes.

- h. Quantities and descriptions of materials to be removed. The requirement for contour information may be waived or modified by the Agency if it determines such information is not necessary to properly evaluate the impact of the proposed activity.
- i. Official signoff authorization must be located in the lower left-hand corner of the official site plan of record(Mylar) with the wording as follows and filed with the Town of Litchfield Land Records:

Approved by the Litchfield Inland Wetlands Commission

_____ with the following conditions _____ no conditions

Date: _____ Permit Number _____ Signature of Chairperson _____

Section 8 ***Application Procedures***

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands Commission, c/o the Land Use Office of the of the Town of Litchfield.
- 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 500 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 site will flow through and significantly 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.

Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven (7) 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 General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said commission 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 Commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and Commissioner of Public Health, 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 of thirty-five (35) 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. Requests for such additional information shall not stay the time limitation 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.

Section 9

Public Hearings

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetland agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition is signed by at least twenty five (25) persons who are eighteen (18) 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 (14) 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 (14) day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) 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 may appear and be heard and may be represented by agent or by attorney.
- 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 general circulation in each town where the affected wetland and watercourse is located.
- 9.3 In the case of any application which is subject to the notification provisions 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.
- 9.4 The agency may require signage to indicate a pending significant activity. A sign or signs must be posted on the premises which is the subject of the application at least fifteen (15) days before the hearing or any reconvening thereof and must be removed within ten (10) days after completion of the hearing or any rehearing thereof. The sign shall be so located on the property so as to be visible and readable from the street or highway(s) that the property fronts. The sign must be no more than five (5) feet off the street line and must be readable for the full time of the required posting. The sign shall be four (4) feet by four (4) feet. Printed lettering shall be black on a yellow background. The wording and size of lettering shall be as follows:

NOTICE OF HEARING
INLAND WETLANDS APPLICATION
PLACE: Litchfield Town Hall Annex, 80 Doyle Road
DATE:

(3"letters)
(3"letters)
(2"letters)
(2"letters)

The sign must be legible in block letters. The sign shall be prepared and erected by the applicant at a cost to be borne by the applicant.

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. Comments and reports from other agencies and commissions requested on any application including but not limited to the following:
 1. Town of Litchfield Planning and Zoning Commission;
 2. Town of Litchfield Board of Selectmen including the Building Division;
 3. Town of Litchfield Sewer Commission;
 4. Torrington Area Health District;
 5. Litchfield Public Works Department/Town Engineer
 6. Office of the Fire Marshal
- c. The Agency may also consider comments on any application from the Litchfield County Soil and Water Conservation District, the Litchfield Hills Council of Elected Officials and any other regional organizations or agencies in adjacent municipalities which may be affected by the proposed activity or other technical agencies or organization which may undertake additional studies or investigation as the agency deems necessary.
- d. Non-receipt of comments from state agencies and commissions listed in subdivisions 10.1.b and c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- e. For an application for which a public hearing is held, public comments, evidence and testimony.

10.2 Criteria for Decision:

In carrying out the purposes and policies of sections 22a-36 to 22a-45 of the 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:

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. 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.
- c. 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;
- d. Irreversible and Irrecoverable 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 (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;
- e. 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
 - f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for 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 Inland Wetlands 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 section 10.2. 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 and 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 records of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of the Inland Wetlands and Watercourses Regulations of the Town of Litchfield and of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 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 term of such restriction, the inland wetlands agency shall not grant the permit approval.

- 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 days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulation 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 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 commission 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.
- 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 terms of such conservation or preservation restriction.
- 10.11 For development of the regulated area in and around a vernal pool, the Commission will consider the following:
- a. The vernal pool depression shall remain undisturbed. There shall be no cutting, heavy equipment operation, grading, or clearing in the vernal depression at any time of the year.
 - b. Disturbance of the regulated area around the vernal pool shall be limited to no more than twenty-five (25) percent of the area.
 - c. Work around the pool shall be restricted from February 15th to July 31 within the regulated area.
 - d. Work around the pool shall be restricted to the average height of the surrounding trees to maintain the closed canopy stand of trees and brush around the pool to provide shade, deep un-compacted litter, and woody debris around the pool.
 - e. Maintain overland and groundwater flows to the basin. The water supply to the pool shall not be drastically impacted.
 - f. Direct storm water discharges to the vernal pool are prohibited without proper treatment.
 - g. Minimize the use of fertilizers and prohibit the use of pesticides without written approval of the Commission within the regulated area.
 - h. The location of septic systems within the regulated area; the septic tank shall be beyond fifty (50) feet from a vernal pool and the soil absorption field shall be beyond the regulated area.
 - i. Detention facilities shall be 100' beyond the pool or designed for vernal pool habitat.
 - j. Maintain a shaded forest floor without ruts or sources of sedimentation or erosion.
 - k. If multiple pools are present, development of an undisturbed conservation area connecting the pools is strongly recommended. The minimum width of the conservation corridor should be twice the average height of the matured trees with the corridor.
 - l. Minimize soil disruption and stabilize the work area as soon as possible after disruption. Apply temporary controls within seven (7) days after the suspension of grading work in disturbed areas where the suspension of work is expected to be more than thirty (30) days but less than one (1) year. Apply permanent soil stabilization with seven (7) days of

established final grade. Remove erosion controls within thirty (30) days of final site stabilization.

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.
- 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 person 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 in this subdivision, 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 bases 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. A copy of all agency decision shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commission. In any case in which such notice is not published within such fifteen-day (15) period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5 If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, special zoning permit, variance or special exception, under section 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 Litchfield Planning 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 (2) years and not more than five (5) years.
- 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.
- 11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency. All permit conditions shall be the responsibility of the original applicant unless the permit is assigned, transferred, sublet or sold. If the permit is assigned, transferred, sublet or sold, the agency or its duly authorized agent shall be notified no later than seven (7) calendar days after such transfer. Such notification shall include:
- a. The name, home, and business address and telephone numbers of the party to whom the permit has been or will be transferred, assigned, sublet or sold.
 - b. Certification that such party is aware with the information provided in the permit requirements and conditions imposed by the permit.
 - c. All conditions and requirements of the permit shall be the responsibility of the new applicant as well as any other requirements of the regulations.
- 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. If the Agency relied in whole or in part on information provided 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 Litchfield, 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 in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and the *2004 Connecticut Storm water Quality Manual as amended*.
 - 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 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 Energy and 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 provision for receipt and processing applications prescribed in Sections 8, 9, and 11 of these regulations such agent may approve or extend an activity anytime.
- 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 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 all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 In determining the necessity and amount of any bond or security, the agency may consider criteria which include:
- a. Guaranteeing the structural integrity of any man-made structures designed to control the flow, amount or retention of water such as detention ponds, dams, berms, swales, etc.
 - b. Any activity involving the deposition of or the removal of 100 cubic yards or more of material within a regulated area or any deposition that will have a substantial adverse effect on the regulated area or on another part of the wetlands or watercourses;
 - c. Any activity, which may substantially change the natural channel of a watercourse system.
 - d. Any activity which may diminish substantially the natural capacity a watercourse or an inland wetland to support desirable biological life, prevent flooding, supply water, and/or facilitate drainage and/or;

- e. Any activity which may result in degrading a watercourse, surface water, ground water or an inland wetland, such degradation to be measured by standards of water compliance division of the Department of Energy and Environmental Protection where applicable.
- 13.4 On any construction site involving a regulated activity the bond shall not be released until it has been inspected and approved by the agency or its duly appointed agent.
- 13.5 The agency may require the applicant certify that it has 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 within two (2) years of completion of such operations, 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 designated 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 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 its order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to sections 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 section 14.4a or other enforcement proceedings as provided by law.

- 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 that 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 Litchfield Water Resources Map for the Town of Litchfield 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 and 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 upland review areas/buffers, taking effect on or after the date of such receipt of 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 this chapter as of the date of such receipt.
- 15.3 These regulations and the Litchfield Water Resources 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 Energy and 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 (35) days before the public hearing on their adoption. Application fee schedules shall be adopted as Agency regulations or as otherwise provided by municipal ordinance.
- 15.4 Petitions requesting changes or amendments to the Litchfield Water Resources Map, Litchfield, 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. Petitioner's interest in the land affected by the petition;
- d. Map(s) showing the geographical location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and;
- e. The reasons for the requested actions.

15.5 Any person who submits a petition to amend the Litchfield Water Resources Map, Litchfield, 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 address and telephone number of the owner(s) of such land and owner(s) agent or other representative
- b. The names and addresses of the owners 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 defining the boundaries of wetland soils and;
- d. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourses 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 Litchfield Water Resources Map. Notice of the hearing shall be published in a newspaper having 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 that ten days, and the last, not less than two days before the date set for such hearing. All materials including maps 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 a petition. The hearing shall be completed within thirty-five (35) days after commencement of said hearing. The Agency shall act upon the changes requested in such petition within sixty-five (65) after completion of the hearing. At such hearing any person or person may appear and be heard and may be represented by an agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of any such period shall not be for longer than sixty-five (65) days, or may withdraw such petition. The failure of the Inland Wetlands Commission 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 Litchfield Water Resources 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 Energy and Environmental Protection.

Section 17

Conflict and Severance

- 17.1 If there is a conflict between 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 that can be given effect without such valid part or parts.
- 17.2 If there is a conflict between any provision 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 Litchfield, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Energy and 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 cash, check or money order payable to the Town of Litchfield 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.

19.5 Fee Schedule. Application fees shall be based on the following schedule:

(1)	Per activity	\$80.00
(2)	New ponds, per acre or part thereof	\$90.00
(3)	Pond maintenance	\$80.00
(4)	Subdivision with no wetlands or regulated activities	\$60.00
(5)	Subdivision of two lots with regulated activities, per activity	\$80.00
	Activity and or dwelling unit and; per acre or part thereof	\$ 25.00
(6)	Subdivision of more than two lots with regulated activities, per activity and or dwelling unit and; per acre or part thereof	\$150.00 \$ 25.00
(7)	Application requiring a public hearing, according to section 9.1 of the Litchfield Inland Wetland Regulations	\$250.00
(8)	Commercial, industrial and nonresident development, per activity and, per acre or part thereof	\$200.00 \$ 25.00
(9)	Permit extensions	\$ 70.00
(10)	Petition for map change amendment	\$125.00
(11)	After-the-fact activity, per activity	\$180.00
(12)	As of right activity according to Section 4 of the Litchfield Inland Wetland Regulations	\$ 60.00

(13) All permit application shall be subject to the current State of Connecticut DEEP Environmental Quality Fund Fee in addition to the municipal fees.

19.6 ***Complex Application fee*** – The Inland Wetlands Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant to section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision.

19.7 Exemption. Boards, commissions, councils and Departments of the Town of Litchfield are exempt from all fee requirements.

19.8 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.
- c. The applicant has shown good cause.

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

Section 20

Effective Date of Regulations

- 21.1 These regulations shall become 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 Litchfield.



The Litchfield

Aquifer Protection Regulations

Town of Litchfield, Connecticut

Original Effective Date: February 4, 2008

Amended: July 6, 2015

Effective Date: September 1, 2015

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These Aquifer Protection Regulations shall apply to all property within the Town of Litchfield irrespective of the applicable zoning district.

Section 1. - Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354cc) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect the aquifer protection area within the Town of Litchfield by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354cc ("the Act");
 - (2) delineating the aquifer protection area on the town zoning map;
 - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
 - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the Town of Litchfield.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354cc and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The Planning and Zoning Commission of the Town of Litchfield is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective January 11, 2005, and shall implement the purposes and provisions of the APA Ordinance and the Act.
- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the Town of Litchfield pursuant to the Act.

Section 2. - Delineation of Aquifer Protection Area Boundaries

- (a) The Litchfield Planning and Zoning Commission shall delineate the aquifer protection areas on the Town of Litchfield zoning map. Such delineations shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
- (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of Litchfield.

(2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:

- (A) a map or detailed description of the subject aquifer protection area; and
- (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.

(b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest lot line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping boundaries but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.

(1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:

(A) A map to scale delineating (i) the aquifer protection area boundary mapped under Section 2(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;

(B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of lots within the proposed extended aquifer protection area and all affected water companies in accordance with the following:

(i) Such notice shall include at least the following:

(a) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,

(b) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and

(c) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;

(ii) Such notice shall be effectuated by the following:

(a) Delivery of notice by certified mail to those individuals and entities identified in Subsection (b)(1)(B) of this Section, or

(b) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2'); and

(C) A summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.

(2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with Subsection (a) of this Section.

- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
- (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the office of the Aquifer Protection Agency.
- (e) If the Level A mapping boundaries are amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundaries to be delineated in accordance with Subsections (a) or (b) of this Section.

Section 3. - Prohibited and Regulated Activities

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in Subsection (b) of this Section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
 - (1) a registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 11 of the APA Regulations;
 - (2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations; and
 - (3) a regulated activity which is on any municipally owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, provided: (1) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, and (2) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Energy and Environmental Protection and in accordance with the provisions of §22a-354i-7 of the Regulations of Connecticut State Agencies.
- (c) The following are not regulated activities:
 - (1) Any activity conducted at a residence without compensation;
 - (2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;
 - (3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;
 - (4) any activity provided all the following conditions are satisfied:
 - (A) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (B) such activity involves no more than 10% of the floor area in the building where the activity takes place,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times,

- (D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and
 - (E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;
- (5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:
- (A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,
 - (B) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times, and
 - (D) such activity does not involve: (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and
- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2000) gallons or less provided all the following conditions are satisfied:
- (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
 - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms, and
 - (C) all associated piping is either above ground, or has secondary containment.
- (d) Determination of a non-regulated activity
- (1) Any person proposing to carry out a non-regulated activity, as set forth in Section 3(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, and notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
 - (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

Section 4. - Activities Regulated by the State

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas that are specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities.
- (b) Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.

- (c) The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this Section in accordance with the Connecticut General Statutes §22a-354p(g).

Section 5. - Application for an Exemption from Prohibition or Regulation

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this Section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

Section 6. - General Registration, Permit Application and Transfer Procedures

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five (35) days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in Sections 7 and 8 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under Sections 7 or 8 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.
- (g) The Agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the lot affected by a decision of such agency is within 500 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.

Section 7. - Registration Requirements

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, whichever occurs later, or for any municipally owned site

undergoing remedial action pursuant to 40 CFR 271, any person who engages in regulated activity within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, shall register the activity in accordance with this Section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.

- (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
 - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. For any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map. Any person submitting a registration pursuant to this subsection shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.
- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with Section 17 of the APA Regulations. Such registration forms may be obtained from the Litchfield Town Clerk or the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
 - (A) registrant, if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
 - (B) owner of such facility if different than the registrant; and
 - (C) manager or operator overseeing the operations of such facility;
 - (2) the location of such facility, using street address or other appropriate method of location, and a map showing the lot boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
 - (3) an identification of the regulated activity or activities conducted at the facility, as described in the Glossary of Terms of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and
 - (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 11(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I

understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.”

- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
- (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with Section 11(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
 - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with Section 11(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
- (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.
- (f) The following general provisions shall be included in the issuance of all registrations:
- (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
 - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
 - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
 - (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.
- (g) If a regulated activity which is eligible for registration in accordance with Subsection (a) of this Section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or the Agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Subsection (f)(5) of this Section.
- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

Section 8. - Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.
- (b) The Agency shall process permit applications for those registrants that have registered pursuant to Section 7 of the APA Regulations, The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within sixty-five (65) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these timeframes, provided the total extension of all such periods is sixty-five (65) days or less.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with Section 17 of the APA Regulations. Such permit application forms may be obtained from the Town Clerk or the Agency. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:
- (1) The information as required for a registration under Section 7(b) of the APA Regulations shall be provided for the proposed regulated activity;
 - (2) a confirmation and certification that the existing and proposed activity:
 - (A) remains and shall remain in compliance with Section 112(a) of the APA Regulations,
 - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
 - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;
 - (3) a materials management plan in accordance with Section 11(a) of the APA Regulations;
 - (4) a storm water management plan in accordance with Section 11(b) of the APA Regulations;
 - (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five years immediately preceding the date of the application:
 - (A) any criminal conviction involving a violation of any environmental protection law,
 - (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars imposed in any administrative proceeding, and
 - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;

- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
- (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

- (e) The Commissioner, any affected water company or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this Section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- (g) The Agency may hold a public hearing on an application for a permit in accordance with Section 9 of the APA regulations.
- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this Section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
 - (1) the proposed regulated activity shall take place at a facility where a registered regulated activity occurs;
 - (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with Section 11(a)(3) of the APA Regulations;
 - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with Sections 11(a) and 11(b) of the APA Regulations;
 - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with Subsection (d)(2) of this Section;
 - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
 - (6) the proposed regulated activity shall be conducted in accordance with Section 11 of the APA Regulations;
 - (7) the existing regulated activity is being conducted in accordance with Section 11 of the APA Regulations; and

- (8) the certification required under Subsection (d)(7) of this Section has been signed by the applicant and the individual responsible for preparing the application.
- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this Section to assure protection of the ground water, including, but not limited to the following:
- (1) best management practices in addition to those set forth in Section 11 of the APA Regulations; and
 - (2) ground water monitoring.
- (j) The following general provisions shall be included in the issuance of all permits:
- (1) the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;
 - (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
 - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- (k) The Agency shall notify the applicant or permittee within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
- (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request, The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
- (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

Section 9. - Public Hearings Regarding Permit Applications

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected aquifer, or any part thereof, is located.

- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.
- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.
- (g) The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 8(c), totals sixty-five (65) days or less.
- (h) 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.
- (i) The applicant or permittee shall be notified of the Agency's decision in accordance with Section 8(k) of the APA Regulations.

Section 10. - Bond and Insurance Relevant to Permit Applicants

- (a) An applicant may be required to file a bond as a condition of the permit.
- (b) Any bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

Section 11. - Best Management Practices

- (a) Every regulated activity shall be conducted in accordance with the following:
 - (1) hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:
 - (A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in the Glossary of Terms of the APA Regulations,
 - (B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,
 - (C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,
 - (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,

- (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,
 - (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
 - (G) hazardous material shall be stored only in an area that is secured against unauthorized entry by the public, and
 - (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including, but not limited to, applicable requirements of the Resource Conservation and Recovery Act of 1976, as amended;
- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
- (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless
- (A) there is no more than a 25% increase in volume of the larger replacement tank, and
 - (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
- (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
- (5) a materials management plan shall be developed and implemented in accordance with the following:
- (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
 - (i) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,
 - (ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:
 - (a) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (b) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (c) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,

- (iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,
 - (iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the Agency, and
 - (v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;
- (B) when a materials management plan is required under either Section 7(c) or 8(d) of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
- (C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the Agency.
- (b) The development and implementation of a storm water management plan required for regulated activities in accordance with Sections 7(c) and 8(d) of the APA Regulations, shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

Section 12. - Other State, Federal and Local Laws

- (a) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Litchfield, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, Special Exception or variance, or other documentation establishing that the proposal complies with the Town of Litchfield zoning or subdivision regulations.

Section 13. - Enforcement

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:
 - (1) Issue a notice of violation.

- (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
 - (B) The Agency may request that the person appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under Subsection (2) of this Section or other enforcement proceedings as provided by law.
- (2) Issue a written order.
- (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.
 - (B) Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.
- (3) Suspend or revoke registration or permit.
- (A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
 - (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the Town of Litchfield.
- (c) An order issued pursuant to Subsection (b)(2) of this Section shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Subsection (b)(3) of this Section.
- (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

Section 14. - Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.

- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the filing date. The provisions of this Section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with Chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

Section 15. - Appeals

- (a) Appeal of the Agency's regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

Section 16. - Conflict and Severance

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

Section 17. - Registration and Permit Application Fees

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Town of Litchfield at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection (f) of this Section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on a fee schedule adopted by the Agency.
- (e) Boards, commissions, councils and departments of the Town of Litchfield are exempt from all fee requirements.
- (f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:
- (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
 - (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
- (g) Extra Assessments. In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred in processing the registration or permit application the applicant/registrant may be assessed an additional fee not to exceed actual costs. Said fees are to be estimated by the duly authorized agent and submitted with the application fee and held until the application is completely processed after which time any residual funds pertaining to this assessment are to be returned to the applicant/registrant.

For the purpose of this assessment, an "outside consultant" means a professional who is not an employee of the Town of Litchfield including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

- (h) The Agency shall state upon its record the basis for all actions under this Section.

Section 18. - Definitions

A

Affected Water Company

As defined in §22a-354h of the Connecticut General Statutes; any public or private water company owning or operating a public water supply well within an aquifer protection area.

Agency

The board or commission authorized by the municipality under §22a-354o of the Connecticut General Statutes; for the purposes of these regulations, "Agency" means the Litchfield Planning and Zoning Commission.

Agriculture

As defined in §1-1(q) of the Connecticut General Statutes; "Agriculture" means 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.

Applicant

As appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies, a permit under Section 8 of the APA Regulations, or for any approval under these regulations.

Application

As appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies, an application for a permit under Section 8 of the APA Regulations, or an application for any approval under these regulations.

Aquifer Protection Area

As defined in §22a-354h of the Connecticut General Statutes means any area consisting of well fields, areas of contribution and recharge areas, identified on maps approved by the Commissioner of Energy and Environmental Protection pursuant to § 22a-354b to 22a-354d, inclusive, within which land uses or activities shall be required to comply with regulations adopted pursuant to § 22a-354p by the municipality where the aquifer protection area is located and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies which area is shown on the Official Zoning Map.

Area on Contribution

As defined in §22a-354h of the Connecticut General Statutes means the area where the water table or other potentiometric surface is lowered due to the pumping of a well and groundwater flows directly to the well and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies.

B**Bulk Storage Facility**

A facility where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution.

C**Certified Hazardous Materials Manager**

A hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities.

Commissioner

As defined in §22a-354h of the Connecticut General Statutes means the Commissioner of Energy and Environmental Protection, or his or her agent.

D**De-icing Chemical**

Sodium chloride, calcium chloride, or calcium magnesium acetate.

Domestic Sewage

As defined in §22a-430-3(a) the Regulations of Connecticut State Agencies means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains.

F**Facility**

Property where a regulated activity is conducted by any person, including without limitation any buildings located on the lot that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person.

Floor Drain

Any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon.

H**Hazardous Materials**

(A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume; (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies; (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, which means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes, which means oil or petroleum of any kind or in

any form including, but not limited to, waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene, or their vapors

Hazardous Waste

As defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies.

I**Industrial Laundry**

A facility for washing clothes, cloth or other fabric used in industrial operations.

Infiltration Device

Any discharge device installed below or above the ground surface which device is designed to discharge liquid to the ground.

Inland Wetland and Watercourse Areas Map

A map pursuant to §22a-42a of the Connecticut General Statutes.

ISO 14001 Environmental Management System Certification

A current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute and Registrar Accreditation Board.

L**Level "A" Mapping Boundary**

The lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas.

Lubricating Oil

Oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals.

M**Municipality**

As defined in §22a-354h of the Connecticut General Statutes means any town, consolidated town and city, consolidated town and borough, city or borough; for the purposes of these regulations, "Municipality" means the Town of Litchfield.

O**Owner**

The owner or lessee of the lot or structure in question.

P

Person

Any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, federal agencies as permitted by law, or other legal entity of any kind.

Pollution

As defined in §22a-423 of the Connecticut General Statutes means harmful thermal effect or the contamination or rendering unclean or impure or prejudicial to public health of any waters of the state by reason of any waste or other material discharged or deposited therein by any public or private sewer or otherwise so 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.

Pollution Prevention

The use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated.

Professional Engineer

A professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities.

Publicly Owned Treatment Works

As defined in §22a-430-3 of the Regulations of Connecticut State Agencies means a system used for collection, treatment and/or disposal of sewage from more than one lot as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies and which discharges to the waters of the state and which is owned by a municipality or the state.

Public Service Company

As defined in §16-1 of the Connecticut General Statutes means electric distribution, gas, telephone, telegraph, pipeline, sewage, water and community antenna television companies and holders of a certificate of cable franchise authority, owning, leasing, maintaining, operating, managing or controlling plants or parts of plants or equipment, but shall not include towns, cities, boroughs, any municipal corporation or department thereof, whether separately incorporated or not, a private power producer, as defined in section 16-243b, or an exempt wholesale generator, as defined in 15 USC 79z-5a.

Public Supply Well

As defined in §19-13-B51b of the Regulations of Connecticut State Agencies means a water supply well used or made available by a water company to two or more consumers, as defined in Section 25-32a of the 1969 Supplement to the General Statutes.

R

Recharge Area

As defined in §22a-354h of the Connecticut General Statutes means the area from which groundwater flows directly to the area of contribution and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies.

Registered Regulated Activity

A regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 7 of the APA Regulations, and is conducted at the facility identified in such registration.

Registrant

A person, who or which, has submitted a registration for a regulated activity in accordance with §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 3 of the APA Regulations.

Regulated Activity

Any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 3 of the APA Regulations:

- (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i) an underground storage tank that contains number two (2) fuel oil and is located more than 500 feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company;
- (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use;
- (C) on-site storage of hazardous materials for the purpose of wholesale sale;
- (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes;
- (E) salvage operations of metal or vehicle parts;
- (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit from the Commissioner pursuant to §22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, or (v) swimming pools;
- (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works;
- (H) production or refining of chemicals, including without limitation hazardous materials or asphalt;
- (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents;
- (J) industrial laundry service which involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works;
- (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(3) of the Regulations of Connecticut State Agencies, which means a stationary reciprocating engine or a turbine engine which is used as a means of providing mechanical or electrical power only during periods of testing and scheduled maintenance or during either an emergency or in accordance with a contract intended to ensure an adequate supply of electricity for use within the State of Connecticut during the loss of electrical power derived from nuclear facilities. The term does not include an engine for which the owner or operator of such engine is party to any other agreement to sell electrical power from such engine to an electricity supplier, or otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability, or (ii) generation of electrical power by means of natural gas or propane;
- (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations;
- (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works;

- (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
- (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works;
- (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies;
- (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity;
- (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials;
- (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works;
- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching;
- (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials;
- (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes;
- (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials;
- (X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of deicing parking areas or access roads to parking areas;
- (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area;
- (Z) dyeing, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials;
- (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material; or
- (BB) pulp production processes that involve bleaching.

Release

As defined in 22a-133k-1 of the Regulations of the Connecticut State Agencies means any spilling, leaking, pumping, pouring, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous material.

S**State Aquifer Protection Regulations**

§22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies.

Storage

The holding or possession of any hazardous material.

Storage Tank

A stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic.

T**Topographic Feature**

An object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey.

U**Underground**

When referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection.

V**Vehicle**

A "vessel" as defined by §15-170 of the Connecticut General Statutes, which means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, law mower or snowmobile.

W**Waters**

As defined in §22a-423 of the Connecticut General Statutes means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof.

Well Field

As defined in §22a-354h of the Connecticut General Statutes means the immediate area surrounding a public drinking water supply well or group of wells.

Z**Zoning Map, Official**

The Town of Litchfield Planning and Zoning Commission Official Zoning Map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

Section 19. - Effective Date of Regulations

The APA Regulations, APA boundaries and amendments thereto, shall become effective upon (1) the Commissioner's determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the Town Clerk.

Adopted Date: February 4, 2008
DEEP Approval Date: July 16, 2015
Effective Date: September 1, 2015
Revision Date: July 6, 2015

Town of Litchfield
Connecticut



Zoning Regulations

*The Litchfield Planning and Zoning Commission
Litchfield, CT*

Original Effective Date: July 22, 1970
Effective Date: December 1, 2010

ZONING REGULATIONS

TOWN OF LITCHFIELD, CONNECTICUT

In order to provide for the highest and best use of land and to balance various land use needs in the Town of Litchfield, Connecticut, the Litchfield Planning and Zoning Commission, acting upon its own initiative under statutory powers conferred, and believing it to be for the best interest of the Town and in conformity with the comprehensive plans of and for the Town hereby adopts the Zoning Regulations of the Town of Litchfield, Connecticut.

Planning and Zoning Office location: 80 Doyle Road, Bantam, CT

Mailing address: P.O. Box 12, Bantam, CT 06750

Telephone: (860) 567-7565

Office hours: 9:00 a.m. to 4:30 p.m., Monday through Friday

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APPENDIX A Map titled "Streets located on Town Boundary Lines Subject
To Article V Section 29 of the Zoning Regulations
Dated: March 1999"

AMENDMENT LISTING

ARTICLE I
PURPOSE AND GENERAL REQUIREMENTS

Article 1 - Section 1
Purpose

These regulations are adopted for the following purposes in accordance with the Connecticut General Statutes (C.G.S.), as amended, to encourage the most appropriate use of land, to conserve and stabilize the value of property; to promote health, safety and the general welfare; to protect and maintain the quality and quantity of surface and ground drinking water supplies; to regulate and determine size and location of yards; to provide adequate open spaces for light and air; to secure safety - fire, panic, flood and other dangers; to prevent undue concentration of population; to lessen congestion in the streets; and to facilitate adequate provisions for community facilities and utilities, such as transportation, water, sewerage, schools, parks, open spaces and other public requirements and for such other purposes as specified in Chapter 124 of the C.G.S.

To carry out these purposes, these regulations designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes; regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; regulate and determine size of yards and other open spaces; regulate and limit the density of population; divide the town into zoning districts for said purposes as seem best suited; and provide for the enforcement of such regulations.

Article 1 - Section 2
General Requirements

1. General. This Article sets forth the basic requirements of these Regulations and provides a cross referencing guide and explanation of the requirements in the other Articles.
2. Minimum Requirements. In interpreting and applying these Regulations, the requirements contained herein are declared to the minimum requirements for the protection of the health, safety and welfare.

These Regulations do not affect any easements, covenants or other agreements between parties. Where these Regulations impose a greater restriction than imposed by other ordinances, rules, regulations, licenses, etc. or by easements, covenants or agreements, the provisions of these Regulations shall apply.

3. **Basic Requirement.** Unless otherwise specifically stated in these Regulations no building or part thereof shall be constructed, reconstructed, structurally altered, enlarged or moved, nor shall any building, structure or land be used or be arranged, designed or intended for any use other than permitted in the Zoning District in which such building, structure or land is located. A Zoning Permit shall be required for all activities defined in Article X, Section 1 and as specified in these Regulations.
4. **Special Exception Required.** For those uses for which a Special Exception is required (as listed in Article IV - Table of Uses) such use shall be subject to the general and specific standards and requirement set forth in Article VIII. No construction or use approved as a Special Exception by the Commission shall begin or be established until a Zoning Permit has been issued.
5. **Non Conforming Situations.** No non-conforming use of land, building, or structure shall be changed in use or extended unless a Zoning Permit has been issued by the Commission according to Article VI, Section 6.
6. **Site Plan.** A Site Plan shall be required for Special Exception uses and for all other uses as specified in the Table of Uses except where the Commission or the Zoning Enforcement Officer determines that for a use permitted by right a Site Plan is not necessary to determine conformance with these Regulations. (see Article IX, Section 1)
7. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan 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 a Erosion and Sediment Control Plan. (see Article IX Section 2)
8. **Evidence of Submission of Site Plan or Special Exception to the Inland Wetlands Commission.** As required by Connecticut General Statutes, any Site Plan or Special Exception application involving an inland wetland or watercourse regulated by the Inland Wetlands Commission, shall be submitted to the Inland Wetlands Commission on or before the date that it is submitted to the Planning and Zoning Commission. (Article VIII and Article IX, Section 1)
9. **Certificate of Zoning Compliance.** No Certificate of Building Occupancy shall be issued by the Building Official until the Zoning Enforcement Officer has issued, in writing, a Certificate of Zoning Compliance. (see Article X Section 6).
10. **Permitted Uses and Prohibited Uses.** The Table of Uses (Article IV, Section 4 and 5) and the supplementary provisions in Article V state the uses allowed in the various zones.

No land, building or part thereof shall be used or changed in use except as specifically provided for in said Table and Article V. Uses not listed in said Table or Article V or otherwise clearly provided for in these regulations are prohibited. Maintenance of a "Junkyard" as defined herein (See article II) is expressly prohibited.

11. Area and Dimension Requirements. The Table of Area and Dimension Requirements (see Article IV) states the requirements for lot area, frontage, setback, percentage of building coverage, building floor area, building height and other lot and dimensional requirements in the various zones. No building or structure shall be erected, constructed, enlarged, altered, or arranged on a lot except in accordance with the requirements set forth in the Table of Area and Dimensional Requirements and the supplementary provisions of Article IV.
12. Parking and Loading, Access and Circulation Requirements. Off street parking and loading facilities, provisions for access and circulation of pedestrians and vehicles shall be provided in the various zones in accordance with the requirements set forth in Article VI, Section 1.
13. Fee. A fee for a Zoning Permit, Site Plan approval and/or a Special Exception shall be required as specified in the Town Ordinance on Land Use Fee Schedule, as amended. A copy of the "Fee Schedule" shall be maintained on file in the office of the Planning and Zoning Commission.
14. Procedures for the review of Application and Action by the Planning and Zoning Commission. The minimum procedural requirements for processing applications shall be as set forth in the Connecticut General Statutes and as specified in these Regulations.
15. Sewage Disposal and Water Supply Approval Required. Prior to the approval of a Zoning Permit, the applicant shall obtain from the Torrington Area Health District written approval of the plans for sewage disposal and water supply.
16. 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.
17. Proposal Concerning a Private Water Company Requires State Approval Before Action by the Commission. Where an application involves a water supply to be provided by a private water company incorporated on or after October 1, 1984, the Commission shall not approve such application unless and until such company has been issued a certificate pursuant to Section 16-262m of the Connecticut General Statutes.

ARTICLE II RULES AND DEFINITIONS

Article II - Section I Rules

In the construction of these regulations, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

Words used in the singular shall include the plural, and the plural and 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 Litchfield Zoning Regulations.

Uses of land, buildings or structures not clearly permitted in the various zoning districts are prohibited.

Article II - Section 2 Definitions

Above Ground

Any structure that is not buried and is fully visible for inspection.

Accessory Building Structure or Use

An accessory building or use is one subordinate and customarily incidental to the principal building and/or use on the same lot.

Bakery

A Commercial establishment for the making of baked goods where sales of such goods are to other establishments or to customers who are not served baked goods or other food or beverages in the establishment. A bakery where customers are served at tables or counters shall be classified as a Restaurant.

Best Management Practices

Guidelines designed by a Federal, State or other qualified agency which describe methods of building or operating a facility or of using land so as to minimize or eliminate pollution of ground or surface water drinking supplies and other negative impacts to the environment or living organisms.

Building

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

Building, Height of

(See Article IV, Section 1)

Building Line

(See Article IV, Section 1)

Car Wash

A building and surrounding area of a parcel or lot that provides vehicle washing facilities where there is an employee on site during all hours of operation and washing and related cleaning services are not self service and are provided by automated washing equipment including a blower, or other mechanical devices, and which may employ some hand labor.

Club

Means an organization of persons incorporated pursuant to the provisions of the membership corporations law or the benevolent orders law, which is the owner, lessee or occupant of an establishment operated solely for the recreational, social, patriotic, political, benevolent, or athletic purpose but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A "member of a club" is a person who, whether as a charter member or admitted agreement with the bylaws, and whose name and address are entered on the list of membership.

Commission

The Planning and Zoning Commission of the Town of Litchfield, Connecticut.

Common Driveway

A privately owned and maintained driveway with a gravel surface serving more than two lots but not more than six (6) lots which are subject to a Special Exception as set forth in the Zoning Regulations. There shall be no more than four (4) interior lots on a Common Driveway. (see Article VI, Section 5B)

Connecticut-Grown Produce

Farm products that have a traceable point of origin within Connecticut as defined in Connecticut General Statutes §1-1(q) (as amended) and applicable definitions and provisions of Title 22 (as amended) of the Connecticut General Statutes.

Construction Trailer

(See Trailer, Construction)

Country Inn

A facility having ten (10) or less guest rooms in which lodging is offered for compensation and meals for guest lodgers only may be offered.

Dustless Surface (Permanent Surfaces)

The ground covered with concrete, asphalt, or bituminous products.

Dustless Surface (Temporary Surfaces)

The ground treated with calcium chloride, crushed stone, turf grass, or similar dust-inhibiting surfaces, and maintained in good condition at all times.

Dwelling

A building designed or used as the living quarters for one or more families.

Dwelling Unit

A building, structure, unit or portion thereof, providing complete housekeeping facilities for one family.

Family

One or more related individuals, or not more than three unrelated individuals, living and cooking together as a single separate housekeeping unit.

Farm

A tract of land used for commercial purposes as defined in CGS 1-1(q) to produce agricultural, aquaculture, horticultural, floricultural, vegetable, tree or fruit products, and also including the raising of horses and other farm animals but excluding the slaughtering of animals not raised on the premises. The term farming includes farm buildings and accessory farm buildings and structures and uses that are incidental to the normal farm operations.

Farm Stand - Temporary

A temporary and moveable table or stand or other temporary and moveable small structure with one or more open sides that is used to sell farm products grown on the premises.

Farm Stand, Permanent

A permanent structure, or a part of an existing structure, associated with a Farm for which a site plan has been approved by the commission for the display or sale of Connecticut-grown farm products substantially all of which are grown on the Farm.

Farm Winery

Any place or premises, located on contiguous land comprising a minimum of 5 acres on which fruit is grown and wine/wine products are manufactured, stored and sold, meeting the permit requirements of Connecticut General Statutes §30-16 (as amended) and applicable definitions and guidance of Title 22 (as amended) of the Connecticut General Statutes.

Gross Floor Area:

The sum of the horizontal areas of all the floors of a building or structure, measured from the exterior faces of exterior walls or from the center line of walls

separating buildings, structures or uses. "Gross Floor Area" shall include the area of basements used for purposes with the following exception. The floor area of a basement occupied by building utilities and equipment, such as heating or ventilating equipment, or other similar equipment accessory to the building shall not be included in the calculation of gross floor area. The horizontal area of each floor level devoted to stairwells and elevator shafts shall be included in the calculation of gross floor area.

Groundwater

Groundwater Water beneath the surface of the ground in the zone of saturation where every pore space between rock and soil particles is saturated with water.

Habitable Floor Area:

The sum of the total horizontal area of those portions of each floor of a dwelling which are used as measured from the exterior faces of the walls of the dwelling. It does not include basements, unenclosed porches, attics, garages or accessory buildings not used for human occupancy. In determining the habitable floor area of an accessory apartment or dwelling unit within a multi-family dwelling, the center line of the interior wall(s) shall be used in the calculation.

Hazardous Materials

Substances or combinations of substances (including waste products) which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface water including:

- Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious;
- Substances listed in the "Title III List of Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986" (Office of Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. 20460) and which are used for other than normal household purposes if in quantities exceeding those identified in SARA;
- Acids and alkalides outside the pH range of 2 to 10;
- Petroleum products, including fuels and waste oils;
- Synthetic organic solvents;
- Any solid material which if exposed to water will leach or dissolve to form a hazardous material as defined above.

Home Farming

The cultivation of the soil for the production of crops substantially for non-commercial home consumption on a lot as an accessory use to a single family dwelling.

Home Animal Farming

Animals bred, raised or kept for personal and non-commercial purposes as an accessory use to a single family dwelling.

Hotel

A building providing lodging for persons, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby.

Impermeable

Material impenetrable by water or other substances.

Inn/Restaurant

A facility having guest rooms for compensation and meals offered for compensation to guest lodgers and the public.

Junkyard

Any place in or on which old material, glass, paper, cordage or other waste or discarded or secondhand material which has not been a part, or is not intended to be a part of any motor vehicle, is stored or deposited. It also includes 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 the public highways or used parts of motor vehicles or 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 any motor vehicle, the sum of which parts or materials shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place or business or storage or deposits or motor vehicles for parts or for use of the metal for scrap or to cut up parts thereof. Excluded from this definition is farming equipment, other than motor vehicles, located on operating farms.

Kennel

Any premises on which four or more cats or dogs six months old or older are kept for boarding, grooming or sale.

Lot, Building

(See Article IV, Section 1)

Lot, Corner

(See Article IV, Section 1)

Lot, Through

(See Article IV, Section 1)

Lot, Width of

(See Article IV, Section 1)

Maintenance Shed

A free standing permanent accessory building not exceeding 160 square feet in total floor area, designated and used for the storage or location of tools, materials, and equipment associated with the maintenance of the premises, including all structures and ground area.

Motel

Any structure or group of structures having sleeping rooms, with a separate outside entrance for each room or suite of rooms, in which lodging is provided for transient guests for compensation.

Multi-Family Dwelling

Not less than three dwelling units in a building of not more than 35 feet in height or a group of such buildings and uses accessory to such apartments. Dwelling units in multi-family dwellings may be owned by a single owner or individually by tenants or both, but the land shall be held in unified ownership.

Non-conforming Use

Use of a building or of land that did not, at the time of the adoption of these regulations or relevant amendments, conform to these regulations.

One-Family Cottages

(See Seasonal Cottage)

Open Space Land designated "open space" per Connecticut State Statute Section 12-107E enabling a tax reduction allowance.

Parking Area

An area other than a street used for the temporary parking of five or more automobiles.

Parking Space

An off-street space of not less than 300 square feet, having direct access to a street, available for the parking of one motor vehicle. Truck loading space, passageways and driveways shall not be included when computing area available for parking spaces.

Professional Office

An office for recognized professions, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

Restaurant

A food service establishment that meets ALL of the following criteria:

Customers are served only when seated at tables or counters; and

No customers are served in motor vehicles; and

Customers are not served primarily at take-out type counters regardless or whether the food is intended to be consumed on or off the premises.

Any food take-out service is clearly incidental to the primary permitted use of serving customers seated at tables or counters.

Restaurant, high-turnover, fast food

An establishment or use where customers are served food or beverage primarily in paper, plastic or other disposable containers from within an enclosed building which use may include a food and beverage take-out service from within the building (excluding take-out and/or drive-in window service).

Seasonal Cottage

One-family cottages for seasonal use only, provided that between November 1st and the following April 1st no family shall reside in a cottage for more than a total of 30 days.

Sign

Any structure or part thereof or device attached thereto or painted thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia or any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

Stable

Any building or enclosed area used for the housing, feeding or care of one or more horses.

Stable, Commercial

A stable where horses are kept for profit or gain, including, but not limited to, boarding horses, riding instruction or renting of horses.

Stable, Non-commercial

A stable used solely for horses owned by the resident occupant, except that occasional and temporary boarding of horses not for gain, direct or indirect is permissible.

Storage Business

A warehouse business located in a building utilized for the storage of items for the resale of wholesale and retail goods.

Street

A public thoroughfare more than 10 feet in width which has been dedicated to the public for public use and which affords principal means of access to abutting property.

Street Line

(See Article IV, Section 1)

Structure

A structure is anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Traditional Home Enterprise

A home use involving the creation and sale of home-made arts, crafts and goods which by the nature of the activity will generate only a very low level of traffic.

Trailer, Construction

A vehicle which can be drawn or be carried on a motor vehicle, whether on temporary or permanent supports.

Travelway

The paved or graveled portion of a public road or street which is designed, constructed and maintained for carrying vehicular traffic.

Underground

A structure or structure component which is below the surface of the ground or is not fully visible for inspection. Facilities which are not considered to be underground include tanks and piping in underground areas such as basements, cellars, shafts, tunnels or vaults with manned access.

Use

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

Veterinary Hospital

Any premises on which animals are kept for boarding, treatment or other purposes common to the practice of veterinary medicine.

