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**Town of Bethel**

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Town of Bethel, CT  
Friday, May 13, 2016

## Chapter 115. Wetlands and Watercourses

[HISTORY: Adopted by Town Meeting of the Town of Bethel 12-12-1991.<sup>[1]</sup> Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction — See Ch. 42.

Flood damage prevention — See Ch. 57.

Subdivision of land — See Ch. 95.

Zoning — See Ch. 118.

[1] *Editor's Note: These regulations also superseded former Ch. 115, Wetlands and Watercourses, adopted as follows: Art. I, adopted by Town Meeting 10-26-1973; Art. II, adopted by the Conservation Commission 5-18-1981.*

### § 115-1. Findings of fact; purpose.

#### A. Findings.

- (1) The inland wetlands and watercourses of the Town of Bethel are an indispensable and irreplaceable but fragile natural resource with which the citizens of the Town are 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.
- (2) Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had and will continue to have a significant adverse impact on the environment and ecology of the Town of Bethel 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 Town for its citizens now and forever more.
- (3) 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 Town.

B. Purpose. It is, therefore, the purpose of these regulations to protect the citizens of the Town 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, Town or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and

protecting the Town'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 Town 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 Town the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

## § 115-2. Title; implementation; enforcement.

- A. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Bethel."
- B. The Conservation Commission/Inland Wetlands Agency of the Town of Bethel was established in accordance with an ordinance adopted October 25, 1973, and in accordance with Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Bethel to protect the wetlands and watercourses within the territorial limits of the Town.
- C. Amendments.
  - (1) A public hearing shall be held to amend the regulations. Notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days; the first not more than 25 days nor less than 15 days and the last not less than two days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Bethel Town Clerk for public inspection at least 10 days before such hearing and may be published in full in such paper. Such regulations and inland wetland boundaries may be from time to time amended, changed or repealed by majority vote of the Conservation Commission/Inland Wetlands Agency. Such regulations or boundary or changes therein shall become effective at such time as is fixed by the Conservation Commission/Inland Wetlands Agency, provided that a copy of such regulations or boundary or changes shall be filed in the office of the Bethel Town Clerk and notice of such filing is published in a newspaper having a general circulation in the Town of Bethel.
  - (2) Amendments to regulations shall be promulgated in the manner provided in Subsection **C(1)** of this section.
- D. The Inland Wetland and Watercourses Regulations of the Town of Bethel were established in accordance with an ordinance adopted on October 26, 1973, and shall be implemented by the Conservation Commission/Inland Wetlands and Watercourses Agency.
- E. These regulations have been adopted and may be amended from time to time in accordance with the provisions of the Inland Wetlands and Watercourses Ordinance and the Connecticut General Statutes.
- F. The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Ordinance, and shall issue, issue with modifications and deny permits for all regulated activities on inland wetlands and watercourses in the Town of Bethel pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

## § 115-3. Powers and duties of Conservation Commission/Inland Wetlands Agency.

In exercising the authority granted herein, the Conservation Commission/Inland Wetlands Agency shall:

- A. Promulgate such regulations as are necessary to protect the wetlands and watercourses or any of them individually or collectively, and exercise all powers necessary to enforce rules and regulations and to carry out the purpose of the Act.
- B. Advise, consult and cooperate with agencies of the Town, state, federal government, other states and with persons and municipalities in furtherance of the purposes of this chapter. To this end, all applications for building permits, subdivision plans, permits and other activities which involve or may involve a regulated activity in a regulated area, as defined by Connecticut General Statutes Sections 22a-36 to 22a-45, inclusive, as amended, shall be subject to review by the Conservation/Inland Wetlands Agency.
- C. Encourage, participate in or conduct studies, investigations, research and demonstrations and collect and disseminate information related to the purpose of this chapter.
- D. Retain and employ consultants and assistants on a contract or other basis, subject to approval by the Board of Finance and/or Town Meeting, when necessary, for rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes as may be required from time to time, specifically including but not limited to soil scientists of the United States Soil Conservation Service for the purpose of making on-site interpretations, evaluations and findings as to soil types; and/or shall utilize the services of other Town officials and employees as it may deem appropriate.
- E. Inventory or index the wetlands and watercourses in such form, including pictorial representations, as the Conservation Commission/Inland Wetlands Agency deems best suited to effectuate the purpose of this chapter.

## § 115-4. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

### **ACT**

The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as may be amended.

### **AGENCY**

The Conservation Commission/Inland Wetlands Agency of the Town of Bethel.

### **BOGS**

Areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage and highly acidic conditions.

### **CLEAR-CUTTING**

The harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.

### **COMMISSIONER OF ENVIRONMENTAL PROTECTION**

The Commissioner of the State of Connecticut Department of Environmental Protection.

### **COMMISSION MEMBER**

A member of the Conservation Commission/Inland Wetlands and Watercourses Agency of the Town of Bethel.

### **CORE ACTIVITIES**

- A. Any activity involving the deposition 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 inland and watercourse system.

- B. Any activity involving removal of 100 cubic yards or more of material within a regulated area or any removal that will have a substantial effect on the regulated area or on another part of the inland wetland and watercourse system.
- C. Any activity which substantially changes the natural channel of a watercourse or the limits and/or form of an inland wetland.
- D. Any activity which diminishes substantially the natural capacity of a watercourse or an inland wetland to support desirable biological life, prevent flooding, supply water, facilitate drainage and provide recreation and open space.
- E. Any activity which would result in degrading a watercourse or the surface or ground water of an inland wetland, such degradation to be measured by the standards of the Water Compliance Division of the Department of Environmental Protection, where applicable.
- F. Any activity which may have a significant impact or major effect on an inland wetland or watercourse.

**DEPOSIT**

Includes but shall not be limited to fill, grade, dump, place, discharge or emit.

**DISCHARGE**

Emission of any water, substance or material into wetlands or watercourses, whether or not such substance causes pollution.

**DISTURBING THE NATURAL AND INDIGENOUS CHARACTER OF THE LAND**

The activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow or will result in the pollution of the wetland or watercourse.

**ESSENTIAL TO THE FARMING OPERATION**

The activity proposed is necessary and indispensable to sustain farming activities on an existing farm.

**FARMING**

Use of land for the growing of crops, raising of livestock or other agricultural use.

**INLAND WETLANDS AGENCY**

The Bethel Conservation Commission established pursuant to and acting under Section 7-131a of the Connecticut General Statutes, as amended, and as empowered by a certain ordinance of the Town of Bethel passed by a Special Town Meeting on October 26, 1973, and referred to in these regulations as the "Commission."

**INTERMITTENT WATERCOURSE**

Those watercourses which are characterized by nonpersistent flow. For purposes of these regulations, "intermittent watercourses" are delineated by two or more of the following characteristics:

[Amended 9-23-2002]

- A. A defined permanent channel with the evidence of scour or deposits of recent alluvium or detritus.
- B. The presence of standing or flowing water for a duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a component, however small, of groundwater outflow or exfiltration.
- C. The presence of or ability to support the growth of hydrophytic vegetation.

**LICENSE**

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 these regulations under the authority of the Conservation Commission/Inland Wetlands Agency.

**MARSHES**

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

**MATERIAL**

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**

The Town of Bethel, Fairfield County, Connecticut.

**NURSERIES**

Land used for propagating trees, shrubs or other plants for transplanting, sale or for use as stock for grafting.

**PERMIT**

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 Conservation Commission/Inland Wetlands Agency.

**PERMITTEE**

The person to whom such permit has been issued.

**PERSON**

Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

**POLLUTION**

Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town 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.

[1]

**REGULATED ACTIVITY**

Any operation within or use of a wetland or watercourse involving removal or deposition of material or any obstruction, construction, alteration or pollution, of such wetlands or watercourses or any operation within or use of land which may disturb the natural and indigenous character of a wetland or watercourse, but shall not include the specified activities in § 115-6 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of stormwater on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Commission may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses is a regulated activity.  
[Amended 9-23-2002]

**REGULATED AREA**

Any wetlands or watercourses as defined in these regulations.  
[Amended 9-23-2002]

**REMOVE**

Includes but shall not be limited to drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.

**RENDERING UNCLEAN OR IMPURE**

Any alteration of the physical, chemical or biological properties of any waters of the Town, including but not limited to change in odor, color, turbidity or taste.

**SIGNIFICANT ACTIVITY**

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:

- A. 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.
- B. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- C. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support 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.
- D. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- E. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.
- F. Any activity which causes or has the potential to cause pollution of a wetland or watercourse.
- G. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

**SOIL SCIENTIST**

An individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the United States Civil Service Commission).

**SUBMERGED LANDS**

Those lands which are inundated by water on a seasonal or more frequent basis.

**SWAMPS**

Areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs.

**TOWN**

The Town of Bethel, Fairfield County, in the State of Connecticut.

**UPLAND REVIEW AREA**

The area of land within 100 feet measured horizontally from the boundary of any wetland or watercourse.

[Added 9-23-2002]

**UPLANDS**

Any land not designated as "wetlands" or "watercourses" under the definitions of § 115-4 of these regulations.

[Added 9-23-2002]

**WASTE**

Sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

**WATERCOURSES**

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, springs 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 portion thereof not regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended, and which generally are shown for informational purposes only on a map on file in the Town Clerk's office entitled "Official Wetlands Map, adopted by the Inland Wetlands Commission on 6/11/1979, Bethel, CT." Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- A. Evidence of scour or deposits of recent alluvium or detritus;
- B. The presence of standing or flowing water for a duration longer than a particular storm incident; and
- C. The presence of hydrophytic vegetation.

**WETLANDS**

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 Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture (USDA), and in general shown for informational purposes only on a map on file in the office of the Town Clerk, entitled "Official Wetlands Map, Dated 6/11/79, Bethel, CT." In each instance, however, the actual character of the soil shall determine whether the land in question is a wetland as defined in these regulations and shall be determined in the field by a soil scientist. Such areas may include filled, graded or excavated sites which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

- [1] *Editor's Note: The definition for "prohibited activities," which immediately followed this definition, was repealed 1-27-2003.*

**§ 115-5. Inventory of regulated areas.**

- A. The map of regulated areas entitled "Official Inland Wetlands and Watercourses Map, Bethel, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or the Inland Wetlands Agency. 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 locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required or, where watercourse determinations are required, by any qualified individual(s).
- B. Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Commission to change the designation in accordance with § 115-29 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 § 115-27 of these regulations may be required of the property owner when the Commission requires an accurate delineation of regulated areas.
- C. The Conservation Commission/Inland Wetland Agency shall inventory and maintain current records of

all regulated areas within the Town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Such map amendments are subject to the public hearing process outlined in § 115-29 of these regulations.

## § 115-6. Permitted and nonregulated uses.

- A. The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation. The provisions of this subsection 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 or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
  - (2) A residential home:
    - (a) For which a building permit has been issued; or
    - (b) On a subdivision lot, provided that 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 of the General Statutes, or as of July 1, 1974, whichever is earlier, and further provided that 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.
  - (3) Boat anchorage or mooring, not to include dredging or dock construction.
  - (4) Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality, provided that in any Town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres, 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.
  - (5) 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-410 of the General Statutes.
- B. The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided that 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:
- (1) Conservation of soil, vegetation, water, fish, shellfish, 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.

- (2) Outdoor recreation, including the use of play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, waterskiing, trapping, hunting, fishing and shellfishing and cross-country skiing, where otherwise legally permitted and regulated.
- C. All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Commission in accordance with § 115-7 of these regulations.
  - D. To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse or increase water runoff shall, prior to commencement of such operation or use, notify the Commission on a form provided by it and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Commission shall rule that the proposed operation or use is or is not a permitted or a nonregulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received.

## § 115-7. Regulated activities.

- A. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission/Inland Wetlands Agency of the Town of Bethel.
- B. The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material or any obstruction, construction, alteration or pollution of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to § 115-6 of these regulations.
- C. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission or violating any other provision of these regulations shall be subject to the enforcement proceedings and penalties prescribed in § 115-28 of these regulations and any other remedies as provided by law.

## § 115-8. Application requirements.

- A. Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Town of Bethel Conservation Commission/Inland Wetlands and Watercourses Agency Application for Permit." An application shall include an application form and such information as prescribed by § 115-8C and, in the case of a significant activity, by § 115-9 of these regulations. Application forms may be obtained in the offices of the Conservation Commission/Inland Wetlands Agency.
- B. All applications shall contain such information as is necessary for a fair and informed determination of the issues.
- C. Application contents; fee.
  - (1) All applications shall include the following information in writing or on maps or drawings:
    - (a) The applicant's name, home and business addresses and telephone numbers.

- (b) The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application.
- (c) The applicant's interest in the land.
- (d) The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetlands or watercourses disturbance, soil type(s) and wetland vegetation.
- (e) The purpose and a description of the proposed activity and proposed erosion and sedimentation controls.
- (f) Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen.
- (g) A site plan showing existing and proposed conditions in relation to wetlands and watercourses drawn by a licensed professional engineer or surveyor.
- (h) Site plan. A map of the proposed use or effects of an intended activity, drawn by a licensed surveyor, professional engineer or professional architect, who must be registered in the State of Connecticut, and which is based upon a monumented Class A-2 survey. The map shall be drawn to a scale of not more than one inch to 50 feet, shall have a contour interval of two feet and shall show:
  - [1] Structures existing and proposed on the subject parcel and property lines.
  - [2] Areas of proposed changes in use or activity.
  - [3] Locations on or near the affected property of any wetlands and watercourses, bogs, marshes and swamps as defined in § 115-4.
  - [4] Locations of all boring and soil sample data presented by the applicant, documented by a soil scientist.
  - [5] Engineered drainage design (e.g., culverts, catch basins, drainage calculations, etc.).
  - [6] Proposed wells.
  - [7] Locations of all waste treatment facilities, existing and proposed.
  - [8] Areas where material may be deposited or removed.
  - [9] All construction within a watercourse (e.g., bulkheads, piers, etc.).
  - [10] Significant vegetation, including all trees over a six-inch caliper.
  - [11] Proposed grading, by two-foot contours, of any earth movement anticipated.
  - [12] Wetlands, flagged and delineated on the site plan by a certified soil scientist with signature of soil scientist annotated thereon.
  - [13] Runoff calculations showing a zero increase in the rate of flow from the undeveloped condition of the property site to the developed condition of the property site during construction and after completion of the project.
  - [14] Soil and erosion control measures and notes in accordance with the Soils Conservation Service Bulletin No. 55.

- (i) The names and addresses of adjacent property owners.
  - (j) A certification 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.
  - (k) Authorization for the commissioners and agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued.
  - (l) Any other information the Commission deems necessary to the understanding of what the applicant is proposing.
- (2) The appropriate filing fee based on the fee schedule established in § **115-33** of these regulations shall be submitted.

## § 115-9. Core or significant activity requirements.

If the proposed activity involves a core or a significant activity as determined by the Commission and defined in § **115-4** 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 use or operation and the property which will be affected 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 development drawn by a licensed surveyor, professional engineer or landscape architect registered 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 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 United States Soil Conservation Service (the Commission shall require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans and signed by a certified soil scientist).
- D. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions.
- E. 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 with each alternative and a description of why each alternative considered was deemed neither feasible nor prudent.
- F. Analysis of chemical or physical characteristics of any fill material to be deposited. If any materials are to be deposited at any point within the subject parcel, the applicant is required to describe the materials in terms of:
  - (1) Volume, in cubic yards.
  - (2) Nature of materials (e.g. sand, gravel, loam, rock, limited to clean fill as defined by industry standards).
- G. Measures which 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 or 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. Stream characteristics. If a proposed activity affects a watercourse lying within, partly within or flowing through the subject parcel or affects the water table, submission of anticipated changes in the following are required to be submitted:
- (1) Alkalinity/acidity level or pH.
  - (2) Turbidity or solids in parts per million.
  - (3) Bacteria count, in coliforms per milliliter.
  - (4) The rate of flow, if any, in cubic feet per second prior to construction.

## § 115-10. Certifications.

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. Sewer or water drainage from the project site will flow through and impact on the sewage or drainage system within the adjoining municipality.
- C. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

## § 115-11. Submission of copies.

Ten copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Commission.

## § 115-12. Extensions.

Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least 65 days prior to the expiration date for the permit in accordance with §§ 115-25 and 115-26 of these regulations. Any application for amendment, renewal or extension shall be made in accordance with these sections, provided that:

- A. The application may incorporate by reference the documentation and record of the original application.
- B. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit.
- C. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses on the property for which the permit was issued.
- D. The Commission may accept an untimely application to extend the expiration date of a 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 extended and the public interest or environment will be best served by not interrupting the activity; 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.
- E. The Commission shall evaluate the application pursuant to § 115-21 of these regulations and grant the

application as filed, grant it with any terms or limitations or deny it.

## § 115-13. Reporting form.

- A. A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of state wetlands. The reporting form shall be part of the application, and the following information shall be provided by the applicant:
- (1) The name of the applicant.
  - (2) The location and name of the project.
  - (3) Project and site description.
  - (4) The area of wetlands and/or linear feet of watercourse proposed to be altered.
- B. The Commission shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39-14 [22a-29(m)-1] of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.

## § 115-14. Application procedures.

- A. All applications shall be submitted to the Conservation Commission/Inland Wetlands Agency of the Town of Bethel.
- B. In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of Danbury, Brookfield, Redding or Newtown, the applicant shall give written notice, in accordance with Public Act 87-533, of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetlands agency on the same day of filing an inland wetland permit application with the Bethel Conservation Commission/Inland Wetlands Agency. Documentation of such notice shall be provided to the Conservation Commission/Inland Wetlands Agency in accordance with Section 22a-42c of the General Statutes.
- C. The Conservation Commission/Inland Wetlands Agency shall, in accordance with Connecticut General Statutes, Section 22a-42b (Public Act No. 87-307), notify the Clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- (1) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
  - (2) 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
  - (3) Water runoff from the improved site will impact on streets or other municipal or private property within the adjoining municipality.
- D. Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven days or the date of receipt of the application.
- E. If an activity submitted to the Conservation Commission/Inland Wetlands Agency also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the application shall be filed with the Town of Bethel Planning and Zoning Commission and/or Zoning Board of Appeals within 10 days of the date of the submittal to the

Conservation Commission/Inland Wetlands Agency.

## **§ 115-15. Notice of application.**

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 16-1 of the General Statutes, the applicant shall provide written notice of the application to the water company, provided that such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the Conservation Commission/Inland Wetlands Agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.

## **§ 115-16. Date of receipt.**

The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided that such meeting is no earlier than three business days after receipt or 35 days after such submission, whichever is sooner.

## **§ 115-17. Required additional information.**

At any time during the review period, the Commissioner may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application or the wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations of 65 days in taking action on an application pending the receipt of additional information.

## **§ 115-18. Public inspection.**

All applications shall be open for public inspection.

## **§ 115-19. Applications to be complete.**

Incomplete applications shall be denied.

## **§ 115-20. Public hearings.**

- A. A public hearing shall be held on all applications involving a core and/or significant activity. A public hearing may be held on applications which do not involve core and/or significant activities if the Commission determines it is in the public interest. A petition containing the names of 25 or more persons may be considered as adequate interest for the purpose of scheduling a public hearing. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.
- B. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than 15 days and not less than 10 days and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in the Town where the affected

wetland and watercourse is located.

- C. Notice of the public hearing shall be mailed to the owner(s) of record of property within 500 feet on which activity is proposed not more than 15 days nor less than 10 days prior to the day of the hearing.
- D. In the cases of any application which is subject to the notification provisions of § 115-14 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.

## § 115-21. Considerations for decision.

- A. The Commission shall consider the following in making its decision on an application:
  - (1) The application and its supporting documentation.
  - (2) Public comments, evidence and testimony.
  - (3) Reports, if any, from other agencies and commissions, including but not limited to the Town of Bethel.
  - (4) All relevant facts and circumstances, including but not limited to the following:
    - (a) The environmental impact of the proposed action.
    - (b) The alternatives to the proposed action.
    - (c) The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity.
    - (d) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity.
    - (e) The character and degree of injury to or interference with safety, health or the reasonable use of property which is caused or threatened.
- B. The Commission may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the Housatonic Valley Council of Elected Officials and agencies in adjacent municipalities which may be affected by the proposed activity.
- C. Nonreceipt of comments from agencies and commissions listed above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

## § 115-22. Standards and criteria for decision.

The Commission shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

- A. The environmental impact of the proposed action, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities and to promote public health and safety.
- B. The alternatives to the proposed action, including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include but is

not limited to the alternative of requiring actions of different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.

- C. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.
- D. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource and that these areas may be irreversibly destroyed by deposition, filling and removal of material, by the diversion, diminution or obstruction of water flow, including low flows, and by the erection of structures and other uses.
- E. The character and degree of injury to or interference with safety, health or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community.
- F. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the Town and the use of its land with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn.
- G. Measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetlands' or watercourse's natural capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space and to promote public health and safety.

## **§ 115-23. Decision based on lack of alternative.**

In the case of any application which received a public hearing, a permit shall not be issued unless the Commission finds that the proposed alteration or destruction of wetlands or watercourses is unavoidable and that a feasible and prudent alternative to the alteration or destruction of wetlands or watercourses does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in § 115-21 of these regulations. This finding and the reasons therefor shall be stated in the record of the decision by the Commission.

## **§ 115-24. Decision based on public record.**

In reaching its decision on any application after a public hearing, the Commission 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 Commission in its decision. However, the Commission is not precluded from seeking advice from its own experts on information already in the record of the public hearing.

## **§ 115-25. Decision procedures; permit.**



- A. The Commission may grant the application as filed, grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act or deny it.
- B. No later than 65 days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within 45 days of its commencement. Action shall be taken on applications within 35 days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within 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 for the holding of the hearing and for action on such application, provided that the total extension of any such period shall not be for longer than the original period as specified in this subsection or may withdraw such application. The failure of the Conservation Commission/Inland Wetlands Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the agency must be either withdrawn by the applicant or denied by the Commission.
- C. The Commission shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- D. The Commission shall notify the applicant and any named parties to the proceeding of its decision within 15 days of the date of the decision by certified mail, return receipt requested, and the agency shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the Town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide the publication of such notice within 10 days thereafter.
- E. If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Bethel Planning and Zoning Commission and/or Zoning Board of Appeals, as the case may be, within 15 days of the date of the decision.
- F. If the Commission denies the permit or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Commission's satisfaction. The Commission shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Commission shall be equivalent to the denial of an application for the purposes of appeal.
- G. If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- H. Unless it is renewed by the Commission, the permit shall expire if the activity authorized therein is not initiated within one year from the date the permit was issued. Permit renewal and extensions shall be at the discretion of the Commission and may be subject to the calling of an additional public hearing. All permits shall expire upon the completion of the acts specified therein.
- I. The original Mylar subdivision plan and site plans shall be signed by the Chairman of the Conservation Commission.
- J. No permit shall be assigned or transferred without the written permission of the Commission.
- K. If a bond or insurance is required in accordance with § 115-27 of these regulations, no permit shall be issued until such bond or insurance is provided.