Water Pollution

An activity having a harmful thermal effect on or contaminating or rendering unclean or impure any waters, including groundwater 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.

Yard

(See Article IV, Section 1)

Yard, Front, Minimum

(See Article IV, Section 1)

Yard, Rear, Minimum

(See Article IV, Section 1)

Yard, Side, Minimum

(See Article IV, Section 1)

**ARTICLE III
ZONING DISTRICT AND ZONING MAP**

**Article III - Section 1
Zoning Districts**

For the purpose of promoting the public health, safety and general welfare, the Town of Litchfield, Connecticut is hereby divided into the following zones:

R-20	Residence Zone
R-20H	Historic Residence Zone
R-30H	Historic Residence Zone
RHC-40	Residence Highway Corridor Zone
R-80	Residence Zone
RR-160	Rural Residence Zone
RMF-160	Multi Family Residence Zone
B-202	Route 202 Business Zone
B-800	Route 8 Business Zone
BH	Historic Business Zone
PB	Planned Business Zone
MO	Municipal Office Zone
PO	Planned Office Zone
I	Industrial Zone
PI	Planned Industrial Zone
FPOD	Flood Plain Overlay Zone

**Article III - Section 2
Statement of Purpose and General Requirements for Zones**

R-20 Residence Zone

Statement of Purpose: To be added.

R-20H Historic Residence Zone

Statement of Purpose: The R-20H Zone is within the Borough of Litchfield Historic District and land within this zone is subject to the requirements of the historic district as well as these Regulations.

R-30H Historic Residence Zone

Statement of Purpose: This zone delineates a sector of the Borough of Litchfield Historic District that is characterized by large historic residential dwellings and structures located on proportionally large lots.

The requirements for new construction and development in this zone are designed to protect the single family residential character and its widely recognized unique setting, especially the open space around its dwellings and its historic streetscape.

As used in these regulations or the subdivision regulations, the term, "existing public street" within the R-30H Zone shall include those streets or street segments both sides of which lie within the R-30H Zone. These streets or street segments are North Street, South Street, East Street, Prospect Street, Westover Street and Old South Road.

RHC-40 Residence Highway Corridor Zone

Statement of Purpose. The RHC-40 Zones are established in areas served by either a public water line or a public sewer line along main highway corridors located outside of the primary water and sewer service area centered in Litchfield Borough. Because these highway corridors are entry ways to the Town center and are served by only one utility line these areas are not intended for extensive development. To preserve the greenway entry to the Town Center provisions of the regulations in this zone encourage residential lot layout and site design which will maintain natural vegetation, open fields, views and vistas as seen from the main highway. The RHC-40 Zone in the Route 202 corridor is served by a small diameter main sewer line which was extended into Litchfield from Torrington to allow connections to several uses in Litchfield with failing septic systems. Service to this line is administered by the Litchfield Sewer Commission under an agreement with the City of Torrington which allows for a maximum amount of sewage flow from Litchfield to the Torrington Sewage Treatment Plant. Land within this highway corridor is also known to be poorly suited for drilled wells which can provide adequate quantities of drinking water for residential use. The RHC-40 Zone in the Route 63 corridor is served by a water line (Bridgeport Hydraulic Company).

R-80 Residence Zone

Statement of Purpose: To be added.

RR-160 Rural Residence Zone

Statement of Purpose: To be added.

RMF-160 Multi-Family Residence Zone

Statement of Purpose:

1. Requirements for multi-family dwellings:

- a. No multi-family dwelling shall have more than thirty dwelling units contained therein. Buildings with more than twelve dwelling units shall be varied substantially in plane along the building's length.
- b. Garage space or off-street parking space for one and one-half vehicles shall be provided on the lot for each dwelling unit.
- c. No site shall contain more than four dwelling units for each 40,000 square feet of usable site area. Usable site area shall be defined as land other than regulated inland wetlands and watercourses as defined by the Litchfield Inland Wetlands Regulations and as shown on the Litchfield Inland Wetlands Map, 100 year flood hazard areas as defined by the Federal Emergency Management Agency and as shown on Flood Hazard Areas Maps on file in the office of the Planning and Zoning Commission, land subject to existing easements which prohibit building or development, and 50% of all land with a slope in excess of 25% as delineated on a site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed surveyor.

- d. No building shall be less than twenty feet from any other building.
- e. Recreation facilities, open spaces, and facilities suitable for active and passive recreation shall be provided to serve the project and shall be so designed and specified that a performance bond may be drawn. Said areas shall be adequately protected from streets, driveways, and parking areas.
- f. 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.
- g. Buffer strips - Each property line, except street lines, shall be paralleled by a continuous buffer strip at least fifteen feet wide, planted with a mixture of evergreen and deciduous shrubs and trees, which shall be maintained in order so as to protect adjacent property and the neighborhood in general from detriment.
- h. The Commission may vary the requirements for spacing between buildings and building height if it determines that such variation will enhance the design of the project and give equal or better light, air, and privacy to apartment dwellers.
- i. All multi-family dwellings shall be connected with a municipal sewer system or with a private sewage disposal system approved by the Connecticut State Department of Health Services.
- j. A site plan prepared in accordance with the provisions of Article IX of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in an RMF-160 Zone. The Zoning Enforcement Officer shall not issue a zoning permit for construction in an RMF-160 Zone unless a site plan for said construction has been duly approved.

B-202 Business Zone

Statement of purpose: The purpose of this zone is to provide locations for a variety of business, retail, personal service uses and other uses in a manner that maintains the rural and historic character of the community, permits safe flow of through traffic and manages conflict between business use traffic and local residential vehicular and pedestrian traffic.

1. Special Exceptions may be permitted in a B-202 Zone, after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein.

If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3 Groundwater Protection Requirements.

2. A Site Plan prepared in accordance with the provisions of Article IX, Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in the B-202 Zone for either a use permitted by right or a use permitted by Special Exception. The Zoning Officer shall not issue a Zoning Permit for construction in a B-202 Zone unless a Site Plan for said construction has been duly approved.

B-800 Business Zone

Statement of purpose: The purpose of this zone is to provide a location for a variety of business, retail, personal service uses and other uses with high traffic generation characteristics which are properly located with convenient access to Route 8, a limited access highway, and in proximity to a city center.

1. Special Exceptions can be permitted in a B-800 Zone, after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3 Groundwater Protection Requirements.
2. A Site Plan prepared in accordance with the provisions of Article IX, Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in the B-800 Zone for either a use permitted by right or a use permitted by Special Exception. The Zoning Officer shall not issue a Zoning Permit for construction in a B-800 Zone unless a Site Plan for said construction has been duly approved.

BH Historic Business Zone

Statement of Purpose: The BH Historic Business Zone is located within the Borough of Litchfield Historic District and is hereby established to assist in the preservation of the unique character of the Borough of Litchfield by encouraging in its commercial district the enhancement of the center's historical character, the preservation and restoration of its architectural assets and their appropriate setting, and the continuation of its pedestrian scale and orientation.

1. Special exceptions in a BH Zone can be permitted after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein and the requirements of Article VIII.
2. Buffers: Where land in the BH Zone abuts land in residential use in the Litchfield Historic District, setback requirements from the abutting property for buildings and paved areas in the BH Zone shall be at least 75 feet, and shall be planted with trees and other vegetation to provide a suitable screen that will prevent or minimize the appearance from adjoining residential properties of the commercial uses and parking areas at all times of the year.
3. Appearance of Buildings: Any mechanical equipment, fans, generators, etc. on the tops of buildings shall be suitably screened from view using materials, design and location that will minimize their appearance.
4. Off-Street Parking: Off-street parking must be located behind the principal structure in a location suitably screened with trees and other vegetation to prevent or minimize its appearance from streets and public areas in the Borough at all times of the year.
5. If required by the Commission, the applicant shall present a parking analysis and/or traffic survey conducted by a qualified traffic engineer evaluating the

adequacy of the proposed parking plan and/or the impact of the anticipated traffic flow to and from the parking area on the safety and congestion of traffic flow on the street, and on pedestrian use of the sidewalk in front of the property. The Commission may require such measures as it feels necessary to ensure pedestrian and vehicular safety and ease of travel, including limiting access to and from the parking area to right turns only, and requiring other measures to enhance visibility for persons exiting from the parking area and drivers and pedestrians on the public streets.

6. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

PB Planned Business Zone

Statement of Purpose: To be added.

1. Special Exceptions in a PB Zone are declared to possess such special characteristics that each may be permitted in a PB Zone after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein, and the requirements of Article VIII. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.
2. Requirements of the PB Zone.
 - a. The Commission may require that side and rear yards in a continuous buffer of local coniferous trees and shrubs not less than 15 feet wide, planted and maintained so as to protect adjacent properties and the neighborhood in general from detriment. Said trees and shrubs shall not be less than five feet in height at time of planting and shall be planted in not less than two rows which are staggered to provide maximum screening. The Commission may waive the requirement for buffer areas for any portion of a side yard which lies in front of the principal structure on the lot, or for any side yard with street frontage. The location of trees and shrubs shall be illustrated on the Site Plan, and planting must be effectuated before a Certificate of Zoning Compliance is issued. If construction is completed during a non-planting season, a bond or certified check for an amount covering planting costs shall be posted with the Town of Litchfield.
 - b. A Site Plan prepared in accordance with the provisions of Article IX Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built, or substantially altered in any PB Zone. The Zoning Officer shall not issue a building permit for construction in a PB Zone unless a Site Plan for said construction has been duly approved.
 - c. Front yards in the PB Zone shall be landscaped with grass or other natural ground cover including the planting and maintaining of trees with a minimum width of 4 inches in caliper measured 6 inches above ground level, of a type suitable to the location and environment, at a distance of no more than 100 feet from each other and within 75 feet of each property line.

MO - Municipal Office Zone

Statement of Purpose:

1. Parking areas may be permitted in the side and rear yard where the site plan provides for a landscaped buffer along the property line designed by a Connecticut registered landscape architect. The buffer shall be designed to provide a year round visual screen between the municipal office use and surrounding residential uses.
2. Buildings and land may be used and buildings may be erected for the following uses and no other, subject to approval of the site plan submitted in accordance with Article IX, Section 1.
3. Offices for the administration and other functions of Town Government and related uses are permitted.
4. Requirements for signs and parking in the MO Zone shall be as provided in Article VI.
5. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

PO Planned Office Zone

Statement of Purpose:

1. A Planned Office Zone may be established by the Commission or requested to be established by petition where the proposed location meets the following criteria:
 - a. The proposed site is located in a transition area located between a non-residential zone and a residential zone.
 - b. The site will be served by public water and sewer facilities.
 - c. The site is directly accessible to a state highway or major town road which is adequate to accommodate the projected traffic from the proposed use. Where required by the Commission, a transportation engineer shall submit a report which assesses and documents access and egress to the site.
 - d. The site shall have a minimum area of 60,000 square feet and shall be of a size adequate for the proposed office building(s) and related uses with substantial area of permanent green space or open space.
2. Procedures and Criteria for a Special Exception Permit for any use in PO Zone: If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.
3. The Special Exception application shall meet the requirements of Article VIII, and the requirements for a site plan in accordance with Article IX, Section 1.

I Industrial Zone

Statement of Purpose:

1. Industrial uses shall meet the following performance standards:
 - a. No dust, dirt, fly ash or smoke shall be emitted into the air.
 - b. No offensive odors or noxious, toxic, corrosive fumes or gases shall be emitted into the air.

- c. No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates. Blasting in connection with quarry operations is allowable by permit of State or Local Fire Marshal.
- d. No offensive or harmful wastes shall be discharged into any stream or watercourse or into any adjoining property.
- e. No activity shall be conducted which is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.
- f. Facilities where hazardous materials may be stored or utilized shall be designed so as to prevent contamination of groundwater in accordance with Article VI, Section 3, Groundwater Protection Requirements.

PI Planned Industrial Zone

Statement of Purpose:

1. Procedure:
 - a. A petition to establish a Planned Industrial zone shall be submitted by the owner of the land, or by the holder of an option to buy, to the Commission.
 - b. The petition shall be accompanied by two or more copies of a complete Site Plan prepared in accordance with the requirements of Article IX of these regulations.
 - c. Notice of public hearing of the petition shall be given as provided in the General Statutes of the State of Connecticut.
 - d. After a public hearing the Commission may approve, or deny, the establishment of the district. No PI Zone shall be approved which is inconsistent with the public welfare, or which impairs the integrity of these Regulations or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.
2. Landscape planting, including trees, shrubs and grass or ground cover, shall be provided and permanently maintained by the owner in the area required for setback from property and street lines, to the satisfaction of the Commission, and specifically:
 - a. Large trees (more than 18 inches in diameter) shall be identified and reasonable effort shall be made to preserve such trees.
 - b. All other existing natural growth shall be preserved and maintained where practicable.
 - c. Where a property adjoins a Residence Zone or RMF Zone on the side or rear, a "green belt" shall be planted and maintained at 30 feet in depth, including conifers planted in no fewer than two rows no further than 15 feet apart, with trees planted no more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than two inch caliper at time of planting.
 - d. The Commission may require more extensive planting, or more mature plantings, if unusual conditions demand more extensive screening and noise abatement. The Commission may approve existing vegetation, earth forms, or other natural features in lieu of the landscaping.

Article III - Section 3 Zoning Map

The boundaries of all zones, as established herein, and amended from time to time are those shown on the official Zoning Map, Town of Litchfield, Connecticut, filed in the office of the Planning and Zoning Commission, which map is part of these Regulations. Any facsimile maps, including any printed herewith, are not official and are for convenience only.

When in accordance with the provisions of these regulations, changes are made in zone boundaries or other matters portrayed on the Zoning Map, such changes shall be made on the Zoning Map immediately after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "as amended to (date)", such date to be that of the most recent amendment.

Article III - Section 4 Zone Boundaries Other Than FPOD

Where uncertainty exists as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alley shall be construed to follow such center lines;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following town limits shall be construed as following town limits;
4. Boundaries indicated as following railroad rights-of-way shall be construed to be midway between the rights-of-way;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated in the Zoning Map shall be determined by the scale of the map.

Article III - Section 5 FPOD Zone Boundaries

The Flood Plain Overlay Zone shall be superimposed over existing zones. The requirements and permitted uses of the underlying zones, except where prohibited or conditioned by these Regulations, shall continue to apply.

The Flood Plain Overlay Zone boundaries shall be the special flood hazard areas designated as Zone A, A1-30 on the Litchfield Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway maps, dated June 15, 1992 on file with the Planning and Zoning Office. These maps as well as the accompanying Litchfield Flood Insurance Study or any revision thereto are incorporated herein by reference.

**ARTICLE IV
AREA, DIMENSION AND USE REGULATIONS**

**Section 1
Definition of Terms**

Building, Height of

The distance vertically from the highest point of the point of the roof to the average level of the outside ground level along all walls of a building.

Building Line

The real limits of the minimum front yard, the line between which and the street no structure may be erected.

Lot, Building

A parcel of land occupied, or intended to be occupied, by a building or group of buildings and including such open spaces as are provided herein.

Lot, Corner

A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

Lot, Through

A lot having both front and rear yards abutting on a street.

Lot, Width of

The distance between the side lines of a lot measured either along the front street line or the building line. In instances where the street line is an arc, the measurement shall be taken at the building line. In instances where the side lines are not perpendicular or radial to the street line, the measurement shall be taken at the building line and shall be the shortest distance between the side lines.

Street Line

The dividing line between the street and the lot. Where such line has not been established, it is deemed for purposes of these regulations to be line parallel to and 33 feet distant from the center of the traveled surface.

Yard

An unoccupied space on the same lot with a building, extended along the entire length of a street or of a rear or interior lot line.

Yard, Front, Minimum

The open unoccupied space required across the full width of a lot from the street line to the nearest edge of the principal building or any covered porch which projects from the principal building.

Yard, Rear, Minimum

The open unoccupied space required across the full width of a lot between the rear-most structure and the rear lot line.

Yard, Side, Minimum

The open unoccupied space required between the side lines of a lot and any building, and extending from the minimum side yard includes both a minimum for each side, and a minimum for the two sides combined.

Section 2
Tables of Area and Dimension Requirements

All lots, buildings and structures established, erected or altered after the enactment of this Zoning Regulation shall conform to the minimum requirements specified for the Zone in which the building is located as specified in the following tables of Area and Dimension Requirements, and as provided for in this Article.

Section 2A
Table of Residential Area and Dimension Requirements

Zone	Lot Area Sq. Ft.	Lot Width Feet	Front Yard Feet	Side Yard Min.	Side Yard Agg.	Rear Yard Feet	Max. Bld. Cov%	Min. Green Space %	Max. Bld. Ht.
R-160 ^{1,2}	160,000 ¹	300	50	40 ²	90 ²	50	6	30	35
R-80 ^{1,2}	80,000 ¹	200	50	40 ²	90 ²	50	12	30	35
R-20	20,000	100	50	15	40	50	12	10	35
R-20H	20,000	100	50	20	40	60	12	10	35
R-30H ³	30,000	140	60 ³	30 ³	60 ³	60	12	30	35
RHC-40 ⁴	40,000 ⁴	150 ⁴	50	20 ⁴	50 ⁴	50	12	30	35
RMF-160	160,000	200	60	30	60	60	25	30	35

See Section 2C for footnotes

Section 2B
Table of Non-residential Area and Dimension Requirements

Zone	Lot Area Sq. Ft.	Lot Width Feet	Front Yard Feet	Side Yard Min.	Side Yard Agg.	Rear Yard Feet	Max. Bld. Cov%	Min. Green Space	Max. Bld. Ht.
BH ¹	20,000	100	20	10	25	30	25	10	35
B202 ¹	20,000	100	20	10	25	30	25	30	35
B800 ¹	20,000	100	20	10	25	30	25	30	35
PB ¹	60,000	150	50	30	60	50	25	30	35
MO	20,000	100	50	10	25	30	25	10	35
PO	60,000	150	50	30	60	50	20	30	35
I	20,000	100	10	10	25	30	25	30	35
PI	80,000	200	30	30	60	50	25	30	35

Abbreviations:

Sq.Ft. = square feet
Agg. = aggregate
Cov. = coverage

Min. = Minimum
Bld. = Building
Ht. = Height

1 No individual retail store (including a retail store primarily selling ready to eat foods) may exceed fifty two thousand (52,000) square feet of gross floor area.

Section 2C
FOOTNOTES: Table of Residential Area and Dimension Requirements

1. The following footnotes apply to the R80 and R160 Zones:

In the R-80 and R-160 District, each lot shall be of such shape so that a square having 200 feet on each side shall fit on the lot. The area within such square shall not contain land subject to easements for streets, drainage, utilities, private rights-of-way or other encumbrances restricting development. Areas consisting of slopes with grade in excess of 25%, wetlands or watercourses shall not comprise any of the area of the minimum square.

Purpose: To assure that new lots have a reasonable shape generally free from severe limitations to building development.

2. Lots of Record in the R-80 Zone or R-160 Zone which were established Prior to December 17, 1987.

a. Any approved lot of record or lot of record that is non conforming in terms of lot area which was approved or created prior to December 17, 1987 and which has a total lot area

that is more than 60,000 square feet but less than 80,000 square feet shall be subject to the following side yard requirements:

<u>Side Yard</u>	<u>Side Yard Aggregate</u>
30 feet	70 feet

- b. Any approved lot of record or lot of record that is non conforming in terms of lot area which was approved or created prior to December 17, 1987 and is located in the R80 Zone or the R160 Zone and has a total lot area that is less than 60,000 square feet shall be subject to the following side yard requirements:

<u>Side Yard</u>	<u>Side Yard Aggregate</u>
20 feet	50 feet

Purpose -To clarify that pre-existing non conforming lots of record which are non conforming in terms of lot area shall be extended the same side yard lot requirements provided for lots of record which had been approved by the Planning and Zoning Commission prior to December 17, 1987 (the effective date of the change in zoning regulations requirements from the former R40 and R6 zone to the current R80 and subsequent R160 zone adoptions).

3. The following footnotes apply to the R-30H Zone:

- a. The Commission encourages the front yard setback to be compatible with the existing streetscape.
- b. Requirements for SIDE YARDS for the R-30H Zone:
A building erected subsequent to the effective date of this regulation (July 22, 1970) on a lot in the R-30H Zone, other than on an interior lot, must be located such that the distance between each side of the new building and the nearest side on an existing principal building equals or exceeds that block's "average distance" between two adjacent principal buildings. The "average distance" is to be determined separately for each side of each block within the R-30H Zone, and is measured by the length of a line extending between the nearest points of any two adjacent principal buildings existing on the effective date of this regulation, which line runs as parallel as is possible to the street from which the principal buildings measure their front/rear setback. This provision shall not apply to a building built to replace a building existing on the effective date of this regulation (July 20, 1970) and which has been subsequently destroyed due to circumstances beyond the control of its owner. For the average distance for each block within the R-30H Zone is as follows:

Street/Side	Distance/Feet
North Street - West Side	121'
North Street - East Side	106'
South Street - West Side	106'
South Street - East Side	81'
Prospect Street - North Side	130'
Prospect Street - South Side	199'
Meadow Street - East Side	125'
Tallmadge Avenue - South Side	139'
Wolcott Street - South Side	70'

4. The following footnotes apply to the RHC40 Zone:

- a. In the RCH-40 Zone, minimum lot area requirements in this zone shall be exclusive of easements or other permanent restrictions prohibiting building or development. A minimum lot area of 40,000 square foot is permitted where either public water or public sewer service is available and will be provided to serve the lot as documented in writing by the utility or the Sewer Commission in the zoning application. Where neither public water or public sewer service is available or it is not documented that service will be provided as required above, the minimum lot area shall be 60,000 square feet and in addition to the lot dimensional requirements (as specified in the Table of Area and Dimension Requirements), the lot shall be of such a size and shape that a 200' square (or a rectangle with the same area as a 200' square and a small side of not less than 150') can be located within the lot boundaries land and within the square (or rectangle) there shall be no inland wetland or watercourses as defined by the Litchfield Inland Wetlands Regulations and Map nor shall there be any land within the Flood Plain Overlay Zone.
- b. To encourage site design which will protect the visual quality of the green way approach to the Town Center within these RHC40 Zones, where a lot(s) will be served by a public utility (as specified in 4 above) the Commission may grant as a Special Exception (reference Article VI, Section 5C), a 25% reduction to the minimum lot size requirement, a reduction in lot width to 100', a reduction in side yard aggregate requirement to 35' and a reduction of rear yard with requirement to 30'.

Section 3
Exceptions to Area and Dimension Requirements

1. Lots of Record

A building and accessory buildings may be erected in any zone on a lot having an area or width less than required in the Table of Area and Dimension Requirements, provided:

- a. Such lot shall have been recorded by deed or shall have been shown on a map approved by the Commission and filed in the Town Clerk's office prior to the effective date of these Regulations or amendments thereto which would otherwise make such building unlawful, and the owner of the lot shall not own sufficient contiguous land to make a conforming lot or more nearly conforming lot.
- b. All other requirements of the Table of Area and Dimension Requirements are complied with.

2. Lots Adjacent to More Restrictive Zone

Where a lot adjoins a lot in a more restrictive zone, any adjoining side, front or rear yard shall conform to the minimum depths of said more restricted zone except where a street intervenes.

3. Corner Lots

A corner lot shall maintain front yard requirements for the street on which the main building faces, and 65 percent of front yard requirements for the street on its side. All accessory buildings shall maintain front yard requirements for both street frontages.

4. Through Lots

A through lot shall maintain minimum front yard requirements along any street it adjoins.

5. Lot in Two Zones

Where a change in a Zone boundary line divides a lot which has frontage on a less restricted zone, the regulations for the less restricted zone shall extend not more than 30 feet into the more restricted zone.

6. Corner Visibility

On a corner lot, no planting, structure, fence, walls or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of the intersection.

7. Height Exceptions

The provisions of these regulations limiting the maximum height of building shall not apply to restrict the height of a church or a flagpole, radio tower, radio or television antenna, chimney or water tank.

8. Fences

Fences are permitted in any yard with no height restriction except on a corner lot. (see 6 above)

9. Accessory Buildings

See Article V, Section 1A.

Section 4
Table of Uses - Residential Zones

<i>USE</i>	<i>Se e Art V Se c#</i>	<i>R20</i>	<i>R20H</i>	<i>R30 H</i>	<i>RHC 40</i>	<i>R80</i>	<i>RR 160</i>	<i>RMF 160</i>
Accessory Apartment	1	SE	SE	SE	SE	SE	SE	N
Accessory Building/Structure		P	P	P	P	P	P	P
Electric generation	1A	P	P	P	P	P	P	P
Affordable Housing (Town of Litchfield/Local Non-Profit)	2	SE	SE	SE	SE	SE	SE	N
Bed & Breakfast	3	SE	SE	N	SE	SE	SE	N
Cemetery		SE	SE	N	SE	SE	SE	N
Church		SE	SE	SE	SE	SE	SE	SE
Construction Trailers	4	T	T	T	T	T	T	T
Convalescent Home/Nursing Home/Hospital	5	SE	SE	N	SE	SE	SE	N
Country Inn	6	SE	SE	N	SE	SE	SE	N
Country Inn/Restaurant	7	SE	SE	N	SE	SE	SE	N
Educational, Instructional, Religious, Philanthropic and Charitable Institutions	8	SE	SE	N	SE	SE	SE	N
Farm	9	P	P	P	P	P	P	P
Farm Stand (Permanent)	9	N	N	N	SP/SE	SP/SE	SP/SE	N
Farm Stand (Temporary)	9	SE	SE	SE	P	P	P	P
Farm Winery	10 A	P/SE	P/SE	P/SE	P/SE	P/SE	SP/SE	P/SE
Fire Fighting/Emergency Services (Not-for-Profit)		SE	SE	SE	SE	SE	SE	SE
Greenhouse-Nursery Use (Commercial)		SE	SE	N	SE	SE	SE	SE
Home Enterprise (Traditional)	12	P	N	N	P	P	P	N
Home Animal Farming	10	P	P	P	P	P	P	P
Home Farming	10	P	P	P	P	P	P	P
Home Occupation(See also Residence for Personal Business)	13	SE	SE	N	SE	SE	SE	N
Horses (Personal Use)	14	P	P	P	P	P	P	N
Housing for Elderly (Owned by a Non-Profit Corporation)	15	SE	SE	N	SE	SE	SE	N
Kennel	16	N	N	N	SE	SE	SE	N
Multi-Family Dwelling	18	N	N	N	N	N	N	*SP
Municipal Building	17	SE	SE	N	SE	SE	SE	N
Public Library		SP	SP	SP	SP	SP	SP	N
Public Park/Playground		SP	SP	SP	SP	SP	SP	N

Section 4

Table of Uses - Residential Zones

This table provides a concise overview of the Uses allowed in the various zoning districts. In the case any conflicts between this table and the text of the regulations, the text governs.

<i>USE</i>	<i>Se e Art V Se c#</i>	<i>R20</i>	<i>R20H</i>	<i>R30H</i>	<i>RHC 40</i>	<i>R80</i>	<i>RR 160</i>	<i>RMF 160</i>
Public School		SP	SP	SP	SP	SP	SP	N
Recreational (Outdoor)	22	SE	SE	N	SE	SE	SE	N
Residence for Personal Business	24	P	P	P	P	P	P	N
Seasonal Cottage (One Family)	25	N	N	N	SE	SE	SE	N
Shop and Storage Use by a Contractor or Tradesman	13 A	N	N	N	N	SE	SE	N
Single Family Dwelling		P	P	P	P	P	P	N
Stable (Commercial)	26	N	N	N	SE	SE	SE	N
Telecommunication Facilities and Sites	31	SE	SE	N	SE	SE	SE	N
Veterinary Hospital	16	N	N	N	SE	SE	SE	N
Two-Family (Duplex)	27	SE	SE	SE	SE	SE	SE	N

KEY = **P** - Permitted
SE - Permitted by Special Exception
SP - Site Plan Review Required
N - Not Permitted
T - Temporary Use

Uses not listed on this table are prohibited

Section 5
Table of Uses - Non Residential

This table provides a concise overview of the Uses allowed in the various zoning districts. In the case any conflicts between this table and the text of the regulations, the text governs.

<i>USE</i>	<i>Art V Sec#</i>	<i>B202</i>	<i>B800</i>	<i>BH</i>	<i>PB</i>	<i>MO</i>	<i>PO</i>	<i>I</i>	<i>PI</i>
Accessory Apartment	1	SE	SE	SE	SE	SE	SE	SE	SE
Accessory Building		SP	SP	SP	SP	SP	SP	SP	SP
Affordable Housing (Town Sponsored/Local Non-Profit)	2	SE	SE	SE	SE	SE	SE	SE	SE
Auto, Boat, Farm, Motorcycle, Truck dealerships, including repairs		SE	SE	N	N	N	N	N	N
Banks		SP	SP	SE	SP	N	N	N	N
Bakery		SE	SE	SE	SE	N	N	N	N
Bed & Breakfast	3	SE	SE	SE	N	SE	SE	SE	SE
Boat Sales		SE	SE	N	N	N	N	N	N
Business & Professional Offices (without hazardous material)		SP	SP	SE	SE	SP	SP	SP	SP
Business & Professional Offices (with Hazardous Material)		SE	SE	SE	SE	N	SE	SE	SE
Car Wash	31	SE	SE	N	N	N	N	N	N
Caterer		SP	SP	SE	SP	N	N	N	N
Cemetery		SE	SE	SE	N	SE	SE	SE	SE
Church		SP	SP	SE	SP	N	SE	SP	SP
Construction Trailers	4	T	T	T	T	T	T	T	T
Convalescent Home/Nursing Home/Hospital	5	SE	SE	SE	N	SE	SE	SE	SE
Country Inn	6	SE	SE	SE	N	SE	SE	SE	SE
Country Inn/Restaurant	7	SE	SE	SE	SE	SE	SE	SE	SE
Educational, Instructional, Religious, Philanthropic and Charitable Institutions	8	SE	SE	SE	N	SE	SE	SE	SE
Farm		P	P	P	P	P	P	P	P
Farm Accessory Use-Non Traditional	9	SE	SE	SE	SE	SE	SE	SE	SE
Farm Stand (Permanent)	9	P/SE	P/SE	P/S E	P/S E	P/S E	P/S E	P/SE	P/S E
Farm Stand (Temporary)	9	P	P	P	P	P	P	P	P
Farm Winery	10A	P/SE	P/SE	P/S E	P/S E	P/S E	P/S E	P/SE	P/S E

Section 5
Table of Uses - Non Residential

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<i>USE</i>	<i>Art V Sec#</i>	<i>B202</i>	<i>B800</i>	<i>BH</i>	<i>PB</i>	<i>MO</i>	<i>PO</i>	<i>I</i>	<i>PI</i>
Fire Fighting/Emergency Service (Not-for-Profit)		SE	SE	SE	SE	SE	SE	SE	SE
Funeral Home		SE	SE	SE	N	N	N	N	N
Greenhouse/Nursery (Commercial)		SE	SE	SE	SE	SE	SE	SE	SE
Home Animal Farming	10	P	P	P	P	P	P	P	P
Home Farming	10	P	P	P	P	P	P	P	P
Home Occupation (see also Residence for Personal Business)	13	SE	SE	SE	N	SE	SE	SE	SE
Hotels		SP	SP	N	SP	N	N	N	N
Housing for Elderly	15	SE	SE	SE	N	SE	SE	SE	SE
Manufacturing/Processing or Assembling of Goods		N	N	N	N	N	N	SP	SP
Motel		SE	SE	N	N	N	N	N	N
Municipal Building	17	SE	SE	SE	SE	SE	SE	SE	SE
Personal Service Shop without Hazardous Material		SP	SP	SE	SE	N	N	N	N
Personal Service Shop with Hazardous Material	19	SE	SE	SE	SE	N	N	N	N
Printing Establishment		SE	SE	SE	N	N	N	SP	SP
Public Garage/Gas Station		SE	SE	N	N	N	N	N	N
Public Library		SP	SP	SP	SP	SP	SP	SP	SP
Public Park/Playground		SP	SP	SP	SP	SP	SP	SP	SP
Public School		SP	SP	SP	SP	SP	SP	SP	SP
Public Utility	30	SE	SE	SE	N	SE	SE	SE	SE
Recreational Uses (Indoor)	21	SE	SE	N	N	N	N	N	N
Recreational Uses (Outdoor)	22	SE	SE	SE	SE	SE	SE	SE	SE
Residence for Personal Business		SP	SP	SP	SP	SP	SP	SP	SP
Residential Use within Business Building	23	SE	SE	SE	SE	N	N	N	N
Research Establishment		N	N	N	N	N	N	SP	SP
Restaurant		SE	SE	SE	SE	N	N	N	N
Restaurant, high turnover, fast-food		N	SE	N	N	N	N	N	N
Retail Stores		SP	SP	SE	SP	N	N	N	N
Retail Stores primarily Selling Ready-to-eat Food products		SE	SE	N	SE	N	N	N	N

**Section 5
Table of Uses - Non Residential**

<i>USE</i>	<i>ArtV Sec #</i>	<i>B202</i>	<i>B800</i>	<i>BH</i>	<i>PB</i>	<i>MO</i>	<i>PO</i>	<i>I</i>	<i>PI</i>
Single Family Dwelling		P	P	P	P	P	P	P	P
Storage in Bulk or Warehousing (excluding petroleum products coal, crushed rock and sand)	28	SE	SE	N	N	N	N	N	N
Storage Business	28	N	N	N	N	N	N	SP	SP
Telecommunication Facilities and Sites	32	SE	SE	SE	N	SE	SE	SE	SE
Theatres (see also "Recreational, Indoor")	21	SE	SE	SE	P	N	N	N	N
Trades		SP	SP	SE	SP	N	N	N	N
Trans-shipment Centers	28	N	N	N	N	N	N	SP	SP
Warehouses	28	SE	SE	SE	N	N	N	SP	SP
Wholesale Business	28	N	N	N	N	N	N	SP	SP

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SE - Permitted by Special Exception
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Uses not listed on this table are prohibited

**ARTICLE V
STANDARDS AND REQUIREMENTS FOR CERTAIN USES**

**Article V - Section 1
Accessory Apartment**

The intent of this Special Exception is to permit an additional housing opportunity in the form of accessory apartments associated with a single family residence. An accessory apartment shall be permitted in a manner that maintains the character and scale of adjoining residences and blends into the existing neighborhood. An accessory apartment within a principal dwelling or an approved accessory building only may be permitted by the Commission subject to the following conditions:

1. The owner of the principal dwelling and lot shall reside in the dwelling or the accessory apartment. Only one accessory apartment shall be permitted on a lot.
2. Bedrooms. An accessory apartment shall have no more than 2 bedrooms.
3. Minimum habitable floor area. The minimum floor area of the accessory apartment shall be 500 square feet.
4. Maximum floor area. The maximum habitable floor area shall be no more than 35% of the total habitable floor area of the principal residential dwelling except as provided for below in subsection 6c.
5. An accessory apartment may be permitted in the principal residential dwelling provided that any proposed addition shall be to the side or rear and that the addition shall blend in with the principal dwelling and maintain its exterior appearance as a single family residence.
6. Accessory Apartment in an Accessory Building:
 - a. An accessory apartment may be permitted in an accessory building existing prior to August 12, 1988, where:
 - documentation is submitted certifying that the accessory building was in existence on August 12, 1988, and
 - the accessory building is located within 75 feet of the principal residential dwelling, or
 - the accessory building located greater than 75 feet of the principal residential dwelling and the lot is subject to a deed restriction preventing subdivision or resubdivision of the lot during the time that there is an accessory apartment in the accessory structure.
 - b. An accessory apartment may be permitted in an accessory building constructed after August 12, 1988 provided the accessory building meets the front, side and rear yard requirements for the zone as set forth in Article IV, Section 2.

- c. The maximum habitable floor area for an accessory apartment in an accessory building may be increased to not more than 50% of the total habitable floor area of the principal dwelling where:
 - the lot area is more than 4 times the minimum required lot area for the zone, or a minimum of 10 acres, whichever is less, and the applicant demonstrates to the satisfaction of the Commission that either:
 - the lot is capable of being divided into separate lots for the principle dwelling and the accessory building in accord with the requirements of the Zoning Regulations for the zone in which said lot is located, or
 - the lot is subject to a deed restriction preventing subdivision or resubdivision of the lot during the time that there is an accessory apartment in the accessory structure.
- 7. A total of at least three off-street parking spaces shall be provided for the use of the principal residential dwelling and the accessory apartment. Parking spaces shall be screened from public view and preferably located in the rear portion of the lot.
- 8. The accessory apartment shall have its own outside access to the parking area, and shall be equipped with its own kitchen, bath and utility services. The Regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. The apartment may utilize the existing sanitary system on the lot, if approved by the Health District. The Health District may require a complete new sanitary system, if the existing system is inadequate for the proposed use or if insufficient data is available concerning the nature of the existing system.
- 9. The Special Exception shall become null and void if the owner does not reside on the lot. A change in the ownership of a property with an accessory apartment will require approval by the Zoning Enforcement Officer and issuance of a written permit for lawful occupancy of the apartment. As part of the permit, the Zoning Enforcement Officer may require an affidavit to verify that the owner is in residence.

Article V - Section 1A
Accessory Buildings and Structures in Residential Zones

- 1. Accessory buildings when used in connection with a farm shall include all structures customarily used for farm purposes, and they shall not be limited in height or size.
- 2. In an R30H residence zone no accessory building shall be located within any yard (front, side or rear). Note: see definition section for term "Yard".
- 3. In the R160, R80 or RMF residence zones no accessory building shall be located in a required front, side or rear yard with the following exception: A maintenance shed (see Art. II Definitions) may be located within a side or rear yard provided it is not closer than 10 feet from the side or a rear property line and shall not contain electric generation equipment.

4. In the R20, R20H and RHC 40 residence zones no accessory building shall be located within a front or side yard. An accessory building may be located in the rear yard provided it is not less than 6 feet from the rear lot line.
5. Electric generation equipment as an accessory use/structure to a Residential Dwelling Unit in Residential Zones.

In all residential zones electric generation equipment accessory to a residential dwelling unit and located inside the residence or an attached garage shall not require a zoning permit.

In an R20, R20Hor R30H or RHC40 residential zone electric generation equipment accessory to a residential dwelling unit located outside of the residence or attached garage shall meet the following requirements:

- Whether or not the equipment is within a fully enclosed accessory building, it shall not be located in a front, side or rear yard setback (as defined herein).

Article V - Section 2

Affordable housing sponsored by the Town of Litchfield or a local non-profit organization:

1. **Statement of Purpose.** The purpose of this Special Exception is to provide the opportunity for Town or non-profit sponsored affordable housing in suitable locations according to a site design that is compatible with the rural and historic character of the Town and the neighborhood.
2. **Special Exception Uses.** New construction consisting of multi-family units or multi-family units mixed with two-family and/or single-family units and associated parking or other common facilities located on a single lot.
3. **Eligible Applicants.** Applicants or co-applicants for this special exception shall be limited to the following:
 - The Town of Litchfield or a Town authorized housing agency, such as the Litchfield Housing Authority, or;
 - A Community Housing Development Corporation meeting the requirements of the Connecticut General Statutes, Section 8-217, as amended, or;
 - A local non-profit organization which has qualified for tax exempt status as a charitable organization by the IRS pursuant to the federal tax code and is certified by the Board of Selectmen as able to carry out the proposed affordable housing.
4. **Demonstration of Need.** The application shall include information demonstrating a local need for the type and amount of proposed housing.
5. **Guarantee - Affordable Housing Purpose.** The applicant shall provide documentation of legally binding measures guaranteeing that the housing will

remain affordable as defined in the Connecticut General Statutes, Section 8-39a, as amended.

6. **Water and Sewer Service:** All dwelling units shall be served by a public water system approved by the State Department of Health Services and/or the Torrington Area Health District and public sewer facilities approved by the Litchfield Water Pollution Control Authority with the following exceptions.
 - a. On-site water service may be permitted where the applicant proposes multiple dwelling units for affordable housing on a site provided the application:
 - i. is designed according to cluster or conservation development principles, and
 - ii. documents to the satisfaction of the Commission that the site has the capacity to provide the projected water needs of the units based upon test wells,
 - iii. includes a stipulation that no Certificate of Zoning Compliance shall be issued for a residential unit on the site unless the Torrington Area Health District has approved the quantity and quality of the on-site water service to the residential unit
 - b. On-site septic sewer service may be permitted where the applicant proposes multiple dwelling units for affordable housing on a site provided the application:
 - i. is designed according to cluster or conservation development principles, and
 - ii. shows that each residential building on site is served by an individual on-site septic tank and leaching field system with a capacity not exceeding 2,000 gallons per day which is subject to the review and approval of the Torrington Area Health District and
 - iii. documents to the satisfaction of the Commission that the site and septic plans will provide for the long term sewer treatment needs of the development. The application shall include detailed plans for on site septic system sewerage service prepared by an engineer licensed by the State of Connecticut. Plans shall provide adequate reserve septic field locations, which shall be kept open and undeveloped. The Torrington Area Health District shall provide a report to the Commission submitted with the application finding that the septic design plans meet its requirements. The application shall include a plan providing for the proper operation and maintenance of the on site sewer service system.
7. **Minimum Yard, Maximum Coverage, Maximum Height and Buffer Requirements.** Maximum lot width shall be as required for the zone in which the lot is located. All building and parking areas shall be setback from lot lines a minimum distance as required for the front, side and rear yard for the zone in which the lot is located. All building and parking areas shall cover no more

than the maximum percent of lot coverage as required for the zone in which the lot is located. Buildings shall not exceed the maximum building height as required for the zone in which the lot is located (See Article IV, Section 2 for all of above).

8. **Site Within or Abutting Single Family Residential Zone.** Where an application involves land within or abutting a single family residential zone the application shall demonstrate that any new construction shall blend with the surrounding residences and neighborhood by use of building form, height, material and landscaping.

Where the Commission determines that the proposed new construction does not meet the above standard, the applicant shall be required to submit a landscape buffer plan prepared by a Connecticut licensed landscape architect meeting the following requirements. Where the site's property line abuts a residential zone, the required setback area (see above) along the property line shall be landscaped with evergreen shrubs or trees, or such evergreens in combination with embankments, fences and/or walls, so as to provide a screen and transition from the property to the residential zone. Suitable natural terrain and existing evergreen trees and shrubs may be preserved, or augmented with new planting, to satisfy the landscape requirement in the setback area. All portions of the lot not covered by buildings, other structures, outside storage or paved areas shall be landscaped with trees, shrubs, lawns or other suitable landscaping.

9. **Minimum Lot Area and Maximum Number of Dwelling Units on a Site.**

- a. **Maximum Lot Area.**

The lot shall be of a size, shape and terrain adequate to accommodate the proposed number buildings and dwelling units and shall be in conformity with the following requirements for maximum number of dwelling units on a site. In no case shall the size of the lot be less than the minimum required in the zone in which the site is located.

- b. **Maximum Number of Dwelling Units on a Site:**

Purpose.

The purpose of this requirement is to establish a reasonable maximum number of dwelling units permitted in consideration of the proposed site's development limitations.

Requirement.

The maximum number of "dwelling units" permitted on a site shall be four for each 40,000 square feet of "usable site area".

10. **Definitions and Procedure.**

- a. "Dwelling unit" shall be defined as "a building, structure, unit or portion thereof, providing complete housekeeping facilities for one family".