## § 115-26. Issuance of permits.

General provisions in the issuance of all permits are as follows:

- A. In evaluating applications in which the Commission relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
- B. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Bethel 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 property or activity.
- C. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
- D. The permittee shall take such necessary steps consistent with the terms and conditions of the permit to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

### **§ 115-27. Bonds; insurance.**

- A. Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission.
- B. 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.
- C. The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two years of completion of such operations, in an amount commensurate with the regulated activity.

### **§ 115-28. Enforcement; inspections.**

- A. The Chairman may appoint an agent or agents to act on his/her behalf as Enforcement Officer with the authority to inspect an applicant's property, except a private residence, and issue notices of violation or cease-and-desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- B. As a condition of an application or permit, the Chairman or his/her agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been applied for and/or issued under these regulations.
- C. If the Chairman becomes aware that any person is maintaining any facility or condition which can be expected to impair, alter or destroy the wetlands and watercourses of the Town or which is creating or reasonably can be expected to create a source of pollution to the wetlands and watercourses of the Town, the Chairman or designated agent may:
  - (1) Issue a written cease-and-desist 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. If an emergency situation is present, the order shall be hand-delivered by an authorized agent. Within 10 calendar days of the issuance of such order, the Commission 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 Commission shall consider the

facts presented at the hearing and within 10 days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended.

- (2) Suspend or revoke a permit if it is found 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 Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. However, if the Chairman finds the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in the order, the Chairman may order summary suspension of a permit pending proceedings for the revocation or other action. The permittee shall be notified of the Commission's decision to suspend, revoke or maintain a permit by personal service or certified mail within 15 days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
- (3) 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 Commission and prescribing the necessary action and steps to correct the violation, including, without limitation, halting work in wetlands or watercourses. The Commission shall request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection C(1) or other enforcement proceedings as provided by law.

## § 115-29. Amendments.

- A. These regulations and the Inland Wetlands and Watercourses Map for the Town of Bethel may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection or as new information regarding soils and inland wetlands and watercourses becomes available.
- B. An application filed with the Conservation Commission/Inland Wetlands Agency which is in conformance with the applicable inland wetlands regulations as of the date of the decision of the Commission with respect to such application shall not be required thereafter to comply with any change in inland wetland regulations or boundaries, including changes to setbacks and buffers, taking effect on or after the date of such decision, and any appeal from the decision of such Commission 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 decision. The provisions of this section shall not be construed to apply:
  - (1) To the establishment, amendment or change of boundaries of inland wetlands or watercourse; or
  - (2) To any change in regulations necessary to make such regulations consistent with the provisions of Chapter 440 of the General Statutes as of the date of such decision.
- C. These regulations and the Town of Bethel Inland Wetlands and Watercourses Map shall be amended

in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments pursuant to Subsection D of this section, at least 35 days before the public hearing on their adoption. Application forms and fee schedules shall be adopted and considered as part of the Commission regulations or as otherwise provided by municipal ordinance.

- D. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Bethel, Connecticut" shall contain at least the following information:
- (1) The applicant's name, address and telephone number.
  - (2) The owner's name (if not the applicant), address, telephone number and a written consent to the proposed action set forth in the application.
  - (3) The applicant's interest in the land.
  - (4) The geographic location of the property involved in the petition, including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas.
  - (5) The reasons for the requested action.
  - (6) The names and addresses of adjacent property owners.
  - (7) A map showing proposed development of the property.
- E. The Conservation Commission/Inland Wetland Agency may require the petitioner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative soils survey as poorly drained, very poorly drained, alluvial or floodplain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.
- F. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- G. A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than 25 days nor less than 15 days and the last not less than two days before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least 10 days before such hearing.
- H. Within 90 days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The Commission shall act upon the changes requested in such petition within 60 days after the close of the hearing. The public hearing shall be concluded within 45 days. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided that the total extension of any such period shall not be for longer than the original period as specified in this section or may withdraw such petition. The failure of the Conservation Commission/Inland Wetlands Agency to act within any time period specified in this section or any extension thereof, shall not be deemed to constitute approval of the petition.
- I. The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

## § 115-30. Appeals.

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

### § 115-31. Conflict; severability.

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 which can be given effect without such valid part or parts.

### § 115-32. Other permits.

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 Bethel, State of Connecticut and the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the United States Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

### § 115-33. Application fees.

- A. Method of payment. Application fees required by these regulations shall be submitted to the Commission by certified check or money order payable to the Town of Bethel at the time the application is filed with the Commission.
- B. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to § 115-33G of these regulations.
- C. The application fee is not refundable.
- D. Definitions. As used in this section, the following terms shall have the meanings indicated:

#### **COMMERCIAL USES**

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**

Activities other than residential uses or commercial uses.

#### **RESIDENTIAL USES**

Activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

- E. Fee schedule.
  - (1) Application fees shall be based on the following schedule:
    - (a) Permitted and unregulated uses (§ 115-6A and B of these regulations):

[1] Permitted uses as of right: no charge.

- [2] Nonregulated uses: \$50.
- (b) Regulated uses/noncore activities (§ 115-7): \$100, plus the cost of legal notices.
- (c) Regulated uses/core activities (§ 115-9):
  - [1] Residential uses on a single lot: \$100, plus fee from Schedule A.<sup>[1]</sup>
    - [1] *Editor's Note: Schedule A is included at the end of Subsection E(1).*
  - [2] Commercial uses: \$200, plus fee from Schedule A.<sup>[2]</sup>
    - [2] *Editor's Note: Schedule A is included at the end of Subsection E(1).*
  - [3] Subdivision (one lot): \$100, plus:
    - [a] Twenty-five dollars for each proposed additional subdivision lot, whether or not such lots contain wetlands or watercourses.
    - [b] Ninety-five dollars for each lot on which a regulated activity is proposed.
    - [c] The fee from Schedule A.<sup>[3]</sup>
      - [3] *Editor's Note: Schedule A is included at the end of Subsection E(1).*
- (d) Significant activity fee (§ 115-9): \$300, plus fee from Schedule A.<sup>[4]</sup>
  - [4] *Editor's Note: Schedule A is included at the end of Subsection E(1).*
- (e) Map amendment petitions (§ 115-29): \$100, plus fee from Schedule B.<sup>[5]</sup>
  - [5] *Editor's Note: Schedule B is included at the end of Subsection E(1).*
- (f) Modification of previous approval (§ 115-12): \$50. There shall be no fee for correcting typographical or other errors.

**Schedule A**

<b>Regulated Area (square feet)</b>	<b>Fee (per 1,000 square feet regulated area)</b>
Less than 2,500	\$18.00
2,500 to 50,000	\$36.00 plus \$12.00 per 1,000 square feet
More than 50,000	\$600.00 plus \$6.00 per 1,000 square feet

NOTE: For the purposes of calculating the permit application fee, the regulated area in Schedule A is the total area of wetlands upon which a regulated activity is proposed.

**Schedule B**

<b>Regulated Area (linear feet)</b>	<b>Fee (per 100 square feet regulated area)</b>
Less than 500	\$10.00
500 to 1,000	20.00
More than 1,000	30.00

NOTE: For the purpose of calculating the map amendment petition fee, the regulated area in Schedule B is the total length of wetlands and watercourses boundary subject to the proposed boundary change.

- (2) All above fees are in addition to payment of the legal notice costs.

- F. Exemption. Boards, commissions, councils and departments of the Town of Bethel are exempt from all fee requirements.
- G. Waiver.
  - (1) The applicant may petition the Commission 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 Commission should consider in its determination under this subsection. The Commission may waive all or part of the application fee if the Commission 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.
  - (2) The Commission shall state upon its record the basis for all actions under this subsection.
- H. The Commission may impose on an applicant special project review fees where additional technical assistance is required to evaluate an application submitted in accordance with these regulations. The need for such technical assistance will be based on a finding that the nature and intensity of the development may have one or more of the significant activities as defined in § 115-4 of the Inland Wetlands and Watercourse Ordinance of the Town of Bethel.  
[Added 5-20-2002]
  - (1) Before a special project review fee is imposed, it shall be determined that the Commission’s staff will not be able to complete a technical review of the application in a timely fashion or that the project is of such a nature as to require expertise not available from the staff. The Inland Wetlands Officer shall make the determination of the need for such technical assistance to be provided by non-Town personnel following a review of the application with other Town staff. The Inland Wetlands Officer shall estimate the cost of such services based upon information received from qualified technical experts. The applicant shall deposit 150% of the estimated cost of services with the Commission or its designated agent before review of the application by the Commission or the public hearing, if such hearing is necessary.
  - (2) Upon completion of the technical review and final action by the Commission of the application, the Commission shall determine the costs incurred for the review and refund excess funds to the applicant. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

## § 115-34. Records retention and disposition.

- A. The Commission and the Town Clerk for the Town of Bethel shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth in § 115-34B.
- B. The public records administrator of the Connecticut State Library established the following new record retention/disposition schedules for municipal Conservation Commissions/Inland Wetlands Agencies effective April 24, 1989:

Record Title	Minimum Retention Required	
	In Agency	Town Clerk
Applications (including supporting materials)	10 years	—
Decision letters	10 years	Permanent

<b>Record Title</b>	<b>Minimum Retention Required</b>	
	<b>In Agency</b>	<b>Town Clerk</b>
Approved site plans	10 years	—
Legal notices	10 years	Permanent
Staff and public written testimony (hearing records)	10 years	—
Minutes of meeting and public hearings	15 years	Permanent
Tapes, audio-inland wetland matters	4 years	—
Notices of violation orders	10 years	—
Text of changes adopted in regulations	Continuous update/permanent	—
General correspondence issued or received	5 years	—

### § 115-35. When effective.

These regulations, including the Inland Wetlands and Watercourses Map, application forms, fee schedule and amendments thereto, shall become effective upon filing in the office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Bethel.



*Town of Bethel, CT  
Friday, May 13, 2016*

## Chapter 116. Aquifer Protection

[HISTORY: Adopted by the Town of Bethel as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Wetlands — See Ch. 115.

## Article I. Aquifer Protection Agency

[Adopted by the Board of Selectman 4-20-2004]

### § 116-1. Purpose.

There is hereby established an Aquifer Protection Agency pursuant to Connecticut General Statute § 22a-354o for the purpose of regulating the use of and protecting the Town of Bethel's aquifer areas.

### § 116-2. Designation of Commission.

In accordance with the provisions of § 22a-354 et seq. of the Connecticut General Statutes, the Inland Wetlands Commission is hereby designated as the Aquifer Protection Agency (hereinafter "APA") of the Town of Bethel.

### § 116-3. Members.

- A. Permanent members. Members of the Inland Wetlands Commission shall serve coexisting terms on the APA. The membership requirements of the APA shall be the same as those of the Inland Wetlands Commission, including but not limited to the number of members, terms, method of selection and removal, and filling vacancies.
- B. Staff. The staff of Bethel's Land Use Office and the Town Engineer shall serve as the staff of the APA.
- C. Required technical training. At least one member of the APA or staff of the APA shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to § 22a-354v of the Connecticut General Statutes.

### § 116-4. Adoption of regulations.

The APA shall adopt regulations in accordance with § 22a-354p of the Connecticut General Statutes to implement this chapter.

### § 116-5. Composition of regulations.

The regulations to be promulgated by the APA shall provide for the following:

- A. The manner in which boundaries of aquifer protection areas shall be established, amended or changed.
- B. Procedures for the regulation of activity within the area.
- C. The form for an application to conduct regulated activities within the area.
- D. Criteria and procedures for the review of applications.
- E. Administration and enforcement.

## Article II. Aquifer Protection Areas

[Adopted by the Inland Wetlands Agency 12-12-2011]

### § 116-6. Title and Authority.

- A. Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §§ 22a-354a to 22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the Town of Bethel by making provisions for:
  - (1) Implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §§ 22a-354a to 22a-354bb (“the Act”);
  - (2) Delineating aquifer protection areas on the Town of Bethel Zoning Map; 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
  - (3) Administering and enforcing these regulations.
- B. These regulations shall be known as the Aquifer Protection Area Regulations (the “APA Regulations”) of the Town of Bethel.
- C. These regulations were adopted and may be amended, from time to time, in accordance with the provisions of § 22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §§ 22a-354a to 22a-354bb and the Regulations of Connecticut State Agencies §§ 22a-354i-1 through 22a-354i-10.
- D. The Inland Wetlands Commission of the Town of Bethel 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 April 20, 2004,<sup>[1]</sup> and shall implement the purposes and provisions of the APA Ordinance and the Act.
 

[1] *Editor’s Note: See Art. I, Aquifer Protection Agency, in this chapter.*
- 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 Bethel pursuant to the Act.

## § 116-7. Definitions.

As used in this article, the following definitions apply:

### **AFFECTED WATER COMPANY**

"Affected water company" as defined in § 22a-354h of the Connecticut General Statutes.

### **AGENCY**

The board or commission authorized by the municipality under § 22a-354o of the Connecticut General Statutes.

### **AGRICULTURE**

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

### **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 or a permit under § 116-14 of the APA 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 or an application for a permit under § 116-14 of the APA Regulations.

### **AQUIFER PROTECTION AREA**

"Aquifer protection area" as defined in § 22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to § 22a-354i-4 of the Regulations of Connecticut State Agencies.

### **AREA OF CONTRIBUTION**

"Area of contribution" as defined in § 22a-354h of the Connecticut General Statutes and as mapped in accordance with § 22a-354b-1 of the Regulations of Connecticut State Agencies.

### **BULK STORAGE FACILITY**

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

### **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**

The Commissioner of Environmental Protection, or his or her agent.

### **DE-ICING CHEMICAL**

Sodium chloride, calcium chloride, or calcium magnesium acetate.

### **DOMESTIC SEWAGE**

"Domestic sewage" as defined in § 22a-430-3(a) of the Regulations of Connecticut State Agencies.

**FACILITY**

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

**FLOOR DRAIN**

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

**HAZARDOUS MATERIAL**

- 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 one-percent hazardous substances based on volume;
- B. Any hazardous waste as defined in § 22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- C. Any pesticide as defined in § 22a-47 of the Connecticut General Statutes; or
- D. Any oil or petroleum as defined in § 22a-448 of the Connecticut General Statutes.

**HAZARDOUS WASTE**

"Hazardous waste" as defined in § 22a-449(c)-101 of the Regulations of Connecticut State Agencies.

**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 that 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 (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB).

**LEVEL A MAPPING**

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 one-percent chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals.

**MUNICIPALITY**

"Municipality" as defined in § 22a-354h of the Connecticut General Statutes.

**OWNER**

The owner or lessee of the facility in question.

**PERSON**

Any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability

company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind.

**POLLUTION**

"Pollution" as defined in § 22a-423 of the Connecticut General Statutes.

**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**

"Publicly owned treatment works" as defined in § 22a-430-3 of the Regulations of Connecticut State Agencies.

**PUBLIC SERVICE COMPANY**

"Public service company" as defined in § 16-1 of the Connecticut General Statutes.

**PUBLIC SUPPLY WELL**

"Public supply well" as defined in § 19-13-B51b of the Regulations of Connecticut State Agencies.

**RECHARGE AREA**

"Recharge area" as defined in § 22a-354h of the Connecticut General Statutes and as mapped in accordance with § 22a-354b-1 of the Regulations of Connecticut State Agencies.

**REGISTERED REGULATED ACTIVITY**

A regulated activity which has been registered under § 22a-354i-7 of the Regulations of Connecticut State Agencies or § 116-13 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 an existing regulated activity under § 22a-354i-7 of the Regulations of Connecticut State Agencies or § 116-9 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 § 116-9 of the APA Regulations:

- A. Underground storage or transmission of oil or petroleum, to the extent such activity is not preempted by federal law, or hazardous material, except for:
  - (1) An underground storage tank that contains No. 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
  - (2) 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 groundwater 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:
  - (1) A pump and treat system for groundwater remediation;
  - (2) A potable water treatment system;
  - (3) Heat pump system;
  - (4) Noncontact cooling water system;
  - (5) Swimming pools;
- G. Car or truck washing, unless all wastewaters from such activity are lawfully disposed of through a connection to a publicly owned treatment works;
- H. Production or refining of chemicals, including, without limitation, hazardous materials or asphalt;
- I. Clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials, including, without limitation, dry-cleaning solvents;
- J. Industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all wastewaters 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:
  - (1) Generation of electrical power by an emergency engine as defined by § 22a-174-22(a)(2) of the Regulations of Connecticut State Agencies; or
  - (2) 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 wastewaters 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 wastewaters 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 wastewaters 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 wastewaters 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:
  - (1) Metal cleaning or degreasing with industrial solvents;
  - (2) Metal plating; or
  - (3) 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, antifreeze or spent lead-acid batteries which are subject to a general permit issued by the Commissioner under §§ 22a-208i 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 weathertight, waterproof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas;
- Y. Accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §§ 22a-207b,<sup>[1]</sup> 22a-208a, and 22a-208c of the Connecticut General Statutes, except for a potable water treatment sludge disposal area;
- Z. Dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials;
- AA. Production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material; and
- BB. Pulp production processes that involve bleaching.

**RELEASE**

"Release" as defined in § 22a-133k-1 of the Regulations of Connecticut State Agencies.

**STATE AQUIFER PROTECTION REGULATIONS**

Sections 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 nonearthen materials, including, without limitation, concrete, steel, fiberglass or plastic.

**TOPOGRAPHIC FEATURE**

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

Survey.

### **UNDERGROUND**

When referring to a storage tank or storage tank component, that 10% 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.

### **VEHICLE OR VEHICLES**

A "vessel" as defined by § 15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any nonmuscular power, including, without limitation, an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile.

### **WATERS**

"Waters" as defined in § 22a-423 of the Connecticut General Statutes.

### **WELL FIELD**

"Well field" as defined in § 22a-354h of the Connecticut General Statutes.

### **ZONING DISTRICT MAP**

Any map showing zoning districts prepared in accordance with maps adopted pursuant to § 8-3 of the Connecticut General Statutes.

[1] *Editor's Note: Section 22a-207b of the Connecticut General Statutes was repealed 2006, P.A. 06-76, § 31.*

## **§ 116-8. Delineation of aquifer protection area boundaries.**

- A. The Planning and Zoning Commission shall delineate the aquifer protection areas on the Town of Bethel Zoning Map. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
- (1) Such boundaries shall be delineated within 120 days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of Bethel.
  - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
    - (a) A map or detailed description of the subject aquifer protection area; and
    - (b) The name, telephone number, and address of a representative of the Agency who may be reached for further information.
- B. In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to § 22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved Level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
- (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
    - (a) A map to scale delineating:
      - [1] The aquifer protection area boundary mapped under § 116-8A of the APA Regulations;
      - and



- [2] The proposed extension of the aquifer protection area boundary;
- (b) A certification by the Chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:
  - [1] 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 30 days after said notification, submit to the Agency written comments on such proposed boundary extension;
  - [2] 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 (two feet by two feet) and
  - (c) A summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.
- (2) Not later than 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 Bethel Town Clerk or the Planning & Zoning Department.
- E. If the Level A mapping is amended in accordance with § 22a-354b-1(i) or (j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Subsection **A** or **B** of this section.

## § 116-9. 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 § **116-17** 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 § **116-14** 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 that:
  - (a) 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
  - (b) Any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Environmental Protection and in accordance with the provisions of § 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 2.5 gallons of each type of hazardous material on site at any one time, provided that the total of all hazardous materials on site does not exceed 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 that 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 wastewaters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works; and
    - (e) Such activity does not involve:
      - [1] Repair or maintenance of internal combustion engines, including, without limitation, vehicles, or equipment associated with such vehicles;
      - [2] Underground storage of any hazardous material; or
      - [3] Aboveground storage of more than 110 gallons of hazardous materials;
  - (5) Any activity solely involving the use of lubricating oil, provided that 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:

- [1] Repair or maintenance of internal combustion engines, including, without limitation, vehicles, or equipment associated with such vehicles;
  - [2] Underground storage of any hazardous material; or
  - [3] Aboveground storage of more than 110 gallons of such lubricating oil and associated hazardous waste; and
- (6) Any activity involving the dispensing of oil or petroleum from an aboveground storage tank or tanks with an aggregate volume of 2,000 gallons or less, provided that 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 aboveground storage tank(s) is a double-walled tank with overfill alarms; and
  - (c) All associated piping is either above the ground or has secondary containment.
- D. Determination of a nonregulated activity.
- (1) Any person proposing to carry out a nonregulated activity, as set forth in § 116-9C of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a nonregulated activity within the aquifer protection area.
  - (2) If such activity is determined to be a nonregulated activity, then no further action under the APA Regulations is necessary.

## § 116-10. Activities regulated by 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 Connecticut General Statutes § 22a-354p(g).

## § 116-11. Application for 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 60 days of the agency receipt of copy of the application.

## § 116-12. 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 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 §§ **116-13** and **116-14** 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 § **116-13** or **116-14** 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 property 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.

## § 116-13. Registration requirements.

- A. Any person engaged in a regulated activity which substantially commenced, or was in active operation, within the past five years, or with respect to which a municipal building permit was issued, either 1) before the effective date of the state aquifer protection regulations, or 2) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, or for any municipally owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated activity within the ten-year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map shall register the activity in accordance with this section unless such person has pending an application for an exemption pursuant to § 22a-354i-6 of the Regulations of Connecticut State Agencies.
  - (1) The Commissioner shall process registrations for those regulated activities specified in § 22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.

- (2) If the regulated activity is not specified in § 22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than 180 days after adoption of regulations pursuant to § 22a-354p of the Connecticut General Statutes or the designation the aquifer protection area pursuant to § 22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Any municipally owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration within the ten-year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map. Any person submitting a registration pursuant to the requirements of this subsection shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.
- B. All registrations shall be provided on a form prescribed by the Agency<sup>[1]</sup> and shall be accompanied by the correct registration fee in accordance with § 116-23 of the APA Regulations. Such registration forms may be obtained from the Planning and Zoning Department of the Town of Bethel. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
    - (a) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation;
    - (b) Owner of such facility if different than the registrant; and
    - (c) Manager or operator overseeing the operations of such facility;
  - (2) The location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
  - (3) An identification of the regulated activity or activities conducted at the facility, as described in § 116-7, definition of "regulated activity," 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 § 116-17A 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."
- [1] *Editor's Note: Said registration form is on file in the Town Offices.*
- 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 stormwater management plan prepared in accordance with § 116-17B of the APA Regulations. If so required, the stormwater 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 § 116-17A 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 180 days after the date the registration is received by the Agency.
  - F. The following general provisions shall be included in the issuance of all registrations:
    - (1) The Agency has relied in whole or in part on information provided by the registrant, and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
    - (2) All registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
    - (3) A complete registration shall expire five 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-year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five years of the date the registration expires, the facility is no longer eligible for registration.
  - G. If a regulated activity which is eligible for registration in accordance with Subsection A of this section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or Municipal Aquifer Protection Agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Subsection F(5) of this section.
  - H. Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

## § 116-14. 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 § 116-13 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 65 days after the completion of a public hearing or in the absence of a public hearing within 65 days from the date of receipt of the application. The

applicant may consent to one or more extensions of either of these time frames, provided that the total extension of all such periods is 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 § **116-23** of the APA Regulations. Such permit application forms may be obtained from the Planning and Zoning Department. 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 § **116-13B** 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 § **116-17A** 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 § **116-17A** of the APA Regulations;
  - (4) A stormwater management plan in accordance with § **116-17B** 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 \$5,000 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 groundwater 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 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 § **116-15** 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 § **116-17A(3)** of the APA Regulations;
  - (3) The materials management plan and stormwater management plan have been satisfactorily prepared in accordance with § **116-17A** and **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 § **116-17** of the APA Regulations;
  - (7) The existing regulated activity is being conducted in accordance with § **116-17** 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 groundwater, including, but not limited to, the following:
  - (1) Best management practices in addition to those set forth in § **116-17** of the APA Regulations; and
  - (2) Groundwater 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 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 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.