- b. "Usable site area" shall be defined as land other than the following areas which shall be shown on a site plan map as specified below:

Regulated Inland Wetlands and Watercourses as defined in the Litchfield Inland Wetlands defined in the Litchfield Inland Wetlands Regulations and shown on the Litchfield Inland Regulations 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 Federal Emergency Management Agency 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 land surveyor;

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 as shown on a Site Plan map, the applicant's engineer shall certify the total "usable site area" in square feet and the total number of dwelling units permitted on the site.

11. Parking Requirements.

- a. Each dwelling unit shall have two off street parking spaces.
 - b. Parking spaces in an enclosed garage shall count toward this requirement only where a deed restriction or covenant or other legally binding measure limits the use of the garage space to parking.

12. Access way and Other Improvements. All improvements (accessory, drainage, parking, erosion and sediment control, etc.) shall be designed by a professional civil engineer.

- a. Construction plans shall be prepared in accordance with the specifications for a Construction Plan as set forth in the Subdivision Regulations.
- b. The access way shall have a paved width, grade and alignment suitable for the number of proposed dwelling units and for safe access by emergency vehicles.
- c. The Commission shall refer all applications for review and comment by the Volunteer Fire Department and the Fire Marshal.

Article V - Section 3 Bed and Breakfast

The provision of rooms for transient visitors in a residential structure may be permitted by the Commission provided the following conditions are met:

1. The owner of the principle dwelling and lot shall reside on the property housing the bed and breakfast use.
2. The lot shall be large enough to provide additional parking at the rate of one space per guest room, screened from public view and preferably located on the rear portion of the lot.
3. The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition.
 - a. No more than two guest rooms rated for double occupancy are permitted in a structure in which the owner is in full time residence.
 - b. Complete bathrooms shall be provided at the rate of one per two guest rooms.
 - c. The Regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. A complete new sanitary system may be required if the existing system is inadequate for the proposed use or if there is insufficient data concerning the nature of the existing system.
4. Minor additions may be made to a structure, up to 200 square feet, for improvements necessary for such occupancy.
5. The length of stay shall not exceed three days per guest. Food service shall be limited to continental breakfast only.
6. The operation of a "Bed and Breakfast" use shall require a written permit. This permit will be issued by the Land Use Administrator following approval of a special exception by the Commission. The permit will be effective for a two year period, and must be renewed for additional two year periods. Willful failure to abide by these regulations is cause for the Commission to revoke such permit.

Article V - Section 4 Construction Trailers

Trailers used for business, office, and storage purposes in connection with a bonafide construction operation within the Town of Litchfield may be used for such purposes in any zone for a period of time not to exceed the duration of the construction contract.

Article V - Section 5
Convalescent Homes, Nursing Homes and Hospitals

1. The lot shall have a minimum area of five acres.
2. The facility shall be served by a public water system approved by the State Department of Health Services and public sewer facilities approved by the Litchfield Sewer Commission.
3. The lot shall be of such a size and shape that a 300' square can be located within the lot boundaries.
4. The minimum setback distance for all buildings and parking areas shall be 100' from a State Highway right-of-way and 75' from a Town street right-of-way and 50' from all other property lines.
5. The total lot coverage of the footprint of all buildings on the lot shall not exceed 10% of the total lot area.
6. The total floor area of all buildings on the lot shall not exceed 20% of the total lot area.
7. The total ground coverage by all buildings and other structures, outside storage area, areas for off street parking, loading, and driveway and all paved areas on the lot shall not exceed 30% of the total lot area.
8. A landscape plan for the lot prepared by a Landscape Architect, licensed to practice in the State of Connecticut, shall be submitted as part of the special exception application.

All portions of the lot not covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping. Areas not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot.

Where the lot abuts a Residential Zoning District the required setback area (see 4. above) along the property boundary line shall be landscaped with evergreen shrubs or trees, or such landscaping in combination with embankments, fences and/or walls, to provide a screen and transition from the site to the Residential Zone. Suitable natural terrain and existing evergreen trees and shrubs may be preserved or augmented with new planting to satisfy the landscape requirement in the setback area.

9. Reference Article VI, Section 7 regarding Non-Residential development in Residential Zones.

Article V - Section 6 Country Inn

A residence or structure or original portion of which was in existence at the time of the adoption of these regulations may be converted for use as a Country Inn. For the purpose of this regulation a "Country Inn" shall be defined as a facility having ten or less guest rooms in which lodging is offered for compensation and meals for guest lodgers only may be offered.

A Country Inn may be permitted as a special exception subject to the following limitations and standards:

1. The minimum lot area shall be five acres. The total area of impervious surfaces on the lot shall not exceed 15% of the total area of the lot. (For the purpose of this section of the regulations impervious surface shall include the footprint of any building and the area of any paved parking areas. The total area of the lot shall not include inland wetlands and watercourses area as defined on the Litchfield Inland Wetland and Watercourse Map.)
2. Modifications or additions proposed to accommodate the use of the structure as a country inn shall not exceed 50% of the total habitable floor area of the existing structure.
3. All parking areas shall be screened from view from surrounding residences. Parking shall be located to the side and rear of the structure, wherever possible. No parking shall be located within 50' of the front line or 25' of a side or rear lot line.
4. Regarding the requirement for notification of property owners for a special exception as specified in Article VIII, the applicant shall notify all property owners within 1,500' radius of the lot. If the proposed application is objected to in writing by a majority of property owners within a radius of 1,500' the application may be approved only by the unanimous vote of all Commissioners present and eligible to vote on the application at the time of decision.

Article V - Section 7 Country Inn/Restaurant

A residence or structure in existence at the time of the adoption of these regulations may be converted for use as a inn/restaurant. For the purpose of this regulation an "Inn/Restaurant" shall be defined as a facility having guest rooms for compensation and meals offered for compensation to guest lodgers and the public.

An Inn/Restaurant may be permitted as a special exception subject to the following limitations and standards:

1. The minimum lot area shall be five acres.
2. The lot shall be frontage on a State highway and the primary vehicular access to the inn/restaurant shall be from a State highway.

3. The number of guest rooms within the existing structure shall be limited to ten, however this maximum may be increased by an addition to the existing structure or by construction of a new building (for guest room use only) where the applicant can demonstrate that:
 - a. The addition or new construction is in keeping with the size, scale and appearance of the existing structure, and the size, shape, topography and landscape of the lot is such that the addition or new structure will be in a location which will blend in with the physical character and visual appearance of existing development on the lot, the surrounding neighborhood and the historic character and rural environs of the community.
4. No separate retail or commercial use other than that related to food, beverage and transient accommodations shall be permitted.
5. Parking requirements shall be the same as stated in Article V, Section 7.3 (Country Inn).
6. Notification requirements shall be the same as stated in Article V, Section 7.4 (Country Inn).

**Article V - Section 8
Educational, Instructional, Religious, Philanthropic and Charitable
Institutions:**

Rooms within these institutions where hazardous materials may be used or stored shall include design features that will protect the groundwater from contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

**Article V - Section 9
Farm Requirements**

1. **Buildings and Signs.** With the exception of dwellings and farm stands, all Farm related buildings and structures shall be located not less than 100 feet from any street line and 100 feet from any dwelling on an adjacent lot. This requirement shall not restrict the location of fencing for pastures. One sign of up to 10 square feet shall be permitted.
2. **Slaughtering.** Commercial slaughtering is not permitted with the exception of animals raised on the premises.
3. **Farm Stand - Temporary.** No zoning permit shall be required for a temporary moveable farm stand provided that:
 - it is set up and used only for the sale of farm produce in season, and
 - the produce has been grown on the premises and
 - the stand is no greater than 100 square feet in surface area and is located not closer than twenty feet of the street pavement or travel way.

4. Temporary Moveable Farm Stand Associated with a Principal Commercial Use.

A temporary, moveable stand set up for the sale of local and Connecticut-grown products in season may be permitted as an accessory use to the principal commercial use of a lot subject to approval of a Site Plan application. Such a stand may be permitted where there is sufficient parking and circulation for both the principal and accessory use.

5. Farm Stand – Permanent

A permanent stand for the display and sale of farm produce substantially all of which has been grown on premises shall be a permitted use subject to submission of a site plan to the commission, meeting the following requirements:

a. Location. Shall be subject to all setback *requirements in the Table of Residential Area and Dimension Requirements (Art IV, Section 2A)*.

b. Parking. A minimum of one off-street parking space consisting of a dustless surface shall be provided for each 50 square feet of farm stand floor area. The Commission may require additional parking spaces where it determines it is necessary. The applicant may be required to show on the site plan a suitable area for future parking spaces. This area shall be open and well drained and may be maintained with a grass surface.

c. Floor Area. The floor area of a permanent farm stand shall not exceed 300 square feet. The Commission may approved a stand alone farm stand or a farm stand within an existing building with a total floor area greater than 300 square feet upon the acquisition of a special exception from the commission.

d. Farm Stand in an Existing Building. A permanent farm stand may be established within a farm barn or other similar building designed and used for farm purposes upon the acquisition of a special exception from the commission.

**Article V - Section 10
Requirements for Home Farm, Home Animal Farm and Other Farm Related Uses**

1. Home Farming

A home farming use may sell a portion of the products grown on the premises and not needed for home consumption provided the produce is sold in season and any display or sales structure is limited to a Temporary Farm Stand.

2. Home Animal Farming

A home animal farming use shall be limited to:

a. Keeping of animals for non-commercial purposes on a lot of less than 5 acres, provided that any building to house such animals is located at least 100 feet from any property line.

- b. Keeping of horses shall be in accord with the requirements of Art. V, Section 14.

Article V – Section 10A Farm Winery

1. General. A farm winery is a specific type of “Farm” use and the following activities are recognized as a normal part of a farm winery use and are therefore allowed as a Permitted Use: 1) retail sale of wine produced at the farm winery and related items; 2) a tasting room; 3) wine sales by glass or bottle; 4) artist receptions and temporary artists exhibitions; 5) wine related seminars/meetings; 6) wine tastings; and 7) group visitations for the above purposes.

2. Special Exception Requirements.

All other activities beyond those listed in 1. above, shall require a Special Exception as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to a farm-winery principal use. These Farm Winery accessory activities may be permitted as a Special Exception provided the following conditions and all other Special Exception requirements are met:

- a. Site access, parking, and circulation criteria shall conform with the provisions of subsections 1 and 2 of Article VI, Section 1 of the zoning regulations.
- b. In completing the requirements of the Special Exception application, the applicant shall submit a written request to the Litchfield Fire Marshal for comment on the suitability of any emergency access and fire protection provisions that are to be established in connection with the proposed use. A copy of such written request shall be submitted to the Commission for its approval as part of the special exception application.
- c. All refuse areas shall be screened from view offsite and subject to all setbacks required for the Zoning District and a minimum of one hundred feet (100’) from any dwelling on an adjacent lot.
- d. One sign up to 10 square feet shall be permitted.

Article V - Section 11 Greenhouse - Nursery Use (Commercial)

The purpose of this section is to permit a commercial greenhouse and/or nursery growing and selling business in certain residential zones provided the following conditions and all other requirements are met:

1. Only produce grown on the premises shall be on display and for sale.

2. The Commission shall determine that the proposed site is located and designed to be compatible with the surrounding existing future residential neighborhood.
3. The minimum lot size shall be five acres.
4. The maximum total floor gross area devoted to a commercial growing and selling shall be 20,000 square feet (including all greenhouses, hoop houses, sheds and other buildings or covered structures related to the growing and selling business).
5. The lot shall meet the frontage requirement of the zone in which it is located. All structures shall be located not less than 100 feet from the street line and 100 feet from any dwelling on an adjacent lot. The side yard setback shall be not less than 50 feet for all buildings, parking areas and driveways.
6. Parking spaces shall be located to the rear and the side of the sales building and may be required to be screened from view from the road. The number of parking spaces required shall be as specified in Article VI, Section 1.4.f for a retail use.
7. As a condition of the Special Exception, the Commission may require that the portions of the site which are devoted to buildings, parking and access shall be screened from the view of the surrounding residences.

**Article V - Section 12
Home Enterprise (Traditional)**

Statement of Purpose. The purpose of this regulation is to provide the opportunity for the creation and sale of home made arts, crafts and goods which by the nature of the activity will generate only a very low level of traffic.

1. Permit Required. A traditional home enterprise use may be permitted subject to a zoning permit where it meets the following requirements:
 - a. The use shall be conducted by the owner-resident of a single family dwelling and/or members of the family residing on the premises.
 - b. The use shall be clearly secondary to the use of the premises as a residence.
 - c. No product of a home enterprise use shall be classified as mass produced or "for production".
 - d. No finished consumer goods shall be acquired for sale in connection with a home enterprise use.
 - e. There shall be no external evidence of the home enterprise use other than a sign of up to two square feet.

- f. There shall be no classes, lessons, demonstrations or other activities or events held or conducted in association with the use, nor shall the use be of a type which by its nature is associated with a volume of activity which will generate traffic in excess of the maximum three parking spaces allowed.
 - g. The application for a zoning permit shall include a sketch plan showing the floor area devoted to the home enterprise use and a sufficient area for off street parking. Where a new building or a substantial alteration to an existing building is proposed, the Zoning Enforcement Officer may require submission of a site plan in accordance with Article IX Section 1.
 - h. All parking spaces shall be located off street, screened from public view and preferably located in the rear portion of the lot. A maximum of three parking spaces shall be permitted for the home enterprise use. The sketch plan shall also show the location of the parking spaces and any proposed sign.
2. Uses Permitted. The following uses shall be permitted as a traditional home enterprise.
- a. Preparation and sale of products usually produced in a single home, garden or nursery provided that such are created entirely on the premises such as: home baking, needlework, dressmaking, tailoring, fruits and produce, home preserves "and the like".
 - b. Preparation and sale of the products of arts and crafts based on individual talent and hand crafted, provided that such are created entirely on the premises, such as painting and illustration, wood carving, ceramics, writing, sculpture, ornamental glass "and the like".
 - c. Such other uses which in the judgment of the Commission are sufficiently similar to the above listed uses and which meet the above stated purposes and criteria may be determined to qualify as a "like" use for the purpose of this Regulation.

NOTE: Uses which do not qualify for a zoning permit as a Traditional Home Enterprise may qualify for a Special Exception application as a Home Occupation.

Article V - Section 13 Home Occupations

Home Occupation. A home occupation shall be allowed as a Special Exception subject to the requirements of Article V, Section 13 and the following standards and criteria

- 1. Statement of purpose. The purpose of the home occupation section of these regulations is to provide the opportunity for the use of the home for limited business purposes subject to criteria which are designated to

maintain the residential character of the lot and the neighborhood, minimize the conflict off the home occupation use with surrounding residential uses and protect residential property values.

2. Standards and criteria. The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a home occupation Special Exception:
 - a. The home occupation use may occupy a portion of a single family dwelling residence or an accessory structure on a lot with a single family residence as specified herein and as determined by the Commission.
 - b. A home occupation located in a single family residential dwelling shall not occupy more than one third of the habitable floor area of the dwelling. The use shall be clearly secondary to the residential use of the dwelling and shall not change the residential appearance of the lot or the residential character of the neighborhood.
 - c. The home occupation use may occupy an accessory building if:
 - The location and appearance of the accessory building is consistent with the residential character of the lot and the neighborhood, and
 - it can be demonstrated that the type and intensity of the proposed use in the accessory building will not alter the primary residential character of the lot, and
 - the total area of the accessory building devoted to the home occupation use shall not exceed the habitable floor area of the dwelling as defined herein, and
 - d. The application shall include building plans clearly drawn to scale showing the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the home occupation use. The application shall submit a business use and activity plan. This shall consist of a written statement describing in general the type and nature of the proposed activity, the product, equipment and/or processes involved, projected typical traffic volume and type, customer/client activity and such other information as the Commission shall require to make a determination that the proposed use qualifies under the standards and requirements of these regulations.
 - e. The home occupation use shall not change the residential appearance of the lot or the residential character of the neighborhood.
 - f. The home occupation use shall be conducted by the owner-resident of a single family dwelling and by members of the family residing on the

premises. No more than one non-resident person shall work on the residential lot in association with the home occupation use.

- g. There shall be no exterior evidence of the home occupation except permitted signs and required off street parking.
- h. The appearance of the lot and structure on the lot shall not be altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, signs or the emission of sounds, vibrations or electrical impulses.
- i. There shall be no exterior evidence or storage of goods, supplies or other material associated with the home occupation.
- j. There shall be no more than two (2) business related cars, vans or pick-up trucks (or any combinations thereof) permitted on the lot in association with a home occupation use.
- k. Traffic generated by the home occupation use shall not significantly exceed the volume of traffic consistent with the site and neighborhood.

The number of daily vehicle trips associated with the home occupation use, including delivery and pickup of materials and commodities by a commercial vehicle may be limited by the commission as a condition of the permit according to the nature and location of the proposed home occupation use.

A commercial operation such as a tea room, beauty salon, antique shop and similar uses which by its nature generate a volume of traffic not common to a residential neighborhood shall not be permitted as a home occupation use.

- l. No on street parking shall be permitted in association with a home occupation use. Off street parking shall be provided to accommodate the parking needs of the home occupation. The Commission may limit the number of parking spaces allowed where it is determined it is necessary to control and limit the volume of traffic.
- m. The Commission may require a landscape plan which specifies plantings and locations designed to screen the off street parking from view from a public street or neighbor. A landscape screen shall be required if based upon site inspection and public hearing testimony the Commission determines that such a screen is necessary to protect neighboring

residential property values and to maintain the single family residential appearance of the neighborhood.

- n. Parties for the purpose of selling merchandise or taking orders shall not be held more often than 4 times each month.
- o. Does not utilize or store hazardous materials unless the Commission determines that the proposed types and quantities of hazardous materials utilized or stored will pose a minimum risk to health and provided that the hazardous materials are utilized and stored according to Article VI, Section 3, Groundwater Protection requirements.

Home occupation uses which pose a significant threat to water quality including but not limited to furniture stripping, photo processing, beauty salons, auto and major appliance repair shall not be permitted.

- p. Any home occupation use involving a process or activity which will result in an increase in the volume of water used over that which would be used for normal residential purposes or which may impact ground water quality shall be reviewed by the Torrington Area Health District. It shall be the responsibility of the applicant to provide documentation of the health district review.

Article V - Section 13A Shop and Storage Use by a Contractor or Tradesman

A shop and storage use by a contractor or tradesman providing a needed local service shall be permitted as a Special Exception subject to the general requirements of Article VI, Section 13, and the following standards and criteria.

- 1. **Statement of Purpose.** This regulation is designed to permit a home shop and storage use for a contractor or tradesman who conducts his trade primarily away from the home who provides a needed local service including but not limited to plumbers, electricians, and carpenters.

The standards and criteria established in this regulation are designed to permit this type of land use in locations and under conditions which will protect neighboring residential property values. The Commission may attach conditions to a special exception for shop and storage use to assure compliance with these purposes and the following standards and criteria.

- 2. **Standards and Criteria**

- a. A shop and storage use in a residence and/or an accessory structure may occupy a total floor area no greater than the habitable

floor area of the first floor of the principal residential dwelling, however storage use in an accessory structure shall not count in determining maximum floor area.

An existing or proposed accessory structure for a shop and storage use shall be of a size, scale and appearance which maintains the residential appearance of the lot and blends with the surrounding neighborhood structures. The application shall clearly show and the permit shall limit the floor area of the shop and storage use as a condition of the permit.

- b. The shop and storage use shall be conducted within the approved areas of the residence or accessory structure only.
- c. The home occupation use shall be conducted by the owner-resident of a single family dwelling and by members of the family residing on the premises. No more than one non-resident person shall work on the residential lot in association with the use.
- d. Work on the residential lot shall be clearly secondary to work of the contractor or tradesman off premises.
- e. There shall be no display of products or external evidence which suggests a commercial retail use other than a single sign in accordance with Article VI, Section 10.
- f. There shall be no exterior storage of goods, supplies or other material associated with the shop and storage use.
- g. A shop and storage use which involves two or more business related vehicles, ie. car, van, pick-up truck, truck, or trailer may be permitted provided:
 - the lot is in a location where access and egress by said vehicle(s) will not be disruptive to the single family residential neighborhood, such as a location with direct access to a State Highway.
 - in no case shall a vehicle with a gross weight greater than 14,500 lbs be permitted

In making its decision to permit business related vehicles on the lot, the Commission shall consider the size and type of vehicle(s), the projected number of trips, the access route(s) to the site, the findings from any on-site inspection and the testimony from the public hearing.

In an approval for a shop and storage use involving business related vehicles, the Commission may attach conditions limiting the number,

size and type of vehicles, the number of trips permitted, the hours of vehicle operation on the site and such other conditions necessary to assure compliance with the general criteria of this regulation.

- h. Shop and Storage uses which pose a major threat to groundwater quality shall not be permitted.

Shop and storage uses involving the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality.

Such determination shall consider the type of shop and storage use, the amount and type of hazardous material(s) involved and the adequacy of plans submitted by the applicant for hazardous material use, storage and disposal.

- i. Any shop and storage use which will increase the volume of water used or which could impact the quality of ground water supply shall be reviewed by the Torrington Area Health District. It shall be the applicant's responsibility to provide documentation of review by the Health District.

Article V - Section 14 Horses for Personal Use

Occupants of a dwelling in an RR-160, R-80, RHC-40, R-30H, R-20 and R-20H Zone only are permitted to keep horses for their personal use provided the following standards or conditions are met:

1. **Ownership.** The horses must be owned by the resident-occupants, and are not for gain, direct or indirect except that occasional and temporary boarding of horses not for gain, direct or indirect, is permissible.
2. **Acreage and Intensity.** There shall be two acres as the minimum size lot for the first horse being kept and an additional one-half acre for each additional horse.
3. **Health.** Stable manure must not create a health hazard from an air and water pollution standpoint to the community in general or the person inhabiting or using the surrounding acreage, and the stabling of horses shall conform to all regulations of all Local and State Health Authorities.
4. **Safety.** Adequate fencing must be installed and maintained to reasonably contain the horses within the property.
5. **Set Back.** All structures shall conform to the setback requirements for the zone in which located, except that a stable shall not be closer than fifty (50) feet from a dwelling on an adjacent lot.

6. Use of Buildings. The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.
7. Maintenance. The area should be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission. The manure storage area shall be so screened that it will not be unsightly. There shall be no storage of supplies outside of permanent buildings, except that the storage of wood chips used in the open is permissible, provided there is no conflict with Subsection 3 above.
8. A permit shall be issued by the Zoning Enforcement Officer, upon application, for the keeping of horses. The permit shall contain the owner's name, the number of horses to be kept, and the location and area of their quarters. The cost of such permit will be \$1.00

**Article V - Section 15
Housing For the Elderly Owned by a Non-profit Corporation**

Housing for the elderly when owned by a non-profit corporation may be permitted subject to the following conditions:

1. The requirements of Article III, Section 2, RMF-160 Multi-Family Residence Zone, shall be complied with, subject to the following exceptions:
 - a. Off-street parking shall be provided at a rate of not less than one space for each two dwelling units.
 - b. No site shall contain more than eight dwelling units for each 40,000 square feet of usable land area or fraction thereof.
2. At least 350 square feet of habitable area for each single occupancy (efficiency) dwelling unit shall be provided.
3. At least 450 square feet of habitable area for each double occupancy (one bedroom) dwelling unit shall be provided.

**Article V - Section 15A
Housing for Elderly Owned by a Profit Corporation**

Housing for the elderly when owned by a profit corporation may be permitted provided the requirements of Article III, Section 2, RMF-160 Multi-Family Residence Zone, shall be complied with, subject to the following exceptions:

- a) A building may consist of less than three dwelling units per building but not more than 12 units per building.

**Article V - Section 16
Kennels and Veterinary Hospitals**

Kennels and Veterinary hospitals are permitted provided they are on lots not less than three acres, and provided that no dogs are kept in any building or enclosures within 150 feet of any property line, and further provided that none of these uses shall create offensive odors, noise or unsightly appearance noticeable off the premises and further provided that facilities where hazardous materials may be stored or utilized shall be designed so as to prevent contamination of Groundwater Protection Requirements. (Article VI, Section 3).

**Article V - Section 17
Municipal Office**

Buildings and land may be used and buildings may be erected for the following uses and no other, subject to approval of the Site Plan submitted in accordance with Article IX, Section 1:

1. Offices for the administration and other functions of Town Government and related uses.
2. Requirements for signs and parking in the MO Zone shall be the same as required for residence zones (Article VI, Section 1 and 11).
3. Parking area may be permitted in the side and rear yard where the site plan provides for a landscaped buffer along the property line designed by a Connecticut registered landscape architect. The buffer shall be designed to provide a year around visual screen between the municipal office use and surrounding residential uses.
4. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

**Article V - Section 18
Multi-family Dwellings**

Requirements for multi-family dwellings:

1. No apartment building shall have more than thirty dwelling units contained therein. Buildings with more than twelve dwelling units shall be varied substantially in plane along the building's length.
2. Garage space or off-street parking space for one and one-half vehicles shall be provided on the lot for each apartment unit.
3. No site shall contain more than four dwelling units for each 40,000 square feet of usable site area. Usable site area shall be defined as land other than regulated inland wetlands and watercourses as defined by the Litchfield Inland Wetlands Regulations and as shown on the Litchfield Inland Wetlands Map,

100 year flood hazard areas as defined by the Federal Emergency Management Agency and as shown on Flood Hazard Areas Maps on file in the office of the Planning and Zoning Commission, land subject to existing easements which prohibit building or development, and 50% of all land with a slope in excess of 25% as delineated on a site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed surveyor.

4. No building shall be less than twenty feet from any other building.
5. Recreation facilities, open spaces, and facilities suitable for active and passive recreation shall be provided to serve the project and shall be so designed and specified that a performance bond may be drawn. Said areas shall be adequately protected from streets, driveways, and parking areas.
6. 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.
7. Buffer strips - Each property line, except street lines, shall be paralleled by a continuous buffer strip at least fifteen feet wide, planted with a mixture of evergreen and deciduous shrubs and trees, which shall be maintained in order so as to protect adjacent property and the neighborhood in general from detriment.
8. The Commission may vary the requirements for spacing between buildings and building height if it determines that such variation will enhance the design of the project and give equal or better light, air, and privacy to apartment dwellers.
9. All multi-family dwellings shall be connected with a municipal sewer system or with a private sewage disposal system approved by the Connecticut State Department of Health.
10. A Site Plan prepared in accordance with the provisions of Article IX Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in an RMF-160 Zone. The Zoning Enforcement Officer shall not issue a Certificate of Zoning Compliance for construction in an RMF-160 Zone unless a site plan for said construction has been duly approved.

Article V - Section 19
Personal Service Shops or Stores with Hazardous Materials

Personal service shops or stores with hazardous materials includes, but is not limited to beauty salons, shoe repairing, dry cleaners, and tailors subject to the requirements of Article VI, Section 3.

**Article V - Section 20
Radio and TV Towers**

Radio and TV Towers may be permitted provided they are located a minimum distance from any property line at least equal to the height of the tower.

**Article V - Section 21
Recreational Uses (Indoor)**

Theatres, Bowling Alleys, Indoor Tennis and other similar recreational uses.

**Article V - Section 22
Recreational Uses (Outdoor)**

1. Outdoor recreational uses include clubs and other private recreational facilities when not operated for a profit. Commercial recreation facilities may be permitted provided the Commission finds that all external conditions of such use are compatible with other uses in the neighborhood and will not create undue congestion on the streets or depreciate the value of neighboring property and does not involve the internal combustion engine as a significant factor in any area of such use except normal maintenance.
2. Transient summer camping facilities may be permitted subject to approval of plans showing location of all camp sites and details of access and provisions for drinking water and sanitary/solid waste disposal in addition to the requirements of Article VI, Section 3.

**Article V - Section 23
Residential Use in a Business Building**

The building shall be capable of being altered, remodeled or rehabilitated to accommodate habitation in a safe and healthy manner.

1. The lot area shall be sufficient to meet the parking requirements of the principle business use, plus one parking space for each apartment unit either on the site or in regulated parking area within 200 feet.
2. An apartment unit shall contain at least 500 square feet and shall be equipped with its own kitchen, bath, and utility services, and connected to the public sanitary sewer.
3. The apartment shall have its own outside access convenient to parking and access to the lot. Units located on upper floors shall have at least one access to ground level for the exclusive use of the apartment. Fire escapes shall be located only on the rear or side of the building.
4. In the Business Historic Zone residential use in an existing business building is permitted by Special Exception provided the total floor area of the residential use shall be secondary to the total floor area of the business use and subject to all of the above requirements.

Article V - Section 24A
Residence - Use of for Personal Business Purposes

No Zoning Permit shall be required for the use of a residence by the occupant for business purposes where:

1. No business is conducted on the premises except by mail or telephone.
2. No persons other than members of the family are employed.
3. No external evidence of the business is visible.
4. No business signs are erected.
5. No pedestrian or automobile traffic other than that normally generated by a residence is permitted.
6. No hazardous materials other than those common to a single family residential use, such as fuel associated with on-site heating, are stored, used or disposed of on the property.

Article V - Section 24B
Residence - Use of for Educational Purposes for Non-Occupants

Subject to issuance of a Zoning Permit by the Zoning Enforcement Officer, the use of a residence by the occupant for educational instructional purposes involving non-occupants may be permitted where:

1. No persons other than members of the family are employed.
2. No external evidence of the business is visible.
3. No business signs are erected.
4. Off-street parking for the residents and educational instructees use shall be provided.
5. No more than two non-occupant individuals are receiving educational instruction at one time.
6. Educational instruction may be done for compensation by the occupant or members of the family residing on the premises.
7. Educational instruction shall be construed broadly to include but not limited to, academic tutoring, music lessons, singing lessons, fine arts lessons, test preparations, etc.

8. A permit shall be issued by the Zoning Enforcement Officer, upon application, for the use of a residence for educational purposes involving non-occupants. The permit shall contain the owners name and the nature of the educational purpose. The cost of such permit will be \$30.00.

STATEMENT OF PURPOSE

The purpose of the proposed regulation 24(B) is to allow residences to be used for educational purposes to benefit the children as well as the adult of the community and the surrounding area. This regulation recognizes that such activities presently occur throughout the Town of Litchfield and provides a mechanism under which they can be monitored by the Zoning Enforcement Officer through issuance of a zoning permit. This regulation is not intended to limit educational instruction in residences in the Town of Litchfield but is to be in addition to any and all other permitted educational uses.

Article V - Section 25 Seasonal Cottages (One Family)

Seasonal cottages may be permitted by special exception (see Article IV, Section 4) provided that between November 1st and the following April 1st no family shall reside in a cottage for more than a total of 30 days.

Article V - Section 26 Stables (Commercial)

Land, buildings and other structures may be permitted by the Planning and Zoning Commission for commercial use involving the following horse-related activities. Riding academies, Livery and Boarding Stables, Animal and Convalescent Stables, Rental and Hacking Stables, Private Club Riding Stables, only upon the granting of a special permit after a public hearing, and providing the following standards or conditions are met:

1. Acreage - The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least ten acres.
2. Parking - Sufficient off-street parking facilities should be provided to accommodate all users and visitors to the property, including spectators for horse shows or similar events. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on the public street or highway.

There shall be one off-street parking space for each five users of, or visitors to, the property, including spectators for horse shows or similar events.

3. Health - Stable manure or hazardous materials utilized or stored must not create a health hazard from an air and water pollution standpoint to the community in general or the persons inhabiting or using the surrounding

acreage, and therefore, the stabling of horses shall conform to all regulations of Local and State Health Authorities. Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar activities. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

- a. Safety - Adequate perimeter fencing shall be installed and maintained to reasonably contain the horses within the property.
- b. Fire - Fire control facilities for the barns, buildings and other facilities used for normal operations as well as for horse shows and similar activities shall be acceptable to the Fire Marshal.
- c. Noise - The use of public address systems, the conduct of the instruction of rider, training of horses and the spectator participation in competitions, should be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors as determined by the Commission.
- d. Set Back - No building or manure pit used for or in conjunction with the operation shall be located in a manner that any part thereof shall be less than 100 feet from the nearest line of any road, street or highway abutting the property or any side and rear boundary line. Riding rings and corrals shall not be within 50 feet of any residential use.
- e. Use of Buildings - The use of temporary buildings or trailers for the stabling of horses in excess of fifteen days is prohibited.
- f. Maintenance - The area should be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission. The manure storage area shall be so screened that it will not be unsightly. There shall be no storage of supplies outside of permanent building, except that the storage of wood chips used in the open is permissible, provided there is no conflict with Paragraph c above.
- g. Lighting - There shall be no external flood lighting which is objectionable, either due to brightness or to direct transmissions outside of the property where it originates, as determined by the Commission.
- h. Financial - The Planning and Zoning Commission may require the posting of a Bond to guarantee the cost of construction and improvements.

Article V - Section 27 Two Family Dwelling (Duplex)

A two family dwelling (duplex) may be permitted by the Commission provided such use can be supplied with adequate utility services and would not tend to depreciate

the value of neighboring property, and that each single family dwelling unit has a minimum of 800 square feet of habitable floor area.

Article V - Section 28
Wholesale Business, Storage Business and Warehouses, Trans-shipment Centers

Any other industrial and commercial use which is similar in its essential characteristics to those listed above may be permitted by the Commission, after a public hearing concerning such use is held.

Article V - Section 29
Intersection of a Proposed Subdivision Street with Certain "Town Line" Streets.

1. Statement of Purpose. The purpose of this regulation is to provide a special exception process whereby the Commission may determine on a case by case basis whether or not a proposed subdivision involving the intersection of a proposed street or Common Driveway (as permitted in these Regulations) with certain "town line" streets may be approved under Section 6.4 of the Subdivision Regulations.
2. "Town Line" streets requiring special exception approval. There are a number of street and street segments located on or along town lines in Litchfield. The street segments requiring a special exception application under this regulation shall be those shown on a map titled "Streets Located on Town Boundary Lines subject to Article V, Section 29 of the Zoning Regulations" dated March, 1999. This map shall be maintained on file in the office of the Planning and Zoning Commission and map shall be considered a part of this regulation as Appendix A.
3. Special Exception Requirements and Decision standards.
 - a. The applicant shall show the location of the Litchfield town boundary line on the subdivision plan map and record map. On the construction plan map the applicant shall show in detail the location of the Town line in reference to the intersection of the public street (pavement and right of way) and subdivision street (pavement and right of way).
 - b. The Commission shall refer the proposed subdivision plan and special exception application to the Town Engineer and Board of Selectman for review and comment.
 - c. The Commission may also refer the proposed subdivision plan to the Board of Education for review and comment on access by school busses and to the Volunteer Fire Department for review and comment on access by emergency vehicles.
 - d. The Commission shall consider any comments received from the adjacent town.

- e. Decision Standards. In considering a decision on the special exception the Commission shall take into consideration the size and scope of the proposed housing development. The general standard to be considered in reaching a decision shall be whether or not the proposed subdivision can be provided necessary town service.
- f. The specific factors to be considered by the Commission in reaching this decision shall be the extent to which the Commission finds that:
 - The proposed subdivision road can be accessed and maintained, where necessary, by the Town of Litchfield Public Works Department, and
 - Proper provisions have been provided to ensure that the residents of the proposed subdivision development can be accessed and effectively serviced by Litchfield Fire Department vehicles and other emergency response vehicles, and
 - Proper provisions have been provided to ensure that the residents of the proposed subdivision development can be safely and conveniently serviced by the Litchfield school system school busses.

Article V - Section 30
Public Utility Facilities subject to local zoning authority for according to
Section 16-235 of the Connecticut General Statutes

General. Any Public Utility Facility subject to local zoning authority in accord with Section 16-235 of the Connecticut General Statutes shall require a Special Exception. This includes any steam plant, gas plant, gas tank or holder, water tank, electric substation, antenna or earth station receiver of any public service company where such facility is not subject to the jurisdiction of the Connecticut Siting Council. (Note: Regarding "Telecommunication Facilities and Sites" see Article V Section 30 of these Regulations.)

1. Special Exception Criteria and Standards for all Utility Facilities.
 - a. Wherever possible Public Utility Facilities shall be located in an industrial zone. Where a Public Utility Facility is proposed in a residential zone the applicant shall provide documentation that the facility is not feasible or suitable for location in an industrial zone.
 - b. The applicant shall demonstrate that the location and size of the proposed site was selected to minimize the visual impact of the proposed facility on surrounding residentially developed and zoned areas.
 - c. The Site Plan for all Public Utility Facilities shall include a. Landscape Plan prepared by a Registered Landscape Architect which shall show how the facility will be screened from surrounding residential uses to the extent feasible in consideration of the height of the facility. The Site Plan shall show the existing treescape and other natural features to be preserved to screen the view of the facility from public streets and surrounding residentially zoned areas.

2.. Minimum standards for an electric substation where located in a Residential Zone:

Minimum lot size shall be 3 acres. Yard requirements shall be as provided for in the residential zone in which the facility is located. Front, Side or Rear Yard shall not be developed or used for equipment or storage.

3. Minimum Standard for Water or Sewer pumping stations.

The Floor Area of any water or sewer pumping station shall not exceed 300 square feet."

Article V – Section 31 Car Wash

A car wash may be permitted subject to the following conditions:

1. The Special Exception application shall include a statement of use with the following information:

a. The application shall include a statement of use including proposed hours of operation, plan for staffing during all hours of operation, vehicle cleaning plan of operation, security, upkeep and maintenance of the site; monitoring of lights and noise control, observance of hours of operation, compliance with environmental safeguards, including water-use conservation measures; and on-site traffic and stacking control to prevent back-ups into public rights of way.

b. Projected business volume by season and by hours of operation.

c. Calculations of stacking requirements.

d. Detailed description of vehicle washing machinery and equipment proposed including any tanks.

e. Environmental conservation plan including best management plan as required by the Connecticut DEP. This plan will describe wash procedures including water recycling, provisions for removal of sludge, and a description of waste water processing equipment and its efficiency.

2. The building and car wash system shall be limited to motor vehicles registered for use on a public road and the building and automation equipment shall not be designed to serve buses and other similar oversized vehicles. The Commission may limit the hours of operation to be consistent with standard business hours of surrounding businesses.

3. The car wash, including washing facilities, shall be served by a public water and sewer system; shall meet the requirements of Article VI, Section 3

Groundwater Protection Requirements and shall provide for reasonable and feasible water conservation measures.

4. Adequate off road stacking space shall be provided for vehicles waiting for car wash service. The number of spaces shall be projected by the applicant and shall consider the time to complete a wash cycle.

5. Off street parking shall be provided according to Article VI Section 1 and/or sub-section 6 (Modification of parking standards and requirements). All vehicle use areas on the site (stacking, parking, cleaning, etc.) shall be paved.

6. There shall be sufficient on-site vehicle stacking spaces to adequately serve customer demand and prevent vehicle backups into the adjoining public right of way; stacking space shall be provided calculated based on cycle times of the planned equipment providing a minimum of 26 feet of stacking space per vehicle, a minimum of 10 stacking spaces and a maximum based on site location and cycle times. The Commission may limit the number of stacking spaces and shall require that no vehicle shall be permitted to stack in a public right of way.

7. The facility shall be designed to reduce carry off or drag off of water onto a public street; vehicle washing shall be limited to inside the building with the exception of pre wash treatments applied immediately prior to entering the building.

8. All car wash apparatus (including vacuum stations) shall be enclosed or screened from adjacent streets and properties where the Commission deems appropriate to protect neighboring property values.

9. Site Plans shall be submitted with the application including a lighting plan, landscape plan prepared by a licensed landscape architect, a signage plan which may include on-site directional signs.

Architectural plans, elevations and renderings of the proposed building and landscaping shall be submitted in sufficient detail to determine compliance with these requirements.

Such plans shall demonstrate that the car wash building and other buildings on the site:

- incorporate façade design features in keeping with the character of the business neighborhood and historic character of the community.
- are capable of adaptive re-use to other uses permitted in the zone.

A primary purpose of the landscape plan shall be to buffer the view of the building and pavement from the highway. It shall include a landscaped strip of not less than 20 feet along the entire frontage of the site. The landscape plan shall be consistent with the Guideline 4.4 and, where a berm is appropriate, Guideline 5.2 as stated in the Litchfield Treescape Plan, August 1998. Access

way locations shall consider and utilize wherever possible recommendations of the Litchfield Route 202 Corridor Management Plan

The site plan and other design related plans shall be reviewed by the Litchfield Design Review Advisory Committee.

Article V - Section 32
Permit Requirements for Telecommunication Facilities and Sites

1. **Statement of Purpose:** This regulation establishes standards and requirements for telecommunication facilities and sites. The purposes are to regulate placement of antennas, towers, and other related facilities in a manner that will protect the Town's visual quality, safeguard the community and:

- to require information necessary to evaluate a proposed facility,
- to establish locations least disruptive to the public health, safety and welfare of the Town of Litchfield and consistent with the Town Plan
- to minimize adverse visual effects through proper design, siting and screening.
- to avoid potential damage to adjacent properties.
- to minimize the height and number of towers, especially ground mounted towers.
- to provide for the orderly removal of abandoned antennas and towers.

4. **Definitions:** When used in this section, the following words or phrases shall have the meaning defined below:

Adequate Capacity: Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

Adequate Coverage: Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field

strength of the transmittal signal is greater than or equal to -95dbm for at least 75% of the intended coverage area. It is acceptable for there to be “holes” within the area of Adequate Coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes.

The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -95dbm.

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

Camouflaged or Stealth Facility: A wireless communication facility that is disguised to appear more in keeping with the landscape of the area in which it is located or is otherwise hidden or made to appear to be part of an existing or proposed structure, or is placed within an existing or proposed structure. For example, a wireless communication tower designed to have the appearance of a tree is considered a camouflaged or stealth wireless facility.

Carrier: A company that provides wireless services.

Collocation: The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

Commission. The Planning and Zoning Commission of the Town of Litchfield.

Elevation: The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be 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.

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

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

- Roof mounted - on the roof of a building.
- Side mounted - on the side of a building.
- Ground mounted tower - mounted on the ground (see Tower).
- 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.

Radio Frequency Engineer: An engineer specializing in electrical or microwave engineering, especially the study of radio-frequencies.

Radio-Frequency Radiation (RFR): The emissions from wireless telecommunications service facility.

Regulated Facility, Service and/or Site: The equipment, towers, mount, antennas and other structures subject to local zoning regulation. This includes all telecommunication services not exempt from local regulation under the provisions of the Connecticut General Statutes and the authority of the Connecticut Siting Council or not exempt from local regulation pursuant to the Telecommunication Act of 1996 or such other federal legislation or a federal authority.

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.

Tower: A support structure intended to support antennas and associated equipment. This includes:

- Guyed Tower: A monopole tower 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.

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

3. Use Regulations:

a. Exemptions. The following shall be exempt from this regulation:

- (1) Repair and maintenance of towers and antennas.
- (2) Antenna used solely for residential household television and radio reception.

- (3) Satellite Antenna measuring 2 meters or less in diameter and located in commercial districts and satellite antenna 1 meter or less in diameter regardless of location.
- b. Regulated facilities allowed as a Permitted Use in all districts subject to Site Plan approval shall include:
- (1) A regulated facility proposed on an existing structure as within a flagpole, steeple, chimney, or similar structure.
 - (2) A regulated facility proposed on an existing structure including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided the installation does not increase the height of the existing structure.
 - (3) An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure, provided there is no more than a twenty foot increase in the height of the existing structure as a result of the installation. Such twenty foot increase in height shall not be permitted on a utility structure located within the Litchfield Historic District, the Milton Historic District, Northfield center or East Litchfield center as set forth on a map on file in the Planning and Zoning Office or within 150 feet of the pavement of any Town road or State highway proposed for or designated as a Town scenic road or State scenic highway.
 - (4) Building (roof or side) mounts with antenna(s) provided such facility does not project more than ten feet above the building or height limit of the zoning district within which the facility is located. However such mount may locate on a building or structure that is legally non-conforming 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 within which it is located.
 - (5) 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.
- c. Regulated Facilities allowed as a Special Exception Use subject to Site Plan approval shall include:
- (1) Any regulated facility that does not qualify as a Permitted Use as set forth in 3.b above.
 - (2) All proposed Ground Mounted Towers.
4. General Standards and Requirements for all Permitted and Special Exception Uses.
- a. If feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing

telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated activities.

- b. A licensed carrier shall be either an applicant or co-applicant and documentation of qualifications as a licensed carrier shall be provided. Where the application includes a facility regulated by the Connecticut Siting Council, the applicant shall document submission of an application to the Siting Council.
- c. The applicant shall submit documentation of the legal right to install and use an existing structure at the time of application for a Site Plan approval and/or Special Exception approval.
- d. Where an antenna or mount is proposed on an existing structure:
 - For a permitted use the fall zone shall be shown on the site plan and shall not pose a safety threat to surrounding property.
 - For a special exception use the fall zone shall be shown on the site plan, shall be contained within the property lines and shall not pose a safety threat to surrounding property.
- e. Ground-mounted equipment for regulated service facilities shall not generate noise in excess of 45 db at the property line.
- f. Roof-mounted or side-mounted equipment for Regulated Facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

5. General Standards and Requirements - Ground Mounted Tower Special Exceptions.

- a. Where a ground mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as an alternative to the proposed ground mounted tower.

If the applicant demonstrates to the satisfaction of the Commission that it is not feasible to locate on an existing or approved tower or other structure, the applicant shall provide a Camouflaged or Stealth tower design for the consideration of the Commission in addition to any conventional design which may be submitted by the applicant.

- b. Towers shall be located to minimize the following impacts:
 - (1) Visual/Aesthetic: Where possible, towers shall be sited to have the least detrimental visual impact to highly rated scenic and historic areas, including ridge lines, properties listed in the State or Federal Register of Historic Places, and scenic roadways.
 - (2) Diminution of residential property values: To the extent possible, siting shall be in as low a population density area as is possible.

- (3) Safety: In cases of structural failure and attractive nuisance. Towers shall, when possible, not be sited in Flood Plain Zones or Special Flood Hazard Areas.
 - (4) Safety from excessive electromagnetic radiation: The Tower or Personal Wireless Service Facility shall not exceed the FCC guidelines.
 - (5) Environmental Degradation: When possible towers shall be sited to avoid affecting rare or endangered flora and fauna in areas shown the Connecticut DEP and Federal Listed Species and Natural Communities Map. They should also be sited, when possible away from wetland areas.
- c. Lot size in residential zones: A ground mounted tower in excess of 85' in total height located in a residential zone:
- shall be considered a principal use and shall be the only principal use on the lot,
 - shall be located on a lot of not less than two acres in area,
 - shall be located on a lot with a size and shape sufficient to completely encompass the tower Fall Zone (defined in d. below) except as may be modified in accordance with e. below,
 - shall have a minimum street frontage of not less than 25' feet on a town road. The access drive to the tower site may be located within a right of way. The access drive shall be located within a corridor of land of sufficient width to safely accommodate the drive. The Commission may require that the access drive be landscaped where necessary to screen it from neighboring residential properties.
- d. Tower Fall Zone: In order to ensure public safety, the minimum distance measured from the base of any proposed ground-mounted regulated facility (tower) to any property line, road, habitable dwelling, business or institutional use or public recreational area shall be the height of the facility/mount, including any antennas or other appurtenances plus 50%.
- e. An applicant may request a modification of the requirement that the Tower Fall Zone be located entirely within its own lot. The Commission may approve such a request where it finds that the alternate location will better meet the purposes of this section and providing the neighboring property within the Tower Fall Zone is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

In granting a request for such modification the Commission shall consider both the visual and safety impacts of the proposed facility.

6. Special Exception Application Requirements: All applications for a Special Exception shall be filed with the Commission and shall include:

- a. Topographic - Location Map. The applicant shall provide a topographic location map at a scale of 1" = 2,000' showing:
 - (1) The antenna or tower location.
 - (2) Existing and proposed towers in and outside the Town that would connect or be interconnected with, or "hand off" to the proposed facility.
 - (3) The boundaries of the tower viewshed ie. the area within which the tower can be seen based upon an assessment of the topography surrounding the site.

- b. For ground mounted towers the applicant shall provide an evaluation of the visual effect of the proposed tower location both within the Town and adjacent towns. Areas of special concern to be addressed in this evaluation shall include, but not be limited to:
 - (1) The areas identified as existing or proposed open space or preservation areas in the Town Plan, especially land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the State DEP Natural Resources Center and on file in the Town Hall.
 - (2) Areas within the Litchfield and Milton Historic Districts, Bantam borough and Northfield, Milton and East Litchfield center areas.
 - (3) The applicant shall provide an additional copy of the application for a Town(s) located within 3 miles of the proposed site. The Commission may submit this copy to the adjacent Town for review and comment.

- 7. Site Plan Requirements. The Site Plan shall meet the requirements of the Site Plan section of these Regulations in addition the following information shall be provided on the Site Plan. The Commission may waive one or more of the following items at the request of the applicant where the Commission determines that such is not necessary to determine compliance with these Regulations.
 - a. Property lines within 300 feet.
 - b. Tree cover on the subject property and within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
 - c. Outline of all existing buildings, including purpose (eg residential, etc) on the subject property and all adjacent property within 300 feet.
 - d. Proposed location of antennas, mount and equipment shelter.
 - e. Proposed security barrier, indicating type and extent as well as point of controlled entry.

- f. Location of all roads, public and private, on the property and all adjacent properties within 300 feet, including driveways to serve the facility.
 - g. Distances, at grade, from the proposed facility to each building on a vicinity plan.
 - h. Contours at each two foot intervals based upon AMSL (see “elevation” definition section) for the subject property and adjacent property within 300 feet.
 - i. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads or driveways.
 - j. 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 facility.
8. Site Plans for Special Exception applications shall also provide the following information regarding Sight lines and elevations of the proposed facility where the Commission determines that such is necessary to determine compliance with these Regulations:
- a. Sight line representation. A sight line representation shall be drawn from any public road and/or building 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.
 - b. Existing (before condition) photos. Each sight line shall be illustrated by one four inch by six inch color photo of the existing conditions seen from any public road within 300 feet.
 - c. Proposed (after condition). Each of the existing condition photos shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.
 - d. Site 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 shelters with total elevation dimensions and AGL of the highest point.

- (2) Security barrier. If the security barrier will block views of the 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. Other Special Exception Requirements: The following reports and requirements shall be addressed as part of the special exception application.
- a. Report on Adequate Coverage, Adequate Capacity and Justification of Need for Ground Mounted Tower.
A written report prepared by an RF engineer shall address the following:

General Requirements and Standards:

- (1) A description of the service area for each communication system on the tower.
- (2) A statement setting forth the rationale and justification for the proposed antenna or tower in the proposed location.
- (3) A statement of the signal strength service objectives for each proposed wireless service on the tower.
- (4) An analysis for each proposed use demonstrating that the proposed location will provide the required level of service and that other potential collocation sites in the service area will not provide equal or better service.
- (5) Documentation that for each proposed use of the tower the proposed antenna height is the minimum necessary to provide Adequate Coverage.
- (6) Demonstration that the service proposed can not be provided with equipment added to an existing or other proposed antennas or tower.

Specific Requirements:

- (1) The applicant shall provide written documentation of all Facility Sites in Litchfield and any Facility Sites outside of Litchfield that are within 3 miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Litchfield.

The documentation shall include, for each Facility Site listed, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of Antennas, Antenna gain, height of Antennas on Tower or structure, output frequency, number of channels, power input and proposed maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application.

- (2) The applicant shall demonstrate with written documentation that it has examined all Facility Sites located in Litchfield and all Facility Sites outside of Litchfield within three (3) miles of the proposed site, in which the applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Litchfield. The documentation shall include, for each Facility Site examined, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of antennas proposed, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these Facility Sites, as proposed, shall be provided as part of the Application.
- (3) Distance from Existing or Approved Tower and Use of New Technology: the applicant must certify in writing that existing or approved towers within the proposed service area of the proposed tower do not meet the applicant's structural specifications or technical requirements or that a co-location agreement could not be obtained.

In assessing the potential for co-location, and options for deployment of a tower, the applicant shall provide documentation that it has evaluated all available technology, such as super conducting wireless systems.

Where the applicant or the Commission's engineer determines it would be technically feasible to provide service by locating the applicant's antenna on an existing or approved tower and a request for co-location has not been approved, the applicant shall provide documentation that it has submitted a request to the Connecticut Siting Council to provide for tower sharing pursuant to Section 16-50aa of the Connecticut General Statutes.

- (4) The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters in conjunction with all facility Sites

listed in compliance with subsections 1&2 (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Litchfield. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall also be provided as part of the application.

- b. A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.
- c. An Environmental Impact and Evaluation of the Site Emissions Report assessing the impact of the proposed tower and site construction and operation assessing its impact on:
 - (1) Areas designated as conservation or preservation areas in the Town Plan and in the State Plan of Conservation and Development. The following areas on, or adjacent to the site, shall be shown on the Site Plan and discussed in the Environmental Report.
 - Protected areas.
 - All inland wetlands and watercourses.
 - Critical habitats for plants and animals.
 - Historic structures or sites, unusual features, buildings, monuments, or areas.
 - Permanently protected lands, such as State park and forest lands, land protected by a land trust.
 - (2) Site emissions and 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:
 - Existing or ambient: the measurements of existing RFR.
 - Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
 - Certification, signed by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the Radio Frequency Radiation Standards sub-section of this regulation.
- d. Landscape and Screening Requirements: For a new tower a fence with a minimum height of 8 feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

A planting plan shall be provided to screen building(s), fuel tanks, other man-made structures and as much of the tower as possible.

The plan shall show an evergreen screen surrounding the site. This shall be a row of evergreen trees (planted 10 feet on center maximum). Evergreens shall have a minimum height of 6 feet at planting and be a type that grows to a minimum of 15 feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls, or other features that meet or exceed the above evergreen screen requirement.

- e. A Construction Plan Map: A construction plan map prepared by a Connecticut licensed engineer showing construction and drainage details, including the access road and construction or drainage improvements, including above-ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.
- f. Monitoring and Maintenance.
 - (1) The Commission may require as a condition of the Special Exception that after the regulated facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Exception, existing measurements of RFR from the facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio frequency Standards section of this Regulation.
 - (2) The Commission may require as a condition of the Special Exception that after the facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Exception, existing measurement of noise from the facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of the Torrington Area Health District.
- g. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least eight feet, at the proposed ground mounted tower site and to the proposed tower height. Such balloon shall be raised at least three days prior to the date of the public hearing scheduled on the application. A legal notice of the scheduled balloon raising shall be published in a local newspaper. Proof of such publication shall be submitted with the application.
- h. A list of all federal, State, regional, district, and municipal agencies, which have or will conduct a review of the proposed tower together a copy of any position/decision/recommendation of such agency or board with respect to the proposed facility.

- i. 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 1.1307 et seq. (47 CRF Ch.1).

The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communications 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.

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.

For all special exception 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.

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 governments.

- h. Other Requirements.

- (1) Commercial advertising shall not be allowed on an antenna or tower.
- (2) Signal lights or illumination shall not be permitted unless required by the FCC or FAA.
- (3) All other uses not clearly necessary to the operation/maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit. Applications shall describe in detail all associated equipment to be maintained or stored on the site.
- (4) Not more than one unmanned equipment and/or storage building may be permitted on a site provided it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height.

- 9. Removal. A wireless facility not used for six months shall be removed by the facility owner. This removal shall occur within 90 days of the end of such six month period. Upon removal the site shall be restored to its previous

appearance and, where appropriate, re-vegetated to blend with the surrounding area. As a condition of the approval of the Permit the Commission may require a bond in an amount sufficient to cover the cost of completing this requirement.

**ARTICLE VI
SPECIAL REGULATIONS**

**Article VI - Section 1
Access, Circulation, Off-Street Parking and Off-Street Loading**

1. Application: Any use or construction subject to the requirement for a Site Plan shall conform to the following standards for access, circulation, off-street parking, and off-street loading.
2. Access and Circulation - General Standards - Vehicular access to a lot and circulation on a lot shall be design in a manner that:
 - a. Safeguards against hazards to traffic and pedestrians in the street and upon the lot, and
 - b. Avoids traffic congestion on any street, and
 - c. Provides safe and convenient circulation upon the lot.

3. Shared Driveways:

Shared driveways utilized by two adjacent single family residential lots or by one or more lots and businesses in a commercial zone are permitted subject to the approval of a Site Plan meeting the requirements of these Regulations. The primary purpose of a shared driveway is to minimize curb cuts that preserve street traffic carrying capacity, reduce traffic congestion and improve safety of vehicular and pedestrian movements.

Shared driveways are especially encouraged along State highways and major town roads but are also appropriate in locations on other town roads where the Commission, in consultation with the Town Engineer, finds it will improve safety of traffic movement.

The driveway shall meet the requirements of the Town Driveway Ordinance. The Commission shall consider any comments and recommendations on the Site Plan application received from the Town Engineer.

A proposal for a shared driveway requires submission of a shared driveway agreement which shall be subject to the approval of the Commission and the Commission's attorney. The approved shared driveway agreement must be executed and recorded with the deeds to the properties as a condition of Site Plan approval."

In a residential subdivision, a shared access way and driveway may be permitted subject to the provisions of the Subdivision Regulations provided the area of the access way shall not be counted in the calculation of the requirement for minimum lot area.

4. Access and Circulation of Lots in Non-Residential Zones shall conform to the following:
 - a. Wherever possible, vehicular access to and from the lot shall be arranged to avoid traffic use of local residential streets located in or bordered by a Residential Zone.
 - b. The street or highway providing access to the lot shall have traffic carrying capacity, roadway improvements and traffic management facilities that are sufficient to accommodate the amount and type of traffic generated by the use.
 - c. When necessary to safeguard against traffic or pedestrian hazard and/or to avoid traffic congestion provision shall be made for turning lanes, traffic direction islands, frontage road driveways and traffic controls within the street.
 - d. Wherever possible, provision shall be made for circulation driveway connections between adjoining lots with similar existing or proposed non-residential uses, where such driveway connection will facilitate fire protection service and/or where such driveway will improve safety of circulation between lots and avoid the need to travel upon a street.
5. The following parking spaces shall be provided, suitably graded and paved, and satisfactorily maintained by the owner of the property, for any building erected, enlarged, moved or altered for use for any of the following purposes:
 - a. Dwelling: At least one parking space for each family dwelling unit occupying any lot. One and one half spaces for each dwelling unit in multi-family developments.
 - b. Auditorium, stadium, theater or other place of public assembly: At least one parking space for each eight seats (based on maximum capacity).
 - c. Hotel and motel, at least:
 - (1) One car parking space within 100 feet for each guest sleeping room.
 - (2) One car space for every three employees.
 - (3) All parking on property shall be 20 feet from the street and 10 feet from any rear or side property line.
 - d. Restaurant, night club, tavern, grill, bar, dance hall, other eating place, or retail store selling primarily ready-to-eat food regardless of where consumed: At least one parking space for each 65 square feet of customer service area, plus one parking space for each additional 100 square feet in the structure that is devoted to the use described in this section (d). For purposes of this section (d), the parking must be provided on the same lot as the structure housing the use.

- e. Hospital, sanatorium, or nursing home: At least one parking space for each five beds.
- f. Retail Stores, Personal Service Shop:
 - (1) 8 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet.
 - (2) 6 spaces for each 1,000 square feet of gross floor area from 10,000 square feet up to 50,000 square feet.
 - (3) 4. 5 spaces for each 1,000 square feet of gross floor area over 50,000 square feet.
 - (4) Upper floors - 3 spaces for each 1,000 square feet.
- g. Office building or other use of a building not otherwise specified herein shall provide at least one parking space for each 250 square feet of ground floor area, and an additional parking space for each 500 square feet of floor area on the upper floor or floors of such building. Requirements for parking in the PO Zone shall be the same as for an office building.
- h. Industrial or manufacturing establishments: At least one parking space for each 500 square feet of gross floor area or for each five workers, whichever is greater.
- i. Theaters, bowling alleys, night clubs and other similar uses and activities carrying on the major portion of their business during the evening hours may provide 50% of the required parking space as specified above, through the use of parking space provided for uses and buildings carrying on the major portion of their business during the daytime hours.
- j. All parking spaces provided pursuant to this section shall be on the same lot with the building or within 200 feet of primary parking.
- k. Parking areas, except for single family dwellings, shall be surfaced with a dustless material and shall have bumper and wheel guards where needed.
- l. Any illumination of the area shall be so arranged that the light is reflected away from adjoining premises in a Residential Zone.
- m. Parking areas shall be planted with trees a minimum of four inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be staked with two three-inch diameter stakes and protected by curbing against damage by vehicles. A minimum planting area equivalent to one hundred eighty square feet per tree shall be provided. Trees must be replaced when damaged or destroyed.

- n. Required parking areas shall have a landscaped island at each end of each row of vehicle spaces and an intermediate island for every fifteen or fewer vehicle spaces. Such landscape islands shall be not less than nine feet wide in the direction parallel to the row and not less than twenty feet along in the direction perpendicular to the row. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.
6. Off Street Loading - On any lot which is hereafter developed for business, industrial, hotel or institutional use, there shall be provided adequate space suitably located on the lot for the loading and unloading of goods and materials. The adequacy and suitability of location, the off-street loading shall be governed by the nature of the use, the volume of the vehicular and pedestrian movement which passes the premises, and the location of the principal building in relation to the street.
 7. Modification of Parking Standards and Requirements. The Commission, in connection with the approval of a Site Plan under these regulations, may grant a Special Exception authorizing a reduction in the number of off-street parking spaces and/or the parking and loading requirements as set forth in this section for uses in the B-202 or B-800 Business Zones subject to the following requirements:
 - a. The Commission shall determine that the proposed size and number of parking and/or loading spaces will safely and adequately serve the proposed use(s). Except where the scope of the proposed modifications are minor, the applicant as part of the Special Exception, shall submit a traffic and parking analysis prepared by a licensed traffic engineer. This analysis shall document the safety and adequacy of the proposed parking plan. The traffic engineer shall recommend such additional conditions as necessary to ensure the safety and adequacy of the traffic and parking plan.
 - b. In reaching a decision on the Special Exception application, the Commission shall:
 - refer to any relevant site design review objectives, guidelines, or principles in the town plan of Development or in any special study or report accepted by the Commission, and
 - determine that the proposed site improvements or Site Plan modifications will substantially improve the appearance of the site, and
 - place special emphasis on the level and quality of improvements to the landscape and Green Space elements of the site, especially within the front yard and other areas of the site visible from the street, and
 - where applicable, determine that improvements to the site will result in reduction in the traffic congestion on State highways 202 or 800

and improve safe access and egress to the site and between adjoining non-residential uses.

- c. A Special Exception Permit for modified parking standards and requirements shall apply to only the use (s) specified in the Special Exception application. This shall include the existing or the proposed uses to be established on the site and may include such other uses which have similar traffic generation characteristics and parking or loading space requirements.

Article VI - Section 2 Green Space

Notwithstanding other portions of these Regulations, no use shall be permitted in any zone which does not leave a minimum of 10 percent of the total (buildable) lot area free of any building, impervious surface material or other structures. Said minimum area shall be planted with grass, moss, ground cover, or trees in such a way as to allow natural percolation or rainwater, and not interfere with adequate drainage of rainwater from surfaced or built-up portions. Such open space shall be for the express purpose of maintaining the street tree belts along the streets dividing parking bays or areas and generally maintaining the open character and appearance of the town.

1. Minimum Green Space shall be that percentage of the "total lot area" which shall be:
 - a. Maintained in a natural vegetative state and/or planted with grass, ground cover, trees or other plants, and
 - b. Free of any building, structure or other impermeable area, and
 - c. Designed and located for the purposes of maintaining green belts along streets, green space within parking areas, and maintaining the open character and appearance of the town, and providing areas on the lot suitable for the absorption and the treatment of storm water runoff.

The term "total lot area" as used in this section shall mean all areas of the lot except the area of any watercourse as defined and that under the Litchfield Inland Wetland Regulations and Map.

Article VI - Section 3 Groundwater Protection Requirements

Where these Regulations require compliance with Groundwater Protection Requirements, the applicant shall submit a Groundwater Protection Plan describing measures which will be taken to eliminate or minimize any potential negative impacts on the quality or quantity of groundwater supplies in Litchfield. The Commission may engage qualified agencies or individuals of its choice to review the Groundwater Protection Plan. If the Commission considers that the proposed

measures will not adequately protect the groundwater supplies, it may request modification of the plan or reject the application. Items which the applicant and Commission shall consider include, but are not limited to, the following:

1. Hazardous materials storage facilities, areas and containers:

- a. Above ground storage facilities for hazardous materials shall, at a minimum, be located within a structure with a base and containment walls, berm or dike made of impermeable materials surrounding the containers. The storage facility and containment area must be of a material compatible with the hazardous materials which it is intended to contain (i.e. - coated concrete or coated metal). The holding capacity of the containment area must be at least 110% of the storage facility capacity.

For a storage facility located within a roofed structure but otherwise exposed to the weather, the containment area shall be designed to enable removal of precipitation accumulation manually or have a drain valve which will allow uncontaminated stormwater to be manually released. Tanks shall be supplied with a mechanical type level gauge, not a sight tube, any may have a top vent pipe or overfill pipe which is directed into the containment area.

- b. Any facility or part of a facility which is underground shall:

- (1) Be protected against corrosion by use of non-corrosive materials or steel components with factory applied corrosion resistant coating and permanent cathodic protection monitoring devices;
- (2) Be designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and
- (3) Be chemically compatible with the contained oil or petroleum liquid as determined by the manufacturer's warranty.

In the case of components such as any pipe used to fill an above ground tank used for on-site heating purposes, secondary containments may be used in place of the requirements in b(1) above.

- c. Drums that contain or have contained hazardous materials shall be sealed or covered at all times when not in use. Stacking of drums is discouraged. Large drip pans must be kept beneath drums which have spigots and are stored in a horizontal position on racks. Empty drums stored outside must be kept closed.
- d. Incompatible hazardous materials must be kept separated from each other by a berm, dike, wall or distance sufficient to prevent a fire, explosion, or release of toxic fumes. Storage facilities must be properly labeled with contents. "No Smoking" signed must be located in conspicuous places wherever ignitable and reactive hazardous materials are stored.

- e. Storage of chloride salts or coal shall be in watertight, ventilated structure constructed on a base of impermeable material. Any outside area used for loading, handling or mixing of salt shall be designed so as to prevent seepage and runoff from entering groundwater or any watercourse.
- f. Dumpsters which are used to store industrial or commercial wastes must be covered or located within a roofed area and must have drain plugs intact.
- g. Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.
- h. No steam cleaning of barrels or other equipment shall be performed outside unless provisions are made to prevent the contamination of groundwater.
- i. Hazardous material storage facilities may not be located near the floor drains and must be designed such that the hazardous materials cannot travel to a floor drain should a spill or leak occur.

Interior floor drains may not be directed to any stream, storm drain, subsurface leaching system or dry well. Interior floor drains from any process areas may not be directed to a sanitary sewer without treatment.

- j. Loading and unloading dock areas for hazardous materials must be designed to contain a liquid hazardous material should a spill or leak occur using techniques including surfaces of impermeable materials, drains with retention basins, and others as may be appropriate for the materials and the site.

2. Areas which might be used in a matter that could result in the introduction of hazardous materials into the ground (such as a parking lot) must be designed to prevent such potential pollution. If prevention is impossible, alternative designs and structural solutions must be discussed in the Plan in terms of their ability to minimize the risk of pollution.

Any outdoor surface made of impermeable materials (such as a parking lot) must be constructed or equipped with the proper mechanisms to prevent any groundwater contamination that may result from a use that can be reasonable anticipated. Appropriate mechanisms may include retention basins with oil, grease and sediment traps; other devices may be necessary depending on the potential use and the nature of the site. Such mechanisms shall be designed in proportion to the size of the impermeable materials surface to as to accommodate all run-off that would result from the most severe rainfall. The Plan must include a schedule for the maintenance of the mechanisms to be used.

3. The use of potentially harmful fertilizers and pesticides must be limited and alternatives with minimum environmental impact shall be discussed and evaluated in the Plan.
4. For any other storage or use area dealing with a Hazardous Material not covered here, Best Management Practices shall be employed. If Best Management Practices are not available, then an alternative plan shall be developed by the project applicants.

**Article VI - Section 4
Habitable Floor Area Requirements**

1. The following minimum habitable floor area shall be required for each dwelling unit constructed or converted except for those in multi-family developments.
 - a. Single family dwelling - 800 square feet.
 - b. Two-family dwelling (duplex) 800 square feet for each single family dwelling unit.
2. The following minimum habitable floor areas shall be required for each dwelling unit in multi-family developments:
 - a. Dwelling units with less than three rooms: 600 square feet.
 - b. Dwelling units with three rooms: 725 square feet.
 - c. Dwelling units with more than three rooms: 625 square feet plus 125 square feet for each additional room over three rooms.

In applying these habitable floor area requirements, bathrooms with less than 60 square feet and kitchens with less than 90 square feet shall be counted as half a room.
3. Accessory apartments and apartments in business buildings: 500 square feet.
4. Accessory buildings are exempted (see definition).

**Article VI - Section 5
Lots in Residential Zones**

**Section 5A
Interior Lots**

An interior lot is defined as a lot that does not meet the requirement for minimum lot width. (See Article IV)

An interior lot may be permitted in any Residential Zone upon the granting of a Special Exception subject to the general standards of Article VIII, and subject to the following specific requirements:

1. It shall be served by an access way of not less than 40' in width at all points. The applicant shall show the location of the driveway within the access way. The driveway shall have a maximum grade of 12%. A grade of up to 15% may be permitted for a length of no more than 100'. For driveways in excess of 200' in length, the Commission may require pull off areas which will permit two vehicles to pass. For lengthy or steep driveways, the Commission may also require a pull off or parking area located at or near the intersection of the driveway with the Town road.
2. The access way shall be owned in fee simple by the owner of said interior lot.
3. In no case shall the area of the access way be included in the calculation of the required minimum lot area for the interior lot.
4. The interior lot shall meet all dimensional requirements of these Regulations, however, the "street" line of the interior lots shall be that lot line which intersects the access way and is most parallel to the street line.
5. Interior lots may be permitted where the application meets the following criteria and requirements:
 - a. General: The applicant shall show that the design and layout of the proposed interior lots will be in keeping with the Town Plan of Development.
 - b. Specific: The applicant shall show that the interior lots will preserve important natural resource features as identified on the Town Plan of Development maps and other studies adopted by the Commission, including, but not limited to stream belt lands, farmlands (especially active farmland), land on ridge lines, and will result in the preservation of the natural landscape along a Town road or the view from a Town road or proposed subdivision road.
 - c. When necessary to satisfy the above stated criteria, the subdivision plan shall limit on the interior lot, the area within which the house and driveway may be constructed.
6. No two access ways to interior lots shall be closer to each other than the minimum lot width measured along the street line.
7. In the R-30H Zone, R20 and R-20H Zones, all interior lots shall be not less than 40,000 square feet. In R-80 Residence Zone, all interior lots shall be not less than 120,000 square feet. In the R-160 Residence Zone, all interior lots shall be not less than 200,000 square feet.
8. In any Residential Zone, as part of a subdivision plan, the Planning and Zoning Commission may approve two interior lots or an interior lot and a lot meeting the Lot Width requirements of these Regulations ("front" lot) to be served by a single access way provided:
 - a. That the access way has a minimum 50 foot width at all points, and

- b. The access way is under joint ownership of the owners of the lots it serves, and
 - c. A deed provision to this effect is approved by the Commission's attorney, and
 - d. The application approval is conditional upon the use of the said deed requirement, and
 - e. In the R-30H Zone all of the above shall apply and in addition the traveled surface of the driveway shall be no more that 12 feet in width.
 - f. For driveways in excess of 200' in length the Commission may require pull off areas which will permit two vehicles to pass. For lengthy or steep driveways the Commission may also require pull off or parking area located at or near the intersection of the driveway with the public road.
9. Within the R-30H Zone, a residential dwelling or accessory building on an interior lot shall be not less than 300 feet from the right-of-way of the nearest existing public street. The Commission may increase this requirement up to 600 feet in order to reduce any adverse visual impact of the new buildings on the historic streetscape considering:
- a. The scale and proximity of existing structure.
 - b. The topography of the site, and;
 - c. Reasonable use of the property consistent with the objectives of the R-30H Zone.

**Article VI - Section 5B
Lots on a Common Driveway**

1. A lot including any interior lot, with driveway access to a Common Driveway (as defined in Section 6.5.1 of the Subdivision Regulations) shall be subject to a Special Exception according to the general standards of Article VIII, and the following specific requirements:
- a. Lots on a Common Driveway shall be permitted in the R-160 and R-80 Residential Zones only.
 - b. The number of lots permitted on a Common Driveway shall be more than two (2) but not more than a total of six (6) lots. There shall be no more than four (4) interior lots on a Common Driveway.
 - c. A "front" lot which is proposed contiguous to a Common Driveway shall have its driveway access from the Common Driveway, except under the following conditions: - where the applicant demonstrates there is no driveway corridor which meets the grade requirement in Section 5. 4 of the Subdivision Regulations, or - where the report from the Inland Wetlands Commission recommends location of the driveway corridor from a Street. (A "front" lot is a

lot which meets the requirement of these regulations for LOT WIDTH. (See Article IV)

- d. As a condition of approval the Commission may prohibit driveway access from a front lot to the street.
2. A lot(s) approved as a Special Exception on a Common Driveway shall be subject to the following conditions which shall be specified in the approval:
 - a. "The owners of lots on a Common Driveway shall share in the ownership and the maintenance cost of the Common Driveway. Lots on a Common Driveway are subject to Special Exception requirements including the limitation that not more than six (6) lots shall be permitted with driveway access to a Common Driveway unless and until the Common Driveway is improved at no cost to the Town of Litchfield to the requirements of a Local Street as specified in the current Subdivision Regulations and Town Road Ordinance."
 3. The Common Driveway shall meet the design and construction requirements set forth in the Subdivision Regulations.
 4. Subject to the approval of the Commission, the method for ownership and maintenance of the Common Driveway and any other common element associated with lots on a Common Driveway shall be as follows:
 - a. Where the plan proposes creation of common ownership interests subject to the Common Ownership Interest Act (COIA), Chapter 82B of the Connecticut General Statutes, the applicant shall provide a report from an attorney at law which identifies the common interests subject to COIA and that portion of the COIA document relating to the ownership and maintenance of the Common Driveway and other common interests.
 - b. Where the subdivision proposes creation of common interests which are not subject to the Common Interest Act the responsibility for all maintenance, improvements and liability associated with the Common Driveway or other common interests shall be in a homeowners association.
 - (1) Membership in the homeowners association shall be mandatory for all said lot owners each of whom shall have an undivided interest in the common Driveway or other common interest elements. Said association shall have the power to assess members for all necessary costs.
 - (2) Applicants shall provide the Commission with copies of proposed deed covenants which shall identify Common Driveway maintenance responsibilities and other responsibilities of the homeowners association. Covenants in the deeds to property owners to all lots shall oblige the grantee, his heirs, successors and assigns to share with all other building lot owners in such expenses.

- (3) These covenant provisions shall appear on the final plan map and shall be filed with the Town Clerk. It shall be the responsibility of the applicant to legally establish the homeowners association. The legal agreement and the by-laws of the association shall be submitted along with the deed covenants for review and acceptance by the Commission's attorney. The approved agreement and by-laws shall be filed with the Town Clerk with the final subdivision map.
 - (4) The Town must be authorized to assure compliance with all responsibilities related to the Common Driveway or other common elements of vital interest to the Town. The Town must be empowered to assess the association for all costs incurred for such purposes.
5. A lot on a Common Driveway shall be subject to the requirements of Section 5A.5 above and the following additional requirements:
- a. The design and layout of the lot(s) and Common Driveway shall provide safe access for emergency services, and
 - b. The Commission shall be assured that the ownership and the responsibility for maintenance of the street will remain private.

**Article VI - Section 5C
Lots in the RHC40 Zone**

The Special Exception shall be subject to the following standards and requirements in addition to the requirements of Article VIII and where applicable the requirements of the Subdivision Regulations.

- 1. The Special Exception application shall show that compared to a lot(s) designed according to the conventional requirements that the lot layout proposed will result in the preservation of the view from the highway, especially open fields, trees and other substantial natural vegetation, views and vistas. The application shall clearly demonstrate scaled plans, illustrations and drawings showing home locations, vegetation, and other site features as viewed from the highway.
- 2. Where land, vegetation or other site features are to remain undeveloped as part of the plan for protection of the view from the highway these areas shall be placed under a conservation easement deeded to a qualified land saving organization, or to the Town of Litchfield where the Town has determined that it is the Town's best interest to hold such an easement.

**Article VI - Section 6
Non Conforming Uses, Buildings/Structures and Lots**

1. Definition

A non-conforming situation is any use, building, structure, or lot or any use of any building, structure or lot, lawfully existing at the time of the adoption of these Regulations or any relevant amendment thereto which does not conform to the

requirements of these Regulations or such amendment. Non-conforming situations are as follows:

- a. Non-conforming lots
One which does not meet the area or dimension requirements for a lot, such as the lot area requirement.
- b. Non-conforming building or structure
One which does not meet one or more of the dimension requirements for building location on a lot.
- c. Non-conforming Use
A use of a lot, building or structure which has legally existed since before the adoption of these Regulations or any relevant amendment thereto and that does not meet the use requirements for the one zone in which the building, structure or lot exists. A non-conforming use may be a non-conforming use of land only, of a building or structure only, or of a building, structure and land in combination.

2. Purpose.

As required by Connecticut General Statutes Section 8-2, these Regulations do not prohibit the continuance of any non-conforming use, lot, building or structure legally existing at the time of the adoption of these Regulations or any relevant amendment thereto. It is the public policy of the Town of Litchfield, and the intent of these Regulations, that the degree of non-conformity in any non-conforming situations be eliminated, as quickly as possible.

3. General Rule Concerning Change of Non-conforming Situation to Conform:

Once a non-conforming situation, or any portion thereof, has been changed so that it conforms to these Regulations, that situation or portion thereof shall not revert to or again become, non-conforming.

4. Non-conforming Lot:

A non-conforming lot is a lot which does not conform to the minimum lot area or other lot dimensional requirement of these Regulations as set forth in Article IV and the footnotes thereto. Regarding a non-conforming lot which was established prior to December 17, 1987 the side yard requirements shall be the same as provided under Article IV, Section 2C, footnote 2 "Lots of Record in the R80 or R160 Zone which were established prior to December 17, 1987.

5. Change of Non-conforming Use of Land, Building or Structure:

In determining whether an activity represents a change in non-conforming use, consideration shall be given to three factors:

- a. The extent to which the new use reflects the nature and purpose of the original non-conforming use;
- b. Any difference in the character, nature and kind of use involved, and

- c. Any substantial difference in effect upon the neighborhood resulting from the differences in the activities conducted on the property.

Where such a change of non-conforming use is proposed, the Commission may approve that change if it finds that the proposed non-conforming use will not have an adverse effect on the zone, the neighborhood and surrounding properties greater than the effect the current non-conforming use has. In reaching this determination the Commission shall consider but not be limited to the following factors: traffic (both type and volume), number of uses permitted, noise, lighting, parking, and external alterations to the building and lot.

The Commission may attach appropriate conditions and safeguards to the approval of such change of non-conforming use where such conditions are determined necessary to ensure that the proposed non-conforming use will not have a greater adverse effect upon the zone, the neighborhood and surrounding properties than the current non-conforming use has.

As part of the application for a change of non-conforming use the Commission may require the applicant to submit a Site Plan prepared in accordance with the requirements for any proposed change which affects site or exterior building improvements.

"Applicants are encouraged to submit a Site Plan that is consistent with the recommendations of the "Litchfield Design Guidelines" report and the Litchfield Treescape Plan, "both of which are available in the Land Use Office. Applicants are also encouraged to submit proposed Site Plans for review by the Design Review Advisory Committee (DRAC). The Commission shall consider the report and recommendations of the DRAC in reaching a decision on a Site Plan application."

Off street parking shall be provided to meet the requirements of these Regulations for the proposed change of use.

6. Enlargement of Buildings Containing a Non-conforming Use: A building containing a non-conforming use in a Residential Zone shall not be enlarged in total floor area or volume, except by a Special Exception approved by the Commission in accordance with Article VIII and the following standards and requirements:

- a. Commission shall find that the proposed enlargement will not have significant additional adverse impact upon the surrounding land uses and the neighborhood
- b. The applicant shall provide a statement from the assessor or copies of the assessor's records documenting that the building has not been expanded since the date it became non-conforming. Where the building was previously expanded the applicant shall document that the expansion was approved by the Commission and the total floor area of the expansion does not exceed 25% of the total floor area of the building which is devoted to the non-conforming use.

- c. The total floor area of the enlargement shall not exceed 25% of the total habitable floor area legally dedicated to the non-conforming use at the time it became non-conforming (including any previously granted approval for expansion).
- d. Enlargements shall be allowed only to an existing building containing a non-conforming use. No new building or structure containing a non-conforming use shall be permitted.
- e. The total maximum building coverage of the lot with the enlargement shall not exceed 25% of the total lot area.
- f. Only portions of the building or structure that meet the yard and set back and other dimensional requirements of these Regulations as set forth in Article IV, Section 2B shall be eligible for this Special Exception and the location and dimensions of the enlargement shall conform to the requirements of Article IV Section 2B. .
- g. Off street parking spaces meeting the requirements of these Regulations shall be provided on the lot.

7. Enlargement or Additions

No non-conforming building or structure shall be altered, enlarged or extended in any way that increases the area or space of that portion of the building or structure which is non-conforming. This prohibition includes but is not limited to second story additions or similar additions to the height or bulk of that portion of a building which is non-conforming.

8. Change to a Non-conforming Sign

A non-conforming sign is a sign existing prior to the effective date of these Regulations (or pertinent amendment thereto) which does not meet the size, height, location, lighting or other requirements of these Regulations.

A non-conforming sign may be continued or repaired provided such repair does not result in an increase in the area of such sign or otherwise increase its non-conforming condition. Once a non-conforming sign is removed it shall not be reestablished.

Where the commission approves a change from one non-conforming use to another non-conforming use the new use may continue to utilize the existing sign space. A change in the location of sign space may be permitted by the Commission only where there is a reduction of the existing sign area and where in the opinion of the Commission the proposed signage will be more suitable for the lot and for the surrounding neighborhood.

9. Improvements and Repair

A non-conforming building or structure may be improved, repaired or reconstructed as made necessary by wear and tear or deterioration, however substantial improvements to buildings or manufactured homes in the Floodplain

Overlay Zone shall be subject to the requirements of the Floodplain Overlay Zone.

10. Casualty

Any non-conforming building or structure which has been damaged or destroyed by fire, flood, explosion, act of God or public enemy may be restored and used in the manner in which it exists and was used prior to such damage. Any such restoration within the Flood Plain Overlay Zone shall meet the standards and conditions for said zone.

11. Nothing in this Section shall require any change in the plans, construction, or designated use of a building for which a building permit has been issued in accordance with these Regulations, provided construction commences prior to the adoption of these Regulations or any relevant amendment thereto, and is completed within one year of adoption of same.

12. Abandonment of a Non-conforming Use

Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use.

Whenever a non conforming use of land, building or structure or any portion thereof, has been abandoned, such non conforming use shall not thereafter be reestablished and all future use shall be in conformity with these Regulations.

13. The Commission may approve, as a Special Exception, a change of location of a pre-existing non conforming use located within a shopping center in the B202 zone to another location within the same shopping center if the current use is located in a shopping center provided:

- (a) The applicant and property owner provide proper legal documentation satisfactory to the Commission that the current pre-existing non conforming use location shall be considered abandoned and that no other non conforming use shall be eligible to utilize such abandoned space in the shopping center unless pursuant to an application under this section and;
- (b) The total floor area at the new location in the shopping center may be increased by no more than 30% of the floor area of the current location.
- (c) A "shopping center" for the purpose of this regulation shall be defined as a group of commercial or other uses permitted in the B202 zone located on common property that has been planned, developed and is owned or managed as a unit with common off-street parking and a common access way.

Article VI - Section 7
Non-Residential Development in Residential Zones

1. Statement of Purpose and Application

The purpose of this section is to provide site design standards which will protect residential property values and the appearance of residential neighborhoods. This is accomplished by establishing site design standards to control new and especially large non-residential uses requiring building location and site design that is in scale with the surrounding residential uses and blends with the natural terrain of the site.

The following site design standards shall be in addition to any other applicable zoning requirement. These standards shall apply in the R-160, R-80, R-60, RHC-40, R-30H, R-20, and R-20H zones to all buildings and accessory structures associated with any permitted use or Special Exception use with the following exceptions:

- a. Buildings and accessory structures designed or intended for residential dwelling purposes.
- b. Buildings and accessory buildings and structures designed and intended for farm use.

For the purpose of this sub-section the term "existing" shall be defined as the non-residential buildings or structures of a lot existing on July 6, 1992 - the original effective date of this section of these Regulations.

c. Additions to existing non-residential buildings

The applicant may choose and apply only one of the following formulas for all building additions: - The total floor area of the addition(s) to an existing building(s) shall not exceed 25% of the total floor area of all existing buildings on the lot, OR - The total building coverage (footprint) of the addition(s) to an existing building(s) shall not exceed 25% of the total building coverage (footprint) of all existing buildings on the lot, provided the total floor area of the addition(s) shall not exceed 35% of the total floor area of all the existing buildings on the lot.

2. Standards for Lot Coverage

The following standards limit the developed portion of a lot and the total floor area of the building(s) on a lot as a percentage of the Total Lot Area. These standards are consistent with the purposes of the Town Plan of Development and the intended scale of development in Residential Zones.

- a. The maximum percentage of total building(s) footprint to the Total Lot Area shall be 10%. (Building Footprint is the area within the foundation of a building.)
- b. The maximum percentage of total habitable floor area of all buildings to the Total Lot Area shall be 15%.

c. The maximum percentage of all surfaces covered with an impermeable material to the Total Lot Area shall be 25%.

3. Location Requirements for Large Buildings

Each non-residential building with a building footprint in excess of 4,000 square feet shall be setback from the front, side and rear Lot line by the distance required for the front, side and rear yard for the zone in which the building is located (see Article IV, Section I) plus an additional 25 feet from the front, side and rear yard line for each 1,000 square feet, or fraction thereof, of building footprint in excess of 4,000 square feet.

4. Location of Parking and Driveways

No parking area or internal driveway(s) connecting parking areas shall be permitted within the minimum front, side or rear yards. No above or below ground parking structure shall be permitted.

5. Site Grading

Grading of the site within the required yards shall be kept to a minimum. Where grading is permitted within a required yard the finished grade shall not vary from the original grade before construction by more than 3 percent.

6. Landscape Buffers

Natural stands of trees and shrubs located within the required yards shall be preserved wherever possible. The Commission shall require planting of additional trees and shrubs on the lot to provide a visual buffer between the proposed buildings and structures and any adjacent residentially zoned property and from the street.