## § 116-15. Public hearings regarding permit application.

- 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 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 days, the first not more than 15 days and not fewer than 10 days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each city/town where the affected aquifer, or any part thereof, is located.
- C. The Agency shall send to any affected water company, at least 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 35 days of its commencement.
- G. The applicant may consent to an extension of the time frames in Subsection **A** or **F** of this section, provided that the total extension of all such periods, including any extensions provided in § 116-14C totals 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 § 116-14K of the APA Regulations.

## § 116-16. 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.

## § 116-17. Best management practices; stormwater management plan.

- A. Every regulated activity shall be conducted in accordance with the following:
  - (1) Hazardous materials may be stored above the 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 stormwater entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in § 116-7 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 stormwater run-on and groundwater 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 subsection are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;<sup>[1]</sup>
      - [1] *Editor's Note: See 42 U.S.C. § 6901 et seq.*
  - (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 twenty-five-percent increase in volume of the larger replacement tank, and b) the larger replacement tank is a double-walled tank with coaxial 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 wastewaters 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:
    - [1] 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;
    - [2] 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 wastewaters generated, and a description of how such wastes are handled, stored and disposed;
    - [3] 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;
    - [4] A recordkeeping 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 recordkeeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the Municipal Aquifer Protection Agency; and
    - [5] 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 § 116-13C or 116-14D of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
  - (c) The materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the Municipal Aquifer Protection Agency.

- B. The development and implementation of a stormwater management plan required for regulated activities in accordance with §§ **116-13C** and **116-14D** of the APA Regulations shall be as follows: A stormwater management plan shall assure that stormwater runoff generated by the subject regulated activity:
- (1) Is managed in a manner so as to prevent pollution of groundwater; and
  - (2) Shall comply with all of the requirements for the general permit for the discharge of stormwater associated with a commercial activity issued pursuant to § 22a-43ob of the Connecticut General Statutes.

## § 116-18. 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 Bethel, State of Connecticut and the government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- B. No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the Town of Bethel zoning or subdivision regulations.<sup>[1]</sup>
- [1] *Editor's Note: See Ch. 95, Subdivision of Land, and Ch. A121, Zoning.*

## § 116-19. 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 **B(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 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 10 days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.

- (3) Suspend or revoke registration or permit.
- (a) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
- (b) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within 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 Bethel.
- 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.

## § 116-20. Amendments.

- A. This article 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.

## § 116-21. Appeals.

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

## § 116-22. Conflict with other regulations; severability.

- 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.

## § 116-23. Registration and permit application fees.

- A. All fees required by these regulations shall be submitted to the Agency by check or money order payable to the Town of Bethel 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 the following schedule:

	<b>Fee Schedule</b>		
	<b>Small (&lt; 1 acre)</b>	<b>Facility Size Medium (1 to 5 acres)</b>	<b>Large (&gt; 5 acres)</b>
<b>Registrations:</b>			
Industrial	\$250	\$400	\$600
Commercial	\$250	\$400	\$600
Other	\$250	\$400	\$600
<b>Permits:</b>			
Industrial	\$500	\$800	\$1,000
Commercial	\$500	\$800	\$1,000
Other	\$500	\$800	\$1,000
Materials management plan reviews	\$150	\$150	\$150
Stormwater management plan reviews	\$150	\$150	\$150
Public hearing	\$400	\$400	\$400
Facility inspection/monitoring	\$150	\$150	\$150
Regulation petition	\$250	\$250	\$250
Transfer fee	\$100	\$100	\$100

- E. Boards, commissions, councils and departments of the Town of Bethel are exempt from all fee requirements, with the exception of the public hearing fee.
- F. The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:
  - (1) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
  - (2) The amount of the registration or permit application fee is clearly excessive in relation to the cost to the city/town for reviewing and processing the application.

- G. Extra assessments.
- (1) 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 150% of the estimated costs of any consulting review fees to cover said 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.
  - (2) For the purpose of this assessment, an "outside consultant" means a professional who is not an employee of the Town of Bethel, 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.

## § 116-24. When effective.

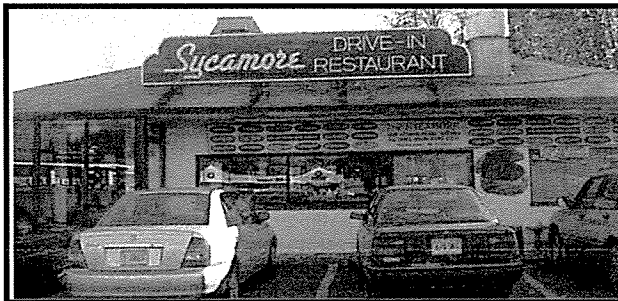
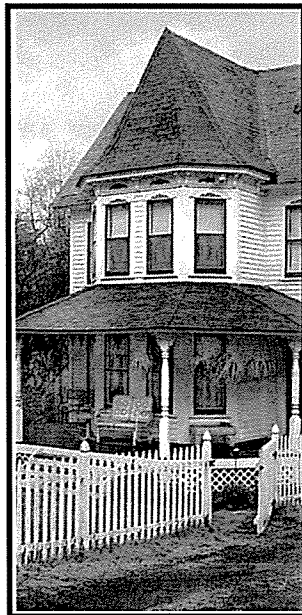
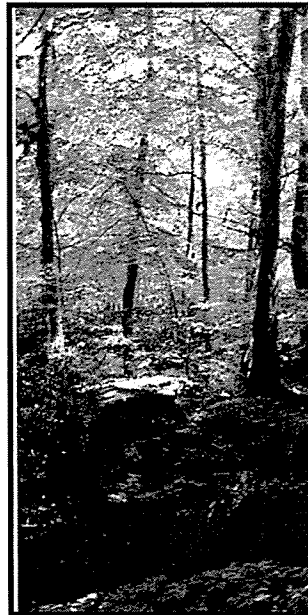
The APA Regulations, APA boundaries and amendments thereto shall become effective upon:

- A. The Commissioner's determination that such regulations are reasonably related to the purpose of groundwater protection and not inconsistent with the Regulations of Connecticut State Agencies §§ 22a-354i-1 through § 22a-354i-10; and
- B. Filing in the office of the City/Town Clerk.





# TOWN OF BETHEL ZONING REGULATIONS



**Planning & Zoning Commission**

Amendments: Effective February 15, 2014

# PREAMBLE

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## PHILOSOPHY

These Zoning Regulations are intended to guide land use activities in Bethel in ways that will:

- protect the public health, safety, and welfare,
- maintain and enhance community character, and
- improve the economic value of property and general welfare of residents.

It is recognized that the appearance of property has a direct bearing on the economic value of that property and also the economic value of adjacent and surrounding properties. The appearance of a single property also has a cumulative effect which can enhance or diminish the beauty of the entire Town, and consequently the values of property elsewhere within the Town.

## ORGANIZATION

This set of Regulations has been organized around four main thematic elements. Understanding this organization will help the user quickly locate the regulatory provisions they seek.

<b>Theme</b>	<b>Articles</b>	<b>Description</b>
<b>Regulatory Basics</b>	Introduction Definitions	Background information and how the regulations will be used and interpreted
<b>Zones and Uses</b>	Residential Zones Business / Industry Zones Special Zones	Information about the various zoning districts and the standards that apply within them
<b>Standards</b>	Basic Standards Special Provisions	Requirements for landscaping, signage, parking, and other activities
<b>Administration</b>	Procedures Administration	How applications will be processed and the regulations will be administered

## PHILOSOPHY

These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in Bethel in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.

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# **ARTICLE 1 - INTRODUCTION**

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## **SECTION 1.1. AUTHORITY**

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

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## **SECTION 1.2. PURPOSES**

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These Regulations are adopted for the purposes of:

1. Guiding the future growth and development of Bethel in accordance with the Plan of Conservation and Development.
2. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population.
3. Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout Bethel.
4. Bringing about the gradual conformity of the uses of land and buildings to the comprehensive zoning plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.
5. Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.
6. Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.
7. Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of Bethel and its larger environs.
8. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.
9. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.
10. Encouraging and promoting agriculture and farming activities.

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## **SECTION 1.3. ZONING DISTRICTS**

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### **A. Districts and Boundaries**

1. To accomplish the purposes of these Regulations, the town of Bethel is divided into different zoning districts as listed in these Regulations.
2. The boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended, which is on file in the office of the Town Clerk. A copy of said map shall be on display in the Planning and Zoning Office during normal office hours.
3. The Zoning Map, including any amendments, is hereby made a part of these regulations.
4. Land lying under any lake, pond or stream or in a swamp shall be restricted by the zoning for the zone in which it lies.

### **B. Boundary Interpretation**

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

1. Following the center line of a street or railroad.
2. Following property lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.
3. Where zone boundaries are set back from street lines, they shall be considered running generally parallel thereto, at distances shown on the map.
4. Following the center line of a right-of-way or easement.
5. Following the lines of a particular geo-physical feature including brooks, streams, floodplains, or steep slopes.
6. In case of any remaining uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Commission.

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## **SECTION 1.4. INTERPRETATION**

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### **A. General**

1. Should any doubt exist as to the meaning of any provision of these regulations, the decision and interpretation of the Planning and Zoning Commission shall prevail.
2. To assist in the uniform application of the regulations in future cases, a written record of all interpretations rendered by the Commission, or decided by the courts, shall be maintained by the Zoning Enforcement Officer.

### **B. Prohibited if not Permitted**

1. Any principal use of land, buildings or structures not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.
2. Any activity not expressly permitted in the Regulations is prohibited.
3. For a principal use permitted by these Regulations, accessory uses which are customarily incidental and are actually subordinate thereto are permitted.
4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

### **C. Minimum Requirements**

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

### **D. In the Event of Conflict**

1. Even though a use or activity may comply with the provisions of these Regulations, such compliance shall not release the owner from complying with other local, state, or federal regulations.
2. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of land, buildings or structures shall control.

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## **SECTION 1.5. CONFORMITY**

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### **A. Conformity Required**

Except as may be otherwise provided in these Regulations (such as for a lawfully existing nonconforming lot or similar circumstance):

1. No building, structure or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.
2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.
3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.
4. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.
5. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
6. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
7. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

### **B. Exception**

Nothing in these Regulations 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 regulations which were in effect on the date the permit was applied for.



## **ARTICLE 2 - DEFINITIONS**

### **SECTION 2.1. USE OF TERMS**

#### **A. Specific Terms**

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
  - a. Words in the present tense include the future and vice-versa.
  - b. Words in the singular include the plural and vice-versa.
  - c. Words in the masculine include the feminine and neuter and vice-versa.
4. The word "building" includes the word "structure" and any part thereof.
5. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
6. The words "zone", "zoning district", and "district" have the same meaning.
7. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
8. The word "lot" includes the word "plot."
9. The word "built" includes the words "erected, constructed, reconstructed, altered, enlarged and moved."

#### **B. Terms not Defined**

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes, as amended.
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive general dictionary.

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## SECTION 2.2. DEFINED TERMS

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### A

**ACCESSORY** – *See Principal / Accessory and Related Terms.*

**ACCESSWAY** -- A private way for vehicular traffic providing access from a street to a rear lot.

**ACTIVE ADULT COMMUNITY** – *See Housing-Related Terms.*

**ADULT DAY-CARE CENTER** -- *See Day Care.*

**AMUSEMENT DEVICES** -- Any machine, game, table or other device which is designed, operated, displayed or kept as an amusement game or test of skill and for the playing of which the person may or may not profit from such operation and which is operated by the general public for use as a game, entertainment or amusement, whether or not registering a score. The term does not include vending machines which do not incorporate recreation or amusement features, nor does it include mechanical musical devices. It shall include devices such as electronic games, skill ball, mechanical grab machines, video games and all devices similar thereto under whatever name they may be indicated.

#### **ANTENNA-RELATED TERMS**

**ANTENNA** -- A device used to collect, transmit and/or receive telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices.

**ANTENNA TOWER OR COMMUNICATION TOWER** -- A structure, more than 15 feet in height (including antenna), whether freestanding or attached to a building or another structure, that is primarily used to support equipment used to collect, transmit and/or receive telecommunications or radio signals. Examples include monopoles or lattice-construction steel structures.

**CO-LOCATION** – A means of locating wireless communication facilities from more than one provider on a single antenna tower.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES** -- Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**FALL ZONE** -- A radius, calculated as the height of a tower, measured from the base of the tower and applying to all lands within that radius.

**APARTMENT, ACCESSORY**– *See Housing-Related Terms.*

**APARTMENT HOUSE** – *See Housing-Related Terms.*

**ASSISTED LIVING FACILITY** -- *See Housing-Related Terms.*

**ATTIC** – *See Story-Related Terms.*

**AVERAGE GRADE** – *See Height-Related Terms.*

## **B**

**BALCONY** – *See Deck-Related Terms.*

**BARN** -- A building for the storage of farm products or feed and usually for the housing of farm animals or farm equipment.

**BASEMENT** – *See Story-Related Terms.*

**BED & BREAKFAST** -- The provision of overnight accommodations and a morning meal within a dwelling unit to transients for compensation.

**BOARD** -- The Bethel Zoning Board of Appeals.

**BUFFER, LANDSCAPE**– *See Landscape-Related Terms.*

**BUFFER, NATURAL**– *See Landscape-Related Terms.*

**BUILDABLE LAND** – The acreage of a tract of land not including any portion of the property classified as inland wetland, watercourse, 100-year floodplain, or having a slope in excess of 25%.

### **BUILDING / STRUCTURE AND RELATED TERMS**

**BUILDING** – A building is:

- Any structure having a roof and walls and used or intended for the shelter, support, housing or enclosure of persons, animals or materials except that the connection of two buildings by means of an open porch, breezeway, passageway, carport or other structure, with or without a roof, shall not be deemed to make them one building, or
- Any structure more than eight feet high, excluding signs, transmission lines, utility poles, flagpoles and highway and railroad bridges.

**BUILDING, ACCESSORY** – *See Principal / Accessory and Related Terms.*

**BUILDING, ATTACHED** – A building or part thereof is considered attached to another building when there is an enclosed integral connection at least eight feet (8') in width and which space is heated.

**BUILDING, DETACHED** – A building or part thereof is considered detached from another building when it is not considered attached.

**STRUCTURE** -- Anything, including above-ground fuel tanks, tents and greenhouses, whether for permanent or temporary use which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. This definition excludes patios, fences, trellises and signs. A below grade fuel tank is not considered a structure.

**STRUCTURE, ACCESSORY** – *See Principal / Accessory and Related Terms.*

**BUILDING COVERAGE** -- *See Coverage-Related Terms.*

**BUILDING HEIGHT** -- *See Height-Related Terms.*

## **C**

**CALIPER** -- *See Landscape Related Terms.*

**CARPORT** -- A covered area for the storage or housing of not more than three motor vehicles, with or without walls, but not fully enclosed. A detached carport is an accessory building.

**CGS** -- The Connecticut General Statutes.

**CHILD CARE RESIDENTIAL FACILITY** -- *See Housing-Related Terms.*

**CLUB** -- A non-profit corporation organized and operated solely for a 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.

**CO-LOCATION** -- *See Antenna-Related Terms.*

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES** -- *See Antenna-Related Terms.*

**COMMISSION** -- The Bethel Planning and Zoning Commission.

**COMMUNITY RESIDENCE** -- *See Housing-Related Terms.*

**CONGREGATE HOUSING** -- *See Housing-Related Terms.*

**CONSERVATION AREA** -- An area of land designated for open space use or conservation by the Commission; uses shall be limited to those that will maintain or enhance the open natural state of the land, including agriculture, forestry, wildlife or wetland areas, greenbelts, parks and similar uses.

**CONSERVATION EASEMENT** -- The grant of a property right stipulating that the described land will remain in its natural state and/or precluding future or additional development.

**CONSERVATION RESTRICTION** -- A restriction imposed on a property or the use thereof for conservation purposes.

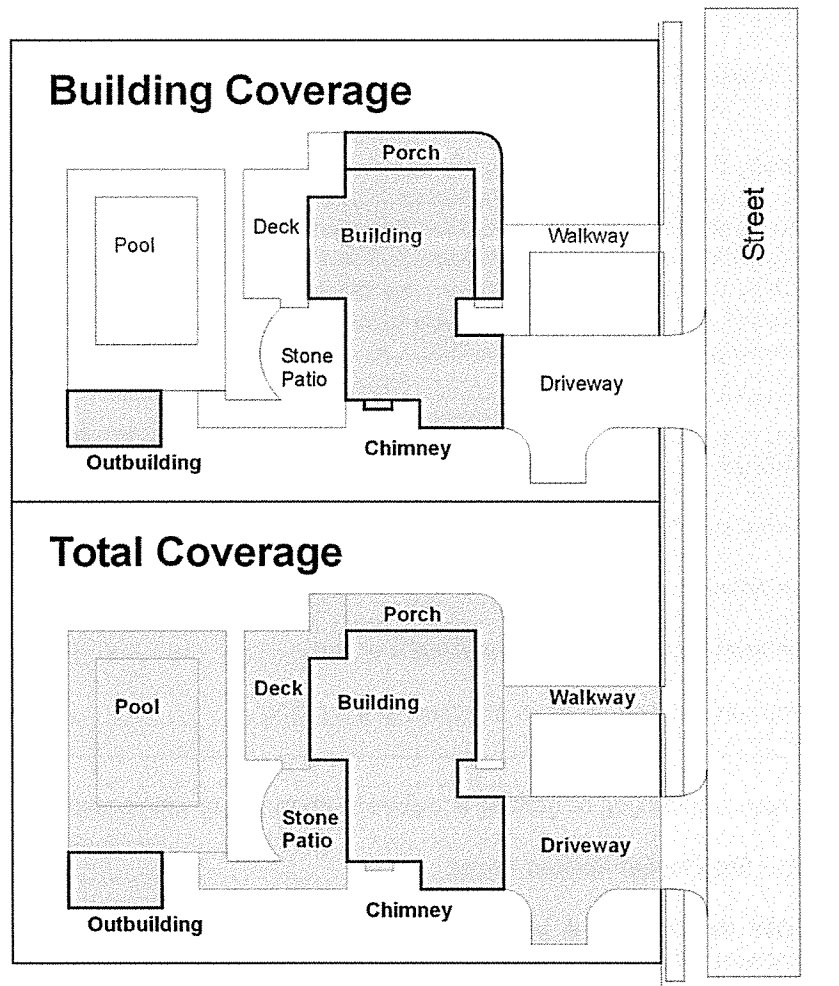
**CONTINUING CARE RETIREMENT COMMUNITY** -- *See Housing-Related Terms.*

**CORNER LOT** -- *See Lot-Related Terms.*

**COVERAGE-RELATED TERMS**

**COVERAGE, BUILDING** -- The aggregate area of all roofed buildings on a lot.

**COVERAGE, TOTAL** -- The aggregate area of all roofed buildings, pavement, concrete, and other impervious surfaces on a lot.



**CRAWLSPACE** – See *Story-Related Terms*.

## D

### **DAY CARE-RELATED TERMS**

**DAY-CARE** -- The care of people outside of their homes for part of a day, one or more days per week.

**DAY-CARE CENTER** -- A facility to provide for the care of 12 or more children outside of their homes for part of a day, one or more days per week.

**DAY-CARE CENTER, ADULT** -- A facility to provide for the care of elderly persons 62 years and over outside of their homes for part of a day, one or more days per week.

**DAY-CARE HOME, FAMILY**—A facility to provide for the care of not more than six children, including those of the care provider, operated in or at the primary residence of the care provider, between the hours of 7:00 a.m. and 6:00 p.m., between Monday and Friday.

**DAY-CARE HOME, GROUP** -- A facility to provide for the care of six or more children but not more than 12 children, including those of the care provider, operated in or at the primary residence of the care provider between the hours of 7:00 a.m. and 6:00 p.m., between Monday and Friday.

### **DECK-RELATED TERMS**

**BALCONY** – An exterior platform with or without a roof that projects from the wall of a building.

**DECK** – A platform without a roof supported in whole or in part by pillars or posts.

**PATIO** – An exterior, level, surfaced area without walls or roof.

**PORCH** – A roofed but unenclosed platform attached to a building.

**DEVELOPMENT** -- Any construction or grading activities to improved or unimproved real estate.

**DISTURBED AREA** – *See Erosion-Related Terms.*

**DRIVE-UP WINDOW SERVICE** -- A building opening through which, or a configuration of building and/or equipment whereby, occupants of a motor vehicle receive or obtain a product or service. A building opening includes, but is not limited to, windows, doors, or mechanical devices such as ATM machines.

**DRIVEWAY** –An asphalt, concrete, crushed stone or other hard surface, generally constructed between the road and a garage or the dwelling used for the parking of vehicles. **[Effective 2/4/2011]**

**DWELLING** – *See Housing-Related Terms.*

**DWELLING UNIT** -- *See Housing-Related Terms.*

**ELEEMOSYNARY** -- Organized and operated for the purpose of providing a public service or activity without profit.

**EFFICIENCY UNIT** -- *See Housing-Related Terms.*

#### **EROSION-RELATED TERMS**

**DISTURBED AREA** -- An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**EROSION** -- The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**SEDIMENT** -- Solid material, either mineral or organic, that is in suspension, is transported or has moved from its site of origin by erosion.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** -- A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**FALL ZONE** -- *See Antenna-Related Terms.*

**FAMILY** -- Any number of people related by blood, marriage, civil union or adoption and up to three additional unrelated persons living and cooking together as a single housekeeping unit.

**FAMILY DAY-CARE HOME** -- *See Day Care.*

**FARMING** -- The growing of crops, hay, fodder, ensilage, pasturage, orchards, gardens, nursery stock and related agricultural production, including the raising of domestic animals and poultry, and the sale of agricultural products directly resulting from such cultivation, within limits prescribed by these regulations.