**Article VI - Section 8
Outdoor Lighting**

All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining property and that the illuminated areas shall be confined essentially to the property where the illumination originates.

**Article VI - Section 9
Open Space (Section 12 - 107e, C.G.S.)**

The Planning and Zoning Commission of the Town of Litchfield designates as open space land, within the comprehensive plan, under Section 12-107e of the general statutes, all undeveloped land, with the following exceptions:

1. At least the area of one lot within a zone.
2. All lands designated farm lands under Section 12-107c of the general statutes.
3. All lands designated forest lands under Section 12-107d and 12-76 of the general statutes.
4. All lots of record in the office of the Town Clerk, which have been approved by the Planning and Zoning Commission as part of a building lot subdivision plan,

excluding open space designated areas. Any such lot, which has an area more than twice the minimum area required in the zone, shall have the land in excess of twice the minimum area, classified as open space.

5. All land zoned commercial, industrial or any other lands which permit greater density uses than single family dwellings.
6. Any land designated open space by the Assessor for which an application to subdivide into lots has been made to the Planning and Zoning Commission. Effective on the date of approval as a subdivision or resubdivision, the land shall be removed from an open space designation and a conveyance tax paid if required under Public Act 152 of the general statutes. Any lot created by subdivision or resubdivision of land previously designated open space, after payment of conveyance tax attributable to the subdivision or resubdivision, may be reclassified by the Assessor as open space, assuming it remains otherwise qualified, provided that the reclassification date shall become the date used to compute any further conveyance taxes that may become due and payable.

Article VI - Section 10 Signs

1. The following signs and no others are permitted as accessory use on Residence and RMF Zones:
 - a. One sign up to two square feet in area giving the name of the land or buildings on which displayed, or of the owner or lessees thereof, and of his profession or activity.
 - b. "No Trespassing" or other signs indicating the private nature of premises, up to two square feet in area.
 - c. Non-illuminated temporary signs up to six square feet in area pertaining to sale or lease of premises where displayed, or construction under way. Such signs shall be removed when the premises is sold, rented, or constructed.
 - d. Town, State, Federal, Church, or School bulletin boards up to 16 square feet.
 - e. One sign of up to 10 square feet in area for a Farm or Farm Winery.
2. The following signs and no others shall be permitted in B, BH, PO, PB, I and PI Zones:
 - a. Any sign permitted in a Residence or RMF Zone.
 - b. Business and advertising signs providing that the total area of all signs on a lot shall not exceed one square foot in area for every foot of frontage occupied by the principal structure on the lot, or 100 square feet, whichever is less. Only one side of the principal structure shall be used to compute the maximum sign area. All signs shall be located behind the building line.
 - c. The Commission may permit the construction of business signs meeting the area limitations in section (b) above, in required yards on lots fronting on Route 202 as a Special Exception, in accordance with Article VIII, provided that no sign shall be located closer than 15 feet to the right of way, and that all the other requirements of this Section of the Regulations on "Signs" have been met.

- d. Shopping centers and Industrial Parks may be permitted to display a directory - identification sign in a front yard, suitable in size and location to the individual site subject to a Special Exception according to Article VIII.
- e. Open or Decorative Flag for Commercial Use:

I. One flag with the word "Open" or one flag with a logo, symbol, or other decorative design appropriate to a commercial use may be permitted by each business on a commercial lot in a business zone or on a lot in association with non-conforming commercial use provided that:

- i. The size of the flag shall not exceed 3' x 5'.
- ii. The location of the flag shall not obstruct pedestrian or sight lines and shall be approved for safety by the Zoning Enforcement Officer.
- iii. The flag shall not be illuminated.
- iv. The flag shall be on display during business hours only.
- v. The owner of the use shall apply for a permit from the Zoning Enforcement Officer.
- vi. The flag shall be located on the building or the freestanding sign associated with its commercial use

II. Within the BH Zone, the applicant shall receive approval from the Historic District Commission for the location of the flag, the flag, the type of holder and the flagstaff to be used for any open or decorative flag.

3. Requirements for all signs in All Zones:

- a. No sign shall advertise or refer to an activity, use, structure, or business which does not take place or which is not located on the same lot as the sign.
- b. No sign shall be of the flashing, animated, pulsing, moving or rotating type.
- c. Signs must be constructed of good material, firmly supported, maintained in good condition and repair, and removed when the purpose for which they were erected no longer exists. Pennants, flags and banners, such as those made of cloth, aluminum or plastic shall not be allowed.

This provision does not apply to the display of National or State flags, or the display of flags or banners by a church, club, institution, or campaigns, drives, movement or event.

- d. No sign shall be affixed to the roof of any building. No sign attached to a building shall project higher than 15 feet as measured from the highest point of the sign to the average level of the outside ground level along the wall of the building to which it is attached. No free standing sign shall project higher than 15 feet as measured from ground level.
- e. Naked or unshaded incandescent or fluorescent electric light bulbs shall not be allowed by themselves or as part of any sign, except as part of Holiday Season decorations or community events or celebrations.
- f. The Zoning Officer may order the removal of any signs that are not maintained or erected in accordance with the provisions of this section. Any person, firm or corporation violating the provision of this section shall be punishable by a fine as provided for in the Connecticut General Statutes.

**Article VI - Section 11
Design Review Advisory Committee**

1. Purpose

The Litchfield Design Review Advisory Committee (hereinafter referred to as the "Committee") is an advisory body charged with the duty to review and offer design recommendations on applications for properties located in the following zones: RMF-160, B800, B202, PB, MO, PO, I, PI and in residential zones with nonconforming commercial properties.

2. Duties

Within thirty-five days after being referred to the Committee, the Committee shall review and make written recommendations on:

- A. All site plans
- B. All new construction
- C. Any substantial modification to a site that requires changes to the following: paved areas, traffic flow, landscaping, lighting, site mechanicals and signage.
- D. All exterior additions or modifications to structures that require a building permit and a zoning permit.

3. CRITERIA

- A. In acting on any application the Committee shall consider those factors affecting the external appearance of the site. These factors include the design of the building and other structures; landscaping, lighting, signs, utilities, parking, and other objects visible to the public.
- B. The criteria used by the Committee are intended to assist the Planning and Zoning Commission and the applicant in achieving a design that is both

functional and visually pleasing. The criteria are not intended to restrict imagination, innovation or variety.

C. Relationship of Building to Site:

1. The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate buffers between incompatible land uses, and safe vehicle and pedestrian movement.
2. The visibility of parking areas from streets should be restricted by means of plantings, berms, decorative walls, building, or other means.
3. Large contiguous expanses of parking should be avoided. Plantings, walls, berms and sidewalks should be placed within parking areas to control traffic and to reduce the parking area's visual impact.

D. Relationship of Buildings and Site to Adjoining Area:

1. Adjacent buildings of different architectural styles should be separated by means of buffers and plantings.
2. A harmonious transition from the site to adjoining properties should be provided by landscaping or other means.
3. Harmony in texture, lines and masses is recommended. Monotony should be avoided.

E. Landscape and Site Treatment:

1. Where existing topographic patterns and vegetation contribute to the beauty of a development, they should be preserved.
2. Service yards, dumpsters, utility structures, loading areas and other places that tend to be unsightly should be screened from public view by landscaping, berms, fencing or other means. The screening should be effective year round.
3. In areas where plantings will not thrive other materials such as fences, berms or walls should be used.
4. Exterior lighting should enhance building design. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained and excessive brightness should be avoided. The lighting shall comply with Article VI, Section 8 of the zoning regulations.

F. Building Design:

1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.
2. Buildings should have a good scale and be in harmony with the neighboring development.
3. Materials should be selected so that the proposed structure is in harmony with

the adjoining structures.

4. Materials should be of a durable quality.

5. Building components, such as windows, doors, eaves and parapets, should have good proportions and relationships to one another.

6. Colors should be harmonious and should use only compatible accents.

7. Mechanical equipment or other utility hardware on the roof, ground or buildings should be screened from public view with materials harmonious with the building. Alternatively, they should be located so as not be visible from public areas.

8. Monotony of design in single or multiple building projects should be avoided. Variation in detail, form, and siting should be used to provide visual interest.

G. Signs

1. Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

2. Every sign should be designed as an integral architectural element of the building and site on which it is located.

3. The colors, materials, and lighting of every sign should be restrained and harmonious with the building, the site, and the adjoining properties.

4. The number of graphic elements on a sign should be held to the minimum needed to convey the signs principal message.

5. Each sign should be compatible with signs on adjoining buildings and sites and should not compete for attention.

4. APPLICATION

A. In addition to any requirements for a site plan application or a special exception application, the applicant should submit the following information to the Committee:

1. A plot plan done by a professional architect, land surveyor or professional engineer. This plan should show landscaping, parking, utilities, sidewalks, lighting and building location.

2. Fully dimensioned exterior elevations should be presented of all sides of every building. In the case of an enlargement of a building, the existing building as well as the proposed addition should be shown.

3. Samples of exterior building materials including sample colors.

4. The size, colors, location, and lighting should be shown for all signs.

5. Information should be presented on how the proposed building or sign will complement the existing neighboring structures.

6. The applicant should present any other information that the applicant deems necessary to aid the Committee in evaluating the design.

5. WAIVER

The Planning and Zoning Commission, on written request by the applicant, may by resolution, waive the required submission of that part of the information as

specified under subsection 4 hereof, if the Commission finds that the information is not necessary in order to determine compliance with these regulations. The Commission may require the applicant to provide additional information and data for clarification purposes and to implement the purpose of the required architectural review by the Committee.

ARTICLE VII
OVERLAY ZONES AND PLANNED DEVELOPMENT ZONES

Article VII - Section 1
Flood Plain Overlay Zone (FPOZ)

The Flood Plain Overlay Zone includes all special flood hazard areas designated as Zone A, A1, A30 AH and AE, on the Litchfield Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway maps, dated January 2, 1992 on file with the Town Clerk. These maps as well as the accompanying Litchfield Flood Insurance Study or any revision thereto are incorporated herein by reference.

Statement of Purpose

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

1. regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood velocities;
2. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. control of filling, grading, dredging and other development which may increase erosion or flood damages;
5. regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
6. qualify and maintain for participation in the National Flood Insurance Program.

Objectives

The objectives of this regulation are:

1. to protect human life and health
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
4. to minimize prolonged business interruptions;
5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

6. to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. to provide that developers are notified that property is in an area of special flood hazard; and,
8. to ensure that those who occupy the area of special flood hazard assume responsibility for their actions

Definitions

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

BASE FLOOD - Means a flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT – Means that portion of a building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT - Means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

FLOOD INSURANCE RATE MAP – Means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones.

FLOOD INSURANCE STUDY – Is the official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and other flood data.

FLOODWAY - Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor. These areas must be designated in accordance with the definitions of "elevated building" and Subsection 3, Specific standards.

MANUFACTURED HOME - Means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL - Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

NEW CONSTRUCTION - Means structures for which the "start of construction" commenced on or after the effective date of these regulations and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE – means a vehicle which is (I) built on a single chassis;(II) 400 square feet or less when measured at the largest horizontal projections; (III) designed to be self-propelled or permanently towable by a light-duty truck; and (IV) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home), on a site, such as the pouring of slabs or footings installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE – means a walled and roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

WATER SURFACE ELEVATION - Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article VII – Section 1 - Subsection 1 General Provisions

Lands to which this law applies. This regulation shall apply to all areas of special flood hazard within the jurisdiction of the Town of Litchfield.

Basis for establishing the areas of Special Flood Hazard. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency;

1. Flood Insurance Rate Map (multiple panels) No. 8 and 13, whose effective date is 1/2/92.
2. Flood Insurance Rate Map (multiple panels) No. 11, whose effective date is 7/3/90.
3. Flood Insurance Rate Map (multiple panels) No. 1, 2, 3, 4, 6, 7, 9, 10, 12, 14, 15, 16, 17, 18, whose effective date is 6/15/82.
4. Flood Insurance Rate Map (single panel) Index No. 090047 0001-0018, whose effective date is 1/2/92.
5. A scientific and engineering report entitled "Flood Insurance Study, Town of Litchfield, Litchfield County" dated 1/2/92.
6. Flood Boundary and Floodway Map (single panel) Index No. 090047 0001-0018 whose effective date is 1/2/92.
7. Flood Boundary and Floodway Map (multiple panels) No. 8, and 13, whose effective date is 1/2/92.
8. Flood Boundary and Floodway Map (multiple panels) No. 1, 6, 10, 15, 17, whose effective date is 6/15/82.

The above documents are hereby adopted and declared to be a part of this regulation. The Flood Insurance Study and/or maps are on file at: The Litchfield Town Clerks Office.

Interpretation and Conflict with Other Laws

This Regulation includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this regulation are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Severability

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the area of special flood hazards to uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Litchfield, any officer or employee thereof, or the Federal Emergency management Agency, for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under.

**Article VII – Section 1 - Subsection 2
Administration**

Designation of the Local Administrator

The Zoning Enforcement Officer is hereby appointed Local Administrator to administer and implement this regulation by granting or denying floodplain development permits in accordance with its provisions.

The Floodplain Development Permit

Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in the community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Subsection 1, without a valid floodplain development permit.

Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

Application for a Permit

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

1. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
2. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood-proofed. Upon completion of the flood-proofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.
3. A certificate from a licensed professional engineer or architect that any utility flood-proofing will meet the criteria in Subsection 3, Utilities.
4. A certificate from a licensed professional engineer or architect that any nonresidential flood-proofed structure will meet the flood-proofing criteria in Subsection 3, Non-Residential Structures.
5. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Subsection 1, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
6. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

7. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

Duties and responsibilities of the Local Administrator

Duties of the Local Administrator shall include, but not be limited the following.

Permit Application Review

1. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
 2. Review all applications for completeness, particularly with the requirements of Subsection 2, application for a permit, and for compliance with the provisions and standards of this regulation.
 3. Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Subsection 3, Construction Standards and, in particular, Subdivision Proposals.
 4. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.
 5. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Subsection 3, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
 6. Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

Use of Other Flood Data

1. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A on the FIRM) nor identified a floodway, the Local

Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 7, Application for a Permit, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this regulation.

2. When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

Alteration of Watercourses

1. Notification to adjacent communities and the CT State Department of Environmental Protection prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Federal Emergency Management Agency.
2. Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Construction Stage

1. In Zones AI-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood-proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood-proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit-holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
2. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

Inspections

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to

certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

Stop Work Orders

1. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Article X, Section 5 of these regulations.
2. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in these regulations and in accordance with CT State Statutes.

Certificate of Compliance

1. In areas of special flood hazard, as determined by documents enumerates in Subsection 1, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this regulation.
2. A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
3. Issuance of the certificate shall be based upon the inspections conducted prescribed in Subsection 2, Inspections, and/or any certified elevations, hydraulic data, flood-proofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

Information to be Retained

The Local Administrator shall retain and make available for inspection, copies of the following:

1. Floodplain development permits and certificates of compliance;
2. Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection 2 of these regulations, Construction Stage, and whether or not the structures contain a basement;

3. Flood-proofing certificates, required pursuant to Subsection 2, Construction Stage, and whether or not the structures contain a basement;
4. Variances issued pursuant to Subsection 4, Variance Procedures; and,
5. Notices required under Subsection 1D, Alteration of Watercourses.

Article VII – Section 1 - Subsection 3 Construction Standards

General Standards

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Subsection 1.

Subdivision Proposals

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage;
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
3. Adequate drainage shall be provided to reduce exposure to flood damage.

Encroachments

1. Within Zones A1, A30, AH and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - a. the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - b. the Town of Litchfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Litchfield for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Litchfield for all costs related to the final map revision.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Subsection 1, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - a. a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - b. the Town of Litchfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Litchfield for all costs related to the final map revisions.

Standards for all Structures

Anchoring

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

Construction Materials and Methods

1. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
2. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
3. For enclosed areas below the lowest floor of a structure within Zones AI-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

- b. the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
- c. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Utilities

1. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Residential Structures

Elevation

The following standards, in addition to the standards in Subsection 3, Subdivision Proposals, Encroachments and Standards for all Structures, apply to structures located in areas of special flood hazard as indicated.

1. Within Zones AI-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated 1 foot above the base flood level.
2. Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

3. Within Zones AH, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

Non-Residential Structures

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in Subsection 3, Subdivision Proposals, Encroachments, and Standards for All Structures.

1. Within Zones AI-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - a. have the lowest floor, including basement or cellar, elevated to 1 foot above the base flood elevation; or
 - b. be flood-proofed so that the structure is watertight below base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
2. If the structure is to be flood-proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Flood-proofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection 3, including the specific elevation (in relation to mean sea level) to which the structure is to be flood-proofed.
3. Within Zones AH, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
4. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

Manufactured Homes and Recreational Vehicles

1. The following standards in addition to the standards in Subsection 3, General Standards, Standards for all Structures apply in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard. Recreational vehicles placed on sites within Zones AI-A30, AE, AH, shall either:

- a. be on site fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use, or
- c. meet the requirements for manufactured homes in paragraphs 2 and 4, below.

A recreational vehicle is ready for highway use if wheels or jacking system, is attached to the site disconnect type utilities and security devices and has no permanently attached additions.

2. A manufactured home that is placed or substantially improved in Zones AI - A30, AE, AH, that is on a site either:
 - a. outside of an existing manufactured home park, or subdivision;
 - b. in a new manufactured hone park or subdivision as herein defined;
 - c. in an expansion to an existing manufactured home park subdivision as herein defined; or
 - d. in an existing manufactured hone park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood; shall, within Zones AI, A30, AE, and AH, be elevated on a permanent foundation such that the lowest floor is elevated 1 foot above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. A manufactured home to be placed or substantially improved in Zone AI, A30, AE, or AH, in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:
 - a. elevated in a manner such as required in paragraph 2 above, or
 - b. elevated such that the manufactured home chassis is support by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
4. Within Zones A, when no base flood elevation data are available, new and substantially improved manufactured homes shall have the floor elevated at least three feet above the highest adjacent grade.

Article VII – Section 2
Planned Development Zone (PDZ) - Continuing Care Retirement
Community

1. Statement of Purpose and Definition. A Planned Development Zone (PDZ) may be established by the Commission in accordance with the procedures, standards and criteria hereinafter specified and only for the purposes and uses specified herein.

- a. Definition: For the purpose of this regulation a Continuing Care Retirement Community shall be as defined in the Connecticut General Statutes.
- b. Purpose: This regulation is established in accordance with the recommendations of the Town Vision Plan and is designed to permit the opportunity to establish a Continuing Care Retirement Community in an appropriate location consistent with the Town Vision Plan.

2. Application Procedure.

- a. Applicants shall first submit an application to establish a Planned Development Zone and Planned Development Zone Regulations in accordance with the provisions of this section.
- b. This application constitutes a petition for legislative action to amend the Zoning Map and Regulations. The application shall be signed by the owner or owners of all lots in the proposed Planned Development Zone (not including streets or utility rights-of-way not owned by the petitioner).
- c. The Commission shall hold a public hearing on the application and act upon it in the same manner as required for amendments to these Regulations.
- d. A PDZ may be adopted by the Commission only upon its finding that the Planned Development Zone and Planned Development Zone regulations meet the applicable purposes and criteria set forth in this section.
- e. Either simultaneous with or after approval of an application for a Planned Development Zone and Regulations a Special Exception and Detailed Site Development application shall be submitted.

3. Planned Development Zone Basic Criteria. The application to establish a PDZ shall meet the following basic criteria.

- a. The site shall consist of not less than 25 acres.

- b. The maximum number of residents of such facility shall be 200.
- c. The primary access shall be from a State highway. Primary access may be permitted from a Town Road provided: the access road intersection is in close proximity to a State highway; the traffic and access analysis (see subsection 4 below) demonstrates that the proposed access route will safely accommodate the projected traffic; and, the Commission determines that the access location will not be detrimental to a residential neighborhood.
- d. The facility shall be served by a municipal water supply and a public sewer approved by the Litchfield Water Pollution Control Authority. All utilities shall be underground.
- e. All main access roads shall conform to Town of Litchfield subdivision specifications for streets and shall remain the property of the CCRC.
- f. The applicant shall submit the proposed Master Concept Plan and/or Site Development Plan for review by the Design Review Advisory Committee. The application shall demonstrate that the CCRC will be designed as an integrated and harmonious development and the site design will meet the following general standards:
 - 1) It shall be compatible with the Town's rural visual quality. Buildings, parking and associated lighting shall be placed in off-road, "backland" areas suited for screening a large scale development from view from surrounding streets and properties.
 - 2) It shall protect water quality. The planned design shall not encroach upon or adversely affect sensitive water resource related areas.
 - 3) It shall identify and wherever possible protect the site's historic features (including cemeteries).

4. Submission Requirements. An application for approval of a PDZ shall be submitted in writing and shall be accompanied by the following:

- a. A written Planed Development Zone regulation in accord with sub-section 5 below.
- b. A precise boundary description and A-2 survey map of the proposed PDZ boundary lines.
- c. Master Concept Development Plan. Where a detailed Site Development Plan is not submitted with the application for a PDZ, a Master Concept

Plan shall be submitted showing the proposed site and location of all proposed improvements.

The Master Concept Plan shall provide sufficient information to demonstrate the general feasibility of the proposed site plan in accordance with the requirements of the section. It shall not require an "engineering level" of detail. But the information provided must demonstrate to the satisfaction of the Commission that the proposed site can be developed in compliance with the standards and requirements of this section and the design and location requirements of the proposed PDZ regulations.

- d. Traffic study/analysis including parking plan prepared by qualified traffic engineer including:
 - 1) Map showing access(es), traffic flow on site, lines of sight, Town roads and State roads leading to the site, service areas (loading, deliveries, waste removal), fire and emergency access, and parking as required below.
 - 2) Narrative detailing traffic flow, number of trips (in reference to times of day), deliveries, documentation of projected parking demand at peak use, impact on roads associated with use of the facility. The plan shall show requirements to control above (signage, one way, fire lanes etc.)
- 3) Parking/Service Area Requirements. Minimum parking and loading spaces shall be shown and developed for the following:
 - 1 space for each employee (full and part-time) during largest work shift, plus 10% to allow for shift change.
 - service and deliveries i.e. dumpster, fuel oil, laundry, food, supplies, pick-up/drop off.
 - visitors:
 - 1 space for each 5 nursing beds
 - 1 space for each 4 assisted living beds
 - 1 space for each 2 independent living units
 - residents:
 - 1 space for each 10 assisted living beds
 - 1 space for each independent living unit (may be in garage)
 - other facility uses: appropriate space for any facility vehicles (shuttle, security, maintenance, handicap vans etc.)
 - parking for any out-patient or approved accessory use determined separately.

The applicant may propose alternative parking requirements based upon a specific site proposal and plan. The Commission may permit alternative parking requirements where it

determines such alternative requirements will clearly meet peak use for all of the above cited factors.

- e. **Economic Impact Analysis:** An economic impact analysis is to be prepared detailing the anticipated financial impact on the town. This shall include trash collection, and disposal, sewer and emergency services. It may include tax considerations and any special contracts or agreements which may affect burden on town services. (i.e. private ambulance or payments for false alarms).
- f. **Water Quality Impact Analysis, Sediment and Erosion Control and Storm Water Management.** A Water Quality Impact Analysis, Sediment and Erosion control Plan and a Storm Water management Plan prepared by a qualified engineer(s) licensed in the State of Connecticut shall be submitted with the detailed Site Development Plan. The Erosion and Sedimentation Plan shall meet the requirements of Article IX, Section 2. The storm water management plan shall meet the requirements for an NPDES permit.

Where a Master Concept Plan is submitted the applicant's engineer shall submit a concept plan and narrative addressing impact on water quality and demonstrating that a detailed Erosion and Sediment Control Plan will meet the above cited standards.

The Special Exception/Site Plan application shall include proposed maintenance agreement(s) for all facilities and improvements relating to the implementation of these plans.

- g. **Visual Impact Analysis.** The Master Concept Plan and Site Development Plan shall demonstrate that the site and proposed buildings and improvements will meet the requirements under subsection 3.f. The following information shall be provided at a minimum.
 - 1) Topographic elevations from throughout site.
 - 2) Silhouette profile from public access roads to site and from 500 to 1000 feet from site property lines looking north, south, east and west towards the site and from other potentially visually affected locations as deemed necessary by commission.
 - 3) Lighting evaluation demonstrating minimization of exterior lighting and lighting visible from outside the site and impact on the neighborhood.
 - 4) Visual impact of proposed signage
 - 5) Report from Design Review Advisory Committee.
- h. The applicant shall request letters commenting on the proposed Master Concept Plan and/or Site Development Plan from:

- 1) Inland Wetlands Commission
- 2) TAHD
- 3) BHC
- 4) Litchfield (sewer) WPCA or DEP as applicable
- 5) Fire Marshal
- 6) Town Engineer
- 7) Connecticut DOT

5. Regulation: A written PDZ regulation to be applicable within the proposed Zone, in a form suitable for adoption as an amendment to these Regulations, containing no less than the following:

- a. A list of the precise uses of land, buildings and other structures to be permitted.
- b. Standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots;
- c. Site development and building standards;
- d. Requirement that a Special Exception/Site Plan shall be submitted for review and approval by the Commission.
- e. Any other regulatory provisions necessary to carry out the purpose of the Zone, including citation of other provisions of these Regulations that are to be applicable within the Planned Development Zone.

6. Fee: An application fee as specified in the Town Ordinance "Land Use Fee Schedule."

7. Adoption of PDZ: The Planned Development Zone may be adopted by the Commission with modifications deemed necessary by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for amendment of these Regulations. Any adopted PDZ shall be shown on the Zoning Map with its own PDZ number and with reference to the Town records where the Zone regulations may be seen.

8. Time Limits:

- a. If a Special Exception/Site Development application has not been submitted within two years from the effective date of the adoption of a Planned Development Zone, the Planning and Zoning Commission may proceed to delete the Planned Development Zone and Planned Development Zone Regulations.
- b. Where a Special Exception/Site Development application is approved, the Commission shall specify the time period within which a bond shall be submitted providing for assurance of the completion off-site improvements and on-site improvements relating to the protection of

water quality, erosion and sediment control, public safety or other public interests.

- c. Where a Special Exception/Site Development application is approved, the Commission shall as a condition of the permit specify the time period within which all work shall be completed in accord with the requirements of the Connecticut General Statutes.

No Zoning Certificate of Compliance shall be issued until all necessary components of a Continuing Care Retirement Community meeting the definition as stated herein are completed and ready for occupation.

**ARTICLE VIII
GENERAL STANDARDS AND PROCEDURAL REQUIREMENTS
FOR SPECIAL EXCEPTIONS**

Uses specified in these regulations as Special Exceptions are declared to possess such special characteristics that each must be considered a special case. The following general procedures, requirements and standards apply to all such applications for a Special Exception and are to be considered in addition to any special requirements and standards for a Special Exception.

1. The procedural requirements for considering Special Exception applications shall be as set forth in the Connecticut General Statutes, including the requirement for conducting a public hearing.

The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

The notice shall meet the following requirements:

- The notice shall be sent by certified return receipt mail; - The notice shall be sent no later than ten (10) days prior to the hearing (Note: the date of the hearing may be included in calculating the 10 day prior notice requirement);
 - Prior to commencement of the public hearing the applicant shall present the return receipts to the Commission as evidence of meeting this requirement;
 - The notice shall be sent using the form provided by the Commission with the Special Exception application.
2. After the hearing, the Commission may approve, disapprove or approve the application with conditions.
 3. To permit proper review, the Commission shall, in accordance with Article IX, Section 1 require that a Site Plan be submitted, and any other information deemed necessary to determine if the use is in harmony with the intent of the regulation, and the character of the area in which it is located. The requirement for a Site Plan may be waived by a Commission vote, if insignificant changes or no change in site conditions are proposed.
 4. General Standards. In deciding upon a proposed Special Exception application, the Commission shall consider the following general standards:

- a. The site plan shall provide for a site design which is in harmony with the neighborhood, accomplishes a transition in character between areas of unlike character, protects property values, preserves and enhances the appearance and beauty of the community, and provides a harmonious relationship between existing and proposed buildings in the vicinity, specifically with regard to the visual relationship in terms of scale, proportions and particularly, the historic significance of the existing buildings.
- b. Location. The location of the proposed Special Exception use is such that: the proximity of the proposed Special Exception use will not have a detrimental effect upon any church, school, library, public playground or similar facility or use; and the number of similar existing Special Exception uses in the vicinity is such that the granting of the proposed Special Exception will not be detrimental to the public health, safety and welfare.
- c. Traffic. Vehicular and pedestrian traffic projected as a result of the use, including traffic to and from and in the vicinity of the use, will not be hazardous or detrimental to the character of the zone or the neighborhood.

In making its determination with respect to this criterion, the Commission shall consider the proposed location, the size and layout of the Special Exception use, its nature and the intensity of operations involved, and its relation to local streets providing access to the site and the adequacy of proposed traffic flow controls and emergency access.

The commission shall give due consideration to any recommendation by the Town Engineer regarding the adequacy of any town road proposed to be used for access.

- d. Parking. The number, location and arrangement of off-street parking and loading spaces shall meet the requirements of these regulations and shall be adequate for the proposed use and shall consider the impact of parking location and design on adjoining properties.
- e. The location and height of building, the location, nature and height of walls and fences, the nature and extent of proposed signs, exterior lighting, landscaping and open space on the site shall be such that these features shall be compatible and in harmony with adjacent properties and the neighborhood, will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.
- f. The proposed use will not have a significant adverse effect upon property values or appearance in the neighborhood, taking into account the

topography of the lot and the character, location and height of proposed buildings, structures and landscaping.

- g. The commission shall be satisfied that the applicant has shown the adequacy of:
- (1) proposed methods for disposal of wastes and provision for volume and quality of water supply,
 - (2) proposed measures for control of storm water run-off,
 - (3) proposed methods to foster an energy efficient layout and landscape plan,
 - (4) existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.
 - (5) the existing power service to the site to provide for the power needs of the proposed use.

Where a development application involves changes or upgrading of power service to the site the Commission may require that the applicant provide a letter from the power company or power distribution company that the existing power infrastructure in Litchfield is adequate to meet the new power demand.

- h. Provisions for signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, compatibility and harmony with adjacent properties and the neighborhood.
- i. Provisions for adequate open space and landscaping and other safeguards to be compatible with the adjacent property and the neighborhood in general.
- j. The commission shall be satisfied that the applicant has shown the adequacy of proposed measures for prevention of pollution of surface water supplies and drinking water supplies. The commission shall consider the effect of the proposed activity on the quality and quantity of groundwater. The Commission may consider potential problems such as but not limited to:
- (1) Hazardous material and storage areas;
 - (2) Existence of underground fuel storage facilities;
 - (3) Location of floor drains;
 - (4) Size, location and quality of run-off from parking lot areas;
 - (5) Any other use that may adversely affect the quality or quantity of groundwater.

Where hazardous materials may be used or generated or where the activity may otherwise threaten groundwater, the applicant must comply with the

provisions of Article VI, Section 3, Groundwater Protection Requirements, and the Commission may not approve any Special Exception for such activity unless it makes a finding that the Groundwater Protection Plan set forth in Article VI, Section 3 will adequately protect groundwater.

Land uses normally associated with the use of hazardous materials or which otherwise pose a high risk to groundwater quality by the nature of their operation include but are not limited to: institutional uses such as schools, colleges, trade schools, hospitals, nursing homes, high density housing developments (more than one dwelling per 1/2 acre site); large scale retail commercial development; medical, veterinary and similar professional offices; commercial retail processors; furniture strippers; dry cleaners; photo processors, beauty shops; appliance repair shops; auto body and service stations; machine shops; industrial manufacturing, research and storage facilities; waste disposal practices utilizing land treatment including landfills, lagoons and bulky waste sites.

If there will be discharges of hazardous materials associated with the special exception use such that a discharge permit will be required from the Connecticut Department of Environmental Protection, this Special Exception shall be valid only during the time that such a discharge permit is in effect.

5. In consideration of the standards listed above, the Commission may attach such conditions in addition to those required elsewhere in these Regulations that it finds necessary. These may include but shall not be limited to, specifications for type of vegetation, specified provisions for sewage and storm water controls, for water supply for groundwater protection, landscaping and planting screens, periods of operation, sureties, deed restrictions, restrictive covenant, type of construction or any other reasonable conditions necessary to fulfill the purpose of this ordinance.
6. A Special Exception shall become null and void if all work in connection with the approved site plan, which is inseparable from and part and parcel of the special exception, is not completed within five years after the approval of the plan.
7. No Special Exception permit granted according to these Regulations shall be effective until a copy of the Special Exception is certified by the Commission and is filed by the applicant in the Town Clerk's Office in accordance with State Statutes.

**ARTICLE IX
SITE PLAN AND EROSION AND SEDIMENT CONTROL PLAN
REQUIREMENTS**

**Article IX - Section 1
Site Plan Requirements**

1. For those zoning districts which require Site Plans and those uses listed in this regulation which require Site Plans, no building, structure, parking lot, outdoor sales area, or driveway shall be used, constructed, moved, enlarged, or substantially altered until a Site Plan has been submitted and approved and a Zoning Permit issued in accordance with the requirements of this section. No work shall be undertaken on any such site unless a Zoning Permit has been issued for such work, in conformance with the Site Plan. Where a Site Plan is required, the Zoning Enforcement Officer shall not issue a Zoning Permit for construction or commencement of a use until a Site Plan has been authorized by the Commission.
2. Site Plans shall be submitted to the Commission, which shall grant final approval, disapproval or approval with modifications to the proposed plan within the time frame established by the General Statutes of Connecticut. Minor modifications to a Site Plan may be approved in accordance with subsection 9 herein.
3. Public hearings may be held by the Commission for all Site Plans which, in its judgment, warrant a public hearing.
4. When applying for Site Plan approval, an applicant shall file four (4) copies of the plan and one (1) recording mylar with the Commission. The plan shall be at a scale of no less than one (1) inch equals forty (40) feet and shall be certified correct by a Registered Land Surveyor licensed to practice in Connecticut. Where the Site Plan proposed changes in grading or construction of site improvements, including but not limited to drainage or storm water structures, parking lot or driveway improvements, the Site Plan shall be certified by an engineer licensed to practice in Connecticut.
5. Site Plans shall include and show where applicable:
 - a. A plan showing location and size of property, location of building and buildings facilities, signs, parking and restricted areas; number of dwelling units proposed, where applicable; all statistical data to show that the requirements of the regulations have been carried out; and all the land in the lot together with such detail of adjacent properties as will relate the proposed development to the neighborhood and to the street pattern within 500 feet.

- b. Proper and adequate provision for vehicular traffic, service roads, control of entrances and exits to highways, parking and loading.
- c. Proper and adequate provision for a safe water supply, disposal of storm water, and proposed contours at intervals of two feet or less.
- d. The relation of proposed buildings to the existing and estimated future development of the zone.
- e. Proper provision for the protection of existing residences and zones through the use of landscaping, fencing or buffering subject to the Commission's approval, and planting and landscaping around buildings and in parking areas, as required by the Commission.
- f. Floor plans of proposed apartments and recreation buildings, showing square feet of habitable floor area within each room, and the location of all recreation facilities, where applicable.
- g. Illustrations, elevations, and renderings of the proposed buildings and project area sufficient to show clearly what is proposed.
- h. Adequate sewage disposal provided through connection with a public sewer or through use of a private facility. Such private facility shall have been deemed adequate by the Torrington Area Health District when a Site Plan of the lot is approved. The Site Plan shall show the location of the building or buildings, location of the well (if provided), extent of the existing sewage disposal facilities and extent of the enlarged and/or new facilities.
- i. Underground utilities (electric and telephone) if required by the Zoning Commission. All utilities in the RMF-160, PB and PI Zones shall be underground.
- j. Proper provision for facilities required in order to prevent pollution of surface and groundwater as a result of activities on the parcel, including refuse collection facilities, oil and grease traps where required, and appropriate sumps and points for sampling.
- k. Location of wetlands, private and public drinking water supplies, and where appropriate, the boundary of the Wellfield Protection Zone as identified by Article III, Section 3.8 and the boundaries of the aquifer/recharge areas as identified by Town of Litchfield maps.

The Commission may waive certain Site Plan requirements where it determines that such information is not necessary to determine compliance with these Regulations.

5. Expiration of Site Plan Approval. All work in connection with a Site Plan shall be completed within the period provided for in the Connecticut General Statutes.
6. The Site Plan shall include an approval block which shall state the date on which such period expires in accordance with the requirement of the Connecticut General Statutes. Failure to complete all work within such period shall result in automatic expiration of the approval of such Site Plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.
7. All site development work and auxiliary facilities, sewer, parking area, landscaping and planting, and recreation areas and related facilities must be installed prior to the issuance of a Certificate of Zoning Compliance. The Commission may accept surety in a manner acceptable to the Town Attorney, guaranteeing completion of improvements, which because of weather or other conditions, cannot reasonably be completed before a Certificate of Compliance might otherwise be properly issued.
8. Before a Certificate of Compliance is issued or surety released "AS BUILT" drawing for underground utilities and lines shall be submitted to the Commission.
9. Minor Modifications to Site Plan.
The Land Use Administrator, after consultation with the Commission Chairman, may approve minor revisions to an approved site plan, provided such changes address unanticipated field conditions or improve safety or appearance. Examples of such minor modifications are revisions to architectural details or small changes to floor plans, parking lot layout, or utility pads. Any such minor modification shall meet the requirements of these regulations and any specific conditions of application approval.

All such minor modifications shall be recorded on a form prepared for this purpose, which shall state the reasons for the request and provide details on the modification request.

All minor modifications shall be reported to the Commission at the next regularly scheduled meeting of the Commission.

Article IX - Section 2 Erosion and Sediment Control Plan Requirements:

A Soil Erosion and Sediment Control Plan shall be submitted for certification by the Commission with 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 these soil and sediment

control regulations. A lot in a subdivision shall be subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of this application for a zoning permit. 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 (1985), as revised.

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:

A narrative describing the following:

1. Development project
2. Time schedule for:
 - a. All major construction activities indicating the anticipated start and completion of development.
 - b. Creating and stabilizing disturbed areas.
 - c. Grading operations.
 - d. Applying erosion and sediment control measures and facilities onto the land.
3. Design criteria, construction details, detailed installation/application procedures and maintenance program.
 - a. Soil erosion and sediment control measures.
4. A Site Plan map at a sufficient scale to show:
 - a. A location plan showing the site at a scale of 1 - 1,000.
 - b. Existing and proposed topography including soil types, wetlands, watercourses and water bodies.
 - c. Within the disturbed areas topography contours shall be at no less than two feet contour intervals based upon field survey.
 - d. Proposed site alterations and disturbed area, including cleared, filled or graded areas.

- e. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.

Issuance or Denial of Certification

The Commission shall either certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A, and 126 of the General Statutes.

Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

Conditions Relating to Soil Erosion and Sediment Control

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other acceptable assurance to guarantee completion of the proposed erosion and sediment control measures.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

Inspection

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

Erosion and Sediment Control Plan Definitions

1. "Certification" means approval by the Litchfield Planning and Zoning Commission that a Soil Erosion and Sediment Plan complies with the applicable requirements of these Regulations.
2. "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

3. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
4. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
5. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.
6. "Soil" means any unconsolidated material or organic material of any origin.
7. "Soil Erosion and Sediment Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**ARTICLE X
ADMINISTRATION AND ENFORCEMENT**

Article X - Section 1

Zoning Permit Required

Prior to commencement of the use or construction authorized by the Commission under a Site Plan or Special Exception approval, the applicant shall receive a Zoning Permit issued by the Zoning Enforcement Officer.

A written Zoning Permit approved by the Zoning Enforcement Officer shall be required for the activities defined below.

1. **New Construction:** New construction of buildings and structures subject to these Regulations, including parking areas, sidewalks and similar structures.
2. **Alteration:** Alteration of a building or structure, or parts thereof, except as provided in Section 3 below.
3. **Moving or Demolition:** All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.
4. **Change of Use.** The change of any premises from one category of permitted land use to any other permitted land use as specified on the Table of Uses.
5. **Placement of Signs.** Placement of signs except temporary signs as specified in the sign section of these Regulations.
6. **Variances.** After receiving approval of a variance by the Zoning Board of Appeals and prior to commencement of construction or use, the applicant shall receive Zoning Permit issued by the Zoning Enforcement Officer.

**Article X - Section 2
Other Permits**

2.1 **Flood Hazard Areas.** A flood Hazard Permit shall be required for all construction or earth moving activities or other improvements within the 100 year flood plain designated on the Flood Insurance Rate maps published by the Federal Emergency Management Agency and as provided for in these Regulations.

2.2 Temporary Event Zoning Permit

The Planning and Zoning Commission may grant a Temporary Event Zoning Permit for non-residential, short-term, high-intensity activities that are open to the public.

The permit shall be valid for a period of one year and can be renewed for not more than one year per application.

The Planning and Zoning Commission may impose appropriate safeguards and reasonable conditions for approval and may require the posting of surety to the Town of Litchfield in the form of cash, check, an irrevocable letter of credit or a passbook bond available for draft by the municipality.

Once a Temporary Event Zoning Permit has received initial Planning and Zoning Commission approval, the Zoning Enforcement Officer can authorize a renewal of the same or substantially equal permit through the issuance of a subsequent temporary event zoning permit.

If twenty-five (25) or more residents object to the outcome or conduct of the event by way of signed petition, the next application for the same event will have to be evaluated and authorized by the Planning and Zoning Commission.

A Temporary Event Zoning Permit may be required for special cases, unusual circumstances, annual events or seasonal uses, specifically, but not limited to, the following:

- 1) Any outdoor event open to the public sponsored by private organizations or individuals
- 2) Tents covering an aggregate area larger than three hundred fifty (350) square feet that are placed on residential property for more than seven (7) days.
- 3) Commercial filming, photography and promotion projects.

The proposed event and/or activities must comply with the following standards as well as standards in Article IX, Section 1, part 5b regarding site plans:

- A) No temporary structure or use shall extend into the required front, side or rear setback in the underlying zoning district.
- B) Adequate on-site parking shall be provided for any event.
- C) The event shall not have objectionable light, noise or odor emanating from the premises.
- D) Adequate provisions must exist for trash and restrooms. All evidence of the event activities must be fully remediated.
- E) Hours of operation shall be determined as a condition of use.

- F) Temporary Event Zoning Permit applications shall be reviewed by the town Police Department and Fire Marshal and shall be subject to any other borough and/or other necessary permitting.

Town of Litchfield sponsored events located on town owned property authorized by the Board of Selectman do not require a Temporary Event Zoning Permit.

Established temporary events that have been held for the five consecutive years prior to the effective date of this regulation and that have been reviewed and approved by the Planning and Zoning Commission within one (1) year of the effective date of this regulation shall be granted an Event Permit in perpetuity with the stipulation that any substantial change in the nature or intensity of the event will require an application review as set forth above and provided event shall comply with above standards.

The procedural requirements for considering temporary event zoning permit applications for the initial Commission review shall include the requirement for conducting a public hearing.

The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

The notice shall meet the following requirements:

- The notice shall be sent by certified return receipt mail; - The notice shall be sent no later than ten (10) days prior to the hearing (Note: the date of the hearing may be included in calculating the 10 day prior notice requirement);
- Prior to commencement of the public hearing the applicant shall present the return receipts to the Commission as evidence of meeting this requirement;
- The notice shall be sent using the form provided by the Commission with the temporary event zoning permit application.