**FAST-FOOD RESTAURANT** -- *See Restaurant.*

#### **FLOOR AREA-RELATED TERMS**

**FLOOR AREA** -- The horizontal area of the floor of a building measured to the outside of the exterior walls.

**GROSS FLOOR AREA** -- The sum of the floor area(s) of all of the floors of a building.

**PUBLIC FLOOR AREA** -- The floor area of a building actually open for use by the public (gross floor area minus kitchen space, storage space, stairwells, hallways, and lavatories).

**USABLE FLOOR AREA** -- The gross floor area of a building minus stairwells, hallways, and lavatories.

**FORESTRY** -- The cultivation and management of land for growing of trees or shrubs for lumber, timber, pulpwood, firewood, shade or ornamental trees, stock, Christmas trees, watershed conservation and similar forest management purposes. Such activities do not include intensive land clearing, saw mills or processing of forest products.

**FRONTAGE** – *See Lot Frontage.*

**FRONT LOT** -- *See Lot Types.*

## **G**

**GARAGE (RESIDENTIAL)** -- An accessory building, or portion thereof, used for the storage or housing of motor vehicles.

**GRADING** -- Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**GROSS FLOOR AREA** – *See Floor Area.*

**GROSS VEHICLE WEIGHT RATING** – *see vehicle related terms*

**GROUP DAY-CARE HOME** -- *See Day Care.*

## **H**

**HEADROOM** – The vertical distance between the surface of a floor and the lower of the ceiling, joists, or rafters immediately above.



**HEIGHT-RELATED TERMS**

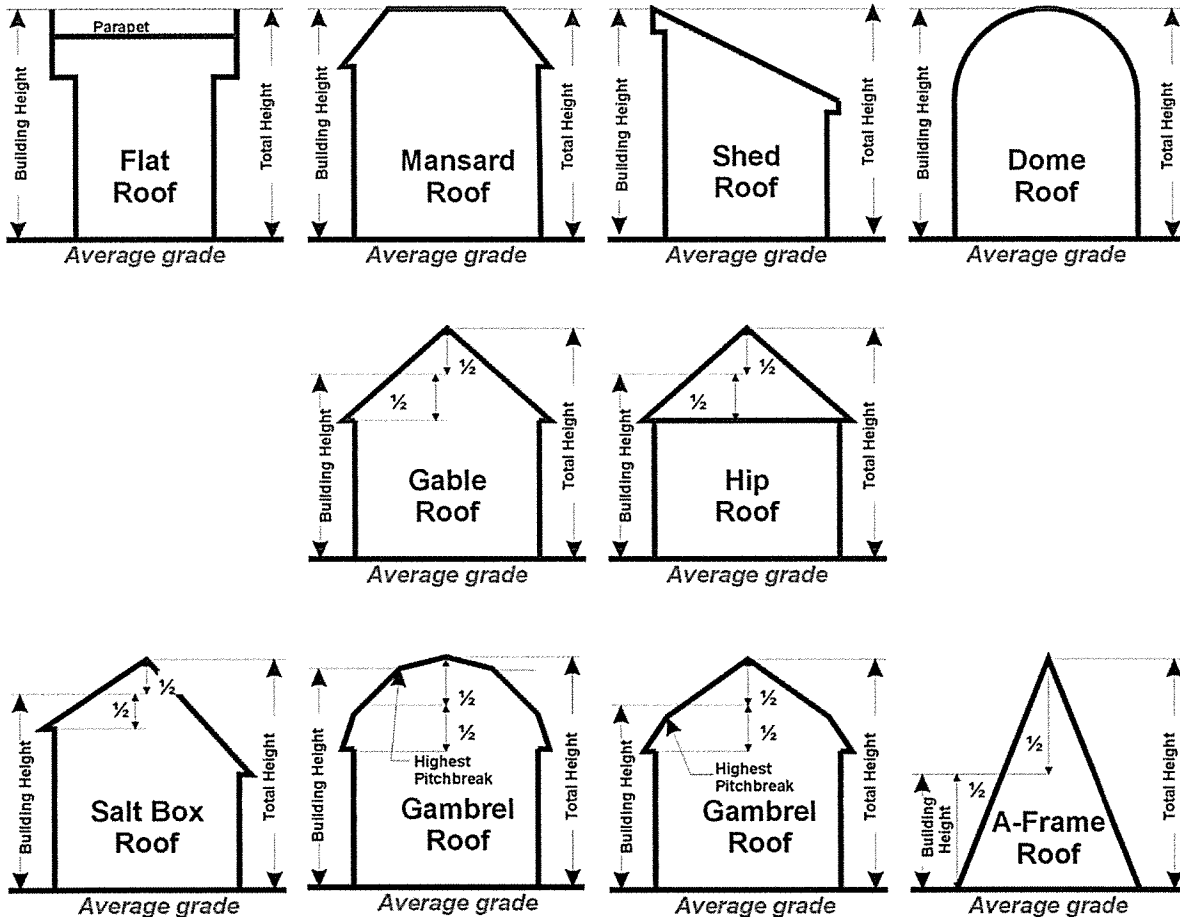
**AVERAGE GRADE** – An average elevation determined by averaging a minimum of eight (8) spot elevations located equidistant around the building or other structure and five feet (5') therefrom.

**HEIGHT, BUILDING** -- The vertical distance from the average grade of the building to:

- the highest point of mansard, dome (curvilinear), shed, or flat roofs, including any parapets, or
- the mean level between the eaves and ridge of gable, hip, or A-frame, roofs, or
- the mean level between the highest eave and the ridge of a salt box, or
- the highest pitchbreak for a gambrel roof.

**HEIGHT, TOTAL** -- The vertical distance:

- For a building, from the average grade at the building wall to the highest point of the roof including any parapets, or
- For a structure (such as fence or flagpole), from the average grade at the base of the structure to the highest point of the structure, including any appurtenances.



## **HOME-BASED BUSINESS AND RELATED TERMS**

**HOME-BASED BUSINESS** – The use of a portion of a dwelling for business purposes by a resident occupant.

**HOME OFFICE** -- The use of a portion of a dwelling for:

- occasional business use (such as working from home in conjunction with employment typically occurring elsewhere), or
- a home-based business involving no non-resident employees and minimal visits to the premises by non-residents.

**HOME OCCUPATION, MAJOR** -- The use of a portion of a dwelling for a home based business in a manner which does not qualify as a home office or a minor home occupation.

**HOME OCCUPATION, MINOR** -- The use of a portion of a dwelling for a home based business which:

- may include one (1) non-resident employee, and
- shall not involve more than five (5) customer, client, patron, or associate visits per week to the premises by non-residents, and
- shall not involve more than two (2) customer, client, patron, or associate visits to the premises by non-residents at any one time.

**HORTICULTURE** -- The science and art of growing flowers, vegetables, fruits, herbs, ornamental shrubs and other plants.

**HOTEL, MOTEL and MOTOR HOTEL** -- A building or group of buildings designed and used primarily for temporary occupancy by transients which provides or offers sleeping accommodations for a consideration but does not permit cooking of meals in rooms. These facilities may provide rooms for public assembly and may include the serving of food. The facility may house one dwelling unit for owners or employees.

## **HOUSING-RELATED TERMS**

**ACTIVE ADULT COMMUNITY** – A residential development where occupancy is limited, as permitted by federal and state fair housing laws, to persons who are 55 years of age and over.

**APARTMENT, ACCESSORY**– A dwelling unit accessory and subordinate to a one-family detached dwelling on the same lot. *See Principal / Accessory and Related Terms.*

**APARTMENT HOUSE** –A building primarily for residential use with five or more dwelling units, under one ownership or condominium ownership.

**ASSISTED LIVING FACILITY** -- A managed residential community which provides private residential units and nursing, housekeeping and maintenance services, security, on-site management, three meals daily and laundry service for residents, intended to assist residents with activities of daily living while maintaining a maximum level of independence.

*(continued on next page)*

## **HOUSING-RELATED TERMS**

**CHILD CARE RESIDENTIAL FACILITY** -- A building that houses six or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under CGS Sections 17a-145 to 17a-151, inclusive.

**COMMUNITY RESIDENCE** -- As provided in CGS Section 8-3e, a building that :

- houses six or fewer mentally retarded persons and necessary staff persons and that is licensed under the provisions of CGS Section 17a-227, or
- houses six or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health under the provisions of CGS Section 19a-491, if a license is required.

**CONGREGATE HOUSING** -- A specially planned, designed, and managed multi-unit housing development for persons, 62 years of age and over with a relatively independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation and social and recreational activities may be provided.

**CONTINUING CARE RETIREMENT COMMUNITY** -- A housing development that is planned, designed and operated to provide a full range of accommodations and services for older adults, 62 years of age and over, including independent living, congregate housing, assisted living and nursing facility.

**DWELLING** -- Structure containing one or more residential dwelling units.

**DWELLING, ATTACHED** -- A dwelling unit separated from other dwelling units in the same building by a continuous vertical party wall, without openings except for utilities, which extends from foundation to roof.

**DWELLING, DETACHED** -- A dwelling surrounded on all sides by yards.

**DWELLING, SINGLE FAMILY** -- A building containing a dwelling unit for one family.

**DWELLING, TWO-FAMILY** -- A building containing two dwelling units for two families.

**DWELLING UNIT** -- One or more rooms in a residential structure (dwelling), which room or rooms is (are) arranged, designed, used or altered for the use by one family. Said room or rooms containing kitchen or kitchen area, and a bathroom with bathtub and/or shower, a toilet and sink. The term shall not be deemed to include units in a hotel, motel, motor hotel or rooming house.

**EFFICIENCY UNIT** -- A dwelling unit having only one room, exclusive of bathroom, water-closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove with less than 70 square feet of floor space. The total area must have a minimum of 350 square feet.

*(continued on next page)*

**HOUSING-RELATED TERMS (continued)**

**MOBILE HOME** -- A detached residential dwelling unit which may be moved on wheels attached to an integrated axle assembly, having no power of its own but drawn by or used in connection with a motor vehicle, which is so constructed or reconstructed as to permit use and occupancy after minor assembly operations, such as location on jacks or other temporary or permanent foundations, connections to utilities and the like. *See Prefabricated Dwelling*

**MOBILE HOME PARK** -- A parcel of land for the location of two or more mobile homes, which are used for sleeping, living or working quarters or storage.

**MULTI-FAMILY DEVELOPMENT** -- A property containing three or more dwelling units.

**MULTI-FAMILY DWELLING** -- A building containing dwelling units for three or more families.

**NURSING FACILITY** -- A facility providing a full range of twenty-four-hour direct medical, nursing and other health services. Registered nurses, licensed practical nurses and nurses aides provide services prescribed by a resident's physician. Nursing care and restorative physical, occupational, speech and respiratory therapies may also be provided.

**PLANNED RESIDENTIAL DEVELOPMENT (PRD)** -- A planned residential community of varying housing types, developed as a site plan to promote the most appropriate use of land through flexibility of design, to facilitate the preservation of the natural and scenic qualities of the environment, achieving a high level of design that is sensitive to the physical, topographical and geographical constraints of the land.

**PREFABRICATED DWELLING** -- Dwellings, or parts thereof, which meet all of the applicable requirements for a dwelling unit and are built off-site and transported to a building site on a flatbed truck or similar method of conveyance. Such dwellings, or parts thereof, are not considered "mobile homes."

**TOWNHOUSE** -- An attached dwelling unit, one of a row of generally similar units separated by vertical party walls without openings, each unit having a separate outside entrance, a front and rear yard and an off-street parking area. *See Dwelling Unit*

**I**

**INTERIOR LOT** -- *See Lot Types.*

**J**

**JUNK** -- Any worn out or discarded scrap, debris and waste materials including but not limited to old lumber, metal, inoperable motor vehicles, machinery and parts, construction material, household wastes, including garbage, furniture and discarded appliances. **[Effective 2/4/2011]**

**JUNK STORAGE** -- The temporary or permanent outdoor storage of junk. This definition shall not include outdoor storage of ordinary residential operable equipment and related activities such as garden tools, lawn mowers, outdoor furniture, wood piles, grass clippings and similar items. **[Effective 2/4/2011]**

## K

## L

### LANDSCAPE-RELATED TERMS

**CALIPER** – The diameter of a tree trunk measured four feet from the root crown.

**LANDSCAPED AREA** -- An area set aside from structures and parking with natural materials as ground cover (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

**LANDSCAPED BUFFER** -- A strip of land, fence, and/or landscaped area, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Commission.

**LANDSCAPE SCREEN** -- A masonry wall, fence sections, earthen berm, evergreen hedge, shrubs, or a combination of these elements, which visually shields or obscures an abutting or nearby use or structure from another as determined by the Commission.

### LOT-RELATED TERMS

**LOT** -- A parcel of land:

- under one ownership,
- occupied or capable of being used, developed, or built upon as a single unit for a principal use and the buildings and uses customarily incidental thereto, and
- established by a subdivision or resubdivision of land duly approved by the Commission or otherwise as permitted by law.

**LOT, CORNER** -- A lot at the intersection of and abutting two or more streets, when the angle of the intersection is not more than 135° or where the intersection is rounded by a curve having a radius of less than 100 feet. A corner lot shall be deemed to have two front yards and two side yards, but no rear yard.

**LOT, FRONT** – *See Lot, Interior.*

**LOT, INTERIOR** -- A lot abutting only one street.

**LOT, REAR** -- A lot connected to a public and/or private roadway by a continuous, contiguous strip of land a minimum of 25 feet in width, but without the required minimum frontage on such public and/or private roadway. *See Subsection 3.2.C for zones where residential rear lots may be permitted.*

**LOT, THROUGH** -- A lot abutting two generally parallel streets, which lot has two street lot lines and two side lot lines.

**LOT AREA, GROSS** -- The horizontal area of the lot lying within the lot lines, excluding any street rights-of-way.

**LOT AREA, NET** -- The total horizontal area of the lot lying within the lot lines, excluding the area of any accessway(s) and any street rights-of-way and any areas of steep slopes or wetlands.

**LOT FRONTAGE** -- The distance measured along the street line(s) of a parcel of land.

**LOT LINE** -- A boundary which separates a parcel of land from another parcel or a street.

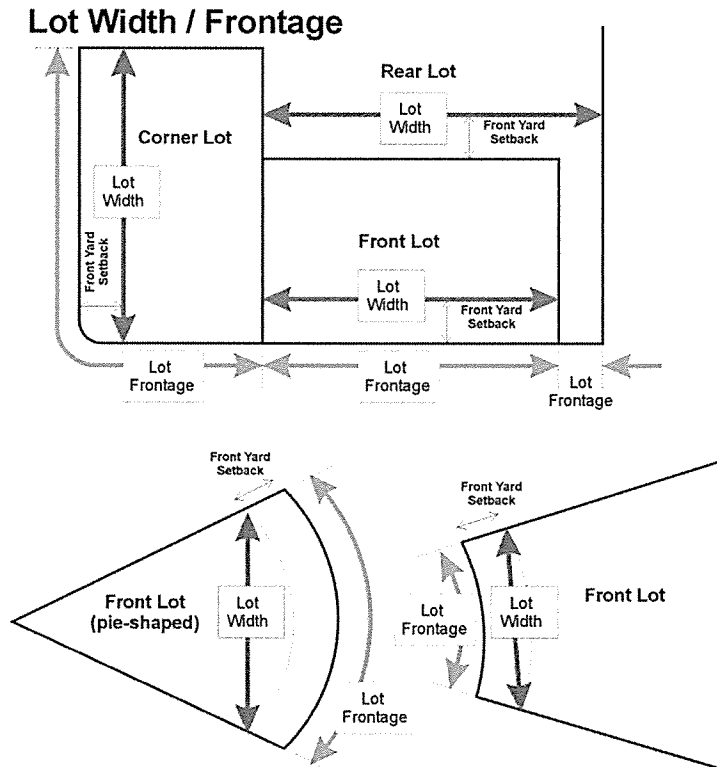
**LOT LINE, STREET** -- The lot line between the street right-of-way and the abutting lot or parcel.

**LOT LINE, FRONT** -- The street lot line, the lot line located adjacent to the accessway providing access to the lot, or the lot line most parallel to the street that provides access to the lot. *See Lot Line, Street (above).*

**LOT LINE, REAR** -- The lot line located most directly opposite the front lot line except that a corner lot, a through lot, or a pie-shaped lot shall not be required to have a rear lot line.

**LOT LINE, SIDE** -- A lot line which is not a front lot line or a rear lot line.

**LOT WIDTH** -- The distance in a straight line between the side lot lines measured at the front setback. *See also Lot Frontage*

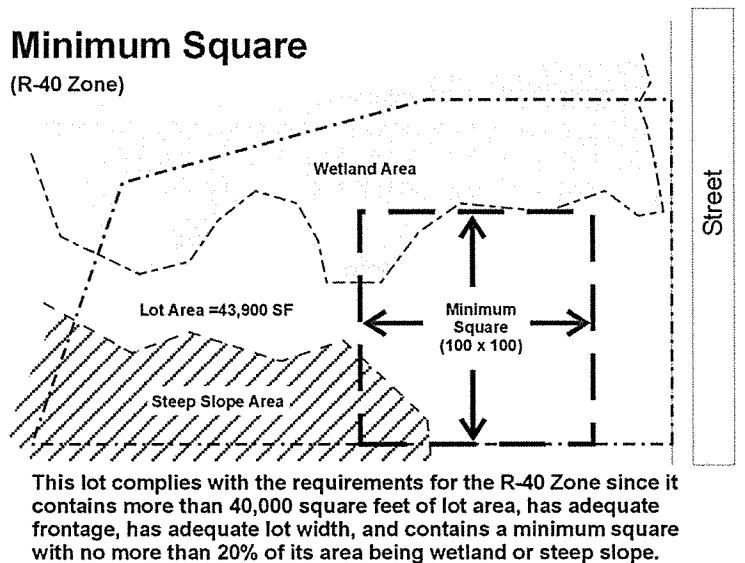


## **M**

**MANUFACTURING** -- Any process whereby the nature, size or shape of articles or raw materials are changed or where articles are assembled. The term "manufacturing" includes fabricating, compounding, assembling, packaging and treatment activities.

**MINIMUM SQUARE** -- A square of prescribed dimension which:

- is capable of being drawn entirely within the boundaries of the lot entirely behind the front set-back,
- does not contain any area within existing public utility or access easements, and
- no more than twenty percent (20%) of the area of the square consists of any area designated as wetland, watercourse, floodplain, or steep slope.



**MOBILE HOME** -- *See Housing-Related Terms.*

**MOBILE HOME PARK** -- *See Housing-Related Terms.*

**MOTEL** -- *See Hotel.*

**MOTOR HOTEL** -- *See Hotel.*

**MOTOR VEHICLE** -- Any vehicle propelled or drawn by any nonmuscular power, except aircraft, motor boats, wheel chairs, golf carts, agricultural tractors, farm implements, such vehicles as run only on rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, and any other vehicle not suitable for operation on a highway. **[effective 2/15/2014]**

**MULTI-FAMILY DEVELOPMENT** -- *See Housing-Related Terms.*

**MULTI-FAMILY DWELLING** -- *See Housing-Related Terms.*

## **N**

**NATIVE** -- Grown, produced or originated on site; indigenous.

### **NONCONFORMING-RELATED TERMS**

**NONCONFORMING** -- A situation or circumstance that does not conform to the applicable sections of these Regulations.

**NONCONFORMING BUILDING** -- A building that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.

**NONCONFORMING LOT** -- A lot that does not conform to these Regulations with respect to area, width or other requirement for the zone in which it is situated.

**NONCONFORMING, PRE-EXISTING** -- A nonconforming situation that predated the adoption of these Regulations or the applicable provision which resulted in the non-conformity.

**NONCONFORMING USE** -- A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

**NURSERY** -- An establishment where plants, shrubs, trees and accessory items are grown and/or sold at retail or wholesale.

**NURSING FACILITY** -- *See Housing-Related Terms.*

## **O**

**OPEN SPACE** -- Land preserved in perpetuity for protection of natural resources, natural features, scenic views, or community character, including agriculture.

**ORIGINAL** -- The conditions existing at the effective date of the applicable regulation.

**OUTDOOR WOOD-BURNING FURNACES** -- As defined in Connecticut State Statutes §22a-174k (pursuant to Public Act 05-227), and as regulated by the Connecticut Department of Environmental Protection, an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pot, wood-fired barbecue or chiminea.



## **P**

**PARKING AREA** -- A space used for parking and movement of motor vehicles.

**PATIO** – *See Deck-Related Terms.*

**PERMITTED USE** -- Any use listed as a permitted use in any given zone.

**PERSONAL SERVICE** -- A business use or activity involving services of a personal or domestic nature including, but not limited to, hair, nails, tailoring, Connecticut state licensed massage therapy, shoe repair, tanning, exercise, dance, self-defense, personal training, and music studios but excluding tattoo parlors. **[Effective 8/15/2012]**

**PLANNED RESIDENTIAL DEVELOPMENT (PRD)** – *See Housing-Related Terms.*

**PORCH** – *See Deck-Related Terms.*

**PREFABRICATED DWELLING** – *See Housing-Related Terms.*

**PRE-EXISTING NONCONFORMING** – *See Nonconforming.*

**PREMISES** -- That portion of a lot or building actually in use for the specific purpose or use under consideration.

### **PRINCIPAL / ACCESSORY AND RELATED TERMS**

**PRINCIPAL** – The primary building, structure, or use on a lot or parcel.

**ACCESSORY** – Subordinate and customarily incidental to a principal building, structure, or use on the same property.

**ACCESSORY BUILDING** -- A separate building subordinate and customarily incidental to, and on the same lot as, a principal building or use.

**ACCESSORY STRUCTURE** -- A separate structure subordinate and customarily incidental to, and on the same lot as, a principal structure or use.

**ACCESSORY USE** -- A use subordinate and customarily incidental to a principal use on the same lot as such principal use.

**PROFESSIONAL OFFICE** -- An office used for the conduct of business for a member of a recognized profession: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession as determined by the Commission..

## **Q**

## **R**

**REAR LOT** -- *See Lot, Rear.*

**RESIDENCE** – A place where one or more individuals is actually living at a given point in time.

**RESIDENTIAL USE** – The use of a place as a residence.

**RESTAURANT** – A business establishment where prepared food is served and sold.

**RESTAURANT, SIT-DOWN** – A restaurant where prepared food is served and where consumed primarily at tables or counters within the principal building or, with approval of the Commission, on the premises. Such definition does not include drive-through service.

**RESTAURANT, FAST-FOOD** – A restaurant oriented towards people travelling in motor vehicles. Food is typically served in a pre-prepared state and is packaged to allow for consumption off the premises. Such establishments are often characterized by the absence of table service and the presence of posted menus. Such definition includes drive-through service and excludes ice cream shops and delicatessens.

**RESTAURANT, OTHER** – A restaurant which is not a fast food restaurant or a sit-down restaurant.

**RETAIL SALES** -- An establishment engaged in the selling of goods or merchandise directly to the general public and businesses and rendering services incidental to the sale of such goods.