After the hearing, the Commission may approve, disapprove or approve the application with conditions.

Temporary event permits issued to events not specific to a singular location (established venue) such as walking house or garden tours will not require neighbor notification or be subject to public hearing requirements.

Initial Commission temporary event zoning permit applications reviewed by the Planning and Zoning Commission shall be reviewed within 65 days. Failure of the

Commission to act within 65 days from date of receipt shall be considered approved.

**Article X - Section 3
Zoning Permit Not Required**

Normal maintenance, repairs, re-roofing, re-siding, and decorative changes to a building or structure do not require a Zoning Permit.

**Article X - Section 4
Permit Procedure**

1. All applications shall be submitted in writing to the Zoning Enforcement Officer on forms provided for the purpose.
2. All applications shall be accompanied by a fee as established by Town Ordinance on Land Use Fees.
3. All applications for a Zoning Permit which do not require Site Plan approval shall be accompanied by a plan, accurately drawn to scale or showing the actual dimensions or distances, and showing:
 - a. The actual shape and dimensions of the lot.
 - b. The location and size of all existing and proposed buildings, structures, water bodies and other significant features on the lot as are necessary to determine compliance with these Regulations.
 - c. The existing or intended use of each building or structure.
 - d. Where applicable the location of subsurface sewage disposal systems, well, parking lots, and driveways, signs, landscape areas.
 - e. Such other information as may be necessary to provide for the administration and enforcement of these Regulations.
4. For applications for building or development on a lot where the Commission or the Zoning Enforcement Officer questions whether the lot constitutes or is part of a subdivision, the applicant may be required to provide an affidavit issued by an attorney representing the land owner documenting that the proposed lot does not constitute a subdivision as defined in the Connecticut General Statutes.

**Article X - Section 5
Zoning Enforcement**

1. The Zoning Enforcement Officer of the Town of Litchfield shall be appointed by the Planning and Zoning Commission and shall be the administrative official charged with the enforcement of these Regulations.
2. The Zoning Enforcement Officer:
 - a. Shall not issue any Zoning Permit or Certificate of Zoning Compliance unless the application, building or development complies with all the requirements of these Regulations.
 - b. May cause any building, land or use to be inspected, and may order in writing any person to correct or abate any condition violating these Regulations.
 - c. Shall maintain a full and accurate record of all applications, permits, certificates and other records required by the Regulations.
3. The Commission in addition to other remedies, may institute legal action to prevent, correct or abate any condition if it finds it violates these Regulations.

**Article X - Section 6
Certificate of Zoning Compliance**

No Certificate of Building Occupancy shall be issued by the Building Official of the Town of Litchfield until the Zoning Enforcement Officer has issued, in writing, a Certificate of Zoning Compliance stating that the use of the land or building complies with the provisions of these Regulations.

**Article X - Section 7
Expiration and Extension of Zoning Permit**

A Zoning Permit shall expire twelve (12) months after the date of issuance unless construction is started within twelve (12) months of the date of issuance and diligently prosecuted to completion of unless the permittee submits a written statement to the Zoning Enforcement Officer requesting an extension of the expiration date and explaining the reason for such request.

The Zoning Enforcement Officer shall approve one or more requests for extension but shall not extend the expiration date for a total of more than twelve (12) months. No additional fee shall be required for a request to extend the expiration date of a Zoning Permit.

Section 8 Zoning Board of Appeals

Power and Duties

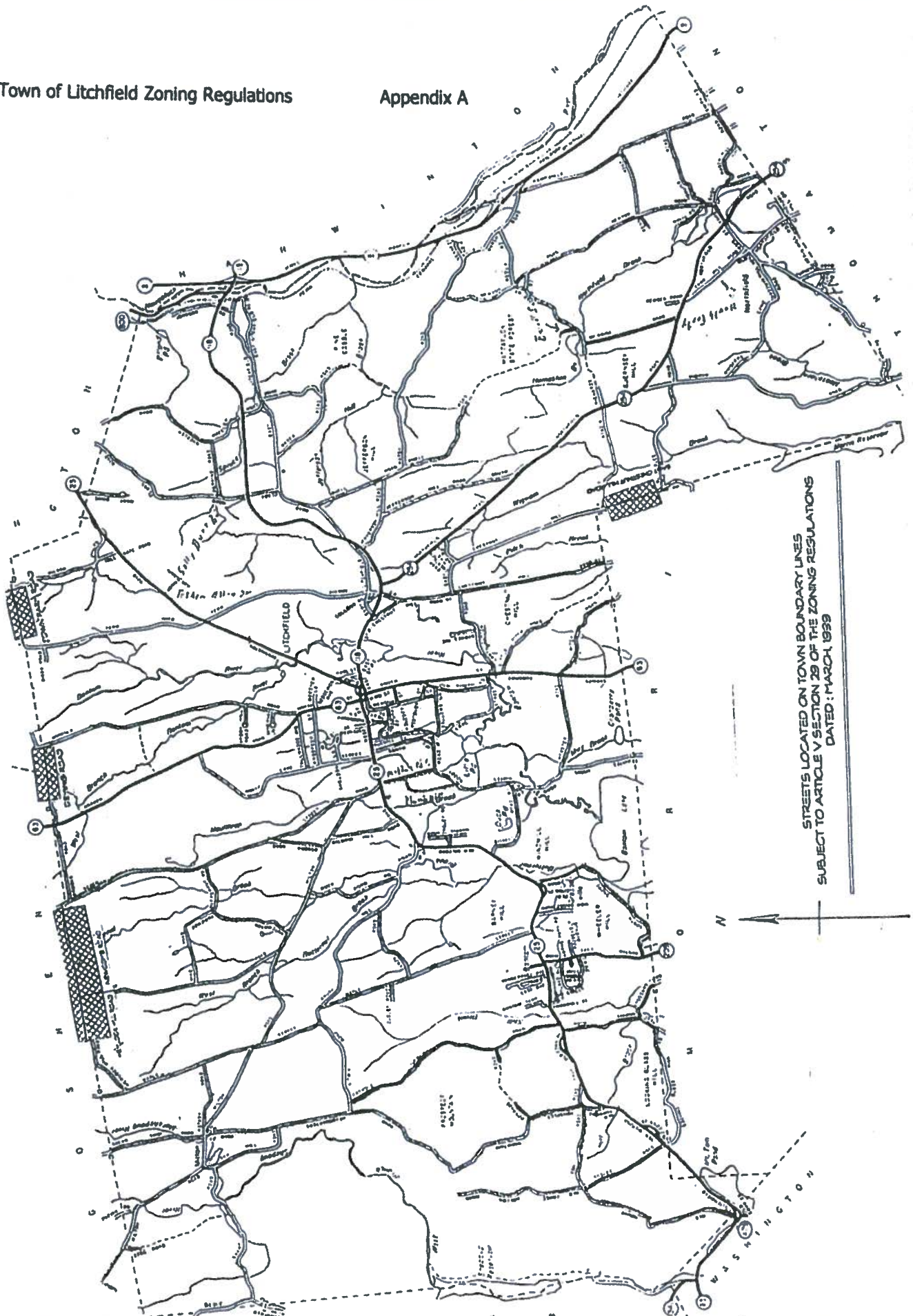
A Board of Appeals, hereinafter called the Board, shall be formed and shall serve as provided by the General Statutes of the State of Connecticut and shall have the following power and duties.

1. Adopt such rules and regulations for the conduct of its business as may be deemed necessary to carry out these Regulations.
2. Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Officer.
3. Authorize appeals in specific cases variances from the terms of these Regulations whereby reasons of exceptional slope, size or topography of the lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a literal enforcement of Regulations. Before any variance is granted, the Board of Appeals must make a written finding in its minutes as part of the records in the case:
 - a. That special circumstances, described in detail exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That relief can be granted without detriment to the public welfare or impairment to the integrity of these Regulations.
 - c. That the special circumstances do not result from the actions of the applicant.
4. Decide requests for Special Exceptions in the cases specified in this Regulation or in the General Statutes of the State of Connecticut.

Procedure

1. The Board shall hold public hearings on all appeals, requests for exceptions, and applications for variances and shall publish a notice of said hearing in a newspaper of general circulation within the Town in accordance with the General Statutes of the State of Connecticut.
2. Every application for variance from the Use Regulations and Special Regulations as distinguished from the Height and Area Regulations shall be:
 - a. Immediately transmitted to the Commission.

- b. Accompanied by a true and accurate list of property owners within 200 feet from any boundary of the property which is subject to the application.
 - c. The petitioner shall notify each of the property owners by registered mail no later than five days prior to the hearing and shall present the return receipts to the Board.
3. All determinations of the Board shall be made in accordance with the objectives of these Regulations and in harmony with the purpose and intent expressed in Article I, Section 1 thereof. In addition to this general rule of guidance, and to particular requirements herein before specified in these Regulations, no permit for Special Exceptions shall be issued by the Board unless it finds in each case that the proposed building or structure or the proposed use of the land:
- a. Will not aggravate a traffic hazard, fire hazard, or panic hazard;
 - b. Will not block or hamper the town pattern of highway circulation;
 - c. Will not affect adversely the town's income from taxation by removing considerable real property from the grand list;
 - d. 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 essential characteristics.



Amendments to Town of Litchfield Zoning Regulations

Effective Date	Article, Section, Subsection	Description
5/2/79	II, 2, 1	Accessory Buildings
5/2/79	II, 2, 9	Country Inns
5/2/79	II, 2, 16	Hotels
5/2/79	IV, 2, 1	Exceptions to height and area requirements
5/2/79	IV, 2, 2	Lots adjacent to more restrictive zones
5/2/79	V, 1	Uses permitted in any zone
5/2/79	V, 2	Special Exceptions in any zone
5/2/79	V, 3	Special exceptions permitted in R80, R60, R40, R20 zones
5/2/79	V, 4	R80, R60, R40, Residential Zones
5/2/79	V, 5	R20 Residential Zone
5/2/79	V, 7	B-1 Business zone
5/2/79	V, 9	C-1 Industrial Zone
5/2/79	V, 10	PI, Planned Industrial Zone
5/2/79	VI, 2	Signs
5/2/79	VI, 5	Green Space
5/2/79	VI, 6	Interior Lots
5/2/79	VI, 7	Site Plan Requirements
5/2/79	VI, 8	Habitable Floor Area requirements
5/2/79	VI, 9	Horses for Personal Use
5/2/79	VI, 10	Outdoor Lighting
5/2/79	VII, 3	Delete "Fees schedule"
5/2/79	VII, 4	New ZBA section
5/2/79	VII, 5	Amendments
9/29/80	open space	Open Space
9/19/83	V, 3, 1	Home Occupations
6/17/85	VI, 12	Erosion and Sedimentation Control Plan
3/27/86	V, 3, 6	New subsection 6
3/27/86	V, 3, 8	Bed and Breakfast
3/27/86	V, 5	Permitted Uses
3/27/86	V, 7	B-1 changed title to Section 8-B Business Zone
3/27/86	V, 8	B-2 changed to Section 9-PB Business Zone
3/27/86	V, 9	I-Industrial Zone changed to Section 10-I Industrial Zone
3/27/86	VI, 1	Off-Street parking
3/27/86	VI, 8	Habitable Floor area requirements
7/16/86	Zoning Map	R3oH Zone from R20
7/16/86	II, 2	Definition of Restaurant
7/16/86	V, 7, 1(a)	Retail Stores
7/16/86	V, 7, 2(b)	Restaurants, caterers, Bakeries
7/16/86	V, 8, 1(a)	Retail Stores
7/16/86	V, 8, 2	new section 2, Special Exceptions in B-2 Zone
7/16/86	VI, 2, 2	Business advertising signs
7/16/86	VI, 2, 2	Business signs on Route 202
7/16/86	VI, 2, 3(f)	Height requirements for signs
7/16/86	VI, 3, (d)	restaurant and nightclub pkg. Requirements
7/16/86	VI, 3,	new section - landscape requirement for commercial parking lots
7/16/86	VI, 7, 5(a)	Site Plan requirements
7/16/86	VI, 12	new-Standards for Special exceptions
7/16/86	VI, 22(d)	deleted
7/16/86	V, 8, 3	B-2 Zone , front yard landscape requirements
9/20/86	VI,6 , #7	Interior lots in R39H Zone

Amendments to Town of Litchfield Zoning Regulations

Effective Date	Article, Section, Subsection	Description
9/20/86	VI, 6, #8	2 interior lots of single access way
9/20/86	VI, 6, #5	interior lots (new #5)
9/20/86	V, 9	New BH Business Zone
9/20/86	IV, 1, 2	Height, Area, Yard requirements for BH
9/20/86	Zoning Map	BH Zone
9/20/86	VI, 7	Zoning Permit Requirements
9/30/86	new	Open Space
1/24/87	VI, 6	Interior Lots
1/24/87	V, 9, #3	Site Plan Requirements
10/19/87	V, 12	new-MO-Municipal Office Zone
10/19/87	IV, 2	Height, yard, area requirements for MO&PO
10/19/87	IV, 2, #10	new-landscape buffer for MO Zone
10/19/87	Zoning Map	MO Zone
10/19/87	V, 13	new-PO Zone
10/19/87	V, 2 #2, #5	deleted
10/19/87	IV, 2 #9	deleted
10/19/87	VII, 3, 2(b) #1	deleted
10/19/87	V, 4 #3	deleted
10/19/87	V, 10, 2(d)	Modified, B Business Zone
12/17/87	VI, 6 #7	change R40 and R60 to R80 Zone
12/17/87	I, 1	Modify Purpose
12/17/87	II, 2	Definitions
12/17/87	III, 1	Wellfield Protection Zone
12/17/87	IV, 1	Zone requirements
12/17/87	IV, 2	Height, yard and area dimension requirement
12/17/87	V, 1	Uses permitted in any zone
12/17/87	V, 2	public school deleted
12/17/87	V, 5	Farms
12/17/87	V, 7	Use of residence for personal business
12/17/87	V, 2	Special exceptions in any zone except R30H
12/17/87	V, 3	special exceptions in R80 zone
12/17/87	V, #1, #8, #9	Home Occupations, kennels and veterinary hospitals, commercial stables
12/17/87	V, 9 1(b), 1(c), 2	BH Business Zone,
12/17/87	V, 11, 1(b), 1(c), 2	PB Zone
12/17/87	V, 12, #3	new-MO zone #3
12/17/87	V, 13, #3	new - PO Zone #3
12/17/87	V, 12 (14) #2	new- Industrial Zone #2
12/17/87	V, 13 (15) #2	new-PI Zone - permitted uses
12/17/87	V, 16	new #16-WPZ use regulations
12/17/87	V, 17	new-Special exceptions permitted in WPZ
12/17/87	VI, 13 4(j), #8&9	Procedures & standards for Special exceptions
12/17/87	VI, 14	new-Groundwater Protection requirements
8/12/88	II, 2, 5 (14)	Junkyards/unregistered Motor vehicles
8/12/88	V, 3	Accessory Apartments
11/11/88	V, 2	new-emergency facilities, Special Exception use in any zone
1/13/89	VI, 9	Horses for personal use
11/15/89	Zoning Map	R80 zone to RHC 40
11/15/89	IV, 2 #2	new#2-side yard requirements R80 and R160 less than 80,000 sq ft
11/15/89	V, 3, 4	Special exceptions for Country Inn/restaurants
12/15/89	V, 9	Maximum density of dwelling units/useable land

Amendments to Town of Litchfield Zoning Regulations

Effective Date	Article, Section, Subsection	Description
4/27/90	VI, 13, #1	Notification requirements
6/21/90	V, 2	convalescent homes
9/7/90	V, 1A	new1A-special exception uses in any zone except WPZ
9/7/90	V, 1	affordable housing
3/15/91	VI, 6A	new-Lots on a common driveway
3/15/91	VI, 3 #3	parking, access and circulation
10/26/91	V, 1 #5	Farms
10/26/91	V, 3, #10 and #11	special exception uses permitted in R160, RHC40, R20 and r20H (farms and greenhouse nurseries)
10/26/91	V, 2 A	new-uses in the R160, R80, RHC40 and R20 zones
7/6/92	VI, 14	new-standards for non-residential buildings in residential zones
9/10/92	VI, 6A	lots on a common driveway
3/10/94	VI, 1	Non-Conforming bldg, uses, structures, lots
4/2/94	VI, 14, 1(c)	non-residential building/structure regulation
11/26/94	VI, 7	Site plan requirements
11/26/94	X, 1	Administration and enforcement
12/24/94	IV, 1	Definition of terms, lot, width of
12/24/94	IV, 2A	Table of residential area and dimension requirements
12/24/94	IV, 2C	Footnotes #6
1/28/95	II, 2	restaurant definition
1/28/95	III, 1 and 2	new B800 and B202 business zones
1/28/95	IV, 5	table of uses - non-residential
1/28/95	Zoning Map	B800 and B202 zones
5/6/95	IV, 2A and 2B	table of area and dimension requirements
5/6/95	III, 2, 3	PO Zone
5/6/95	VI, 1	access, circulation, off street parking and loading
5/6/95	VI, 2	Green space
11/26/94	various sections of regs and Map	Reorganization of Regulations
2/17/96	V, 4	residence, use of for personal business
2/17/96	V, 13 and 13A	modification to Home occupation and new section 13A, shop and storage use for contractor or tradesman
2/17/96	VII, new section	PDZ for life care facility
6/1/96	V, new section 24B	Residence, Use of for Educational Purposes
3/1/97	VII, Section 2, Subsection 4d	Water Quality Impact
4/30/97	Delete VII, Section 2	PDZ deleted by court action
5/24/97	V, Section 1	Accessory Apartments
5/24/97	X, Section 9	Moratorium on PCS Towers
11/27/97	Delete X, Section 9	Moratorium on PCS Towers - expired
11/27/97	new Article V, Section 29	Special Permit for Telecommunication Facilities and Sites
11/27/97	New subsection d to Article V, Section 13	Home Occupations
8/1/98	Art VIII New Sec 4	Procedural Requirements for Special Exceptions
8/1/98	Art II Sec 2	Add defn.of gross fl area, amend habitable fl area
8/1/98	Art IV Sec 2D	Max. floor area for individual retail store
11/7/98	New Sec 2 to Art VII	PDZ for Life Care Facility
5/8/99	Art V, New Section 29 and Art II, Sec 2, Definition of Street	Intersection of proposed subdivision street with certain "Town Line" streets
7/23/99	Art. VII - Overlay Zones and Planned Development Zones- Section 1 – Flood Plain Overlay Zone - new subsections 1, 2, and 3	Subsection 1 – General Provisions Subsection 2 – Administration Subsection 3 – Construction Standards

Amendments to Town of Litchfield Zoning Regulations

Effective Date	Article, Section, Subsection	Description
5/12/00	Art. V Section 30 – Wireless Communication Facilities	Amend subsection 5, Amend subsection 9a Specific requirements subsection (3), Amend subsection 2, Amend General Standards and Requirements, subsection a.
5/12/00	X, Section 9	Route 202 Moratorium
2/12/01	X, Section 9	Route 202 Moratorium - Expired - Delete Section 9
7/6/00	Art. II, Section 2	Change title of Farm/Farm Stand
7/6/00	Art. V, Section 9	Change title of Farm/Farm stand, change numbers to letters, add new subsection 2.
7/6/00	Art. IV, Section 5	Change USE category "Farm Stand (Temporary)
7/6/00	Art. IV, Section 4	Add new line for electric generation
7/6/00	Art. II, Section 2	Change title of Accessory Building, add new definition for Maintenance Shed
7/6/00	IV, Section 3, subsection 9	Revise section for Accessory Buildings
7/6/00	Art. V	Add new subsection 1A – Accessory Buildings and Structures in Residential Zones
12/14/01	V, Section 30	Add new section 30 – Public Utility Facilities subject to local Zoning Authority
12/14/01	VIII, Section 4, subsection g 5	Special Exception – regarding provision of Electric Power
12/14/01	VI, Section 6, Subsection 5	Change of Non Conforming Uses, Buildings/ Structures and lots
12/14/01	IV, Section 4	Table of Uses – churches are re classified to "SE" Special Exception
12/14/01	IV, Section 5	Table of Uses – churches are reclassified to "SE" Special Exception under "BH" Business Historic Zone, and "PO" Planned Office Zone. And Not permitted use under "MO" Municipal Office Zone
4/10/02	VI, Section 9	Open Space
9/15/03	IV Section 5	Table Of Uses – Non Residential, Housing for the elderly, refer to 15A.
9/15/03	V Section 15A	Housing for Elderly owned by a Profit Corporation
10/20/03	IV Section 2C	Footnotes: Table of Residential Area and Dimension Requirements. Subsection 1.
05/03/04	VI Section 10	Open or decorative flag for commercial use. Subsection 2.e.
05/03/04	VI Section 11	Design Review Advisory Committee
05/03/04	Article V Section 1A	Accessory building and structures in residential zones regarding maximum building height. Delete Section 1A.1.
3/7/05	VI Section 10, subsection 2e,vi	Open or decorative flag for commercial use -located on freestanding sign.....
10/26/05	VI, Section 10, subsection 3d	Maximum height of signs
10/26/05	Article II	Add definition of term Bakery
	Article IV Section 5	Change Bakery use in B202, B800, PB to SE
12/28/05	Article II	Add definition of Storage Business
1/11/06	Article IV Section 5	Add new line to permit Car Wash as SE in B202, B800.
	Article II	Add new definition for Car Wash
1/11/06	Article V Section 31	Add a new section 31 to Article V for Car Wash.

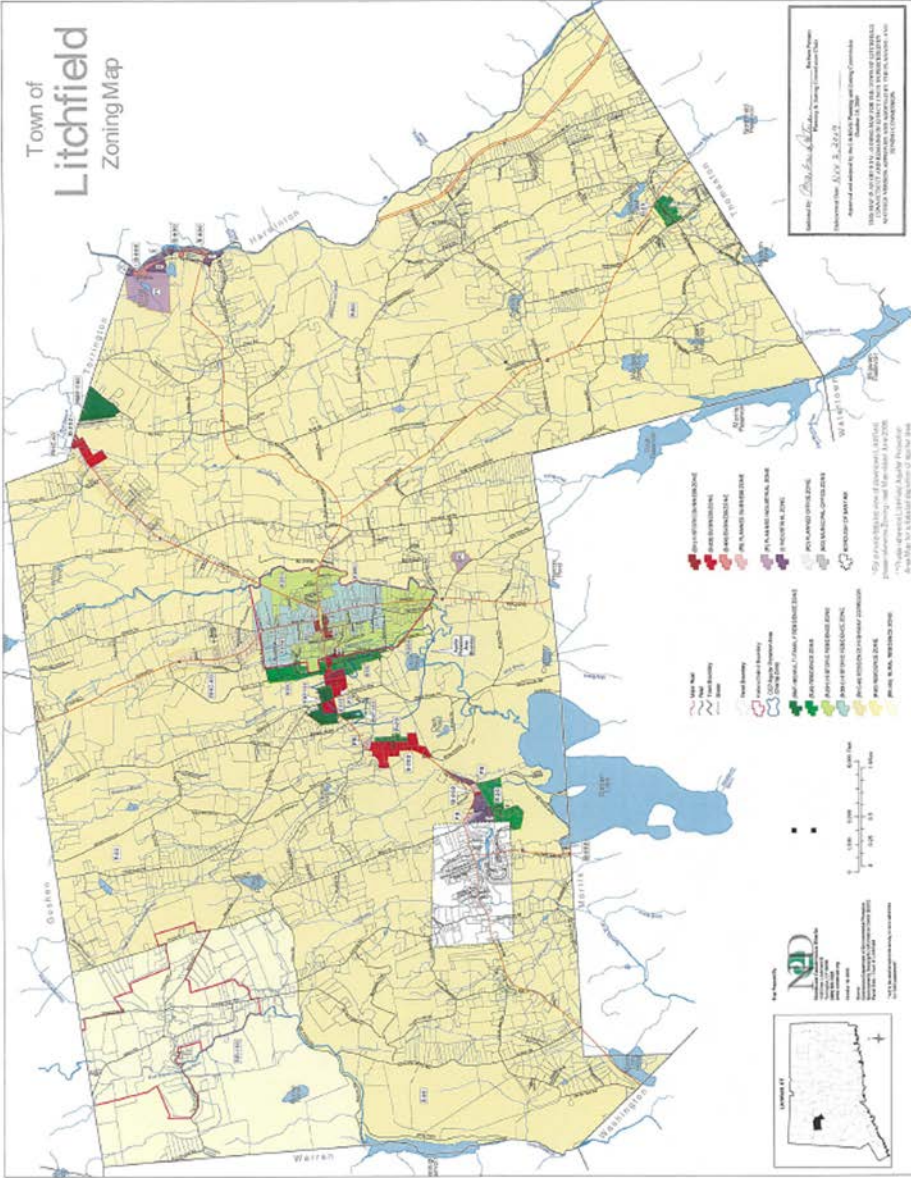
Amendments to Town of Litchfield Zoning Regulations

Effective Date	Article, Section, Subsection	Description
1/11/06	Article V Section 32	Change Telecommunication Facilities and Sites, Section 31 to Article V Section 32
3/13/06	Article II	Re-adopt definition of Storage Business
10/13/06	Article IV Section 2	Add "and structures" to Dimension Requirements narrative.
12/18/06	Article IV, Section 4 and 5	Add new category (SP) requiring Site Plan approval for certain uses.
12/18/06	Article VI Section 5, 5a	Delete reference to interior lots in subdivisions.
12/18/06	Article IX, Section 1	Site Plans "shall" include
	Article IX, Section 1, 5a	Add "signs" to paragraph.
6/18/07	Article VI, Section 6, 6(f)	Text change to enlargement of buildings containing non-conforming use
6/18/07	Article VI, Section 6, 7	Text change to Enlargement or additions to non conforming structure.
8/6/07	Article IV, Section 2C	Clarification to language for area within the 200' buildable square.
8/6/07	Article VI, Section 6(12)	Text change to abandonment of a non conforming use.
8/6/07	Article VI, Section 6 subpara. 6f & 7a	Text changes to 6f. Delete Subsection 7 a & b and make text changes to Section 7.
2/4/08	Delete Wellfield Protection Zone	
	Article II, Definitions	Delete "Zone of Influence"
	Article III, Section 4	Amend. To read "Zone Boundaries other than the FPOD"
	Article III Section 5	Delete WPZ Zone Boundaries
	Article IV Section 2A	Delete WPZ from Table of Residential Area & Dimension Requirements
	Article IV Section 4	Delete WPZ from Table of Uses – Residential Zones
	Various	Delete all other references to Wellfield Protection Zone
2/4/08	Article VI Section 6(4)	Text changes to language for non-conforming lots.
2/4/08	Article IV, Section 2c	Text changes to language for lots of record in the R80 or R160 zone that were established prior to 12/17/1987.
1/1/09	Article V, Section 2(6)	Change to language for affordable housing requirement for connection to public water and sewer.
9/1/09	Article IV Section 4	Changes to Table of Uses.
	Article II, Section 2	Change definition of Farm, add new definitions
	Article V, Section 9	Text changes – Farm Requirements
	Article V, Section 10	Text changes – Requirements for Home Farm...
	Article V, Section 10A	Add new Article V, Section 10A – Farm Winery
	Article VI, Section 10	Add new subsection 1(e).
	Article X, Section 2	Revise and add new section 2.2 – Temporary Event Zoning Permit
10/18/09	Zoning Map Change	Correct zoning map to reflect change from I to B202 for property at 599 Bantam Rd. originally approved August 17, 1987.
11/02/09	Article IV, Section 5	Amend Table of Uses – Non Residential Amend Automobile sales to include motorcycle, Truck, boat, farm equipment.
1/1/2010	Article IX, Section 1(2), 9	Add text – Minor Site Plan Modifications

Amendments to Town of Litchfield Zoning Regulations

Effective Date	Article, Section, Subsection	Description
1/1/2010	Article V Section 29	Added map titled "Streets Located on Town Boundary....." as Appendix A.
1/23/2010	Zoning Map	Change Zone from R80 to PB for property at 622 Bantam Road
3/19/2010	Article V, Section 29	Text changes – Intersection of proposed subdivision street with town line streets.
3/19/2010	Article VI, Section 1	Add new subsection 3 – Shared Driveways.
3/19/2010	Article VI, Section 5A, 8	Text Changes – Driveways to Interior lots.
3/19/2010	Article VI, Section 6(13)	Add new subsection 13 – Non-conforming use in B202 shopping center.
12/1/2010	Article V, Section 1A(5)	Changes to Electric Generation equipment setbacks.

Town of Litchfield Zoning Map



Prepared by: *David A. DeGroot*
 Planning & Zoning Commission
 Approved and adopted by the Planning & Zoning Commission
 on: **June 23, 2022**
 THE MAP IS AN INSTRUMENT OF ZONING AND DOES NOT CONSTITUTE A CONTRACT OR WARRANTY OF ANY KIND. THE TOWN OF LITCHFIELD ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS.

- UNDESIGNATED ZONING DISTRICT
- RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT
- RESIDENTIAL TWO-FAMILY ZONING DISTRICT
- RESIDENTIAL MEDIUM-DENSITY ZONING DISTRICT
- RESIDENTIAL HIGH-DENSITY ZONING DISTRICT
- COMMERCIAL ZONING DISTRICT
- INDUSTRIAL ZONING DISTRICT
- OFFICE ZONING DISTRICT
- PUBLIC USE ZONING DISTRICT
- RECREATION ZONING DISTRICT
- SPECIAL DISTRICT

- OPEN SPACE ZONING DISTRICT
- PROTECTED OPEN SPACE ZONING DISTRICT
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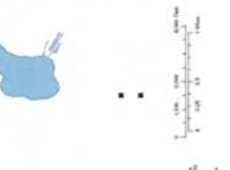
NORTHERN LITCHFIELD DISTRICT

 1000 Main Street, Litchfield, VT 05461

 Phone: 802.235.1234

 Fax: 802.235.1234

 Website: www.nldvt.com



LITCHFIELD PLAN OF CONSERVATION AND DEVELOPMENT

Town of Litchfield, Connecticut

*Adopted by the Litchfield Planning and Zoning Commission
on June 4, 2007, Revised January 1, 2010*

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Introduction

The Plan of Conservation and Development's primary purpose is to guide the work of the Planning and Zoning Commission in tailoring its zoning regulations to the needs of the town. The Plan of Conservation and Development is also an advisory document that provides a rational framework to review all local policies and regulations, and to recommend necessary revisions. State statutes require that the Plan be reviewed and amended every ten years.

Our last plan, The Vision Plan, was adopted in 1994, so this plan is late. The extra time it took is due in part to the fact that we chose to create a "home grown" plan, without hiring outside consultants. Much of the work was done by local volunteers.

It was initiated by Katherine Davis and Vicki Claman, members of the Planning and Zoning Commission, with guidance and encouragement from Jim Gibbons, the UConn Cooperative Extension Educator who gives workshops and classes on planning to towns all over the state. Maps were created with ArcView on computers. Tremendous effort was spent on creating a base parcel map with volunteers, Katherine Davis, David Thomas and Mark Brown, saving the town tens of thousands of dollars, and enabling us to keep maps updated easily in the future. Work groups, comprised of people familiar with different aspects of the town, wrote each of the chapters, which were then reviewed and compiled by Tom McGowan, our Town Planner. The draft has been read and reviewed by Jim Gibbons, Rick Lynn of the Litchfield Hills Council of Elected Officials, and members of commissions, groups and private citizens, many of whose valuable feedback is incorporated in the final draft. Final maps were drawn up by Shane Kramer of the Northwest Conservation District.

This plan is consistent with the "Regional Growth Policy Map" adopted by the LHCEO and the "Conservation and Development Policies Plan for Connecticut, 2005-2010" and consistent with the six growth management principles contained in the State Plan.

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

The process of researching and inventorying the needs of the town offers an opportunity for the many commissions and groups who are involved in shaping the town's future to communicate their points of view. To have all this work compiled in one document gives all of us the opportunity to better understand our town's regulations, land, and resources as well as its citizens' goals and needs.

1. HOUSING

Litchfield traditionally has had a diverse mix of housing, income groups, and workers who live in the town as well as outside of the town. However, several factors threaten this historic diversity that has been an important factor in shaping the town’s character and one of its greatest strengths.

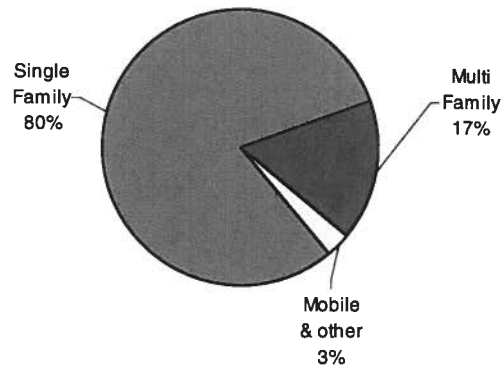
- Affordable and moderately-priced housing is in short supply relative to demand. This especially affects young and elderly people with lower incomes.
- Litchfield’s attractions—beautiful environment, good schools and relatively reasonable taxes—draw new residents seeking larger lots, larger homes, and retirement homes.
- The rise in Litchfield’s housing prices diminishes the pool of emergency service volunteers.

Litchfield’s housing mix is a good balance of single and multi family units.

Single/Multi Family Units: 2000¹

	number	% total
Single family	2922	80%
Multi family	606	17%
Mobile home/other	101	3%
Total	3629	

Litchfield Housing Types



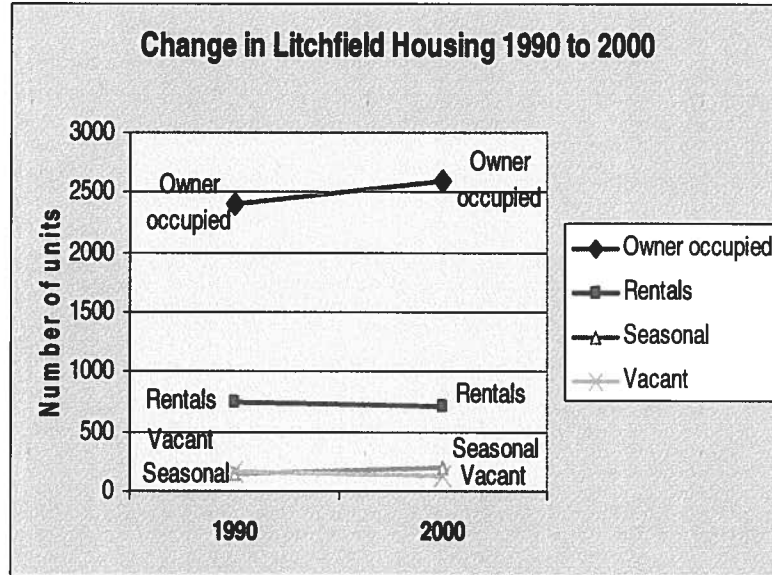
Ownership/Rentals Change 1990-2000:²

	1990	% total	2000	%total	% change
Owner occupied	2401	70%	2598	70%	+8%
Rentals	739	22%	712	20%	-4%
Seasonal	133	4%	201	6%	+51%
Vacant	157	5%	118	3%	-24%
Total	3430		3629		+5.8%

We have seen an increase in owner-occupied and weekend and summer homes, while both the number and percentage of rental units has declined.

¹ Litchfield Hills Council of Elected Officials

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Other types of specialized housing in Litchfield:

Multi-family housing

Multifamily housing is appropriate for affordable housing. Our regulations for multifamily housing are decades old and need to be updated. The last parcel zoned for multifamily housing has been given a permit. No undeveloped sites for this use exist on our zoning map.

Active adult housing

Active adult housing is currently allowed in industrial zones. One project, at Indian Knolls just outside of the Borough of Bantam, is currently under construction. Active adult housing does not add children in the school system.

Rental housing

Our current duplex regulations are inconsistent with and much less restrictive than our accessory apartment regulations. In duplexes, both units can be rentals, while units with accessory apartments must be owner-occupied.

Lifecare facilities

The zoning regulations allow lifecare facilities. The current nursing facilities are filled to capacity, and there appears to be a need for such a use. The regulations are for a “floating zone,” so there is no separate lifecare facility designation on our zoning map.

Congregate Housing

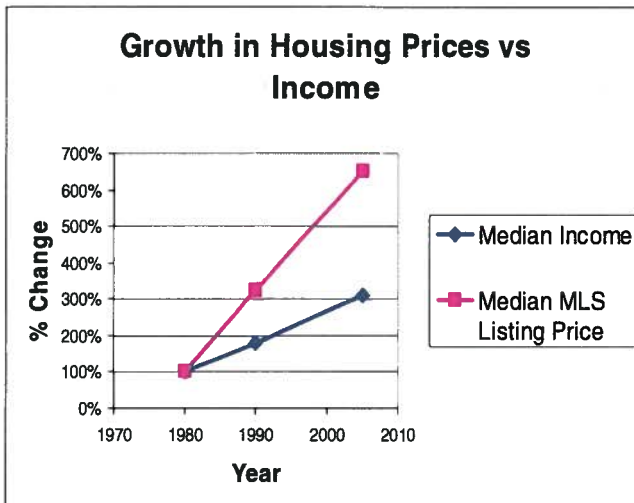
Forman School, the Junior Republic, Touchstones, McAuliffe Manor, and Sarah Pierce all provide group residences. All operate as special exception educational uses except Sarah Pierce, which has a permit as a nursing home, and McAuliffe Manor which was a preexisting non conforming jail at the time zoning was adopted.

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Affordability of Litchfield's housing is declining

ISSUE: Our housing is becoming increasingly unaffordable:

- Both the percentage of rental units and the vacancy rate are dropping. Housing appropriate for young people starting out is becoming increasingly scarce.
- The town depends on its volunteers for fire and ambulance service, and needs to have housing that is affordable for them.
- People who grew up here and would like to stay in town can't afford to do so.
- Litchfield's economic diversity is being compromised by the current trends in housing prices.
- The cost of land in Litchfield limits the Litchfield Housing Trust's ability to create housing for those with incomes under \$30,000 income without subsidies.



Both the loss of rental units and the rising cost of housing is cause for concern. Our property values have outpaced those of the region. Since 1987, median sales prices of Litchfield's housing have risen by more than nine percent, while Torrington's have declined almost 22 percent.² However, the town's average income has not kept pace.

As a result, people who have grown up here often purchase a house in Torrington they can afford while keeping social and family ties to Litchfield. The loss of these young families weakens our community in the long run.

Until the 1980's, Litchfield had been a community affordable to a diverse income population and had a good representation of individuals and families of all age ranges. This is no longer the case

Since the 1980's, a family with a median income has not been able to afford the median-priced house in Litchfield.

- Recent HUD data shows that Litchfield's median household income for a family of four is \$67,700.
- MLS records as of June 25, 2003 show the median single family home available for sale in the Town of Litchfield for the period is approximately \$555,000.

Today even a *minimum*-priced house is not affordable to a median-income family, much less to families with incomes at or below 80 percent of the median Litchfield household income. Using standard mortgage qualification rules there are *no* single-family homes for sale for that income bracket. As a result, half the families now living in Litchfield could not afford to buy a house in town in today's market.

² Litchfield Hills Council of Elected Officials

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Some slowdown in housing prices in the future may make housing again available to families with a median income, but there is almost no likelihood of housing becoming available for families with incomes below 80 percent of median. These families have been shut out of the Litchfield housing market.

Inventory of affordable housing in Litchfield

Litchfield is fortunate, however, to have a number of projects that address the need for affordable housing. The State of Connecticut annually reports on the number of housing units in each community that have received financial assistance under any governmental program.

Communities that have more than ten percent of their housing units classified as “assisted” are exempt from Section 8-30g of the Connecticut State Statutes. This statute gives special rights to developers who are planning affordable housing construction.

The report for 2003 shows Litchfield has 192 assisted-housing units out of a total of 3,629 housing units. The resulting ratio of 5.29 percent is similar to Watertown’s at 5.45 percent and significantly higher than any other community in the county except Torrington, which exceeds the ten percent exemption level.

LITCHFIELD’S AFFORDABLE HOUSING

Bantam Village—48 Units of Elderly Housing for Independent Living

- Bantam Village is a private for-profit venture with partial funding from the Department of Agriculture’s Rural Economic and Community Development Administration (formerly Farmers’ Home Administration).
- Residents must be at least 62 years old or disabled. Their incomes must not exceed the Department of Housing and Urban Development’s definition of low income. Rent is calculated to not exceed 30% of residents’ adjusted gross income.
- Bantam Village is administered locally with a part-time manager.
- Bantam Village recently has completed a major upgrade including elevators and a generator. Funding was provided by a Small Cities Grant to the Town of Litchfield for this specific activity. Bantam Village maintains waiting list that is currently is considered short. No immediate expansions or enhancements are planned.

Litchfield Housing Authority—66 Units of Elderly Housing for Independent Living

- The Litchfield Housing Authority, an agency authorized by state statute, is responsible for Wells Run with 30 units and Bantam Falls with 36 units. Bantam Falls, the newer of the two projects, has some facilities to provide “assisted living” should that more intense level of support be required.
- The State of Connecticut provided the funding for both facilities.
- The eligibility requirements are largely the same as those for Bantam Village, as noted above. Both facilities have waiting lists. Although it is difficult to predict waiting times, the Wells Run wait is estimated at about one year while Bantam Falls wait is longer than two years. Long-term plans call for converting smaller efficiency units at Wells Run into larger one-bedroom units.
- The Litchfield Housing Authority has subcontracted day-to-day operations to a real estate management company.

Litchfield Housing Trust, Inc.—41 Units of Permanently Affordable Housing

- The Litchfield Housing Trust, Inc. is a 501(c)(3) non-profit organization. Its membership is open to all Litchfield residents who elect the Board of Directors. All directors are Litchfield residents.
- The mission of the Litchfield Housing Trust is to provide an opportunity for families at or below 80 percent of the median income to afford to live in Litchfield and its boroughs. The trust provides qualified families with rental or ownership programs using contributions, grants, and state and federal governmental funds. To date, the trust has developed 41 housing units.

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Thirty-nine units are owner occupied under arrangements that assure that when the owner sells the house most of any appreciation is passed on to the new owner as a price reduction, keeping the property permanently affordable. Two units are permanently affordable rental apartments.

The addition of homes to the Litchfield Housing Trust's program currently is limited by the availability of funding and reasonably priced land. The trust completed one new home in 2005 and has five additional units in the planning stage.

Other—37 Units

The balance of 37 units classified by the State as assisted most probably are individual houses funded by the Connecticut Housing Finance Authority.³

Goal: Increase the amount of affordable housing to 10% in a way that will help our volunteers obtain and keep housing.

P&Z should:

- Revise zoning and subdivision requirements for affordable housing to allow building housing for families of moderate income in areas without public water and sewer.
- Review and revise the regulations for accessory apartments and duplexes in order to increase the number of affordable living units.
- Investigate and adopt mixed use zoning regulations that will encourage home-based businesses and affordable housing.

The selectmen and Finance Board should:

- Support housing grant applications for state and federal funds.
- Revise assessment methods so that affordable housing is appraised at a value no greater than the price at which the housing can be sold.

Our population is changing

ISSUE: Increasing housing costs are changing our demographics and squeezing out the young families who are our pool of potential emergency service volunteers.

Rising housing prices exacerbate some of the divisions in our town.

- With the trend in housing prices going steadily upward, the newcomers tend to be wealthier. Many of them are older in age, which increases the town's average age.
- The growing number of seasonal residents increases the need for some services—fire, ambulance, road maintenance—without enlarging the pool of citizen volunteers.
- The taxes on houses continue to rise; residents on fixed incomes are feeling a financial pinch.
- Fewer potential emergency services volunteers can afford to live in Litchfield.