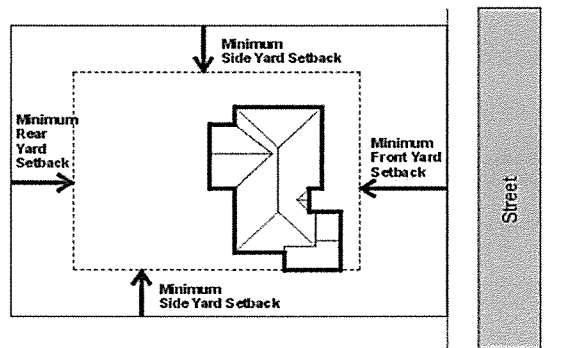
## **S**

**SCREEN** -- An opaque fence, evergreen planting, earthen berm or other natural material extending not less than six feet nor more than eight feet above the ground level designed to create a visual and sound barrier between two dissimilar or incompatible uses.

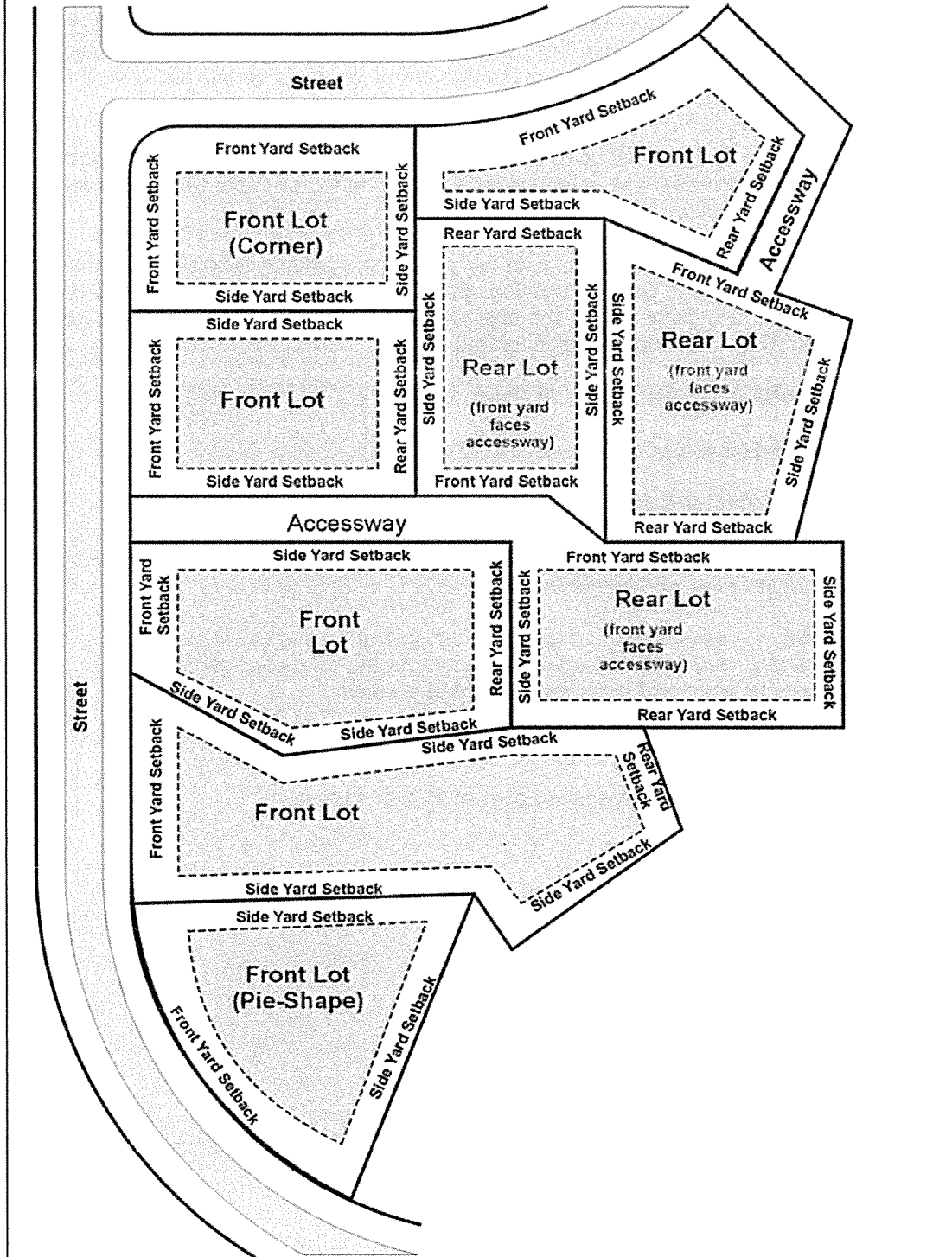
**SEDIMENT** – *See Erosion-Related Terms.*

**SERVICE STATION** – An establishment used for servicing or repairing motor vehicles.

**SETBACK** – The minimum required distance from any street line or lot line to a building, structure, or use. *See Yard.*



# Yard Setback Locations



[Effective 2/4/2011]

**SIGN** -- Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and displayed in any manner out of doors for recognized advertising purposes.

**SIGN, TEMPORARY** -- A sign constructed of cloth, fabric or other lightweight temporary material, with or without a structural frame, intended for a limited period of display, including decoration displays for holidays or public demonstrations.

**SIMILAR USE** -- A use which the Commission, in its sole judgment, shall find to be similar to the permitted uses or special permit uses as to type of operation, employment, traffic generated, the effects of the use on the district and the neighborhood and the appropriateness of the use to accomplish the stated objectives of the zone in which it is proposed to be located.

**SIT-DOWN RESTAURANT** -- *See Restaurant, Sit Down.*

**SOIL** -- Any unconsolidated mineral or organic material of any origin.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** -- *See Erosion-Related Terms.*

**SOUND LEVEL** -- A frequency-weighted sound measure level as measured with a sound-level meter, using the A-weighting network, also known as "dBA".

**SPECIAL PERMIT USE** -- A use not allowed generally throughout a zone but, if controlled as to location, number, etc., and if considered to promote the public health, safety and general welfare, may be permitted by the Commission where provided for in this regulation.

**SQUARE, MINIMUM** -- *See Minimum Square*

**STEEP SLOPES** -- Land having pre-development slopes of 25% or greater.

## **STORY-RELATED TERMS**

**ATTIC** – That portion of a building that is immediately below and wholly or partially within the roof framing.

**BASEMENT** – That part of a building which:

- is at least partially below ground level, and
- has headroom of seven (7) feet or more.

**CRAWLSPACE** – That part of a building which:

- is at least partially below ground level, and
- has headroom of less than seven (7) feet.

**STORY** – That part of a building which:

- is a floor of the building with headroom of seven (7) feet or more except that an attached garage shall not count as a separate story unless it contains habitable space directly above or below it, or
- is a basement and the ceiling of the basement is five (5) feet or more above the average grade, or
- is an attic and the area with headroom of seven (7) feet or more is greater than sixty percent (60%) of the total floor area under the attic roof(s), or
- is an attic and the wall plate supporting the rafters is more than two feet above the attic floor.

**STORY, HALF** – That part of a building which is an attic and the area with headroom of seven (7) feet or more is greater than thirty percent (30%) of the total floor area under the attic roof(s) but is less than sixty percent (60%) of the total floor area under the attic roof(s).

**STREET** -- Any right-of-way used for public travel, which is a public highway or a proposed public highway shown upon a subdivision plan duly approved by the Commission, in full accordance with the subdivision regulations.

**STRUCTURE** - *See Building / Structure and Related Terms.*

**SWIMMING POOL** -- Anything man-made for the purpose of containing water more than 24 inches deep and having more than 250 square feet of water surface area, which water is used for bathing or swimming. Ponds for the retention of water for agriculture or fire protection are excluded.

## **I**

**TAG SALE** -- A sale of used household articles sold on the premises.

**TEMPORARY SIGN** -- *See Sign.*

**THROUGH LOT** -- *See Lot Types.*

**TOTAL COVERAGE** -- *See Coverage, Total.*

**TOWN** -- Town of Bethel, Connecticut.

**TOWNHOUSE** -- *See Housing-Related Terms.*

**TRAILER** -- A detached vehicle or object which is, has been or can be mounted on wheels, having no motive power of its own, but drawn by or used in connection with a motor vehicle, which is or can be used for working quarters or storage of goods or materials. Mobile homes shall not be considered trailers. Such trailers shall meet all requirements of this regulation pertaining to accessory uses. No trailer shall be used for sleeping or living purposes.

## **U**

**USABLE FLOOR AREA** -- *See Floor Area.*

**USE, ACCESSORY** -- *See Principal / Accessory and Related Terms.*

## **V**

### **VEHICLE-RELATED TERMS**

**VEHICLE, MOTOR** -- Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.

**GROSS VEHICLE WEIGHT RATING** -- The maximum a vehicle can safely weigh when loaded, including the vehicle itself, occupants, cargo and optional equipment. **[Effective 2/4/2011]**

## **W**

**WATERCOURSES** -- Rivers, streams, brooks, waterways, lakes, ponds, marches, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- (1) Evidence of scour or deposits of recent alluvium or detritus,
- (2) The presence of standing or flowing water for a duration longer than a particular storm incident;  
and
- (3) The presence of hydrophytic vegetation.

**WETLANDS** -- Land, including submerged land which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

## **Y**

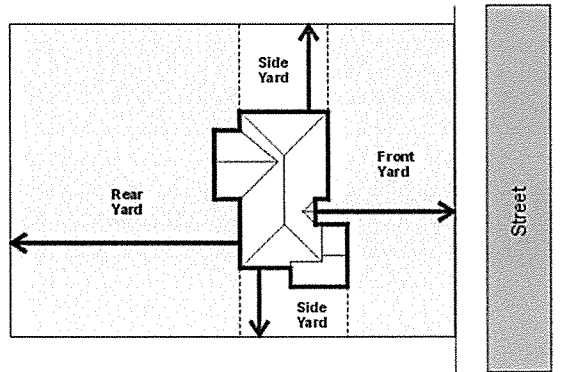
**YARD** -- An area on the same lot as a building or group of buildings located between the building(s) and the nearest lot line.

**YARD, FRONT** -- A yard extending across the full width of the lot and situated between the principal building and the front lot line.

**YARD, REAR** -- A yard extending across the full width of the lot and situated between the principal building and the rear lot line.

**YARD, SIDE** -- A yard extending from the front yard to the rear yard between the principal building and the side lot line(s).

**YARD, REQUIRED** -- *See Setback.*



## **Z**

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## ARTICLE 3 - RESIDENCE (R) ZONES

This Section contains provisions for the following zoning districts:

- R-10 Residence Zone
- RR-10 Residence Zone
- R-20 Residence Zone
- R-30 Residence Zone
- R-40 Residence Zone
- R-80 Residence Zone

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### SECTION 3.1. PURPOSES

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1. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.
2. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.
3. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

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### SECTION 3.2. PRINCIPAL USES AND STRUCTURES

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#### A. Permitted Without Permit

1. **Undeveloped Land** - Vacant land retained in a natural and undeveloped condition without structures of any kind.
2. **Conservation / Recreation** - Open space, or other conservation or recreation areas retained in a natural and undeveloped condition without structures of any kind.
3. **Agricultural Uses** - Farming, forestry or horticulture.

#### B. Permitted by Zoning Permit

1. **Residential** – A single-family dwelling, one per lot.
2. **Residential** – A two-family building, one per lot, only in the RR-10 Zone.
3. **Residential** – A community residence provided that such facility is located at least one thousand feet from any other community residence or child-care residential facility.
4. **Residential** – A child-care residential facility provided that such facility is located at least one thousand feet from any other community residence or child-care residential facility.
5. **Agricultural Buildings** – Barns, silos, sheds, and other buildings associated with a farming use.

### C. Permitted by Special Permit

1. Unless exempted herein or modified by the Commission, all special permit uses shall be separated from adjacent residential uses on all sides and front by a screen or a landscaped buffer.

#### Residential-Type Uses

2. **Rear Lot** – A rear lot in an R-40 Zone or an R-80 Zone (buffer per Subsection 3.2.C.1 not automatically required) provided that:
  - a. Such lot shall contain at least double the minimum lot area requirement of the zoning district, exclusive of any accessway area.
  - b. Such lot shall meet the lot width requirements but shall only be required to have a lot frontage of 25 feet for the accessway.
  - c. Such lot shall be connected to a public or private roadway by a continuous, contiguous strip of land (an accessway) at least 25 feet wide.
  - d. Such accessway shall be part of the lot and shall be owned in fee simple by the owner of the lot.
  - e. Such accessway shall be located between any two other lots provided each other lot complies with the minimum lot frontage requirement.
  - f. Such accessway shall be paved a minimum of 12 feet in width and shall not exceed a grade of 12%.
3. **Residential** – A community residence if such use is located within one thousand feet of any other community residence or child-care residential facility (buffer per Subsection 3.2.C.1 not automatically required).
4. **Residential** – A child-care residential facility if such use is located within one thousand feet of any other community residence or child-care residential facility (buffer per Subsection 3.2.C.1 not automatically required).
5. **Mobile Home** – A mobile home when used as a one-family dwelling and located on a lot containing at least twice the area required for a single-family dwelling in that zone (buffer per Subsection 3.2.C.1 not automatically required).
6. **Elderly Housing** - In the R-10 Zone, an apartment housing complex for elderly persons in accordance with Subsection 3.6.A of these Regulations.
7. **Conservation Subdivision** - In the R-40 Zone and the R-80 Zone, a conservation subdivision in accordance with Section 95-17 of the Subdivision Regulations (buffer per Subsection 3.2.C.1 not automatically required).

### Club-Type Uses

8. **Clubs and Organizations** - Clubs and other organizations providing social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.
9. **Recreation Club** - A private golf, tennis or swim club, provided that:
  - a. It is located on a plot of not less than five acres
  - b. No structure is located within 75 feet of any street line or within 100 feet of any property line.
  - c. No activity is carried on which results in objectionable noise audible off the premises.

### Community / Institutional-Type Uses

10. **Religious Institution** - Religious institutions when located on and served by a collector or arterial road as identified in the Plan of Conservation and Development.
11. **Religious Residential Facility** - A housing facility, such as a convent or monastery, for persons affiliated with a religious institution.
12. **Philanthropic or Eleemosynary Institutions** - Institutions of philanthropic or eleemosynary organizations serving a significant community need.
13. **Health Care Facility** - A nursing or convalescent home.
14. **Private Educational Facility** - Private school: elementary and/or secondary school, not providing residential accommodations; may include administrative office, when located on and served by a collector or arterial road as identified in the Plan of Conservation and Development.
15. **Cemetery** - A cemetery established and operated by an ecclesiastical society or cemetery association located in the Town of Bethel or a governmental unit.
16. **Parking** - Parking of vehicles for a church, parish house and school, shall not be enclosed, and provided that all portions of said use shall comply with all specifications for maintenance hereinafter required for off-street parking space.
17. **Other Institutional Facilities** - A private library, a museum operated by a nonprofit corporation.
18. **Day Care** - A day care center provided that:
  - a. The facility is located on and accessed from a collector or arterial road as identified in the Plan of Conservation and Development.
  - b. The facility is licensed by the State of Connecticut.
  - c. The applicant must submit a site plan which demonstrates, to the reasonable satisfaction of the Commission:
    - a. A safe and adequate means of ingress and egress to and from the facility.
    - b. Adequate on-site parking for any employees.

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### **Government Facility-Type Uses**

19. **Municipal Facilities** - Facilities of the Town of Bethel such as town hall, school, fire station, police station, Town highway facility, community center building (which shall have no outdoor public address system or any type of outdoor amplified music device).
20. **Public Recreation Facility** - Public park and public playground or public recreational facility operated by a governmental unit (including exterior lighting); need not be enclosed.
21. **Other Government Facilities** – Such as a post office, a public library, or similar government facility.

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### **Animal-Related Uses**

22. **Animal Care Facility** – A pet day-care facility or a pet boarding facility provided that:
  - a. The facility is limited to feline and canine animals.
  - b. All buildings and runs are located more than 50 feet from any property line.
  - c. The Commission may limit the number of animals allowed as part of the Special Permit.
23. **Animal Medical Facility** -- In the R-80 Zone, an animal hospital and/or veterinarian office provided that:
  - a. All buildings are located more than 50 feet from any property line.
  - b. There shall be no outside runs.
24. **Equestrian Facility** - The boarding, training and raising of horses or other animals of the equine family for a fee, operation of a riding academy, renting of saddle horses, and such animals in accordance with Subsection 6.11 of these Regulations.

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### **Other Uses**

25. **Nurseries** - Nurseries and sale of produce and plants raised predominantly on the premises (Commission shall approve areas for outside display).
26. **Electrical Substation** -- Electrical substation, provided that, if transformers are exposed, there shall be:
  - a. An enclosing fence or wall at least six feet high adequate to obstruct noise and passage of persons or materials.
  - b. A surrounding landscaped buffer or screen.
27. **Telephone Exchange** -- A telephone exchange without shops, garage or general administrative offices.
28. **Other Utility Facility** – Other utility facilities such as a gas regulator station, a high-tension transmission line (over 1.5 kilowatts), a utility pumping station, a utility, generating, storage or transmission structure.
29. **Railroad** -- Any railway right-of-way and tracks existing on the date this regulation became effective, but not including railway yards, maintenance or fueling facilities; need not be enclosed.

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## **SECTION 3.3. ACCESSORY USES AND STRUCTURES**

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### **A. General Limitations**

1. Where a principal use is allowed by special permit, a special permit shall also be required for an accessory use.
2. No accessory building shall be used as a dwelling unit or for residential occupancy unless specifically permitted by these Regulations and approved by the Commission.
3. No accessory building shall be used commercial purposes unless specifically permitted by these Regulations and approved by the Commission.
4. No accessory structure shall be located within a front yard unless authorized by the Commission through granting of a Special Permit.

### **B. Permitted Without Permit**

1. **Customary Uses** - Accessory uses and structures (such as a swing set, child play structure, dog house or a bird bath) customarily and reasonably incidental to a permitted principal use on the same premises.
2. **Outside Parking** – In accordance with Section 6.2.I of these regulations. **[Effective 2/4/2011]**
3. **Home-Based Business** - A home-based business in accordance with Subsection 3.6.B of these Regulations when indicated as permitted without a permit.
4. **Keeping of Animals**– The keeping of animals in accordance with Subsection 6.11 of these Regulations when indicated as permitted without a permit.
5. **Day Care** - Family day-care home, except in the RR-10 Zone, provided that:
  - a. The facility is licensed by the State of Connecticut.
  - b. The licensed care provider resides in the dwelling.
  - c. Not more than one employee in addition to the care provider is permitted.

**C. Permitted by Zoning Permit**

1. **Garage** - An attached or detached garage accessory to a residence for the use of the occupants of the premises provided that:
  - a. The garage space shall not be for more than three motor vehicles on any lot with one additional motor vehicle allowed for each 5,000 square feet by which the lot exceeds 20,000 square feet.
  - b. One space in a private garage on each lot may be used for storage of a commercial vehicle of not more than 1-1/2 ton capacity as measured by the difference between the light weight and gross weight as indicated on the motor vehicle registration.
  - c. Space in a private garage may be rented to persons not resident on the premises for storage of noncommercial vehicles only.
  - d. In a detached garage, any area above the first floor shall only be used for storage.
  - e. Relevant provisions of Subsection 6.2.G are complied with.
2. **Home-Based Business** - A home-based business in accordance with Subsection 3.6.B of these Regulations when indicated as permitted with issuance of a Zoning Permit.
3. **Keeping of Animals**— The keeping of animals in accordance with Subsection 6.11 of these Regulations when indicated as permitted with issuance of a Zoning Permit.
4. **Tag Sale** – A tag sale, provided that:
  - a. Not more than one tag sale shall be conducted per property in any calendar year.
  - b. Such tag sale shall not be conducted for more than three consecutive calendar days.
  - c. A maximum of six signs may be placed.
  - d. All signs shall be removed within 24 hours of the end of the sale.
5. **Greenhouse** - Greenhouses and shade houses provided that:
  - a. The parcel shall contain at least three (3) acres of land.
  - b. No more than a total of four greenhouses and shade houses, each containing 1,000 square feet or less, shall be permitted.
  - c. No such structure shall be located less than 100 feet from any property line.
  - d. Such greenhouses and shade houses shall be required to meet the requirements of Section 3.4.
6. **Agricultural Uses** – Sale of agricultural products and other agricultural uses when in accordance with Subsection 3.6.E of these Regulations.
7. **Other Accessory Buildings** – Sheds, barns, and other buildings and structures subordinate and customarily incidental to a permitted use.

#### **D. Permitted by Special Permit**

1. **Home-Based Business** - A home-based business in accordance with Subsection 3.6.B of these Regulations.
2. **Keeping of Animals**— The keeping of animals in accordance with Subsection 6.11 of these Regulations.
3. **Accessory Apartment** -- An accessory apartment in accordance with Subsection 3.6.C of these Regulations.
4. **Day Care** - Group day-care home provided that:
  - a. The resident owner is the care provider.
  - b. The facility is licensed by the State of Connecticut.
  - c. Not more than two employees in addition to the care provider are permitted.
  - d. The applicant demonstrates, to the reasonable satisfaction of the Commission:
  - e. A safe and adequate means of ingress and egress to and from the facility.
  - f. Adequate on-site parking for any employees.
5. **Day Care** – A day care center accessory to an institutional use or similar permitted use provided that:
  - a. The facility is located on and accessed from a collector or arterial road as identified in the Plan of Conservation and Development.
  - b. The facility is licensed by the State of Connecticut.
  - c. The applicant must submit a site plan which demonstrates, to the reasonable satisfaction of the Commission:
  - d. A safe and adequate means of ingress and egress to and from the facility.
  - e. Adequate on-site parking for any employees.
6. **Bed-And Breakfast** -- A bed-and breakfast establishment in accordance with Subsection 3.6.D of these Regulations.

#### **Agricultural-Type Uses**

7. **Agricultural Use** -- Farming, forestry or horticulture uses not permitted under Subsection 3.6.E of these Regulations.
8. **Other Uses** - Other accessory uses, buildings or structures not customarily or reasonably incidental, as determined by the Commission, to a permitted principal use.

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## SECTION 3.4. DIMENSIONAL STANDARDS

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### A. Minimum Lot Requirements

#### 1. Requirements

	<b>R-10</b>	<b>RR-10</b>	<b>R-20</b>	<b>R-30</b>	<b>R-40 <sup>(1)</sup></b>	<b>R-80 <sup>(1)</sup></b>
a. Minimum gross lot area (sq. feet)	10,000	10,000	20,000	30,000	40,000	80,000
b. Minimum lot frontage (feet)	80	80	100	120	140 <sup>(2)</sup>	160 <sup>(2)</sup>
c. Minimum lot width (feet)	80	80	100	120	140	160
d. Minimum square dimension (feet) <sup>(3)</sup>	70	70	70	80	100	140

Notes: (1) Unless a lesser requirement has been established for such lot by the Commission through approval of a Cluster Subdivision or a Conservation Development.  
(2) May be reduced to 25 feet for an approved rear lot.

#### 2. Potential Exceptions

Potential exceptions to lot area, lot frontage, and/or lot width requirements may be found in Subsection 3.5.A or Subsection 3.5.B.



**B. Maximum Density Limitation**

**1. Requirements**

Except as may be otherwise provided in these Regulations, no parcel in a residential zone in existence as of January 1, 2010 shall be divided, subdivided, or re-subdivided in such a way as to exceed the following maximum number of lots per acre of buildable land except that any calculation resulting in a fractional remainder over 0.5 may be rounded up to the next whole number.

	<b>Lots / Acre of Buildable Land</b>
a. R-10 Residence Zone	3.0
b. RR-10 Residence Zone	3.0
c. R-20 Residence Zone	1.5
d. R-30 Residence Zone	1.1
e. R-40 Residence Zone	0.6
f. R-80 Residence Zone	0.3

<b>Illustrative Example (R-40 Residence Zone)</b>	
• Gross area of parcel (acres)	11.92 acres
• Minus areas classified as wetland, watercourse, 100-year floodplain, or containing slopes greater than 25 percent	- (2.43 acres)
• Equals the buildable land on the parcel (acres)	= <b>9.49 acres</b>
• Times the maximum number of lots per acre of buildable land for the R-40 Residence zone	X 0.60 lots/acre
• Equals	= 5.694 lots
• Rounded up to six (6) lots maximum	<b>6 lots</b>

**2. Potential Exceptions**

- a. A division of property as permitted by CGS Section 8-18 is exempted from the density limitation.
- b. A subdivision of property which, in the absence of the density limitation, would result in four (4) lots or less is exempted from the density limitation. This provision shall not apply to resubdivisions.

## C. Minimum Setback Requirements

### 1. Requirements For A Permitted Use

	R-10	RR-10	R-20	R-30	R-40 <sup>(1)</sup>	R-80 <sup>(1)</sup>
<b>Front (feet) <sup>(2)</sup></b>						
a. Principal Buildings	20	20	30	30	40	50
b. Accessory Structures	No accessory structure shall be located in a front yard (the area between the principal structure and the street) without approval by the Commission					
<b>Side (feet) <sup>(2)</sup></b>						
c. Principal Buildings	5 min., 15 total	5 min., 15 total	10 min., 25 total	10 min., 25 total	20 min., 50 total	25
d. Accessory Structures	5	5	10	10	15	20
<b>Rear (feet) <sup>(2)</sup></b>						
e. Principal Buildings	35	35	35	35	35	40
f. Accessory Structures	10	10	15	15	20	30

Notes: (1) A (15) ft. setback shall be required for principal and accessory buildings and structures for such lot by the Commission through approval of a Cluster Subdivision or a Conservation Development. **[Effective 8/15/2012]**

(2) Non-residential uses in R-40 and R-80 Residence Zones shall observe a minimum setback of 100 feet from the nearest lot line of any residential lot and such area shall, unless modified by the Commission, be landscaped, planted as a buffer, or preserved in its natural state as needed for protection of adjacent properties.

### 2. Potential Exceptions

Potential exceptions to setback requirements may be found in Subsection 3.5.D.

## D. Maximum Building Coverage Limitations

### 1. Overall

	R-10	RR-10	R-20	R-30	R-40 <sup>(1)</sup>	R-80 <sup>(1)</sup>
a. Single Family Uses	30%	30%	20%	20%	10%	7.5%
b. Two-Family Uses	Not allowed	35%	Not allowed	Not allowed	Not allowed	Not allowed
c. Other Permitted Uses	30%	30%	25%	25%	12.5%	10%
d. Uses Allowed By Special Permit	30%	30%	20%	20%	12.5%	10%

Notes: (1) Unless a lesser requirement has been established for such lot by the Commission through approval of a Cluster Subdivision or a Conservation Development.

**E. Maximum Building Height Limitations**

**1. Feet**

	<b>R-10</b>	<b>RR-10</b>	<b>R-20</b>	<b>R-30</b>	<b>R-40</b>	<b>R-80</b>
a. Principal Building (feet) [including any uses allowed by special permit]	35	35	35	35	35	35
b. Accessory Building (feet) [for barn or livestock]	26	26	26	26	26	26
c. Other Accessory Building (feet) [garage, shed]	16	16	16	16	16	16

**2. Stories**

	<b>R-10</b>	<b>RR-10</b>	<b>R-20</b>	<b>R-30</b>	<b>R-40</b>	<b>R-80</b>
a. Principal Building [including any uses allowed by Special Permit]	2.5	2.5	2.5	2.5	2.5	2.5
b. Accessory Building [for barn or livestock]	2.5	2.5	2.5	2.5	2.5	2.5
c. Other Accessory Building [garage, shed]	1.5	1.5	1.5	1.5	1.5	1.5

**3. Potential Exceptions**

Potential exceptions to building height limitations may be found in Subsection 3.5.C.

**F. Maximum Accessory Building Size**

1. Except as otherwise provided in this Section, accessory buildings shall not exceed the following footprint:
  - a. Accessory building (such as a shed) 400 square feet
  - b. Detached garage 900 square feet
  - c. Barn 1,200 square feet
2. Larger accessory buildings may be allowed by the Commission by Special Permit.
3. On a bona fide farm, the size of a barn building shall not be limited by this regulation.

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## **SECTION 3.5. DIMENSIONAL EXCEPTIONS**

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### **A. Lot Area Exceptions**

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in lot area than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to lot area, such lot was in a different ownership from that of all abutting land.

### **B. Lot Width / Frontage Exceptions**

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in width or less in frontage than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to width, such lot was in a different ownership from that of all abutting land.

### **C. Height Exceptions**

The height limitations in this regulation shall not apply to:

1. Belfries, steeples, bulkheads and penthouses, designed for other than human habitation.
2. Flagpoles, chimneys and flues not to exceed fifty (50) feet without approval by the Commission.
3. Utility, generating, storage and transmission structures.
4. Parapet wall or cornice extending not more than five feet (5') above the height limit.
5. Architectural features, such as cupolas, up to 10 feet in height, designed for other than human habitation.
6. Solar panels accessory to a residential use extending not more than five feet (5') above the height limit.
7. Wind-powered electrical generation systems accessory to a residential use not to exceed fifty (50) feet without approval by the Commission.
8. Other height exceptions as may be provided by these Regulations.

**D. Setback Exceptions**

1. Nothing in this regulation shall prohibit the projection of eaves, cornices, gutters, pilasters, columns, belt courses, sills, or other similar architectural features into a required setback by up to one foot.
2. Nothing in this regulation shall prohibit the projection of a bay window or other similar architectural features from a building by up to two feet or 20% of the setback, whichever is the more restrictive requirement.
3. In the R-10 Zone, RR-10 Zone, and R-20 Zone, the depth of the required front setback need be no greater than the average distance from the street line to the principal buildings on the two adjoining lots on each side of the proposed site if developed with buildings except that any such modification shall not allow any building location to:
  4. Conflict with Section 6.7 (corner visibility).
  5. Be located less than 30 feet from the center line of the street right-of-way or less than five feet from the street property line.
  6. To the minimum extent necessary to accomplish the intended purpose, access ramps for the handicapped may, with approval of the Zoning Enforcement Officer, extend into any required setback.
  7. Entry stairs, stoops, and fire escapes may extend into any required setback not more than five (5) feet.
  8. A basement hatchway may project into a required side setback or a required rear setback not more than six (6) feet.
  9. Within the R-10 Zone, RR-10 Zone, and R-20 Zone, a one-story open porch (without screens or enclosure of any kind) and any associated stairs may project into the required front setback not more than twenty (20) percent of the minimum front setback requirement.

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## **SECTION 3.6. SPECIAL PROVISIONS FOR RESIDENTIAL USES**

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### **A. Elderly Housing Complex**

An apartment housing complex for elderly persons, as defined in CGS Section 8-113a(m), provided that:

1. The complex shall be situated on a site of not less than four (4) acres.
2. The complex shall contain not more than ten living units per acre of buildable area on the parcel.
3. The complex shall be serviced by municipal water and sewer.
4. Buildings within said complex shall:
  - a. be separated from other buildings within said complex by twenty (20) feet or the height of the building, whichever is the more restrictive requirement,
  - b. contain living units of not less than 450 square feet of living area, and
  - c. contain a community building or room.
5. The complex shall provide for not more than one parking space per unit. Additional parking spaces for visitor parking may be required at the discretion of the Commission.
6. In addition to any other requirements under this regulation, said complex shall adhere to the following design requirements:
  - a. adequate design of grade, paving, gutters, drainage and treatment of turf to handle stormwater, prevent erosion and formation of dust.
  - b. adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal and illumination.
  - c. adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation, loading spaces from general vehicular circulation facilities.
  - d. arrangement of buildings and vehicular circulation so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
  - e. proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts.
7. A typical floor plan and elevation shall be presented with an application.
8. An application for said complex must demonstrate that there will be adequate provisions for the maintenance of non-building areas.

**B. Home Based Businesses**

1. Home-based businesses, as defined in these Regulations, may be allowed as follows :

	<b>Permit</b>
<b>Home Office</b>	No Permit Required
<b>Minor Home Occupation</b>	Zoning Permit required
<b>Major Home Occupation</b>	Special Permit required

2. In all cases, the home based business shall:

- a. be carried on entirely within the same dwelling used by such person as his or her primary residence unless the Commission has, by Special Permit, allowed the business to be conducted within an accessory building.
- b. be clearly secondary to the use of the dwelling for dwelling purposes.
- c. only use materials and equipment which are customarily incidental to residential occupancy.

3. In all cases, the home based business shall not:

- a. occupy more than 25% of the dwelling floor area above the basement,
- b. involve on-site manufacturing, production, service, or sales of merchandise or products,
- c. involve outside storage of any materials or equipment,
- d. change the residential character of the dwelling or property in a visible manner,
- e. create objectionable noise, odor, vibrations, waste or unsightly appearance or conditions noticeable off the premises,
- f. create interference with radio and television reception in the vicinity, or
- g. create a health or safety hazard.

4. Except for signs as allowed by these Regulations, the home based business shall not display any products, materials, or equipment such that it is visible from the street.

### **C. Accessory Apartment**

1. The principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the premises.
2. Only one accessory apartment shall be permitted on a premises.
3. Such unit shall be located within, or attached to, the principal unit.
4. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit and occupancy of the other dwelling unit shall be limited to:
  - a. Second-degree family members (such as parents, children, grandparents, grandchildren, brothers, sisters),
  - b. Elderly and/or disabled persons (as defined in CGS Section 8-113a, Subsection (m)), or
  - c. Caregivers for elderly and/or disabled persons who live on the premises.
5. Not more than two persons shall occupy the accessory apartment.
6. The accessory apartment shall:
  - a. Contain at least 300 square feet of living area and not more than 900 square feet of living area or 25% of the living area of existing structure, whichever is the lesser, unless in the opinion of the Commission a greater amount of floor area is warranted by the specific circumstances of the particular building.
  - b. Be subject to a binding and recorded deed containing restrictions which require that such apartment be rented at or below prices which will preserve the units as housing for which, for a period of not less than 10 years, persons and families pay 30% or less of income, where such income is less than or equal to 80% of the area median income.
7. In terms of overall design:
  - a. The principal dwelling unit and the accessory dwelling unit combination shall be designed to maintain the appearance and character of the premises as a single-family detached dwelling.
  - b. Additions to the main dwelling to accommodate an accessory unit shall only be allowed to sides or rear of said dwelling.
  - c. Where located within or attached to a dwelling, the accessory apartment shall have:
    - i. one means of egress separate from that of the main dwelling, and
    - ii. at least one operable door on a common wall connecting the dwelling to the apartment.
  - d. All proposed exterior and interior modifications to the dwelling shall be approved by the Building Inspector and Town Fire Marshal.
  - e. The accessory apartment may be equipped with its own kitchen, complete bathroom and not more than one bedroom, all of which may be separate from the dwelling.
  - f. The accessory apartment shall not be billed separately from the principal dwelling unit for utilities.
  - g. The accessory apartment shall be provided with two off-street parking spaces unless modified by the Commission.
  - h. No accessory apartment shall be located in a basement, unless such basement constitutes a walkout basement.



8. Issuance of a building permit from the appropriate Town authorities for an accessory apartment shall be conditioned upon full compliance with this Section of the Regulations, and all work attendant thereto shall be completed within 12 months from issuance of the building permit.
9. A certificate of zoning compliance for the accessory apartment shall be issued by the appropriate Town authorities upon completion of the accessory apartment, provided that it has been completed in accordance with this Section of the Regulations.
10. The continued use of an accessory apartment after issuance of the original certificate of zoning compliance is conditioned upon the requirement that the owner of the premises, on the anniversary date of the approval of the permit each calendar year, shall file with the Zoning Enforcement Officer a new affidavit of ownership of the premises and occupancy of either the dwelling or the apartment by the owner as filed with the original application for the accessory apartment.
11. The certificate of zoning compliance for an accessory apartment automatically terminates when there is any change of ownership of the premises; provided, however, that:
  - a. A new certificate of zoning compliance shall be issued upon receipt of an affidavit from the new owner in form acceptable to the Planning and Zoning Commission, signed by the owner of the one-family dwelling, affirming the intent that the dwelling or accessory apartment is to be occupied by the owner of the premises as a principal place of residence, or
  - b. A new application for an accessory apartment shall be made and approved prior to occupancy of said apartment.

**D. Bed and Breakfast**

1. The dwelling must be occupied by the owner of the premises.
2. The building proposed for the bed and breakfast operation shall have a minimum of 2,000 square feet.
3. The operation shall be contained within the existing footprint of the building.
4. No more than 30% of the floor area of the building shall be used for guest sleeping accommodations.
5. No more than four guest accommodations are provided. The occupancy of each guest room shall not exceed four individuals.
6. The bed and breakfast operation shall not to be used as a place of residence for other than the property owner.
7. Written certification shall be obtained from the Director of Health that plans for the water supply and sewage disposal systems are adequate to support the intended use.
8. The operation shall meet all applicable Building and Fire Code requirements.
9. Off-street parking spaces shall include at least two spaces for the residents of the single-family use and one for each guest room. The parking spaces shall be located and/or landscaped so that, in the opinion of the Commission, the parking spaces will not detract from the appearance of the property or the neighborhood.
10. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to provide for a visual separation from other neighboring uses.
11. Bed-and-breakfast operations shall be permitted no more than one suitable freestanding sign to identify the property, provided said sign does not exceed nine square feet as measured on one side, contains no lighting, with the exception of indirect spotlighting, and which shall be specifically reviewed and subject to approval as part of the site plan review for its consistency and compatibility with the area in which the bed-and-breakfast is located.

## **E. Agricultural Uses**

1. **Retail Sale** - Retail sales of agricultural products grown on the premises provided that:
  - a. No roadside stand or sales shall be conducted in the required front setback area.
  - b. Retail sales buildings shall not exceed a cumulative total of 500 square feet of floor space (including incidental storage) unless approved by the Commission as a Special Permit.
  - c. Items for sale may include, as an accessory activity, items not native to the area and/or associated commercial products.
  - d. Operation by a non-resident of the premises shall require a Special Permit from the Commission.
2. **Wholesale Sale** - Wholesale sale of agricultural products provided that:
  - a. Such products shall only be sold on the land where the seller shall live.
  - b. Such products shall consist only of products raised and processed on land owned or leased and devoted to agricultural production by the seller of product.
  - c. Such products shall only include native (produced on site) flowers, fruits, vegetables, herbs, plants, wine, juices, honey, maple syrup, nuts, shrubs, Christmas trees, seasonal boughs or arrangements, firewood, hay, grain and animal products except that incidental containers (bags, boxes, bottles, jugs, pots, trays, etc.) which are necessary for packaging of products shall be exempt from this limitation.
  - d. Operation by a non-resident of the premises shall require a Special Permit from the Commission.
3. **Processing** - Processing of produce and, as an accessory activity, any building in excess of a cumulative total of 800 square feet of floor space devoted to such processing use (including incidental storage) may include items for sale not native to the area and/or associated commercial products.
4. **Greenhouses** - Greenhouses and shade houses provided that:
  - a. any property up to and including three (3) acres in size shall not be permitted to have more than three (3) greenhouses and/or shade houses,
  - b. No greenhouse or shade house shall contain more than 3,000 square feet of floor area except that, for a property that is three (3) acres or less in size, no greenhouse or shade house shall contain more than 1,000 square feet of floor area,
  - c. Any such structure shall be located at least 100 feet from any property line, and
  - d. Such structures shall count to building coverage.

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## ARTICLE 4 - BUSINESS / INDUSTRY ZONES

This Section contains provisions for the following zoning districts:

- Village Center (VC) Zone
- Commercial (C) Zone
- Route 6 Business (RT6) Zone
- Industrial (I) Zone
- Industrial Park (IP) Zone

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### SECTION 4.1. GENERAL PURPOSES

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1. **Village Center (VC) Zone** - The purpose of the Village Center Zone is to maintain, enhance and promote a mixed-use, pedestrian-scale downtown area with a strong sense of place.
2. **Commercial (C) Zone** - The purpose of the Commercial Zone is to maintain and enhance areas containing commercial uses to meet the needs of Bethel residents and businesses.
3. **Route 6 Business (RT6) Zone** - The purpose of the Route 6 Business Zone is to encourage a mix and intensity of land use along Route 6 which will meet community needs, provide opportunities for economic development, and preserve important resources.
4. **Industrial (I) Zone** - The purpose of the Industrial Zone is to provide for appropriate locations and standards for industrial-type uses.
5. **Industrial Park (IP) Zone** - The purpose of the Industrial Park Zone is to provide for appropriate locations and standards for industrial-type uses in a park-type environment.

## SECTION 4.2. PERMITTED ACTIVITIES

### Legend

<b>ZP</b>	Activity allowed by Zoning Permit (ZEO) unless a Special Permit is required for the use or another activity being proposed.
<b>SP</b>	Activity requires obtaining a Special Permit (PZC).
<b>X</b>	Activity <u>not</u> allowed.

<b>A. OCCUPANCY OF EXISTING SPACE</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. No new floor area is created and: a. no additional parking is required, or b. the parking which is available on the site is within ten percent (10%) of the parking required by these Regulations.	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>
2. No new floor area is created, the parking available on the site is within twenty percent (20%) of the parking required by these Regulations, and the owner shall: a. grant the Town by deed, easement, or agreement filed in the Town Clerk's office, the right for the public to enter, exit, pass, and share parking, and b. post signage indicating that parking on the site is not reserved for the uses on the property.	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>
3. No new floor area is created but <u>neither</u> of the above conditions exist.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>

<b>B. NEW CONSTRUCTION ACTIVITIES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Construction which results in less than 1,000 square feet of new floor area.	<b>SP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>
2. Construction which results in 1,000 square feet or more of new floor area.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>

<b>C. DRIVE-UP ACTIVITIES</b>					
	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Drive-up window service of any kind.	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>SP</b>	<b>SP</b>
2. Drive-up window service of any kind except that the Commission may limit drive through facilities to:					
a. locations with direct access to a signalized intersection, and	<b>X</b>	<b>X</b>	<b>SP</b>	<b>X</b>	<b>X</b>
b. no more than one drive-up window per signalized intersection.					

<b>D. MULTIPLE BUILDINGS ACTIVITIES</b>					
	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. More than one building per lot where the applicant demonstrates that more than one building would be advisable, consistent with the area and in the best interests of the town, because of any one or more of the following considerations:					
a. Aesthetic consistency with surrounding buildings.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
b. Nature of the proposed use.					
c. Traffic flow.					
d. Other factors peculiar to the land such as shape of the lot or existing topography.					

<b>E. AMUSEMENT ACTIVITIES</b>					
	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Amusement devices, as defined in these Regulations, provided that:					
a. Such devices are accessory to a permitted or specially permitted use.					
b. Not more than four such devices shall be permitted on the premises.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>
c. All such devices shall be located within an enclosed building.					
d. There shall be at least 150 square feet of floor space open to the general public (excluding toilet facilities) for each device to be located therein.					

## SECTION 4.3. PERMITTED USES

### Legend

<b>P</b>	Use is permitted in the zoning district.
<b>SP</b>	Use requires obtaining a Special Permit (PZC).
<b>X</b>	Use is <u>not</u> permitted in the zoning district.