Goal: Support and encourage stability in our population.

Strategies:

The selectmen and Finance Board should:

³ Sources: Bantam Village, Ms. Linda Bongiolotti
Litchfield Housing Authority, Mr. Don Hill, Corsini-Hill Management Co; Mr. Robert Miller
Litchfield Housing Trust, Mr. F. Robert Petricone

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- Consider adopting tax abatement or postponement programs for citizens on fixed incomes who can not afford the taxes on their homes

Goal: Maintain a mix of housing in different price ranges.

P&Z should:

- Review and update the regulations for active adult and lifecare facilities, and seek appropriate sites for them on our zoning map.
- Update the multifamily housing regulations and locate appropriate sites on our zoning map.
- Consider adopting regulations requiring multifamily housing projects to include a modest number of affordable units

Home-based businesses are changing

ISSUE: Home businesses are growing. Assessor's data shows more than 900 home-based businesses in town. They are beneficial in that they:

- Reduce overall community traffic. Allowing our residents to work from their homes matches a trend toward telecommuting.
- Home businesses foster small business in our local economy.
- Keep our volunteers in town, available for emergencies.
- Sustain families by providing income.
- Add to the vitality of neighborhoods because more people are home during the day.
- Increase stability in the community.

Goal: Support and encourage the establishment and maintenance of home-based businesses in town.

Strategies:

P&Z should:

- Consider updating home occupation regulations to allow one for each adult family member, while preserving the residential character of neighborhoods.
- Investigate and adopt mixed use zoning regulations, which will encourage home-based businesses and affordable housing.

Litchfield is threatened with sprawl

ISSUE: The current zoning regulations encourage single family housing subdivisions along road frontage. This tends to erode the open spaces, viewsapes, and rural character of the town.

Goal: Prevent the loss in rural character resulting from new housing sited along the length of scenic roads.

STRATEGIES

P&Z should:

- Adopt conservation subdivision regulations to save open space and scenic roads.
- Consider increasing setback requirements along scenic roads
- Focus reserved open space in new projects in greenbelts along scenic roads

2. COMMUNITY FACILITIES

Volunteer Fire and Ambulance Services

Litchfield is currently served by four volunteer fire companies, located in Bantam, the center of Litchfield, Northfield and East Litchfield. Litchfield Volunteer Ambulance Corps owns two vehicles that are garaged in the center of town. A review of our facilities done in 1997⁴ found that the facilities and their location were adequate for the demands placed on them.

There are more than 175 volunteers associated with the four volunteer fire departments and about 40 volunteers in the Litchfield Volunteer Ambulance Corps.

ISSUES:

1. The number of emergency service volunteers is not keeping up with the growing demands for these critical volunteer services in Litchfield. At the same time the average age of emergency volunteers is increasing. The volunteer fire departments need a combined total of four to five new recruits per year. Factoring in the projected number of retirements, this could increase in the not too distant future to ten new recruits per year. If these trends continue, Litchfield will need to fund, at least in part, a paid emergency service staff.

2. Recruiting new emergency volunteers is becoming more difficult because:

- There are fewer jobs locally. Accordingly, there is a smaller pool of volunteers, especially during day shift hours. The closing of PT Aerospace dealt a severe blow to the pool of available volunteers. Not only did Aerospace have many employees, but the firm also allowed employees to respond to emergency service calls while at work.
- The volunteer services require much more time for training and qualification than in the past. In many households both parents work, and they do not have sufficient time to devote to the increased demands of volunteer emergency service training.
- The majority of emergency volunteers are drawn from moderate-income families. A major issue that emerged from discussions with emergency service leaders is that the absence of housing in the moderate-income price range has greatly reduced the available pool of potential volunteers. (Note: Currently, Litchfield median family income is \$67,600 per year.)

GOAL: To insure that there are enough qualified volunteer emergency service personnel to meet appropriate response times for both fire and other emergency services.

STRATEGIES:

The selectmen and the community as a whole should:

- Provide greater local support for creation of additional moderate cost housing by supporting the housing creation programs of the Litchfield Housing Trust and other private and non-profit affordable and moderate cost housing developments.

The selectmen and finance board should:

- Sustain and consider improving the pension program for emergency volunteers.

⁴ Eckman Associates, PO Box 718, LaPlata, MD 20646, (301)934-4874, Emergency Services Feasibility Study and Vision Plan, Town of Litchfield CT April 10, 1997

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- Consider a tax abatement program (perhaps as an option for a pension), which, after a minimum period of years of service, would provide limited property tax abatement to emergency service volunteers.

The Selectmen should:

- Establish a town newsletter, monthly newspaper column or other avenues through which the town can recognize the valuable contributions made to the town by its emergency service volunteers and encourage new recruits.
- Continue to monitor and report on the status of maintaining the requisite number of emergency service volunteers for both fire and ambulance. This information needs to be brought to the public's attention periodically, both to encourage additional volunteers to serve and to keep taxpayers aware of the growing likelihood that a much higher portion of emergency services expenses may need to be funded by local taxes.

The Planning and Zoning Commission should:

- Modify zoning regulations to permit broader opportunity for home-based businesses and mixed-use zones that would allow more workers to live and work in Litchfield and increase the affordability of housing.
- Modify zoning regulations to permit broader opportunities for "caretaker" apartments and "add-on" apartments."

Goal: To increase fire safety in town

STRATEGIES:

The Emergency Services Commission should:

Complete the 911 numbering system.

The Town should:

Amend its driveway ordinance to require all long driveways to have pull-offs, which allow vehicles to pass each other, and a water supply

Town Offices

Town offices currently are in two places located three miles apart: Town Hall in Litchfield center and the Bantam Town Hall Annex in Bantam. Most town offices and staff have a regular need to share information to do their jobs. Unfortunately, the several town offices with the greatest need to interact are in different locations. Not only is this arrangement inefficient, it is also inconvenient for the citizen seeking local services.

Currently considerable space in both the Town Hall and Annex is devoted to storage of files. The town is in the process of committing much of this information to computer storage. This will free up space for offices and other productive uses.

ISSUES:

All town offices relate to one another daily in many ways. except for the Resident Trooper, Litchfield Police, the Probate Court in Town Hall, and the Park and Recreation Department in Bantam Annex.

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It has long been recognized that it is inefficient to house offices for Planning and Zoning, Inland Wetlands and Board of Appeals outside of the Town Hall. Examples of this inefficient arrangement are:

1. The Building Official and Land Use Offices are located in Bantam, yet they regularly need access to the Assessor's records and to the office of the Town Clerk in the Town Hall.
2. The Fire Marshal, located at the Bantam Annex, needs access to the Assessor's office and would benefit in a location closer to the volunteer emergency services networks in Litchfield as well as Bantam.
3. The First Selectman, who must communicate with all town offices and staff, must travel or send department heads between these facilities to maintain necessary contact.
4. The town social worker, located in Bantam, needs access to town records and the First Selectman's office in Litchfield.

The existing Town Hall in Litchfield center is too small to provide for the space needs of these interacting departments. This is especially true for the land use departments, which need both offices and public meeting space.

Currently the State is considering consolidating area Probate Courts. However, even if the local Probate Court vacated its space in the Town Hall, this would not provide sufficient space to permit consolidation of the interacting departments.

The relocation of the court facilities from the former Bantam School building might present an opportunity for office consolidation, but the relocation may not be completed for eight to ten years. The problems posed by the split town halls should not await this relocation.

Internet access between town offices is clearly a great aid in communication. However, there simply is no substitute for personal interaction among staff from different departments and the opportunity for convenient meetings between department heads on matters of common interest.

GOAL: To improve the convenience, delivery and efficient operation of local services by consolidating in one location the town offices and departments that interact on a regular basis.

STRATEGIES:

The selectmen should:

- Take the lead in initiating a plan for building an addition onto the Litchfield Town Hall so that services can be consolidated. (A study and preliminary plans for a Town Hall addition are available.)
- Develop a plan to consolidate town offices at the Town Hall in Litchfield center.
- Continue to use the Bantam school gymnasium and other space at the former Bantam school building for Park and Recreation services.

Social Services

Litchfield provides a part-time social worker (currently 20 hours a week). The social worker coordinates the Chore Service, which provides low cost home helpers, and locates and manages delivery of services to citizens in crisis, including vulnerable working poor families and low-

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income elderly and disabled persons.

More than five percent of Litchfield's residents have incomes at or below the federal poverty level, according to the 2000 census (about \$10,000 for a single person, \$15,600 for a family of three). A much larger group consists of low-wage earners who work full time, but whose income is insufficient to provide for all the needs of their families. Such families have few financial resources, and a crisis such as a job loss or illness can be catastrophic. Threatened eviction, termination of essential services, and disruption of children's school progress are among the problems these families can face if immediate help is not available.

There is a wide and ever changing variety of services and assistance programs available in Litchfield. Some are governmental and managed through Torrington or Waterbury. Some are offered by foundations, or private or charitable organizations. Some are offered on a state- or county-wide basis while others are purely local. Most have their own criteria and requirements for accessing their services. Often one program alone cannot meet all the needs of a family or senior in crisis, and a variety of services need to be blended.

Only a local social worker with up-to-date information about the available assistance programs and the differing requirements and procedures necessary to obtain these services can help sort out what is needed by a particular person or family, and manage the delivery of a variety of services in a timely fashion.

ISSUE:

With cutbacks in governmental services and financial supports because of budget deficits in the foreseeable future, it is increasingly important to have both a source of knowledge about a variety of local and charitable services and resources and the expertise to match them to client needs.

GOAL: To employ a town social worker with sufficient time to keep updated on available services, respond immediately to client and referral source calls, and be available to clients at the times they require, including evening as well as daytime hours.

STRATEGIES:

The selectmen should:

- Examine all options to meet the increased needs for social services at times of predictable peak demand, e.g., in the fall when complicated applications are made for winter fuel assistance.
- Ensure that social services are available during a variety of hours, including evening hours, to meet client needs.
- Consider increasing social services to meet local needs in the future, as governmental supports shrink and a local blend of assistance becomes even more vital.

Libraries

There are two libraries in Litchfield, the Gilbert Library, on Main Street in Northfield, and the Oliver Wolcott Library, on South Street in Litchfield. The Gilbert Library receives almost all of its funding from the town. The Oliver Wolcott Library serves as the town's principal public

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library. It offers patrons the ability to borrow books, tapes, CDs and videos, as well as to access Internet information, all without charge. It is attractive, beautifully maintained, and widely recognized as a major town asset.

The community's use of the Oliver Wolcott library is constantly growing. Within the short space of a year, from 2004 to 2005, the annual attendance jumped from 42,531 to 59,637, a 40 percent increase. Over the past four years, annual attendance increased by 108 percent. The popularity of audio books and music is demonstrated by a circulation increase of 17 percent during the 2006. Overall circulation increased by 12 percent during 2005 and 32 percent over the 2001-2005.

The programs and services the library provides expand to meet varied community needs. The library serves the needs of all ages by offering baby bags to new parents and preschool literacy programs, enhancing the sixth grade curriculum, responding with expert reference services to inquiries from people at every educational level, and providing audiovisual materials as well as programs designed especially for older adults. Monthly art exhibits, book discussion groups, cultural programs and special events enhance the cultural life of the town. Computer classes have been introduced and the varieties of children's programs have been expanded.

The library needs to keep up to date with rapidly changing computer technology and Internet access. On average, 250 patrons a month use the computers at no cost to either the patron or the library. The library's website is accessed by more than 1,000 patrons a month. The library also serves as the town's free wireless (WiFi) computer access point. Growing public computer use at the library has resulted in a need for furniture that can accommodate computer work stations. However, budgetary constraints have precluded any purchase.

The use of the library by elementary school children, high school students, working families with young children, working adults and senior citizens necessitates a variety of hours, including evenings and weekends. However to stay within its budget, the library has had to reduce weekend hours and is unable to expand its hours to meet the growing demand for service.

- **ISSUE:** Limited funding reduces the Oliver Wolcott Library's ability to serve a growing community.

GOAL: To maintain and enhance the ability of the Oliver Wolcott Library to meet the increasing needs of the community, maintain the excellence of its staff, maintain the quality and volume of its collection, maintain up-to-date computer and Internet access, and provide library hours commensurate with the requirements of its patrons.

STRATEGIES:

The selectmen should:

- Increase the proportion of town funding of the library's budget.

The town's Board of Finance through the Capital Committee should:

- Consider the library's need for improvement of space and furnishings to update its services.

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Parks and Recreation

The Town of Litchfield, through its Parks and Recreation Department maintains:

Community Field with a track, three baseball fields, a playscape, two tennis courts, a basketball court, a youth hoop for children, a shed and a pavilion.

Town Hall Skating Rink with benches and fire pit.

Offices and Recreation Room (commonly known as Bantam Gym) located at 80 Doyle Road in Bantam.

Town Beach with ramp and docks on Bantam Lake.

Northfield ball field, pavilion and basketball court in Northfield.

Future Recreational Needs

Litchfield Parks and Recreation Department envisions long term needs for more playing fields for baseball, football, softball, soccer, rugby, etc. as well as protecting our valuable environmental assets critical to public health and safety.

Indoor recreational needs include an athletic field house with multi-purpose courts, locker rooms, and office space for Park and Recreation.

A regional indoor pool is needed for use by all schools and citizens of the area.

All of these future parks or facilities will be easily accessed by the public by town, state or federally maintained roadways.

Goal: To provide adequate public recreation facilities for the town

STRATEGY:

The Park and Recreation Commission should

- Work with both private funding sources and the capital projects committee of the board of finance to provide funding for future facilities
- Locate appropriate areas where such facilities could be built, while preserving our natural environment, cultural and historic resources and traditional rural lands.
- Seek support and feedback from the town, region and state about recreational needs and the benefits of providing those facilities.

Other Public Recreation

The Town of Litchfield, through its Public Works department, maintains the fields around Litchfield High School while working along with the Board of Education.

The Plumb Hill Playing Fields Inc. maintains a 400 meter, 8-lane, all-weather running track, and soccer, field hockey, and softball fields on Plumb Hill at town expense.

The Litchfield Soccer Club maintains the two soccer fields located along Route 63 South of town.

The Bantam Civic Association maintains the Bantam Community Field and Pavilion.

White Memorial Foundation and Conservation Center is a not for profit wildlife sanctuary which offers 4000 acres of fields, water, woodlands, campgrounds, boating facilities, 35 miles of

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wooded trails for running, hiking, cross-country skiing or horseback riding as well as a museum located on Whitehall Road in Litchfield. It attracts users from all over the region.

The Forman School, located along Norfolk Road, offers their facilities through the Litchfield Parks and Recreation office for various programs, when the facilities are not being used by Forman School athletic teams, clubs or activities.

Sandy Beach

This beach, on Litchfield/Morris line on White Memorial Property on Bantam Lake is maintained by the Sandy Beach Commission, which includes citizens of Litchfield and Morris, and is funded jointly by the two towns. It is an important resource for the Town's citizens for summer recreation and swimming instruction.

The Village Greens

The Litchfield Town Green is maintained by the Borough of Litchfield.

The Northfield Green is owned by the Congregational church, and maintained by members of the Northfield Village Improvement Society.

The Milton Green is owned and maintained by the Milton Congregational Church.

These parks are an important focus for activities and the image of each of the villages.

3. ECONOMIC DEVELOPMENT

The share of total tax revenue paid by commercial properties in Litchfield has decreased in recent years, while the tax burden on resident property owners has increased. The town should explore ways to ease the taxes paid by residents by encouraging and promoting commercial growth while preserving the qualities of village and rural life so valued by all.

Tax Revenue from Commercial and Industrial Uses

ISSUE: The percentage of property tax received from commercial and industrial enterprises in commercial and industrial zones needs to be increased to relieve the tax burden on residential property taxpayers.

The property tax burden on residential property is continuing to expand while the percentage of total tax revenue paid by commercially taxable properties is decreasing. Increasing revenue from commercial enterprises requires either adding new commercial zones or permitting additional opportunities for commercial expansion in the existing commercial zones. Prior Litchfield town plans have favored containing our commercial zones within the existing commercial zone boundary lines and protecting against “strip” commercial development.

This policy should be continued. Accordingly, the zoning regulations need to be examined and revised to permit expansion of commercial uses where this can be accomplished in a manner that protects water quality, retains Litchfield’s commercial design standards, and does not create excessive additional traffic.

GOAL: To increase development opportunities (and sources of tax revenue) in the existing commercial and industrial zones without changing the rural nature of the community.

STRATEGIES:

The Planning and Zoning Commission should:

- Examine parking, green space, building height and floor area limit requirements in commercial zones to identify opportunities to revise these or other commercial zone standards to permit expansion of commercial floor area on commercially zoned properties, provided such revisions continue to protect water quality, retain Litchfield’s commercial design standards and protect against excessive traffic generation.
- Meet annually with the Economic Development Commission, to review the town’s program of economic development and to consider opportunities and obstacles to improving the town’s tax base in a manner that is consistent with the goals of the Town Plan.
- Modify industrial zone requirements to permit retail sales of goods produced on the premises, as an accessory use, subject to limitations defined in the zoning regulations. It is recommended that some maximum floor area or not more than 10 percent of the floor area of a building be used for retail sales purposes.
- Continue to permit and encourage apartment use on upper floors in commercial zones.
- Establish a more specific list of uses allowed in an industrial zone under the zoning regulation general use categories, such as “Manufacturing/Processing or Assembly of Goods.” A more detailed list of uses will provide more specific guidance to both the Planning and Zoning Commission and prospective applicants.

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- Allow some uses now permitted only in industrial zones in the commercial zones, where appropriate. For example, a light assembly use (such as for craftsmen), and similar uses now allowed only in an industrial zone, should be allowed in either a commercial zone or an industrial zone. This will broaden use opportunities in commercial zones without compromising the purpose of these zones.

The Economic Development Commission should:

Encourage and support the types of uses that are consistent with the rural, historic and artistic assets of the Town of Litchfield such as recommended in the Historic and Cultural Preservation section of the Town Plan.

The industrial zone on old Route 8

ISSUE: This area is constrained from growth by the lack of public water and sewer service.

Goal: *To provide water and sewer service to allow growth in this area without creating a negative impact on the Naugatuck River.*

STRATEGY: The Economic Development Commission in cooperation with the Litchfield selectmen and the City of Torrington should Seek a grant from the State of Connecticut to upgrade this area.

Toll Gate Hill

ISSUES:

Persistence of nonconforming uses

Preexisting nonconforming uses on properties on Toll Gate Hill form a commercial area which has persisted for decades. The intent of the regulations, that such uses should be allowed to expire and the area be returned to the residential use for which it is zoned, has not been fulfilled.

Traffic

The traffic moves quickly on this section of road, and there are numerous, wide curb cuts which make entry and departure from the properties hazardous.

Changing the zone to commercial would invite new larger businesses, add more traffic and exacerbate the problem.

Preexisting nonconforming uses may expand up to 25 percent of their size at the adoption of zoning regulations in 1970.

Appearance

This stretch of Route 202 is one of our “Gateway Highways,” and an attractive rural appearance is important.

Loss of opportunity

Expansion of businesses is limited both by the regulations on preexisting nonconforming uses and by limited sewer and public water service in this area.

Infrastructure

There is no public water service to the Toll Gate Hill area. Sewer service from Torrington ends here.

GOALS:

To resolve safety and traffic issues.

To assure an attractive gateway to the town

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STRATEGY: The Planning and Zoning Commission should:

- Employ the recommendation of the Treescape Plan and the Rt 202 Corridor Management study to address these concerns and provide guidance to businesses seeking to expand within the permitted limit.

490 Properties

ISSUE: The state requires that towns give a tax reduction to properties which are being actively farmed or managed as forestland, but the tax break Litchfield gives for Open Space is optional. The purpose of this tax reduction is to ease pressure on landowners who might otherwise feel forced to sell their land to developers. There are some properties that receive this tax reduction whose excess land cannot be developed, either because the acreage is too small, it is physically unsuitable or it doesn't meet the subdivision regulation requirements. In these cases, the tax break does nothing to preserve the land from development.

GOAL: *To collect the appropriate level of taxes on land which cannot be developed*

STRATEGY: The Planning and Zoning Commission should review the policies stated in the Zoning Regulations concerning the definition of land that qualifies as Open Space under P.A. 490.

Farming and other land-based businesses.

ISSUE: Farm and farm-related uses, including horticulture and silviculture uses, are consistent with Litchfield's rural character. These types of uses should be expanded and promoted as valued part of Litchfield's future economic base.

Farming has long been an important part of Litchfield's economy and historic rural character. Dairy farming, once the dominant farm use in Litchfield, has been declining since the 1970's. Fortunately, several dairy farms remain, and new farm uses are developing. Farm and farm-related uses, including horticulture and silviculture and the businesses that supply their needs, are consistent with Litchfield's rural character. These types of uses should be protected and allowed to expand as a valued part of Litchfield's future economic base.

GOAL: *To promote farming, land-based businesses and related activities in order to both strengthen the local economy and retain its rural character.*

STRATEGIES:

The Planning and Zoning Commission should:

- Revise the Planning and Zoning Regulations to allow profitable use of undeveloped land for land-based businesses and related uses in environmentally responsible ways.

The Economic Development Commission should:

- Promote Litchfield as an important center of businesses and activities based on the town's wealth of natural resources and broad range of facilities suited for agriculture, farming, farm stands, gardening, outdoor recreation, animal raising and breeding, nurseries, and similar uses.
- Work with the U.S. Department of Agriculture, University of Connecticut Cooperative Extension Service and Northwest Conservation District to accomplish this.

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New enterprises

ISSUE: Litchfield would benefit from having more areas available for new enterprises that bring high taxable income with a corresponding low municipal cost.

Prior Litchfield town plans have recommended that Litchfield focus on attracting uses that generate high taxes and require low municipal expenses. This continues to be a sensible policy. This goal should be advanced by identifying these uses and sites that accommodate their needs.

GOAL: *To identify appropriate areas for enterprises such as life-care facilities, technology centers, corporate offices, business incubator facilities, professional offices, and similar establishments and ensure that the planning and zoning regulations allow such uses.*

STRATEGIES:

The Planning and Zoning Commission should:

- Identify the site needs for the various uses in this category and appropriate areas for such uses in Litchfield.
- Amend the Plan of Conservation and Development and the Zoning regulations to allow such uses.
- Work cooperatively with the Economic Development Commission and Litchfield Area Business Association toward this goal.

Non-profit organizations

Payments in lieu of taxes (PILOT)

ISSUE: Litchfield has numerous non-profit, tax-exempt organizations, some of which own large properties, that use town services but pay no taxes to the town. Only a few of Litchfield's non-profit organizations donate a fee in lieu of taxes to the town or permit town use of their facilities.

GOAL: *To increase the amount of PILOT (payment in lieu of taxes) contributions and tipping fees made to the Town of Litchfield by the tax-exempt organizations in town.*

Tipping Fees:

ISSUE: Non profits do not contribute to the tipping fees the town pays for trash removal. Many of them generate a lot of trash, so assessing a fee reflecting this use would help town finances.

STRATEGIES:

The Selectmen should:

- o Ask the municipal service providers in town to estimate the total cost of services provided to the tax-exempt organizations.
- o Send a letter to the tax-exempt organizations describing the cost of services provided to their property, informing them of what their taxes would be if they were not tax exempt, and asking for contributions.
- o Assess and collect tipping fees from organizations that do not pay property taxes.

4. TRANSPORTATION

Litchfield's 56.8-square-mile land area makes it by far the largest town in the Litchfield Hills. The mileage of our town's extensive road system is second in the County only to Torrington's. Traffic volume is increasing steadily, especially on the main state roads and in the center of Litchfield. The management of the town's road system is a critical factor in future growth and development. Improved public transportation would provide a service needed by many residents. The creation of recreational trails would greatly increase Litchfield's popularity as a recreational destination.

The subcommittee addressed three areas: local roads and state highways, a recreational trail system, and mass transit.

Local Roads and State Highways

Threat of future state road widening

ISSUE: Litchfield has a total of 149 miles of roads: 119 miles of locally maintained roadway and 30 miles of state-maintained highways. Of the 119 miles of local road, 96 are paved roadway and 23 are gravel (dirt) roads.

Due to Litchfield's extensive road mileage, the care and maintenance of town highways is the largest part of the Litchfield selectmen's budget. The town's widespread road system is also a critical factor influencing the growth and development of Litchfield and an important part of the Town Plan.

The volume of traffic on Litchfield's main state highways continues to grow steadily. This is a great concern to its citizens. The constantly growing traffic volume, especially on Route 202 through the town center, threatens both vehicular and pedestrian safety and mars the town's rural quality.

Traffic in the town center area has grown steadily since 1980. On Route 202 between the Litchfield green and the Constitution Way/Milton Road intersection, the average daily vehicle traffic flow increased from 12,000 in 1980 to more than 16,300 in 1998. According to the Connecticut Department of Transportation, the average daily vehicle miles of travel in the Litchfield Hills region will increase by nearly 30 percent between 2000 and 2020.

The Regional Transportation Plan projects a high rate of growth in vehicle trips in Litchfield through 2020, similar to Torrington's, and much higher than other communities in the region. It projects that Route 202 will be near its capacity, resulting in higher levels of traffic delay and congestion.

The greatest traffic volume buildup will be on the Route 202 commercial zone at Harris Plains and from Constitution Way to the town green. As traffic volumes approach capacity, traffic accidents will inevitably become more frequent, and state traffic engineers will begin to examine alternatives, including widening roads to expand traffic carrying capacity.

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Goal: Institute a concerted action program to improve the safety of travel in the Route 202 highway corridor, both to improve travel and pedestrian safety and to forestall the need to widen and expand Route 202 through Litchfield.

STRATEGIES:

The Planning and Zoning Commission should:

- Review relevant documents⁵ published by the Litchfield Hills Council of Elected Officials (LHCEO) and update them with a focus on Route 202 improvements.
- In conjunction with the town engineer, propose improvements to Route 202 in a supplement to the Litchfield Town Plan and submit it to the Connecticut Department of Transportation (ConnDOT) plan;
- Have ConnDOT make improvements in a timely manner to avoid a major widening of the Rt. 202 roadway.

Goal: To implement the Route 202 Corridor Management Plan recommendations

STRATEGIES:

The Planning and Zoning Commission should:

- Adopt zoning regulations to manage future driveway access designs to Route 202.

The town should work with DOT to:

- Widen road shoulders between Wamogo Road and North Shore Road to provide bypass capacity.
- Re-design the intersection of Brush Hill Road.
- Provide turning lanes on Constitution Way and Milton Road at intersection of Route 202.
- Implement a package of improvements in the vicinity of the Litchfield Green (as described in the Corridor Plan) to enhance safety and mobility without disturbing the existing area of the Green.

The town should:

- Create a one-way out-only “interconnect” access road from Village Green shopping area to Constitution Way.

Parking in Litchfield Center

ISSUE:

The need for additional public parking in the center area, long a concern of business owners, has been addressed with completion of the expanded and improved public parking area south of West Street. However at peak periods there is still a demand for additional parking.

Goal: To increase parking in Litchfield center

STRATEGY:

The selection should

⁵Three documents published by the LHCEO identify the improvements needed to Route 202 between Bantam Borough and Litchfield Green:

- o Bulletin #22 – Route 202 Corridor Management Study Recommendations, 9/01;
- o Bulletin #24 – Litchfield Hills Regional Transportation Plan, 10/01; and
- o Route 202 Access Management Study Recommendations.

Collectively, these documents are excellent blueprints for future planning and should be used as a guide to improvements to the local road and highway system by the Planning and Zoning Commission and the Town.

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take advantage of any opportunity to increase parking in the center where it will fit in terms of scale and the historic character of the center.

“Strip” commercial development

ISSUE: Litchfield’s plan for commercial development on Route 202 has been designed to avoid “strip” commercial development by providing commercially zoned land on deep lots, especially near the town center. This policy concentrates commercial traffic, especially in the area between the Litchfield Borough boundary and Constitution Way/Milton Road. The safety of traffic flow in this segment of Route 202 has been improved with the addition of a traffic light at the North Lake Street intersection. The modest road bump-out, driveway intersection alignment, and new traffic light at the CVS/Litchfield Bancorp and Litchfield Commons were a major improvement.

Planning for and completing “back alley interconnections” between deep lot shopping lots on Route 202 will help alleviate traffic congestion on Route 202 and the need for highway road widening. The Planning and Zoning Commission has for years supported implementation of a plan to create a “back alley” interconnection between the shopping areas on Route 202 from Litchfield Village and Stop and Shop. This plan was designed to permit traffic to move safely between stores and shops without reentering Route 202. Interconnections have been completed to link the Village Green, Litchfield Commons and Stop and Shop. Recently a right of way was reserved to permit the completion of this interconnect as a one-way out-exit to Constitution Way from Stop and Shop. As traffic volumes continue to build on Route 202 it will be important to have the option to complete this interconnect Constitution Way. It will greatly reduce the number of dangerous left hand turning movements from the Stop and Shop exit driveway to 202. The Route 202 Corridor Management Plan proposes similar “interconnects” between other adjacent commercial uses on Route 202 for the same reasons.

The Route 202 Corridor Management Plan proposes additional traffic and modest road improvement on Route 202, designed to improve traffic flow and avoid a major road widening. The Route 202 Corridor Management Plan recommends additional zoning regulation amendments designed to improve traffic flow and safety. A highway overlay zone would help permit the implementation of these recommendations.

Both the Route 202 Corridor and Access Management Studies involved extensive public participation. Future transportation plans should follow this model.

Goal: To avoid “strip” commercial development

STRATEGIES:

Planning and Zoning should .

- Continue to support traffic control improvements on Route 202 and maintain the Route 202 “deep lot” commercial development policy to permit commercial expansion while avoiding the congested, unsafe and unsightly “strip” commercial development pattern that plague so many other communities.
- require commercial zone “interconnections” in new projects where appropriate
- change the zoning regulations to allow for shared parking between businesses, and to make commercial areas more walkable, reducing the need to drive from one business to another
- address Route 202 Corridor Management Plan recommendations for “interconnects” between other adjacent commercial uses on Route 202 and communicate with ConnDOT to implement them.

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- should consider creation of a Route 202 Highway Corridor Overlay Zone on Route 202 between Litchfield center and Bantam. The terms of this zone would permit better commission review and encouragement of traffic-related site plan changes such as those recommended in the Corridor Management Plan.
- retain the changes it has already adopted to discourage the location of high turnover uses on Route 202, such as fast food establishments.
- consider amendments designed to prevent establishing major traffic “magnet” uses such as “big box” superstores on state highways in Litchfield.

The selectmen should

- increase public awareness of the long-term benefits of proposed roadway and access changes along the Rt. 202 Corridor. Knowledge of the problems and alternative solutions are critical to gaining public support.

The recommendations of the Regional Transportation Plan

The *Regional Transportation Plan* recommends these improvements:

- Improvements in Litchfield center and Bantam center as discussed in the Corridor Management Report, including improvement of the vertical geometry on Route 118 to the east of Fern Avenue intersection, so that stopping sight lines on 118 are improved and flooding of the Town Green is corrected.
- Provision of a bypass lane at Wamogo High School Drive and North Shore Road.
- Improvement of the sight line at the intersection of Route 202 and Old Mount Tom Road.
- Sight line and horizontal geometry improvements at the intersection of Route 118 and old Route 8, which is one of the regionally significant high frequency crash locations cited in the Regional Transportation Plan.

Local highway improvements recommended in the *Regional Transportation Plan* should be adopted:

- Construction of sidewalks on the west side Milton Road, to provide a safe, off-road pedestrian corridor for school children, walkers and bikers who are at risk using Milton Road between Route 202 and entrances to the Westleigh and Litchfield Pond condominium developments.
- Realignment and reconstruction of Milton Road between Floren Pond Drive and Goodhouse Road.

Goal: To implement the recommendations of the *Regional Transportation Plan*

STRATEGIES:

The Selectmen should work with DOT to implement these recommendations.

Recreational Trail System

ISSUE: All across the country communities are planning and constructing bikeways and greenways to expand public access to open spaces and opportunities for the quiet enjoyment of a walk or bike ride in a safe and attractive natural environment. Litchfield is fortunate to have many opportune locations for the creation of outstanding trails.

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Recreational trails and greenways are recommended in the state plan, the Litchfield Hills Transportation Plan and most local town plans. In recent years, considerable financial support has been available from the U.S. Department of Transportation for planning and construction of these corridors that provide an alternative to vehicular transportation reducing traffic and highway congestion.

The American Planning Association notes that “trails and greenways encourage overall planning benefits such as preservation of open spaces, encouraging physical fitness, creating non-motorized transportation opportunities, and preserving cultural and historic resources.” The Litchfield Hills *Regional Transportation Plan* also endorses development of recreational trails throughout the region.

GOAL: To improve the opportunities for bicycle and pedestrian paths.

STRATEGIES:

The Planning and Zoning Commission should charge the transportation work group to continue its work to:

- Encourage ConnDOT to make the existing roadway network more bicycle- and pedestrian-friendly, providing a shoulder at least four feet wide on all state highways.
- Request ConnDOT and the town Public Works Department to enhance safety and give priority for sand sweeping and pothole patching to those local and state roadways designated as bikeways.
- Encourage the Economic Development Commission to promote bicycling as a tourism amenity in the Litchfield Hills Region, as recommended in the Strategic Economic Development Plan for the region.
- Encourage the financing and construction of additional bike paths that are locally proposed and supported.
- Urge the warden and burgesses of the Borough of Litchfield to enhance opportunities for safe pedestrian travel through the provision and maintenance of sidewalks, especially in Litchfield Borough.
- Encourage the attractive landscaping of walkways and streetscapes to encourage pedestrian travel.
- Make Litchfield’s existing and new commercial areas more pedestrian friendly.

GOAL: To plan an interconnected system of recreational trails, designed to link the various geographic, political and social features that comprise the fabric of our town, and developed and funded by private donations and grants.

STRATEGIES:

Develop a town trail system.

The Planning and Zoning Commission should:

- Encourage the development of a town trail system in two phases. The first phase would create a trail between Litchfield and Bantam centers with connectors to the Litchfield and Wamogo school campuses and the Litchfield Community Center. A second phase would link this trail system to Litchfield center and Northfield.

Litchfield–Bantam Main Trail:

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This main recreation trail would follow the old railway corridor wherever possible. It should also utilize either White Memorial Foundation trails (where permitted by the Foundation) or existing local roads where necessary. Where it is advantageous for segments of the trail system to cross private land, the permission of the property owner(s) must be granted.

Small markers would denote trail routes. Clearly designated lanes and appropriate signage would be placed where roadways are used.

Off-road portions of the trail would consist of a rolled, all-weather permeable surface that is environmentally friendly and capable of supporting walkers, bicycles, roller blades and occasional vehicle traffic (for maintenance and emergency response equipment only). Small parking areas would be needed at the eastern (Litchfield) and western (Bantam) trailheads and at other locations as necessary. Bicycle lockers and/or racks would be placed at trail heads and near town centers, schools and commercial centers to encourage bicycle and pedestrian use by school age children and adults.

Link village centers with trails

- The priority phase of trail development should focus on creating links to other village centers and existing trail systems. Trail connections should be planned and developed from the main trail to Milton center and East Litchfield Center.
- Trail link possibilities to other existing trail/greenways:
 - to the Bantam-Steep Rock Recommended Greenway (between Bantam Lake and Steep Rock Park in Washington, CT),
 - to the Sue Grossman Still Water Greenway (between Winsted and Torrington),
 - to the Naugatuck River Greenway (along Rt. 8 between the Thomaston Dam and Rt. 118), and
 - to Morris.

Coordinate with the Naugatuck River Greenway.

Recently completed plans for the Naugatuck River greenway and bikeway provide a blueprint for the creation of Litchfield's trail plan. The Litchfield portion of the Naugatuck River trail is proposed to begin at the Route 8 and 118 intersections and to follow the river between Route 8 and the Naugatuck River bank.

This plan could be the model for the design and development of Litchfield's system of recreational trails. Prepared by the Litchfield Hills Council of Elected Officials, the "Naugatuck River Greenway" plan shows how these trails can be planned to provide maximum recreational benefits, open space preservation, and historic preservation with substantial social and economic benefits.

Use private funding and grants

It is recommended that funding for development and maintenance of the trail system come solely from private sources and grants. In addition to avoiding further burden on taxpayers, this approach encourages community involvement and permits local control. For Litchfield, the trail system presents a unique opportunity to link the community geographically, politically and socially.

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Mass Transit

ISSUES: Public transit access

Litchfield's rural landscape is a restricting factor on public transit initiatives, availability and accessibility. Increased usage of bus and rail systems will be the key to new or expanded transit services.

As the population of Litchfield ages, service adjustments (particularly to bus routes and trip frequency) will be required from time to time to meet the needs of the elderly, the disabled and the transit-dependent. Use of the Senior Van can also be expected to increase.

Metro-North's Waterbury branch line provides direct but limited rail service to points in the Naugatuck Valley, as well as connecting service on the New Haven line from Bridgeport to New York City and Boston. A joint Metro-North-ConnDOT study is underway to determine the need for service changes on the Waterbury branch.

GOAL: To encourage and promote improvements to the local and regional public transit van, bus and rail systems, especially to meet the needs of the elderly, disabled and transit-dependent.

STRATEGIES:

- Solicit state and federal funding and private contributions to increase public awareness of the bus and rail systems serving Litchfield, through a combination of community education, printed schedules and improved signage, and
- Periodically examine the frequency and routing of bus service, both within Litchfield and to adjacent towns, and inform providers of recommended adjustments to reflect the changing needs of the community.

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5. EDUCATION

Projections of the local student population for the next 10 years foresee no dramatic increase in overall public school enrollment. However, it should be noted that this projection relies in large measure on continuation of the modest level of residential subdivision growth experienced in Litchfield over the past 10 years. While there is no near term reason to question this projection, Litchfield is a desirable community with a large reservoir of undeveloped land and school enrollment projections must be re-evaluated annually.

Currently a major school building improvement and expansion construction project is in progress. Based upon current projections of school enrollments, this construction will provide adequate capacity for the next 10 years.

On this basis, this education section of the Town Plan offers recommendations that address other important issues, including the need to improve the relationship between the schools and the community, recreational facilities, the role of technology, emergency planning and student driving and parking. A special focus is to encourage mutually beneficial school–town projects and programs.

Education facilities as community facilities

ISSUE: School facilities are underutilized. There are opportunities to use the school facilities for community purposes.

GOAL: *To provide increased recreational, educational and cultural opportunities within the town by opening up school facilities to greater community use.*

STRATEGIES:

The Board of Education should:

- Adopt appropriate policies, procedures and fee structures for use of school facilities (including meeting rooms, athletic fields, gym, media centers, music and art spaces, cafeterias/kitchens, computer labs and the auditorium) by various groups based on the following or similar categories:
 - School related activities,
 - Town government activities,
 - Local non-profit organizations,
 - Park and Recreation Department activities,
 - For-profit organizations.
- Actively encourage the use of school facilities by adult education, community and other groups
- Maximize the use of athletic and other school facilities through extended hours and creative scheduling.
- Open the Media Center at Litchfield High School after school hours and on the weekends and make resources available online for use by individuals in the community.

Oliver Wolcott Library, Gilbert Library (Northfield), Litchfield Historical Society and the School District should:

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- Coordinate collections, resources and schedules among the school district and the Oliver Wolcott Library, Gilbert Library (Northfield), Litchfield Historical Society and other local educational facilities, such as the Education Connection.

The Board of Education and the Board of Selectmen jointly should:

- address the possible construction of a new auditorium at some point in the future at Litchfield High School to address both educational and community needs.

Other athletic and recreational opportunities

ISSUE: The town is very fortunate to have new athletic fields and track improvements on the town's Plumb Hill property donated by Plumb Hill Playing Fields, Inc. These recently completed improvements provide first class facilities for many school outdoor athletic and recreational programs. However, there are other desirable athletic and recreational facilities, such as a pool and an ice skating rink, which would benefit the students and the town.

GOAL: *Provide additional desirable athletic facilities for use by students and community members.*

STRATEGIES:

The Board of Education in cooperation with the Park and Recreation Commission and the Selectmen should:

- Identify the type of facilities that would most benefit the town and its students.
- Consider funding and building any new facilities on a regional basis (e.g. in cooperation with the towns comprising Region 6 and/or other towns) and/or through public/private partnerships.
- Ensure community support for any new facilities by providing for significant community use.

Current and future technology needs

ISSUE: Technology impacts all facets of education and the way we live.

GOAL: *Provide a town-wide, integrated approach to current and future technology needs of the schools and community.*

STRATEGIES:

The Board of Education should:

- Provide the schools with state of the art technology for student needs.
- Provide after-hours computer access at the schools to community members, based on policies and requirements agreeable to the Board of Education.

The Board of Selectmen and the Board of Education should:

- Broadcast meetings to the public via cable television using school technology.
- Develop a plan for allowing community use of school technology
- Consider offering townwide WiFi to help businesses and schools to have Internet access.

Emergency Preparedness

ISSUE: Acts of God, terrorist threats and other disasters require communities to plan for and provide emergency services.

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GOAL: Locate emergency shelters in the schools as part of the schools' emergency operations plan.

STRATEGIES:

The selectmen should:

- Install a generator in each school facility so that those buildings may be used as emergency shelters.

Student driving and parking safety

ISSUES:

- More high school students are driving to school, and there are not enough parking spaces for the students who wish to drive to school. Consequently some students are parking off campus.
- Lack of a “late bus” requires students participating in after-school activities to find alternative means of transportation and encourages students to drive to school.
- Student drop-off and pick-up continue to be issues of safety concern at Center School and Litchfield Intermediate School.
- At the high school, student drop-off and pick-up, along with simultaneous parking by staff and students, create a safety hazard to both drivers and walkers.

GOAL: Reduce the number of students who need to drive to school; reduce the number of students who are driven to school by parents; and eliminate the need to park off campus.

STRATEGIES:

The Board of Education should:

- Provide incentives for students from all three schools to ride the bus each day.
- Consider the use of an “after school” bus (contracted service) so that students participating in after school activities have an alternative means of transportation.
- Plan for sufficient parking at Litchfield High School as part of the renovation/expansion project.
- Provide for safe access to the school buildings through the renovations/additions project.

6. CULTURAL AND HISTORIC RESOURCES

Litchfield is recognized nationally and internationally as one of the country's outstanding historic and architectural gems. Unlike the artificial reproductions of early American towns at Williamsburg and Sturbridge Village, Litchfield is an authentic contemporary "living historic" community. Remarkably, the historic borough has been able to grow and change while preserving its historic integrity.

The noted architectural and landscape heritage of the town is matched and complemented by unusually broad and deep archival resources on the community's history held by the town and various cultural organizations. This combined resource makes Litchfield's history the subject of numerous scholarly and popular publications.

For the past 200 years Litchfield residents have nourished and protected its valuable historic and cultural resources. In 1958, in an unprecedented act, the state legislature recognized the historic value of Litchfield to the state by establishing Litchfield Borough as Connecticut's first historic district. Creation of the Litchfield historic district became the basis for legislation that now enables communities in Connecticut to establish local historic districts. Landowners in Milton center used this opportunity to create the Milton Historic District.

Acting under well-established guidelines, the Litchfield and Milton Historic District Commissions review and approve all exterior building development proposals and other improvements seen from public places. Their goal is to ensure that these improvements are consistent with the historic scale, design and materials of the District and surrounding structures and improvements. For 48 years the Litchfield Historic District Commission has overseen growth and change in Litchfield Borough, demonstrating that a community center can be both a vibrant and successful residential and commercial center and retain and, indeed, improve its historic quality.