<b>A. RETAIL / WHOLESALE USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Retail store with no areas for the service or consumption of food.	<b>P</b>	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>
2. Retail store where any areas used for the service or consumption of food is 10 percent or less of the gross floor area and occupies less than 1,000 square feet.	<b>P</b>	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>
3. Retail store where any areas used for the service or consumption of food exceeds 10 percent of the gross floor area or occupies 1,000 square feet or more.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>
4. Outside storage or display of merchandise.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>
5. Retail sale limited to commodities that are manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20% of the gross floor area of the building.	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>
6. Retail sale limited to equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives.	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>X</b>
7. Sale at wholesale of any commodity except live animals and commercial explosives.	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>

<b>B. OFFICE USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. General or business office.	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
2. Medical or dental office, clinic or laboratory.	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>



<b>C. SERVICE USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Personal service establishment ( <i>see definition</i> ), excluding tattoo parlor or massage therapy.	<b>P</b>	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>
2. Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone, except motor vehicles and trailers.	<b>SP</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>SP</b>
3. Self-service automatic laundry establishment provided: a. it shall not contain more than 35 washers and dryers in total. b. on-site washing may be provided as a service.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>
4. Dry cleaning establishment provided that: a. No petroleum derivative solvents are used as a general cleaning solvent (may be used for spotting only). b. No steam is discharged under pressure into the atmosphere. c. Such establishment does not dry clean clothes from collection stations or from other plants.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>
5. Child day-care center.	<b>SP</b>	<b>P</b>	<b>P</b>	<b>SP</b>	<b>SP</b>
6. Adult day-care center.	<b>SP</b>	<b>P</b>	<b>P</b>	<b>SP</b>	<b>SP</b>
7. Animal hospital or veterinarian office.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>P</b>	<b>P</b>
8. Pet grooming or pet training.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>P</b>	<b>X</b>
9. Pet day-care facility or pet boarding facility.	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>
10. Funeral home.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>
11. School for training in special occupational skills where: a. enrollment may be open to the public or limited. b. The school may include dormitories for students and instructors.	<b>X</b>	<b>X</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>

<b>D. FINANCIAL INSTITUTION USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Bank, credit union, or savings and loan association (state or federally chartered) excluding any drive-through facilities.	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>X</b>
2. Bank, credit union, or savings and loan association (state or federally chartered) including any drive-through facilities.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>

<b>E. FOOD / HOSPITALITY USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Sit-down restaurant.	<b>SP</b>	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>
2. Sit-down restaurant accessory to a hotel, motel, or motor hotel use.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
3. Outdoor dining accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food served thereat, subject to all of the following conditions: a. Such service shall be accessory to an indoor restaurant, b. The outdoor eating area shall be contiguous to the restaurant to which it is accessory, c. The outdoor eating area shall be clearly delineated by fences, walls, or plant materials, d. Such outdoor eating area must be 50 feet or more from the nearest boundary of any residential zone, e. Umbrellas may be used in the outdoor eating area to provide protection from the elements provided they are secured and weighted on the bottom and are closed when not in use. In no circumstances shall a tent or a canvas or plastic canopy be used, and f. The area designated for outdoor eating shall be included in calculations for required parking.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
4. Restaurant, fast food.	<b>X</b>	<b>X</b>	<b>SP</b>	<b>X</b>	<b>X</b>
5. Restaurant, other.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
6. Hotel, motel or motor hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-through facilities), banquet hall and/or conference center.	<b>X</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
7. A catering establishment where food is prepared for delivery and consumption off the premises.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>

<b>F. RECREATION USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Interior recreation uses including but not limited to theater, billiard parlor, bowling alley.	SP	P	SP	SP	SP
2. Exterior recreational uses, including but not limited to baseball batting facility, miniature golf course, tennis facilities, ice skating facilities and golf driving ranges.	SP	SP	SP	SP	SP
3. Athletic club provided: a. All activities shall take place within an enclosed building. b. All activities shall be confined to members and guests and not be extended to the general public. c. Primary use shall be for participatory rather than spectator sports. d. Noise level shall be zero decibels ambient at any property line bordering residential property. e. Screening and landscaping shall be as required in Section 6.1. f. Parking may be based on data provided by the applicant documenting similar actual use and certified by appropriate public officials in jurisdiction of actual use. If this material is not presented, parking will equal one space per player (at full capacity of the facility), plus one space per employee.	SP	SP	SP	SP	SP
4. Park or playground areas operated by a governmental unit.	SP	SP	SP	SP	SP

<b>G. INSTITUTIONAL USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Government facilities	SP	SP	SP	SP	SP
2. Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage).	SP	SP	SP	SP	SP
3. Religious facility	SP	SP	SP	X	X
4. Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain).	SP	SP	SP	X	X
5. Museum.	SP	SP	SP	X	X

<b>H. AGRICULTURAL / ANIMAL USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Farming, forestry or horticulture.	X	P	P	P	P
2. Nurseries and the accessory sale of produce and plants provided the Commission shall approve areas for outside display.	X	X	X	P	X

<b>I. RESIDENTIAL USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Residential use, in a structure for residential use only, with a density of up to 10 units per acre, provided the dwelling units shall meet the minimum floor area requirements of Section 5.5.E.	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>	<b>X</b>
2. Apartment in the same structure with other permitted uses, provided that: a. The residential density shall not exceed 10 units per acre. b. All apartments meet the minimum floor area requirements of Subsection 5.5.E of the RM-O regulations regarding apartment dwellings. c. Apartments shall not be permitted on the same floor of a structure with other permitted uses. d. No other permitted use shall be allowed on a floor of a structure located at a higher level than a floor containing apartments. e. Apartments shall have adequate access to at least two separate entrances for emergency purposes.	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>	<b>X</b>
<p style="text-align: right;"><b>[Effective 3/15/2012]</b></p> 3. Residential dwelling units (apartments, townhouses, or condominiums) provided that: a. Such residential dwelling units are accessory to a permitted use, and b. Such residential dwelling units are not located on the ground floor or below unless authorized by the Commission as part of the Special Permit, and c. The residential dwelling unit density does not exceed ten (10) units per acre. 4. Residential dwelling units (apartments, townhouses, or condominiums) which are located 275 feet or more from the centerline of the frontage street, provided that: a. Such residential dwelling units are located on a lot which is at least five (5) acres in size. Adjacent lots in the same ownership may be combined to meet this criteria. Land which is located in a different zoning district may be included in calculating the size of the lot or combined lots. b. The lot or combined lots also contain permitted, non-residential uses located along the frontage street. The overall floor area of such non-residential uses must exceed 7,000 square feet per acre of the total land area of the lot or combined lots located within 275 feet of the centerline of the frontage street. Such non-residential uses may be partially located more than 275 feet from the centerline of the frontage street. c. The residential dwelling unit density does not exceed 10 units per acre. d. The land area which is used exclusively for such residential dwelling units and associated infrastructure may not be used to meet any other requirement of these regulations, and the land area of the lot is not used exclusively for such residential dwell-	<b>X</b>	<b>X</b>	<b>SP</b>	<b>X</b>	<b>X</b>

<p>ing units and associated infrastructure may not be used to calculate the residential density in paragraph c.</p> <p>e. For purposes of this subsection (4) the term "frontage street" shall mean State Route 6 (Stony Hill Road) even if the lot or combined lots have frontage on other streets.</p>					
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<b>J. ASSISTED LIVING USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
<p>1. Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility provided that:</p> <p>a. The maximum number of dwelling units allowed shall be 20 bedrooms or bed equivalents per acre. (Efficiencies are counted as one bedroom.)</p> <p>b. The maximum height of the building shall not exceed 2.5 stories or 35 feet, whichever is less.</p> <p>c. The maximum allowable building coverage shall be 25%.</p> <p>d. The minimum number of parking spaces shall be as follows:</p> <p>i. 1.5 parking spaces per each non-assisted one-bedroom unit.</p> <p>ii. 2.0 parking spaces per each non-assisted two-bedroom unit.</p> <p>iii. 0.5 parking space for each assisted living unit.</p> <p>iv. 1.0 parking space for each employee during the largest shift.</p> <p>v. 1.0 visitor parking space for each 5 nursing home beds.</p>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>

<b>K. MOTOR VEHICLE SERVICE and REPAIR USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
<p>1. Gasoline filling station provided that:</p> <p>a. The building coverage of all structures (including any canopies) does not exceed 25% of the area of the lot.</p> <p>b. Services are limited to dispensing gasoline, oil, antifreeze, and motor vehicle accessories, and other convenience retail products.</p> <p>c. All site lighting shall be extinguished floodlights at close of business or 11:00 p.m., whichever is earlier.</p>	<b>X</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>
<p>2. Motor vehicle wash and/or auto detailing establishment provided that:</p> <p>a. The primary function shall be limited to washing and/or polishing motor vehicles only.</p> <p>b. Secondary functions may only include retail sales of automobile accessories, oil, grease, antifreeze, tires and batteries and services related to the installation of the foregoing items.</p> <p>c. All operations shall be completely enclosed except for the drying of vehicles and the vacuuming of the interior of vehicles.</p> <p>d. All wastewater shall be discharged directly into the sewer.</p> <p>e. No motor vehicles, service trucks or trailers shall be displayed.</p> <p>f. Adequate parking is provided on-site for all customers and employees.</p>	<b>X</b>	<b>SP</b>	<b>X</b>	<b>SP</b>	<b>X</b>
<p>3. Service of motor vehicles with more than three (3) wheels (limited repair license or general repair license) provided that:</p> <p>a. a public hearing has been held before the Zoning Board of Appeals as required by law.</p> <p>b. The building coverage of all structures (including any canopies) does not exceed 25% of the area of the lot.</p> <p>c. For a limited repair license, services are limited to those permitted under the license.</p> <p>d. For a general repair license, services are limited to those proposed by the applicant, permitted under the license, and approved by the Commission.</p> <p>e. Motor vehicle sales are not permitted.</p> <p>f. Adequate parking is provided on-site for all customers and employees.</p> <p>g. Adequate buffers are provided to adjacent properties.</p> <p>h. All site lighting shall be extinguished floodlights at close of business or 11:00 p.m., whichever is earlier.</p>	<b>X</b>	<b>X</b>	<b>X</b>	<b>SP</b>	<b>X</b>

**[effective 2/15/2014]**

<p>4. Service of motor vehicles with less than three (3) wheels (limited repair license or general repair license) provided that:</p> <ul style="list-style-type: none"><li>a. a public hearing has been held before the Zoning Board of Appeals as required by law.</li><li>b. The building coverage of all structures (including any canopies) does not exceed 25% of the area of the lot.</li><li>c. For a limited repair license, services are limited to those permitted under the license.</li><li>d. For a general repair license, services are limited to those proposed by the applicant, permitted under the license, and approved by the Commission.</li><li>e. Motor vehicle sales are not permitted.</li><li>f. Adequate parking is provided on-site for all customers and employees.</li><li>g. Adequate buffers are provided to adjacent properties.</li><li>h. All site lighting shall be extinguished floodlights at close of business or 11:00 p.m., whichever is earlier.</li></ul>	<b>X</b>	<b>SP</b>	<b>X</b>	<b>SP</b>	<b>X</b>
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<b>L. MOTOR VEHICLE SALES USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Automobile sales provided that:					
a. The primary function shall be the sales at retail of new or used motor vehicles.					
b. Secondary functions may only include retail sales of used motor vehicles, motor vehicle accessories, fuel, oil, grease, anti-freeze, tires and batteries and repair services to the extent of installing the foregoing items, making minor mechanical adjustments, rebuild or overhaul engines, repair bodies, repaint motor vehicles, reupholster motor vehicles, steam clean automobiles or motors and wash and polish motor vehicles.					
c. No trucks or trailers having a capacity of more than six tons (determined by the difference between the light weight and gross weight on the vehicle registration) shall be serviced or displayed.	<b>X</b>	<b>SP</b>	<b>X</b>	<b>X</b>	<b>X</b>
d. No recapping of tires or dismantling or cannibalization of vehicles shall occur.					
e. All display areas are screened from any adjacent residential district by a wall at least five feet high.					
f. Adequate parking is provided on-site for all inventory, customers and employees.					
g. Motor vehicles displayed outside a completely enclosed structure have individual signs only within such automobiles.					

<b>M. STORAGE USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Outside storage or display of material.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>X</b>
2. Outside storage of material as an accessory use provided that:					
a. It shall be fully screened from any street, highway or residential district.					
b. No material shall be stored at a height greater than 50% of the height of the main building on the lot or 24 feet, whichever is less.	<b>X</b>	<b>X</b>	<b>X</b>	<b>SP</b>	<b>SP</b>
c. The area covered by such storage shall not exceed 25% of the area of building coverage of primary buildings for the use to which the storage is accessory except if authorized by the Commission at the time of site plan approval.					
3. Warehousing and/or storage of any commodity except live animals and commercial explosives.	<b>X</b>	<b>X</b>	<b>X</b>	<b>SP</b>	<b>SP</b>



<b>N. INDUSTRIAL USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
<p>1. Light industrial use such as manufacturing, fabricating, processing, assembling and testing, engineering development and marketing development of products and accessory uses (such as offices, sales rooms and storage for the wholesale distribution of items manufactured and/or assembled on the premises) provided that:</p> <ul style="list-style-type: none"> <li>a. The use shall be totally contained within the structure.</li> <li>b. The uses shall comply with Section 4.6.D.</li> <li>c. There shall be no outside storage.</li> <li>d. Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use (truck terminals are prohibited).</li> </ul>	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>
<p>2. Manufacturing provided that:</p> <ul style="list-style-type: none"> <li>a. uses meet the performance standards as set forth in Subsection 4.6.D.</li> <li>b. the manufacture, processing or fabrication of the commodities listed in Section 4.6.E is specifically not permitted unless such activity is: <ul style="list-style-type: none"> <li>i. operated as an accessory use where the products are not manufactured as a final product for sale.</li> <li>ii. approved by the Commission as a Special Permit.</li> <li>iii. operated and maintained under the same ownership and on the same lot as the permitted uses.</li> </ul> </li> </ul>	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>
<p>3. Contractor yard for vehicles, equipment, materials and/or supplies which complies with all of the following conditions:</p> <ul style="list-style-type: none"> <li>a. Is properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash and debris.</li> <li>b. Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles, machinery, equipment or supplies.</li> <li>c. Is provided with entrances and exits so located as to minimize traffic congestion.</li> <li>d. Is provided with barriers of such type and so located that no part of parked vehicles will extend beyond the yard space or into the setback space from a zone lot line abutting a residential zone lot or separated therefrom by a street.</li> <li>e. Lighting facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.</li> </ul>	<b>X</b>	<b>X</b>	<b>X</b>	<b>P</b>	<b>X</b>

<b>O. UTILITY / TRANSPORTATION USES</b>	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
1. Utilities, including gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
2. Electric substation provided that exposed transformers shall be shielded by an enclosing fence or wall at least six feet high and adequate to obstruct view, noise and passage of persons or materials.	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
3. Parking and/or commercial storage of vehicles: need not be enclosed, provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off-street parking spaces.	<b>X</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
4. Railroad facilities, but not including shops.	<b>SP</b>	<b>SP</b>	<b>X</b>	<b>SP</b>	<b>SP</b>
5. Landing or takeoff area for rotorcraft, not including maintenance, repair, fueling or hangar facilities.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>SP</b>

## SECTION 4.4. DIMENSIONAL STANDARDS

### A. Minimum Lot Requirements

#### 1. Requirements

	VC	C	RT6	I	IP
a. Minimum lot area (sq. ft.)	10,000	10,000	40,000	20,000	80,000
b. Minimum lot width (feet)	100	100	140 <sup>(1)</sup>	140	180
c. Minimum lot frontage (feet)	100	100	140 <sup>(1)</sup>	140	180

Notes: (1) In the RT6 zone, the minimum lot width requirement for any light industrial use shall be 180 feet.

#### 2. Potential Exceptions

Potential exceptions to lot area, lot frontage, and/or lot width requirements may be found in Section 4.6.

### B. Minimum Setback Requirements

#### 1. Setback For Yard Not Adjacent to Residential Property Line<sup>(a)</sup>

	VC	C	RT6	I	IP <sup>(a)</sup>
a. Front (feet) – from street lot line	10	10	50	25	25
b. Front (feet) – from road centerline	-	-	75		
c. Side (feet)	0	0	20	20	20
d. Rear (feet)	0	0	25	25	25

Notes: (a) In a Village Center Zone, an Industrial Zone or an Industrial Park zone, no setback is required where a lot line adjoins a railroad property line.

#### 2. Setback For Yard Adjacent to Residential Property Line

	VC	C	RT6	I	IP
a. Front (feet)	10	10	50	50	150
b. Side (feet)	10	10	50	50	150
c. Rear (feet)	20	20	50	50	150

**3. Potential Exceptions**

Potential exceptions to setback requirements may be found in Section 4.6.

**4. Setbacks in the IP Zoning District [Effective 11/30/2012]**

In the IP Zoning District, a yard or portion thereof, is "adjacent to Residential Property Line" and is subject to the requirements of Section 4.4.B.2 where the yard abuts property which is:

- i. In the RM-O, R-10, RR-10, R-20, R-30, R-40, or R-80 zoning districts; and
- ii. Improved with structures containing three or less residential dwelling units in total.

Otherwise, the yard, or portion thereof, is "not adjacent to Residential Property Line" and is subject to the setbacks set forth in Section 4.4.B.1.

The Determination as to which setbacks apply shall be based on the conditions at the time of application for a new structure on land in the IP Zoning District. Upon completion of such structure, and in the issuance of a Certificate of Occupancy therefore, a change in the conditions on the abutting property shall not render such structure non-conforming but rather it shall be considered to be in compliance with the requirements of this Section 4.4.B.

**C. Maximum Building Coverage Limitations [Effective 2/15/2104]**

	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
Maximum building coverage	Not limited by regulation	Not limited by regulation	Not limited by regulation	50%	35%

**D. Maximum Commercial Floor Area Limitations**

	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP</b>
Maximum commercial floor area	Not limited by regulation	Not limited by regulation	7,750 SF per gross acre	100% of the lot area	100% of the lot area

**E. Maximum Building Height Limitations**

	<b>VC</b>	<b>C</b>	<b>RT6</b>	<b>I</b>	<b>IP (1)</b>
1. Maximum building height (stories)	3 stories	3 stories	4 stories	2.5 stories	2.5 stories
2. Maximum building height (feet)	40 ft.	40 ft.	50 ft.	35 ft.	35 ft.

Notes: (1) In the IP zone, the Commission may, by Special Permit, approve up to a four (4) story building with a maximum building height of fifty (50) feet.

**3. Potential Exceptions**

Potential exceptions to setback requirements may be found in Section 4.6.

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## **SECTION 4.5. ARCHITECTURAL REVIEW**

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### **A. Village Center Zone**

The Village Center Zone (VC) is hereby designated as a Village District as authorized by CGS Section 8-2j and any new construction or remodeling of the exterior of a building within the VC Zone shall be reviewed by the Village District Consultant designated by the Commission.

### **B. Other Zones**

1. Any new construction or remodeling of the exterior of a building within the Commercial Zone (C), the Route 6 Business (RT6) Zone, the Industrial (I) Zone, or the Industrial Park (IP) Zone which is also within the Village District Overlay Zone (Section 5.4) shall be reviewed by the Village District Consultant designated by the Commission.
2. If an Architectural Advisory Committee has been established by the Town, any new construction or remodeling of the exterior of a building in the Commercial Zone (C) or the Route 6 Business (RT6) Zone shall be reviewed by the Architectural Advisory Committee in accordance with the provisions of Section 6.10 of these Regulations.

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## **SECTION 4.6. SPECIAL PROVISIONS FOR BUSINESS / INDUSTRY ZONES**

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### **A. Lot Width / Frontage Exceptions**

1. Where two or more lots zoned Industrial (I) make use of a single joint entry from and single joint exit to a public street, the minimum frontage requirements may be disregarded provided that:
  - a. Such entry- and exit-ways are located entirely within an I Zone.
  - b. Adequate provision is made, in the judgment of the Commission, that present and future access is guaranteed to properties not having the required frontage.
  - c. Adequate provision is made for access by emergency vehicles to all properties.
  - d. All properties are, in the judgment of the Commission, of such proportions as to be usable for the intended permitted use.
  - e. An agreement is filed on the land records where each property grants each other property the rights of access, egress, and passage.

### **B. Yard Exceptions**

1. By agreement recorded in the land records of the Town of Bethel, the owners of two lots in a RT6 Zone may, by Special Permit approved by the Commission, disregard the required side yards where such lots adjoin and the buildings may be built to the common lot line, provided that the party or other walls separating such buildings shall be of masonry construction.
2. Where two or more lots zoned Industrial (I) make use of a single joint entry from and single joint exit to a public street, the minimum side and rear setback requirements may be omitted along common property lines, provided that:
  - a. Such entry- and exit-ways are located entirely within an I Zone.
  - b. Adequate provision is made, in the judgment of the Commission, that present and future access is guaranteed to properties not having the required frontage.
  - c. Adequate provision is made for access by emergency vehicles to all properties.
  - d. All properties are, in the judgment of the Commission, of such proportions as to be usable for the intended permitted use.
  - e. An agreement is filed on the land records where each property grants each other property the rights of access, egress, and passage.
3. In the Village Center (VC) Zone and Commercial (C) Zone, where existing buildings on more than 75% of the lots on the same side of a street within a block have a front yard less than that required in the applicable zone, the front yard on an undeveloped lot on such street may be reduced to not less than the average setback of the existing buildings within the block provided that:
  - a. The lot is not abutted on both sides by undeveloped lots,
  - b. No front yard setback line shall be less than 30 feet from the center line of the street right-of-way or less than five feet from the street property line, and
  - c. Corner visibility as provided in Section 6.7 shall not be limited.

### **C. Height Exceptions**

1. The height limitations of these Regulations shall not apply in business zones to:
  - a. flagpoles less than fifty (50) feet in height above finished grade,
  - b. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3) stories, or
  - c. public utility facilities which may be built to a height not to exceed fifty (50) feet.
2. Solar panels may exceed the height limitations of these Regulations provided that:
  - a. such panels shall not project more than ten (10) feet above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof, and
  - b. such panels shall be screened on all sides by a solid appearing wall constructed of materials that are harmonious in color and texture with the adjacent facade of the building, except that the Commission may modify this requirement upon proper showing that such solar panels would not be visible.
3. Roof-top appurtenances (such as HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, or similar mechanical equipment) may exceed the height limitations of these Regulations provided that:
  - a. such appurtenances shall not project more than ten (10) feet above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof, and
  - b. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, and
  - c. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located without approval of a Special Permit by the Commission.



## **D. Use Limitations Based on Performance Standards**

It is the intent of this section to ensure that operations, uses, and activities in Industrial (I) and Industrial Park (IP) Zones in Bethel are established and maintained in a manner not detrimental to the public health, safety and welfare and in a manner beneficial to the use, enjoyment and value of neighboring properties. The use of performance standards is necessary to measure potential nuisances and hazards objectively, thereby protecting operations, uses, and activities from arbitrary control and at the same time affording the neighboring properties and the general public necessary protection against hazards and nuisance.

### **1. Noise**

Except as may be exempted below or in the Connecticut General Statutes, the sound level of any operation, use, or activity shall not exceed the noise zone standards of CGS Section 22a-69 as currently in force or subsequently amended with current standards stated at 70 dBA for an emitter. Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's property within the receptor's property. The following activities are exempted from the noise limitation:

- a. Noise created as a result of or relating to an emergency, including but not limited to sirens, alarms, etc.;
- b. Construction or demolition activity during the daytime, as herein defined;
- c. Noise created by blasting, provided that the such blasting has received appropriate permits and is conducted between 8:00 a.m. and 5:00 p.m.;
- d. Noise created by on site recreational activities sanctioned by the state or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.;
- e. Noise generated by maintenance equipment for landscaping and snow removal, i.e., plows, mowers, etc.;
- f. Farming activity;
- g. Noise generated by transmission or distribution facilities and substations of public utilities;
- h. Noise that is directly caused by flight operations specifically preempted by the Federal Aviation Administration.

### **2. Vibration**

No vibration shall be transmitted and therefore felt outside the lot from which it originates. The following activities are exempted from the vibration limitation:

- a. Vibration created as a result of or relating to an emergency;
- b. Construction or demolition activity during the daytime, as herein defined;
- c. Vibration created by blasting, provided that the such blasting has received appropriate permits and is conducted between 8:00 a.m. and 5:00 p.m.;
- d. Vibration created by on site recreational activities sanctioned by the state or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.;
- e. Vibration generated by maintenance equipment for landscaping and snow removal, i.e., plows, mowers, etc.;
- f. Vibration generated by transmission or distribution facilities and substations of public utilities;

### **3. Air Pollution**

Provisions shall be made to control emissions of air pollutants (dust, fumes, smoke, vapor, gas, etc.) into the outdoor atmosphere. Such provisions shall be in compliance with the following standards and all applicable federal (i.e., Clean Air Act) and state (i.e., Air Pollution Control, CGS Section 22a-174) regulations as presently in force or subsequently amended.

### **4. Odor**

Provisions shall be made to control emissions of odorous substances into the outdoor atmosphere. Except as may be exempted below, odor from any use shall not be discernible to any objectionable degree at the property line. An odor will be deemed objectionable when the Department of Environmental Protection Air Compliance Unit determines such, according to guidelines and standards provided by the General Statutes of Connecticut as presently in force or subsequently amended.

The following activities are exempted from the odor limitation:

- a. Odor from agricultural activities provided it is conducted in a manner as to minimize odors.
- b. Odor from mobile sources.