Overall Issue:

The historic value of Litchfield does not stop at the boundaries of the Borough and Milton historic districts. Much more needs to be done town-wide to preserve Litchfield's historic architectural and cultural assets. The greatest challenges are yet to come.

Growth and the forces of change over the next decade will erode Litchfield's historic quality unless its citizens, local boards and commissions, and non-profit historic organizations cooperate to preserve Litchfield's rich and varied cultural resources.

Much of Litchfield's success in historic preservation can be credited to the respect, concern and care of Litchfield's residents, who have viewed themselves as guardians of the town's cultural heritage for future generations. Continuing and strengthening this tradition of historical respect must be an essential part of Litchfield's historic preservation program.

Litchfield's preeminent historic quality has greatly benefited businesses and economic development in Litchfield. Economic development plans and programs need to recognize and more fully develop the economic and tax base advantages of Litchfield's historic and cultural resources and related businesses.

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OVERALL GOALS:

Promote, protect and enhance the historical, architectural and landscape heritage of Litchfield as a fundamental part of this community's sense of its identity, tradition, quality of life and economic prosperity.

Increase public awareness of the economic impact of Litchfield's arts and cultural community and promote Litchfield's artistic and cultural resources.

OVERALL STRATEGIES:

The Planning and Zoning Commission and the Economic Development Commission should:

- Incorporate the goal of protection and enhancement of Litchfield's historic and cultural resources in Town economic and land use planning.
- Encourage creative adaptation and reuse of historic structures and landscapes.
- Provide information to residents who wish to work to establish historic districts for Bantam and Northfield.

The Litchfield Historical Society and the Litchfield Preservation Trust and/or a group to be specified by the Planning and Zoning Commission should

- Initiate and get the necessary support to:
- Complete the architectural and historic resource surveys of Litchfield.
- Create a survey of Litchfield's notable modern architecture.
- Identify structures for nomination to state and national historic registers.
- Combine and digitize historic and architectural information from various sources and make it accessible to planning, zoning and historic commissions on the town GIS system.
- Establish projects to identify, inventory, document and map Litchfield's historic landscape architecture, cemeteries, historic stone walls, re-establish the 1985 project to inventory, and document Litchfield's "notable trees."

The Economic Development Commission should:

- Support federal, state and area funding to increase arts and cultural tourism.
- Support the promotion of Litchfield as a location for artists, crafts people and creative professionals to live, establish businesses and work.
- Support the promotion of local arts and cultural activities in education for all ages.
- Support the promotion of Litchfield as an antiques shopping destination.

The Social Service Director should:

- Increase senior citizen participation in arts and cultural activities.

The Planning and Zoning Commission should:

- Adopt a 90 day demolition delay regulation for historic structures

Archaeological resources

ISSUE: The Connecticut Office of State Archaeology assists local municipalities in developing preservation policies, identifying, documenting and preserving archaeological sites. The office

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maintains the Connecticut State Register of Historic Places, which includes an inventory of prehistoric and historic period archaeological sites.

By state law, a local development application on property identified in the State Register⁶ must be accompanied by a report from the State. If archaeological remains are discovered, work must stop, the State Archaeologist must be notified, and a survey must be done before proceeding with work. But in Litchfield, many archaeological sites are not on the State Register.

GOAL: To compile a more complete inventory of known archaeological sites in Litchfield and to have them surveyed by the State Archaeologist and recorded in the State historic register at the University of Connecticut.

STRATEGIES:

The Litchfield Historical Society, the Litchfield Preservation Trust and/or a group to be specified by the Planning and Zoning Commission:

- Should create a complete list of these sites. The work group should obtain permission from property owners to inspect these known or highly probable sites.
- Should develop a map overlay on the town GIS system that locates all known and highly probable archaeological sites as a resource for the Planning and Zoning Commission.

Historic architecture

ISSUE: The historic architecture of Litchfield is central to the image the town holds in the minds of both residents and visitors. These resources include rural properties, twentieth-century architecture and former industrial sites as well as the stately homes on North and South Streets. Planning policies that include preservation of architectural resources help to enhance the uniqueness of each village center within the town.

There is a need to create a complete and accessible record of Litchfield's historic architectural resources.

GOALS:

To make the protection of historic architectural resources an integral component in all of Litchfield's planning and zoning policies and decisions.

To create an organized and accessible database of information on the structures that compose Litchfield's architectural heritage.

To strengthen and enhance the individual identities of the town's four village centers: Litchfield, Bantam, Milton and Northfield.

⁶ <http://www.cttrust.org/index.cgi/1028>

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STRATEGIES:

The Litchfield Historical Society, the Litchfield Preservation Trust and/or a group to be specified by the Planning and Zoning Commission should:

- Secure funding from grants and the town to conduct Historical and Architectural Surveys for East Litchfield and the northeastern section of the town (to add to those for Litchfield, Bantam, Milton and Northfield) to complete the record of the town's architectural resources.
- Compile the completed survey in an easily accessible, central, digitized data base on the town GIS system, bringing together information on structures from the Survey with data from other sources.
- Provide information to elected and appointed town officials on the benefits of architectural preservation planning.
- Encourage the town officials to play an active role in raising public awareness and developing a consensus on historic preservation action.
- Provide information that assists the Historic District Commissions and the Planning and Zoning Commission with decisions on historic preservation.
- Recommend planning and zoning regulations that support adaptive uses of historic structures.
- Identify areas in need of special historic protection and propose adoption of a historic overlay zone in such areas.

The economic impact of the arts, humanities and cultural resources

ISSUE: Litchfield's vibrant and growing arts and humanities community is generally under valued and under appreciated. Also, there is a lack of communication and coordination among the town's formal cultural institutions and organizations, local residents in the artistic professions, and the town's boards and commissions. The arts and humanities community must organize and work together toward common goals.

The growing non-profit arts and cultural sector of the state's economy has an annual economic value exceeding \$1.5 billion. Litchfield is one of the most popular visitor attractions in the state and visitor generated income has become a pillar of the local economy. The Litchfield Historical Society alone averages 5,000 visitors a season, exerting an important impact on the local economy.

A study of the economic impact of visitors to the Litchfield Law School and Tapping Reeve House revealed the average visiting party of three had a total local economic impact of \$800—half in spending for lodging, meals, shopping and entertainment and half in indirect sales impact.

Cultural tourism is:

- The fastest growing economic market in Northwest Connecticut.
- The leading tourist attraction in Litchfield.
- Changing the business landscape in Litchfield as evidenced by the fact that antique and art galleries now make up a major component of Litchfield's business community. (There are now 20 antiques dealers and eight art galleries and numerous successful crafts businesses in Litchfield.)

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- Attracting more residents to Litchfield who are professionally involved in the arts and humanities.

GOALS:

To promote Litchfield as an attractive community in which to live for those involved in the arts and humanities.

To encourage the development of arts, crafts and cultural businesses.

To encourage, recognize, promote and award arts and cultural efforts.

To identify, assist and promote Litchfield's numerous cultural resources as a central and vital part of its planning for future economic development.

STRATEGIES:

The Planning and Zoning Commission should:

- Enact planning and zoning regulations that expand opportunities for artists and craftspeople in home occupations, and sales of arts and crafts products at the same site where they were made.

The Economic Development Commission and the Litchfield Area Business Association should:

- Collaborate in developing a single, central website calendar of arts and cultural events.
- Support Litchfield-based participation in regional and state arts and cultural organizations.

The Litchfield Economic Development Commission and the Litchfield Area Business Association and the Cultural Resources Work Group should form a special committee to focus on cultural resource related business development. This committee could:

- Encourage partnering to attract funding for activities and functions that relate to this segment of the business community.
- Develop public relations and marketing STRATEGIES: focused on local cultural resources and its economic advantages to the community.
- Encourage the local arts and humanities community to participate in programs in the schools, for adults and senior citizens, and at local events and exhibitions.
- Develop regional arts and humanities tourism promotions similar to the "Connecticut Impressionist Art Trail" and "Black History Trail."

Landscape preservation

ISSUE: Cultural landscapes represent the interaction between man and the environment throughout the history of a community. Litchfield's cultural landscape resources include the town's greens, farmlands, cemeteries, roads, stone walls, trees and gardens. Litchfield's landscape is a major factor in defining its image, its rural character, and its quality of life.

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GOALS:

To preserve agricultural landscapes and open spaces, landscape vistas and important ridgelines, the town's various Greens and other parks.

To create additional "Scenic Road" designations.

To identify, protect and preserve the town's historic stone walls.

To identify and protect of notable and historic trees throughout the town.

To identify and document Litchfield's notable gardens.

STRATEGIES:

The Planning and Zoning Commission should:

- Enact regulations that preserve open space.
- Enact regulations that preserve stone walls, major trees and historical features.
- Request further Scenic Road designations along state highways from the state DOT.

The Conservation Commission should:

- Develop, support and encourage the adoption of:
 - A local scenic road ordinance,
 - A stone wall protection ordinance, and
 - A notable tree protection ordinance.
- Identify and document Litchfield's notable gardens.

Other organizations:

- The strategies for landscape preservation are largely the work of other town plan committees including the Open Space Work Group and the Transportation Work Group as well as organizations such as the Borough of Litchfield, Litchfield Land Trust and the Litchfield Garden Club.

7. OPEN SPACE, FARMS, FOREST and NATURAL RESOURCES

Litchfield's rural character is in large measure defined by its scenic landscapes of uninterrupted areas of forest and field. These open spaces also provide a wide diversity of wildlife habitat and protect water quality.

Farms

ISSUES: For most of the last century the dominant agricultural activity in Litchfield was dairy farming. However over the past 30 years dairy farming has declined dramatically throughout the state and in the county. There are still a few working dairy farms in Litchfield, and many former dairy farms are still used for other farm activities. These farms and their productive farm soils are a resource worthy of preservation not only to retain the town's rural character but also to provide the land base needed for future food production.

Each year Connecticut loses 7,000 to 9,000 acres of farmland to development. This is a loss of a valuable and irreplaceable natural resource that provides not only fresh local food but also important environmental and economic benefits to the state. Currently there are only 370,000 acres of farmland left in Connecticut, covering less than 12 percent of the state's land base.

In the early 1980's the State of Connecticut established the "Purchase of Development Rights Farmland Preservation Program" with the goal to preserve 130,000 acres, including 85,000 acres of cropland. The main objective of this program is to secure a food- and fiber-producing land resource base, consisting primarily of prime and important farmland soils.

Protection of this farmland base will enable Connecticut to produce at least 50 percent of its needs for fluid milk and 70 percent of its in-season fresh fruits and vegetables needs. This level of in-state production will ensure some degree of local availability of fresh farm products. It will also help ensure that agriculture remains an important part of the state's economy.

As of 2005 the State of Connecticut's Farmland Preservation Program has purchased and preserved 30,157 acres on 214 farms, including Litchfield's Litwin Farm and Bunnell Farm. More than half of these acres are classified as prime and important farmland soils. However after almost 25 years of effort, the state has protected only 22 percent of its 130,000 acre goal. If Connecticut is to reach its farmland preservation goal, much more needs to be done. As the rate of farmland loss continues to escalate in the urban and suburbanized areas of Connecticut, it is critical to save the remaining intact farmland areas of the state such as those in the Litchfield and Goshen farm corridor. The state program will continue to help protect Litchfield's farmland, but much more needs to be done locally to reach this goal.

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GOALS:

To support the state's farmland preservation and food production goal.

To retain the town's rural character and natural resources.

To support and sustain the local agricultural and forestland economy.

To place a priority on protection of farmland in critical scenic and conservation areas, such as along the gateway roads.

STRATEGIES:

Identify and protect priority farmland areas

The Planning and Zoning Commission, Conservation Commission, and the Litchfield Land Trust should:

- place a high priority on the protection of large parcels of active farmland:
 - in proximity to other farmlands or protected lands, and
 - located on the scenic gateway road corridors leading to Litchfield Center.

Key areas include farmland blocks on Town Farm Road, Beach Street, Maple Street, Litwin Road, the Cathole Road area, Chestnut Hill, East Chestnut Hill and Route 254.

The State of Connecticut has recognized the significance and the value of protecting the 753-acre Litchfield Farm along Town Farm Road. It contains large areas of wetlands, prime agricultural soils, and diverse forests. It hosts a known state-listed endangered species and contains several vernal pools. Highlands Conservation Act funds have been requested to protect this extraordinary property which is the largest block of family owned land in Litchfield. Unfortunately, this program is not currently funded adequately.

Litchfield Farms is part of the Connecticut Highlands and lies within both the Bantam and the Naugatuck watersheds. All the waterways on the property, which drain into the Bantam River, are the highest-level water quality (AA). Elevations on the property reach up to 1,300 feet making it one of the highest points in the town of Litchfield. Preservation of this property would provide ridgeline and scenic vista protection for both the towns of Torrington and Litchfield.

Help farms stay economically viable

The Planning and Zoning Commission and the Economic Development Commission should:

- Work to facilitate the location and operation of local farm markets and farm stands which sell products grown in the Town of Litchfield.
- Consider changing zoning regulations to promote and protect land base businesses such as forestry, agriculture, nurseries and greenhouses.
- Consider renaming the large lot zones "Agricultural/Residential" to protect areas of prime farmland and working farms from inappropriate development

The Conservation Commission should:

- Inform farm and forest land owners of programs for preserving farmland and the 490 programs which reduce taxes on farm and forest land, in order to encourage landowners to maintain their land in farm uses.

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The Economic Development Commission should:

- Help create outlets for goods produced in Litchfield

Open space

ISSUE: Litchfield is fortunate to have a great deal of protected open space; more than 15 percent of its acreage is either fully protected or has conservation easements on it.⁷ However, this is far exceeded by the undeveloped and unprotected land in the town, much of which is held in large parcels. Litchfield, along with the other towns in the southern tier of Litchfield County, will experience accelerated development pressure over the next 10 years. Now is the time to define the town's priority open spaces and implement a plan to preserve its rural character and vital natural resources.

GOALS:

To identify and protect productive farm and forest lands, wildlife corridors, water bodies and ridgelines.

To establish an overall goal for the amount of land to be permanently protected in the town.

To protect and define the village scale of the town's village centers (Litchfield, Bantam, Northfield, East Litchfield and Milton) by maintaining a clear "edge" between the village center boundary and the surrounding rural residential districts and creating a "necklace of green" open spaces around the center areas.

To discourage sprawl

STRATEGIES:

Open space planning

The Conservation Commission should:

- Take the lead in educating the community concerning the benefits of preserving our open space.
- Prepare an Open Space and Natural Resources Protection Plan that identifies and designates areas of open space protection including:
 - Farms and forestlands, which provide wildlife habitat and protect water resources
 - Wildlife corridors—unfragmented contiguous properties that are in their natural state.
 - Protected waterways along riparian corridors (streams and rivers) and around fragile ponds and lakes, showing easements and other protected land.
 - Ridgelines—along watershed boundary lines and view sheds as seen from State highways and major town roads.

⁷From a memo from David Thomas:

Total Litchfield Land Trust legal acres: 3674 (Best estimate including excess acres where there is only easement)

Total farm preservation acres: GIS 237

Total from Selected Protected Parcels, includes State Parks and DEP land: GIS 2556

Total	6467
Acres in Litchfield	36,672
% Protected	17.6%

These numbers are approximate and subject to change. If I only counted the actual easement areas I get 13.6%.

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The Planning and Zoning Commission should:

- Adopt regulations to protect the open space and natural resources of the town.

Inventory Litchfield's special places

An open space plan should place a high priority on the protection of special places identified by residents of Litchfield. These are the places people speak about when asked what places they feel are most important to be protected or preserved. The following is a preliminary list developed with citizen input by the Conservation Commission.

Important Places to preserve in Litchfield

Water quality/water features

The boardwalk around Little Pond
Bantam Lake
Mount Tom Pond
Blue Swamp
Watershed lands for reservoir – West side
Watershed lands for reservoir – Northfield
Perkins Road/Spruce Brook, waterfalls
Bantam River, east and west branches
Ripley Swamp
Naugatuck River
Marshpaug River
Tannery Brook and the Hamill Wellfield
Waterbury Water Company lands

Gateways

Undeveloped woods and fields along Route 118. (Limited access, no telephone poles)
Open fields and ridges visible from Rt. 254
Open fields and ridges visible from Route 63 north (Junior Republic, Education Connection)
Mount Tom Pond area along Route 202
Fields, farms and woods along Route 63 south. (View of steeple from the Morris town line)
Toll Gate Hill approach from Torrington, Route 202
Undeveloped areas between Toll Gate Hill and the Litchfield green

Farms and Farmland

Litwin Road, fields and ridges
Town Farm Road farm land
Wigwam Road
Bunnell Farm/Floren Pond/Golf Course

Farmlands on East Chestnut Hill Road
Farmlands on Maple Street and Beach Street
Wigwam Road open farmland, view of Chestnut Hill
Farms along Route 254
Hassig Farmland

Cultural/Historical Features

Milton Green and Historic District
Northfield Green and Village area
East Litchfield Village
Litchfield Historic District
Wisdom House Labyrinth
Litchfield Hills Road Race course
Morosani's daffodils
Campville/Fluteville

Wildlife habitat/contiguous large parcels

Land between east and west branches of the Bantam River
Education Connection Land
Litchfield Garden Club's "Ring of Green"
Bunnell Farm/Golf Course/Duck Pond Road/Floren Pond area
Waterbury water company lands and large parcels on west side of town, Prospect Mountain.
Marshpaug Forest and East Litchfield large parcels
Large parcels on the west side of Old Forge Hollow Road

Scenic Roads (partial listing)

Headquarters Road (dirt section)
Perkins Road
Litwin Road
Wigwam Road

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Duck Pond Road
Town Farm Road
Alain White Road
Richards Road Extension

Ridges

Old Mount Tom
Chestnut Hill
East Chestnut Hill
Route 8 corridor
Wigwam Road
Route 254
Maple Street

Active Recreation:

Plumb Hill Playing Fields
Northfield community field
Bantam community field
Litchfield community field
White Memorial soccer fields
Stonybrook Golf Course
Litchfield Country Club
Lee's Riding Stable
Hoopdance Hollow Riding Stable
Thunder Ridge Riding Stable

White Memorial camping

Passive Recreation

White Memorial trails
Topsmead State Park
Naugatuck River trails in Campville
Mattatuck Trail
Nancy Danaher Trail off Clark Road
Prospect Mountain
Graham Thompson Preserve
Audubon Boyd's Wood
Hauser Land Preserve
Former Haight Land on Chestnut Hill and
Bantam River

Water based recreation:

Litchfield boat launch and picnic area
Sandy Beach
Mount Tom

Institutions with open space lands

Lourdes Shrine
Wisdom House
Connecticut Junior Republic

Local fund dedicated to land preservation

Litchfield established an Open Space and Land Acquisition Fund in January of 2005 as permitted under the Connecticut General Statutes, which allow a community to establish by town ordinance a local fund for the protection land for farming, open space and recreation. Donations and fees in lieu of open space received by the town for land preservation can be placed in this special fund and held until an acquisition opportunity arises. This special fund allows monies received to be retained from year to year, and not revert to the General Fund.

The Board of Finance, through its capital committee, should:

- Provide significant funding of the Open Space and Land Acquisition Fund, and earmark a portion of such funds to be used to acquire development rights or to purchase farm land in priority locations.

Conservation Commission to act as the local land preservation authority

The Open Space and Land Acquisition Fund authorizes the Litchfield Conservation Commission to assist the town in acquiring agricultural, recreational or open space land or easements for land preservation purposes.

The Conservation Commission should:

- Take the lead in recommending priorities for land preservation consistent with the Town Plan.

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- Take the lead in making grant applications for land preservation funds.
- Convene a meeting annually with the Litchfield Land Trust, White Memorial Foundation and other local land preservation organizations to review progress on land preservation and cooperation toward common goals.

Establish criteria for collection of fees in lieu of open space

All “fee in lieu of open space” funds collected must be deposited in the Open Space and Land Acquisition Fund and used for the purposes allowed in the Statutes.

The Planning and Zoning Commission should:

- Establish in its regulations criteria to determine in what circumstances such a “fee in lieu” will be permitted. A good example of the criteria for administration of the requirement for a fee in lieu of open space is the policy adopted by the Cornwall Planning and Zoning Commission.

Open space in subdivisions

The Planning and Zoning Commission should:

- Revise the section of the subdivision regulations on open space standards and requirements to:
 - provide more detailed criteria to require “useable” open space,
 - define the purposes the open space shall serve,
 - list the options for meeting the permanent preservation requirements and
 - offer options permitting the reduction of open space requirements.
- Adopt conservation subdivision regulations in order to conserve significant forest, farm and riparian areas as open space.
- Use the recommendations in the Town Plan and in any open space plan prepared by the Conservation Commission to develop this regulation and as a reference in determining the type and location open space in subdivisions.
- Change the zoning regulations to exclude steep slopes (over 20 percent), wetlands and floodplains from developable area in the two-acre minimum lot size zones and when subdividing in farm, forest and riparian areas.

Town-owned non-maintained roads

The Conservation Commission should:

- Conduct a systematic review of the town’s unimproved and/or non-maintained roads, and identify those that should be reserved for future improvement and those that should be permanently discontinued or abandoned in order to protect greenways, wildlife corridors, and productive farm and forest areas.

The Town of Litchfield should:

- Identify town-owned road rights-of-way that are not suitable for development and bring a list of these to the town meeting to be officially discontinued or abandoned.

Protect and define the town’s village center

The Planning and Zoning Commission should:

- adopt regulations limiting strip development along roads in favor of deep lot development
- limit sewer service boundaries to prevent strip development and focus new development in village centers
- consider changes to zoning regulations which permit more development in village centers instead of new development in areas which are currently open space.

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Ridgeline Protection

ISSUE: Communities are acting because they recognize that a prominent ridgeline cleared and developed for housing will be much more visible than in other locations and have a disproportionately significant negative impact on the scenic quality and rural character of the community.

Connecticut's planning statutes provide that the Town Plan "may show the Planning and Zoning Commission's recommendation for conservation and preservation of trap rock and other ridgelines." Communities throughout the State are developing innovative regulations designed to preserve ridgelines, especially in sensitive locations, such as areas with extensive steep slopes or ledge and in water supply watersheds.

GOAL: *To protect the prominent ridgelines which give Litchfield its scenic quality.*

STRATEGIES:

The Planning and Zoning Commission in cooperation with the Conservation Commission should:

- Consider and adopt changes to the town's land use regulations which protect ridge lines, including:
 - Any proposal to change the requirement for calculating minimum lot size, such as a "net buildable area" lot calculation that allows no inland wetland, watercourse or steep slope to be counted in the calculation of minimum required lot size.
 - Modifications to the driveway slope limits in the subdivision regulations or town ordinance.
 - Limits set in the zoning regulations (such as in Cornwall) where there is a limit on the area of steep slopes that can be developed or disturbed.

Gateway Highways

ISSUE: The entryway corridors to Litchfield Center on Routes 118, 63 and 254 are all exceptionally scenic roads. These state highways are the gateways to Litchfield, and preservation of the views, vistas, and historic sites along these scenic corridors is a vital element in the protection of Litchfield's rural and historic character.

Stone walls are a significant man-made feature important to the character scenic roads and the community.

GOAL: *To preserve the scenic quality of the main "gateway" roads entering Litchfield center.*

STRATEGIES:

Gateway overlay districts

The Planning and Zoning Commission should:

- Establish a "Gateway Corridor Overlay District" along the entry segments of these state highways to the town center.

These "Gateway Corridor Overlay Districts" would not change the list of uses allowed in the underlying zone but could establish standards for building setback, street frontage and building and driveway siting consistent with the goal of protecting the visual quality of the gateway entrances to the center.

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Building setbacks for new buildings can vary according to location and surrounding buildings. In some cases wide setbacks should be required; in others the setback should be consistent with the setback of adjacent principal buildings. Accessory buildings should be sited behind principal buildings. Common driveway entrances to the highway should be preferred where feasible, and site plans for new development should encourage retaining major trees, stone walls and historic features and view vantage points.

Preserving stone walls along roads

The Planning and Zoning Commission should:

- Amend the subdivision regulations to require that where there is land fronting on a town public road or state highway, the subdivision shall be designed to preserve stone walls to the maximum extent possible.

The Town of Litchfield should:

- Consider adopting a stone wall protection ordinance similar to Harwinton's.

Wildlife and biodiversity

ISSUE: The preservation of wildlife diversity is integral to the preservation of the town's rural character. However, wildlife habitat does not stop at the Town line. Regional efforts are required to maintain meaningful areas of habitat.

Goal: To maintain wildlife habitat and biodiversity in Litchfield.

STRATEGIES:

The Conservation Commission should:

- Coordinate with neighboring towns to identify and protect greenways and wildlife corridors regionally.
- Support and coordinate with the biodiversity studies such as that of the Shepaug River watershed proposed by Dr. Michael Klemens.

8. PUBLIC SURFACE AND GROUNDWATER SUPPLY PROTECTION AND SEWER AVOIDANCE

INTRODUCTION

The State Plan of Conservation and Development states that: *“A primary objective must be to protect high quality water for drinking supply purposes. . . . Therefore source protection and pollution prevention must be a priority for the overall protection of drinking water supply sources. Approximately 16.5 percent of the state's land area is required to supply its drinking water needs from surface sources. Of the 169 municipalities, 128 have public water supply watersheds within their borders. Water quality correlates with the density and type of land use activity within the watershed or aquifer recharge area.”*

Connecticut General Statutes Section 8-2 requires that the Planning and Zoning Commission in its Town Plan and zoning regulations provide for “reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies.”

There are two types of drinking water protection areas in Litchfield:

- The well field protection area for Litchfield’s Hamill well fields water supply in the center of town, and
- Three public water supply watershed areas—two that serve the City of Waterbury’s water needs and one designated as a potential public water supply for Danbury and communities in Connecticut south of Danbury.

Hamill Well Field and Aquifer Protection Zone

ISSUE:

The Hamill Well Field is located near Litchfield center on land owned by the White Memorial Foundation. This well provides an important auxiliary water supply to Litchfield residents and businesses served by the Aquarion Water Company. The principal wells serving Litchfield are located in Goshen and water is piped from the Goshen fields to Litchfield. Aquarion also purchases several hundred thousand gallons per day from the Torrington Water Company.

Litchfield was one of the first towns in Connecticut to adopt a well field protection zone in its zoning regulations. This special zone was created to protect the town’s drinking water supply wells at the Hamill well field, which is owned by the Aquarian Water Company

The Town has designated the Planning and Zoning Commission as the aquifer protection agency, responsible for administering the new aquifer protection regulations established by the Connecticut Department of Environmental Protection. The Planning and Zoning Commission has adopted the new map, with an expanded aquifer protection zone boundary and is reviewing the new regulations. When this review is complete, these regulations must be submitted for review and approval by Town Meeting under deadlines set by the state-mandated aquifer protection program.

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GOALS:

To insure the continued protection of the Town of Litchfield's drinking water supply.

To adopt a land use regulation and well field inspection program that protects against uses and activities that could threaten the Hamill Well Field's water quality.

To enact an on-going groundwater protection educational program.

STRATEGY:

Aquifer Protection Agency

The Planning and Zoning Commission, acting as the Aquifer Protection Agency will be required to:

- Propose new Aquifer Protection regulations consistent with the State's model Aquifer Protection Regulations,
- Carry out the inspection of properties within the aquifer protection zone to identify potential sources of ground or surface water contamination and to pursue measures necessary to correct any such conditions, and
- Prepare and recommend to the town the budget and staff needed to implement this State mandated program.

Public water supply watersheds

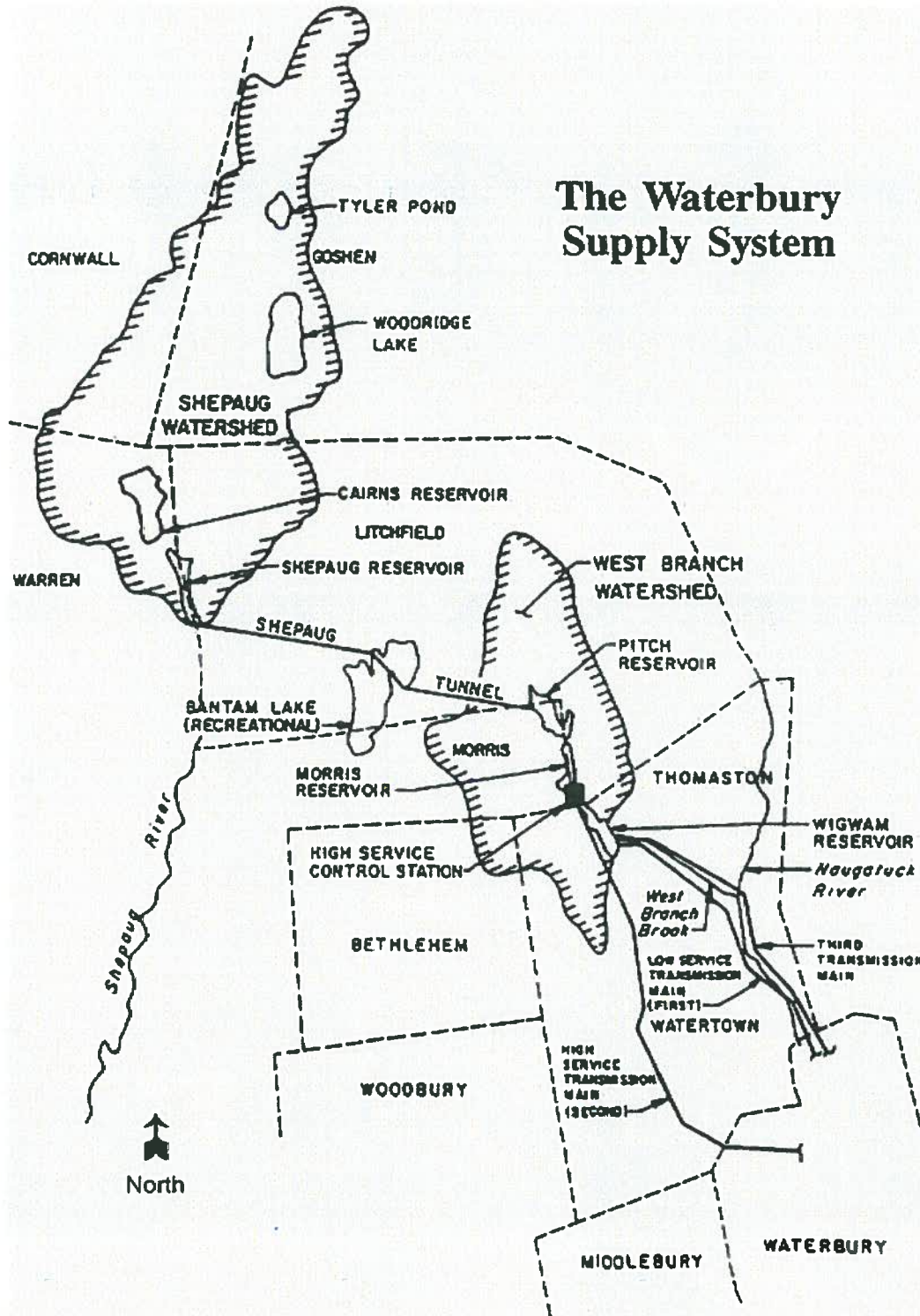
ISSUE: Potential public water supply watersheds, rated AA by the DEP, cover approximately two-thirds of Litchfield's land area. The eastern third of the town, in the Naugatuck River watershed, because it is classified A by the state as-is also a-potential water supply watershed. The Connecticut General Statutes require the Planning and Zoning Commission to enact regulations that will protect these public water supply sources. In addition, the center of town depends on water provided by the Aquarion Water Company, which operates the Hamill well field, uses the Goshen well field, and, because these supplies are not equal to the current demand for water, purchases water from Torrington. The City of Waterbury takes water from two reservoirs located within the town boundaries.

The three water supply watersheds in Litchfield are:

1. The western Litchfield segment of the Shepaug and Bantam Rivers watershed, which protects the drinking water supplies in the City of Waterbury's Shepaug and Cairns Reservoirs.
2. The central Litchfield segment of the Shepaug and Bantam River watersheds, designated as a potential public water supply to be tapped from the Shepaug River in Roxbury.
3. The West Branch Brook watershed portion of the Naugatuck River watershed, serving the City of Waterbury's Pitch Reservoir located in Litchfield and Morris.

The Shepaug and Bantam Rivers watershed has a total of 150 square miles covering land in many towns, including Roxbury, Washington, Litchfield, Warren and Goshen. This watershed has two segments. One serves an existing public water supply for the City of Waterbury. The other, larger, segment is a potential public water supply, which could be tapped to provide drinking water to Danbury and communities to the south.

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Western Litchfield—Shepaug Reservoir Watershed. This segment covers the watersheds that supply the Shepaug Reservoir and Cairns Reservoirs of the Waterbury water supply system (see map). It covers 38 square miles in Litchfield, Warren and Goshen. The Litchfield portion is found along the western border of the town and includes the Shepaug River and Marshepaug River watersheds.

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The water from these reservoirs is diverted through an incredible underground water tunnel running across the Town of Litchfield and under Bantam Lake from the Shepaug Reservoir on the Warren–Litchfield town line to the Pitch Reservoir in the northeastern corner of Morris.

West Brook Branch and Pitch Reservoir Watershed. The Pitch Reservoir and adjacent Morris Reservoir are located in the West Branch Brook watershed, which is a part of the Naugatuck River watershed system and includes land in Litchfield, Morris, Bethlehem and Watertown. The Pitch Reservoir watershed covers parts of the Northfield area and south central Litchfield.

State policy continues to protect both the watershed area of the existing Shepaug Reservoir and Pitch Reservoir watersheds as well as the 112 square miles in the potential Shepaug and Bantam River public water supply watershed segment.

Central Litchfield Segment of Shepaug and Bantam Rivers Watershed. The State Plan of Conservation and Development and the Housatonic Regional Plan recommends protection of the Shepaug and Bantam Rivers watersheds as a potential future water supply sources.

When the first State Conservation and Development Policies Plan was issued in 1973, it advanced a plan to build a large dam and reservoir on the Shepaug River in Roxbury. This concept was subsequently revised in favor of a pumped withdrawal from the River, with no dam or reservoir. This “diversion” plan would provide less water yield, but it would also be far less costly and disruptive to implement. Under this plan, water from the Shepaug would be diverted to areas of need in both the Housatonic Valley and coastal cities such as Stamford. While there is no indication that this diversion will be employed in the foreseeable future this remains a protected watershed on the State and Regional Plans.

The Shepaug River is currently classified as a Class B watercourse because it receives wastewater discharges which make it unsuitable for use as a drinking water supply source under current law. The treated waste effluent discharged into the Bantam River from the Litchfield Sewage treatment plant is the primary source of wastewater into the Shepaug and Bantam River watershed.

This is important to Litchfield because as long as the Shepaug is designated a potential public water supply watershed, it is unlikely the state will agree to expansion of the Litchfield sewage treatment plant. For the same reason, the Town Plan needs to insure containment of the existing sewage service district and recommend that the existing excess capacity of the Litchfield sewage treatment plant be carefully monitored and utilized.

The Housatonic Regional Plan⁸ notes that if the Litchfield treatment plant discharge, along with other smaller ones, were removed, or possibly diverted to the Naugatuck River, the southern Shepaug could theoretically be reclassified as fully suitable for public drinking water supply.

⁸ http://www.swrpa.org/pdf_files/regplan/RegionalPlanText1995.pdf

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Goal: To protect water quality in the Public Supply Watersheds.

STRATEGIES:

General:

The Planning and Zoning Commission should:

- Create a “reservoir protection overlay zone” for both the Shepaug and Pitch Reservoirs watersheds.
- Review and update the section of the zoning regulations on ground water protection requirements and apply these requirements to all development in the reservoir protection overlay zones.
- Enact buffer areas limiting construction within 200 feet of wetlands in existing and potential public water supply watersheds.
- Require a perpetual sewage system maintenance agreement if two or more dwelling units share a common sewage treatment system.

The Inland Wetlands Commission should:

- Increase inland wetland buffer requirements to 200 feet in existing and potential public water supply watersheds.

Shepaug Reservoir Watershed:

The Planning and Zoning Commission should:

- Place a high conservation priority on the entire watershed. This continues and extends the priority established for the northwestern section of the town in the 1984 and 1994 Town Plans.
- Consider increasing the 160,000 square foot minimum lot size boundary in the Milton area to include all land in this reservoir watershed.

The Conservation Commission should:

- Rank land in this watershed, especially large undeveloped parcels and the two large parcels owned by the City of Waterbury, high on the list of parcels recommended for preservation.

Pitch Reservoir Watershed:

The Conservation Commission should:

- Rank land in this watershed, especially large undeveloped parcels and the one large parcel in Litchfield bordering Pitch Reservoir and the Morris town line owned by the City of Waterbury high on the list of parcels recommended for preservation.

The Planning and Zoning Commission should:

- Consider increasing the existing minimum lot area requirement:
 - o Amend the zoning and subdivision regulations to require that no inland wetlands, watercourses or slope over 25 percent be included in the calculation of minimum lot size.
 - o Amend the zoning and subdivision Regulations to require a 200-foot square with no inland wetlands or watercourses or slopes over 25 percent.

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Central Litchfield – Shepaug – Bantam River Watershed:

The Planning and Zoning Commission should:

- Create a “Central Litchfield Water Supply Protection Overlay Zone” for both the Shepaug and Bantam River watershed areas of Litchfield with the same requirements as the Reservoir Overlay Zones.
- Consider revising the minimum lot area requirement in this overlay zone to require that no inland wetland, watercourse or slope in excess of 25 percent be counted in the calculation of minimum lot area and that a 200-foot square with no inland wetlands, watercourses or slopes over 25 percent be required.

Inland wetlands regulations and water quality

ISSUE: Protecting water quality begins with regulations that protect inland wetlands and water body resources.

Goal: *To protect water quality in the town.*

STRATEGIES:

The Inland Wetlands Commission should:

- o Continue to define and refine town mapping of regulated inland wetlands and watercourses, regulated areas, vernal pools and upland review areas.
- o Consider increasing the regulated buffer areas around wetlands, water courses, vernal pools, ponds, and lakes, to 200 feet, and limiting the amount of disturbance allowed in areas around vernal pools in public water supply watersheds.

Bantam Lake Water Quality

ISSUE: Bantam Lake is the largest natural lake in surface water area in the State of Connecticut and a major recreational resource for Litchfield, Morris and the state. In recent years several invasive plants have become established in Bantam Lake and the Bantam River, threatening the recreation values and the balance of the lake’s ecosystem.

Recently Bantam Lake has been designated a “Heritage Lake” by the state legislature in recognition of the immense natural and recreational resources values of this water body to the State of Connecticut.

Goal: *To preserve the recreational value and ecosystem balance of Bantam Lake.*

STRATEGIES:

The Conservation Commission and the selectmen should:

- o Encourage and support the voluntary measures promoted and taken by the Bantam Lake Association aimed at monitoring and protecting the lake.

The Selectmen should:

- o Continue to support a joint town program with Morris to eradicate and control the spread of invasive weeds in Bantam Lake.
- o Work with the Bantam Lake Association to post the requirement under a new state law that Bantam Lake boat ramp users clean their boats of all weed material before entering and when leaving the lake. Whenever possible these boat launch sites should be staffed to inform and educate boaters on this requirement.

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Sewer avoidance and sewer expansion limits.

ISSUE: Sewers allow for increased density of development. If not carefully coordinated with planning and zoning policies, sewer line extensions can promote strip development along sewer lines. It is important to establish firm boundaries for the sewer service area in Litchfield and Bantam. Areas where there is a risk of septic failure that are outside the sewer service boundaries need to be closely monitored to avoid the need for sewer line extensions.

Under an agreement with the City of Torrington the Town of Litchfield has the right to allocate up to 150,000 gallons of sewage flow per day from Litchfield to the Torrington sewage treatment plant. As of 1997 only 27,633 gallons of per day were being delivered to the Torrington treatment plan via gravity sewer lines along Route 202 in the Torrington-Litchfield town line area. Since that time additional volume has been committed to the large multi-family development project in Litchfield off Route 202 and Clark Road. Flows as of 2009 are in the neighborhood of 30,000 gallons per day, leaving an unused reserve of 120,000 gallons per day.

The availability of this sewer treatment capacity is very important to Litchfield. It provides the opportunity to address septic failures and sewer needs in the Route 202 corridor near the Torrington town line. It is also essential to realize the full potential for future development of the commercial and industrial zoned land in Litchfield off Old Route 8 and Thomaston Road.

Goals:

To prevent strip development between Litchfield and Bantam and along 202 to Torrington, and preserve the capacity of the water pollution control facility by limiting sewer service boundaries.

To avoid private septic system failures outside these boundaries.

To reserve sufficient capacity at the Torrington sewage treatment plant to serve Old Route 8/Thomaston Road and the sewage needs on Route 202 near the Torrington line.

STRATEGIES:

The Litchfield Water Pollution Authority, in cooperation with the Torrington Area Health District should make a plan to:

- Conduct regular inspections of homes and businesses in areas of potential septic failures.
- Require early remedial action to avoid advanced septic failure in such areas.
- Develop alternatives to sewer line extensions in areas with pending septic failures outside of the sewer service boundaries
- Support education programs on proper septic maintenance in such areas, and consider instituting a requirement that septic systems, especially in areas susceptible to failure, be pumped out a minimum of once every three years.

The Planning and Zoning Commission, in cooperation with the Economic Development Commission should:

- Support measures that encourage the commercial and industrial development of the Old Route 8/Thomaston Road area that has the potential to be served by the Torrington sewer system.

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The 2005 –10 state Plan of Conservation and Development has an outdated boundary for the Litchfield and Bantam sewer service areas. The Litchfield Water Pollution Control Authority's map of December 2008 is the proper and accurate depiction of areas currently served, as well as areas eligible for future sewer service. The LWPCA's map is incorporated into this plan as the Sewer Service Area Limits Map. Expansion of this sewer service is permitted only after both the town Plan and the state Plan of Conservation and Development have been amended.

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Maps

To be adopted separately

1 Water resources:

- Hamill Well field protection zone
- Public water supply watersheds
- Sewer treatment plant
- Sewer lines
- Water lines
- Dry hydrants

2 Open space:

- Protected open space: land with easements, state parks
- Limited access parcels along Route 118
- Lands owned by existing non-profit organizations
- Water company lands
- Privately-held, unprotected large parcels
- Historic district boundaries
- State-designated scenic roads

3 Housing

- Single family parcels with buildings on them
- Parcels developed since 1994 (or so) shown in different color
(Buildings with accessory apartments—this could be hard to get)
- Multifamily projects
- Public housing town-owned projects
- Affordable housing

4 Current Zoning

5 Proposed Land Use

- Boundaries of sewer service area
- Business zones
- Industrial zones
- High density residential (in sewer service areas)
- Low density residential (where septic systems are required)
- Forest Conservation areas (where conservation subdivisions are recommended)
- Farmland Conservation areas (where conservation subdivisions are recommended)
- Aquifer protection for well field
- Existing and Proposed hiking trails
- Proposed roads

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Acting chair

Barbara Putnam, chair, Planning and Zoning
Commission March 2006-2007

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Bruce Losee
Bob Petricone

Community Facilities

Barbara King
Bob Petricone
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Bill Dranginis
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