### **5. Glare and Heat**

All uses shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 foot-candle in any residential zone. Any form of heat shall not be perceptible outside the lot where it originates.

### **6. Electromagnetic Radiation**

No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiations and to any other applicable regulation.

### **7. Dangerous Materials and Hazardous Wastes**

Materials which are dangerous due to the possibility of explosion, fire, radioactivity, corrosion, toxicity or contamination must be secured and maintained in a manner approved by federal, state and Town agencies against such dangers as:

- a. Groundwater contamination via leachate and direct discharge.
- b. Surface water contamination via runoff, overflow or direct discharge.
- c. Air pollution via open burning, evaporation, sublimation and wind erosion.

Any activity whether the generation, treatment, storage, transportation of hazardous waste (is defined and controlled by Section 3001 of the Federal Resource Conservation and Recovery Act, CGS Chapter 445, Hazardous Waste, CGS Section 22a-114 and amendments or subsequent federal, state or Town regulations) is restricted to approved and confirmed Environmental Protection Agency and Department of Environmental Protection registrants and security methods, and prior to commencement, such activity is to be reported to and must be approved by appropriate Town officials.

Any discharge of wastewater into the waters of Bethel (surface or ground) or into public disposal system must comply (either by its nature or pretreatment) with all federal (i.e., National Pollutant Discharge Elimination System) and state (i.e., Water Quality Standards and Criteria) standards.

## **8. Other Standards**

In addition to these standards, all relevant provisions of any other federal, state and Town laws and regulations shall also apply.

Where such standards, controls or regulations are not in agreement, the more restrictive shall apply.

## **9. Compliance and Enforcement**

- a. The occupant/applicant of a parcel within an I Zone or IP Zone will be solely responsible for compliance with the performance standards.
- b. The occupant/applicant shall, at his own expense, furnish in writing, together with the application for a building permit, sufficient evidence to the Commission that the proposed use will not produce any nuisance in excess of the measurable performance standards listed in this section.
- c. In the event that compliance to the established performance standards cannot be judged properly during a permit processing period or prior to operation, the recipient of zoning and building permits shall provide a written statement recognizing that these performance standards are continuing obligations and that all land uses in Town are expected to operate in compliance with these standards.
- d. In the event of an alleged violation, the Zoning Enforcement Officer shall notify the operator/occupant and such officer, charging that a violation has occurred, shall have sufficient ground for invoking the provisions of law to enforce compliance hereunder.
- e. The Commission or the occupant/applicant may elect to engage competent technical experts to evaluate the alleged violation or the occupant/applicant or the occupant/applicant may compel the Zoning Enforcement Officer to hire such technical experts.
- f. If such technical experts are hired:
  - i. the occupant/applicant shall bear the cost of such technical investigation if he is thereafter found to be in violation of the foregoing standards.
  - ii. the Town shall bear the cost of such technical investigation where no violation has been found to have occurred.

## **E. Prohibited Uses**

Notwithstanding any other provision of these Regulations, the basic manufacture, processing or fabrication of the following commodities is not permitted in an Industrial (I) or Industrial Park (IP) Zone:

1. Abrasives.
2. Alcohol distillation.
3. Animal by-products.
4. Bone black.
5. Brewery.
6. Carbon black and lampblack.
7. Charcoal.
8. Cinder and cinder blocks.
9. Clay and clay products.
10. Coal or coke.
11. Detergents, soaps and by-products using animal fat.
12. Electric power generator station.
13. Fermented fruits and vegetable products.
14. Fertilizers.
15. Fungicides.
16. Garbage truck / hauling.
17. Gases (other than nitrogen and oxygen).
18. Glass.
19. Glue and size.
20. Grain milling.
21. Graphite.
22. Gypsum and other forms of plaster base.
23. Insecticides.
24. Insulation (flammable types).
25. Junk including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. **[effective 2/15/2014]**
26. Matches.
27. Meat slaughtering or packing.
28. Metals.
29. Metal ingots, pigs castings, sheets or bars.
30. Oils and fats (animal and vegetable).
31. Paints, pigments, enamels, japans, lacquers, putty, varnishes, whiting and wood fillers.

32. Paper pulp and cellulose.
33. Paraffin.
34. Petroleum and petroleum products.
35. Portland and similar cements.
36. Refuse bin storage.
37. Repossession companies.
38. Rubber.
39. Sawmill or planing mill.
40. Serums, toxins or viruses.
41. Sugars and starches.
42. Tannery.
43. Turpentine.
44. Wax and wax products.
45. Wood preserving by creosoting or other pressure impregnation of wood by preservatives.
46. Asphalt, bituminous and cement-based concrete, stone or gravel.

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## ARTICLE 5 - SPECIAL ZONES

This Section contains provisions for the following zoning districts:

- Floodplain Overlay Zone
- Aquifer Protection Overlay Zone
- Water Supply Protection Overlay Zone
- Village District Overlay Zone
- Planned Residential Development Zone (PRD)
- Residential Multi-Office Zone (RM-O)
- Educational Park Zone (EP)
- Designed Conservation District (DCD)

### SECTION 5.1. FLOODPLAIN OVERLAY ZONE & FLOODPLAIN MANAGEMENT REGULATIONS

#### A. Purpose

[Effective 6/18/2010]

The Floodplain Overlay Zone, as shown on the official Zoning Map, is intended to provide reasonable notice to persons regarding property that may be subject to the effects of flooding.

It is the purpose of the floodplain management regulations 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. Protect human life and health.
2. Minimize expenditure of public money for costly flood-control projects.
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard.
6. 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. Ensure that potential buyers are notified that property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### B. Statutory Authorization

The legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Planning & Zoning Commission of the Town of Bethel does ordain as follows:

### C. Finding of Fact

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

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

The Town of Bethel has voluntarily participated in the National Flood Insurance Program (NFIP) since April 23, 1984. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally subsidized insurance only if the community enacts and enforces the minimum floodplain regulations for participation in the NFIP.

### D. Objectives

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

1. Restricting or prohibiting 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 heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
4. Controlling filling, grading, dredging and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

### E. Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application.

As used in this section, the following words shall have the meanings indicated:

**APPEAL** -- A request for a review of the Planning & Zoning Official's interpretation of any provision of this section or a request for a variance.

**AREA OF SHALLOW FLOODING** -- A designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

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



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

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

**BASEMENT** -- That portion of a building having its floor sub-grade (below ground level) on all sides.

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

**DEVELOPMENT** -- Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the area of special flood hazard.

**ELEVATED BUILDING** -- A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 23, 1984, of the floodplain management ordinance adopted by the community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – The preparation of additional sites by the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program (NFIP).

**FINISHED LIVING SPACE** -- As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors, (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces, and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

**FLOOD or FLOODING** -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff or surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** -- The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** -- The official report provided by Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood

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

**FLOOR** -- The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete-slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FUNCTIONALLY DEPENDENT USE OR FACILITY** -- A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long term storage, manufacturing, sales or service facilities.

**HISTORIC STRUCTURE** -- Any structure that is: (a) Listed individually in the National Register of Historic Places ( a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states with approved programs.

**LOWEST FLOOR** -- The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor if provided that such an area meets the design requirements specified in Section 5.1.K. of this regulation.

**MANUFACTURED HOME** -- 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.

**MANUFACTURED HOME PARK OR SUBDIVISION** -- A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** -- The value of the structure shall be determined by 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.

**MEAN SEA LEVEL** -- For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** -- Structures for which the start of construction commenced on or after April 23, 1984, the effective date of this section.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 23, 1984, of the floodplain management regulation adopted by the community.

**RECREATIONAL VEHICLE** -- A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable light a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION** -- For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided that 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 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of a building.

**STRUCTURE** -- A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other man-made facilities or infrastructures.

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

**SUBSTANTIAL IMPROVEMENT** -- Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place over a 3 year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be 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.

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

**VIOLATION** -- A failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** -- The height, in relation to North American Vertical Datum (NAVD) of 1988 or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **F. General Provisions**

### **1. Applicability**

This section shall apply to all areas of special flood hazard within the jurisdiction of Bethel, Connecticut.

### **2. Basis for Establishing Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010 and other supporting data applicable to the Town of Bethel, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file at the Town Clerk's office, Bethel, Connecticut.

### **3. Compliance Required**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations.

### **4. Construal of Provisions**

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

## **5. Interpretation**

In the interpretation and application of this section, all provisions shall be:

- a. Considered as minimum requirements.
- b. Liberally construed in favor of the governing body.
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

## **6. Warning and disclaimer of liability**

The degree of flood protection required by this chapter 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 chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

## **G. Administration**

### **1. Zoning Permit**

A zoning permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 5.1.F.2. An application for a zoning permit shall be made on forms furnished by the Planning & Zoning Official and may include but not be limited to plans, in duplicate, drawn to scale, 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. Specifically, the following information is required:

- a. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.
- b. The elevation, in relation to mean sea level, to which any structure has been floodproofed.
- c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5.1.J.3.
- d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **2. Designation of Flood Plain Manager**

The Bethel Planning and Zoning Official is hereby appointed as Flood Plain Manager responsible for administering and implementing this chapter by granting or denying development permit applications in accordance with its provisions.

### **3. Duties and responsibilities of Planning & Zoning Official**

The duties and responsibilities of the Planning & Zoning Official shall include but not be limited to:

#### **4. Permit Review**

The Planning & Zoning Official shall:

- a. Review all zoning permits to determine that the permit requirements of this section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
- b. Review all zoning permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- c. Review all zoning permits to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effects of proposed development which, combined with all other existing and anticipated development, increases the water surface elevation of the base flood more than one foot at any point.

#### **5. Use of other Base Flood Data**

When base flood elevation data or floodway data has not been provided in accordance with Section 5.1.F.2., Basis for establishing areas of special flood hazard, the Planning & Zoning Official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer Section 5.1.J., Specific Standards, Residential construction and Specific Standards, Nonresidential construction.

#### **6. Information to be Obtained and Maintained**

The Planning & Zoning Official shall:

- a. Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.
- b. For all new or substantially improved flood-proofed structures:
  - i. Verify and record the actual elevation, in relation to mean sea level;
  - ii. Maintain the flood-proofing certifications required in Section 5.1.G.1.c.; and
  - iii. Maintain for public inspection all records pertaining to the provisions of this chapter.

#### **7. Alteration of Watercourses**

The Planning & Zoning Official shall:

- a. Notify adjacent communities and the Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

#### **8. Interpretation of FIRM Boundaries**

The Planning & Zoning Official shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.1.H.

## **H. Variance Procedures**

### **1. Establishment of Variance Procedures**

- a. The Planning & Zoning Commission, as established by the Town of Bethel, shall hear and decide appeals and requests for variances from the requirements of section.
- b. The Planning & Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Planning & Zoning Official in the enforcement or administration of this section.
- c. Any person aggrieved by the decision of the Planning & Zoning Commission or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the Connecticut Superior Court of Danbury, as provided in Section 8-8 of the General Statutes of Connecticut.
- d. The (local administrator) shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA)

### **2. Specific Situation Variances**

- a. Buildings on a Historic Register: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places. The State Inventory of Historic Places, or any locally adopted historic district with out regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
- b. Functionally Dependant Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependant use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets all the requirements of Section 5.1.I.
- c. Floodway Prohibition: Variances shall not be issued within any designated floodway if any increase in the flood levels during the base flood discharge would result.

### **3. Considerations for Granting of Variances**

- a. In passing upon such applications, the (local appeal board) shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the (ordinance/regulation) and the items listed below:
- b. Upon consideration of these factors and the purposes of this (ordinance/regulation), the (local appeal board) may attach such conditions to the granting of variances as it deems necessary to further the purposes of this (ordinance/regulation).
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The danger to life and property due to flooding or erodin damage;
- e. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- f. The importance of the services provided by the proposed facility to the community;
- g. The necessity of the facility to waterfront location, in the case of a functionally dependant facility;

- h. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- i. The compatibility of the proposed use with existing and anticipated development;
- j. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- k. The safety access to the property in times of flood for ordinary and emergency vehicles;
- l. The expected heights, velocity, duration, rate and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and;
- m. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

#### **4. Conditions for Variances**

- a. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulations would create an exceptional hardship to the applicant or the surrounding property owners. These characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
- b. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights of property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-centered circumstances are not sufficient cause for the granting of a variance.
- c. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally-dependant use" provided that there is good sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
- d. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.



## **I. General Standards**

In all areas of special flood hazard, the following standards are required:

### **1. Anchoring**

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

### **2. Construction Materials and Methods**

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

### **3. Utilities**

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage or septic systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### **4. Subdivision Proposals**

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as septic, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres, whichever is less.

### **5. Equal Conveyance --**

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demon-

strating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

**6. Compensatory Storage --**

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

**7. Aboveground Storage Tanks –**

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

**8. Portion of Structure in Flood Zone –**

If any portion of a structure lies within the special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet standards of the more restrictive zone.

**9. Structures in Two Flood Zones –**

If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.

**10. No Structures Entirely or Partially Over Water –**

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

## **J. Specific Standards**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 5.1.F.2., Basis for establishing areas of special flood hazard, or Section 5.1.G.5., Use of other base flood data, the following provisions are required:

### **1. Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

### **2. Manufactured Homes**

- a. All manufactured homes, including recreational vehicles placed on a site for 180 consecutive days or longer, to be placed or substantially improved in Zones A and AE shall be elevated so that the lowest floor is above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
- b. It shall be placed on a permanent foundation, which itself is securely anchored and to which the structure is securely anchored, so that it will resist flotation, lateral movement and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
- c. Recreational vehicles placed on a site for more than 180 days or longer must meet the elevation and anchoring requirements listed above. Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### **3. Nonresidential Construction**

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

### **4. Fully Enclosed Areas below the Base Flood Elevation**

All new construction and substantial improvements, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections (1)-(7) below:

- a. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- b. The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- c. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Planning & Zoning Official;
- d. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
- e. All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage.
- f. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates.
- g. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.1.J.4. (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 5.1.J. (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 5.1.J.3.

## **K. Floodways**

Located within areas of special flood hazard established in Section 5.1.F.2 or Section 5.1.G.5., are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, which encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge.
2. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V, Provisions for Flood Hazard Reduction.
3. Should floodway data be obtained for an unnumbered A Zone, a floodway capable of conveying the base flood without increasing the water surface elevation more than one foot at any point shall be designated.
4. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any one point.

**[Effective 6/18/2010]**

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## **SECTION 5.2. AQUIFER PROTECTION OVERLAY ZONE**

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### **A. Purpose**

The purpose of the Aquifer Protection Overlay Zone, as shown on the official Zoning Map, is to preserve the quality and quantity of the groundwater supply by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

### **B. Standards**

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Aquifer Protection Overlay Zone provided that they comply with the requirements of the Town Code Ordinance #116 relating to aquifer protection and any requirements of the Inland Wetlands Commission, acting as the administrator of the aquifer protection standards.

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## **SECTION 5.3. WATER SUPPLY PROTECTION OVERLAY ZONE**

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### **A. Purpose**

It is the purpose and intent of the Water Supply Protection Overlay Zone (WSPOZ) to:

1. to protect existing and potential public surface water supply watershed areas from sources of contamination,
2. to protect areas of high groundwater availability from sources of contamination,
3. to promote public health and the general welfare of the community, and
4. to promote environmental protection.

### **B. Use Regulations**

In addition to other provisions of these Regulations, the following regulations shall apply for all lots or portions of lots located within the designated water supply watershed protection areas.

1. The following uses are prohibited within the WSPOZ:
  - a. Manufacture, use, storage, or disposal of hazardous materials in any watershed area without a spill prevention, control, and countermeasure (SPCC) plan approved by the Inland Wetlands Commission acting in a water resource protection capacity.
  - b. Sanitary landfill, septage lagoon, or wastewater treatment facility for municipal or industrial wastes.
  - c. Junkyard, salvage yard.
  - d. Truck terminal or bus parking facility with ten (10) or more parking spaces.
  - e. Gasoline station, auto repair, auto body shop without a spill prevention, control, and countermeasure (SPCC) plan approved by the Inland Wetlands Commission acting in a water resource protection capacity.
  - f. Bulk storage of road salt for commercial or municipal purposes.
  - g. Any use which is not allowed in the respective zoning district.
2. Any parking area within the WSPOZ containing ten (10) or more parking spaces shall, when constructed or reconstructed, have a treatment system:
  - a. approved by the Inland Wetlands Commission acting in a water resource protection capacity, and
  - b. be designed, installed, and maintained to retain spills and renovate stormwater.
3. Any development within the WSPOZ shall provide an acceptable means of pretreatment of runoff as approved by the Inland Wetlands Commission acting in a water resource protection capacity.
  - a. For the purposes of this subsection, acceptable pretreatment measures will be evaluated in terms of their compliance with current best management practices as published by Federal and/or State agencies.

- b. This requirement shall not apply to:
  - i. single family dwellings on individual lots,
  - ii. accessways or driveways serving less than three (3) dwellings, or
  - iii. home landscaping or maintenance activities.
- 4. Any stormwater management system, utilities installation, environmental enhancements, or other structures shall be designed, installed and maintained so as to minimize any detrimental effect on ground water and/or surface water quality as determined by the Inland Wetlands Commission acting in a water resource protection capacity.
- 5. Maintenance agreements, including but not limited to agreements with respect to the maintenance and upkeep of soil and vegetative covers for the land and/or covenants acceptable to the Town of Bethel, shall be given by the owner of the land to the Town of Bethel to assure compliance with these requirements.
- 6. Earth changes shall be prohibited on slopes greater than twenty-five percent (25%), unless the Commission receives a report from the Inland Wetlands Commission acting in a water resource protection capacity which documents that erosion control measures provided with the plan are adequate to meet the purpose and intent of these regulations and to protect public health, safety and welfare.

**C. Environmental Analysis**

- 1. An Environmental Analysis shall be submitted with any application for a Special Permit, subdivision, site plan, or excavation permit involving lots or portions of lots located within a water supply protection overlay zone.
- 2. The Environmental Analysis shall be prepared and certified by a qualified soils scientist or licensed engineer and shall contain at least the following information:
  - a. Impact of the project upon ground and surface water quality and ground water recharge based on applicable water quality standards and including the estimated phosphate and nitrate loading on ground water and surface water from new streets, driveways, septic tanks, lawn fertilizer, and other activities within the development.
  - b. Capability of soils, vegetative cover, and proposed erosion control measures to support the proposed development and to prevent erosion, silting or other instability.
  - c. Certification that the development shall not cause a diversion of existing drainage water from a reservoir where such diversion would result in a net decrease of volume over what now enters such reservoir.

**D. Plan Notation**

- 1. All site plans submitted for permitted uses, Special Permit uses, and excavation permits, and all plot plans submitted for the issuance of a Zoning Permit, shall note that the proposed development is subject to all the applicable requirements of the Zoning Regulations pertaining to the Water Supply Protection Zone.

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## **SECTION 5.4. VILLAGE DISTRICT OVERLAY ZONE**

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### **A. Purpose**

The Village District Overlay Zone in Bethel, adopted under the authority of CGS Section 8-2j, is established to:

1. enhance the historic character of downtown Bethel and aid in the preservation and restoration of its architectural assets,
2. ensure that the exterior design of buildings and sites in downtown Bethel is in harmony with the character of the area,
3. encourage high quality building and site design, and
4. result in development which is compatible with the character of the community.

### **B. Applicability**

Any new construction or remodeling of the exterior of a building within the Village District Overlay Zone shall be subject to the provisions of this Section.

### **C. Uses / Activities**

1. Uses permitted in the underlying zone are allowed in the Village District Overlay Zone subject to the same conditions.
2. Activities permitted in the underlying zone are allowed in the Village District Overlay Zone subject to the same conditions.
3. Within the Village District Overlay Zone, the Commission may, by Special Permit, allow the creation of an accessory dwelling unit provided that it is in conformance with the provisions of Section 3.6.C except that the Commission may:
  - a. allow a unit which is not within or attached to the principal building,
  - b. give special consideration or treatment to historic structures such as barns,
  - c. allow occupancy by persons other than those specified in Section 3.6.C provided the property is owner occupied and in a residential zone, and
  - d. waive other provisions of Section 3.6.C where considered appropriate.
4. The Commission may, by Special Permit, allow an increase in lot coverage where such increase will help accomplish the purposes of this zone.



**D. Referral to Village District Consultant**

1. Applications subject to the provisions of this Section shall, upon acceptance of a complete application, be referred to the Village District Consultant (VDC) appointed by the Commission.
2. Such VDC may be:
  - a. an Architectural Advisory Committee (AAC), or
  - b. another Board or individual(s) eligible under CGS 8-2j.
3. The application shall be reviewed by the VDC in relation to the design guidelines of this Section.
4. The VDC shall provide a written report regarding the application no later than thirty (30) days from the date of acceptance of a complete application.
5. Failure of the VDC to provide a written report within the prescribed period shall be construed as a finding of design appropriateness and consistency except that a request from the VDC for resubmission of the application based on the VDC recommendations shall not be considered failure to act.

**E. Following Referral**

1. A report from the VDC shall be considered by the Commission as part of any application procedure requiring Commission approval.
2. When the application only requires a Zoning Permit or other Staff approval, Staff shall have the authority to issue the Zoning Permit or other Staff approval upon:
  - a. receipt of a written report from the VDC indicating a finding of design appropriateness and consistency, or
  - b. expiration of the period for obtaining a report from the VDC.
3. When the application requires a Zoning Permit or other Staff approval and the VDC has issued a report which does not indicate a finding of design appropriateness and consistency, the applicant may:
  - a. revise and resubmit the application to address comments received, or
  - b. appeal the findings of the VDC report to the Commission who may then:
    - i. authorize the granting of an approval, or
    - ii. concur with the findings of the VDC.

**F. Guidelines and Considerations**

Activities within the Village District Overlay Zone shall be reviewed in relation to the guidelines and considerations contained in Subsection 6.10.D and Subsection 6.10.E of these Regulations.

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## **SECTION 5.5. PLANNED RESIDENTIAL DEVELOPMENT ZONE (PRD)**

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### **A. Purpose**

The Planned Residential Development Zone (PRD) is intended to allow for housing developments which will help meet the identified housing needs of Bethel residents. The PRD zone is a floating zone to be designated on the Zoning Map after approval by the Commission of a zone change to PRD and approval of an accompanying special permit for the PRD schematic development plan.

### **B. Zone Eligibility Requirements**

The Commission may establish a PRD Zone, provided the site meets the following criteria:

1. The site shall contain no less than 20 acres.
2. The site shall be in a residential zone.
3. The site shall be served by public sewers capable of handling the needs of the development.
4. The site shall be served by a public water supply capable of handling the demand required by the development for both potable water and fire-fighting service.
5. The site shall be suitable for the construction of interior roads, buildings and development features.
6. The development of the site shall be compatible with the surrounding neighborhood and shall be designed to preserve the value of neighboring properties.
7. The site shall be served by roads suitable in design and capacity for the traffic to be generated by the development. The developer may be required to make reasonable improvements to town or state roads that are directly related to the accommodation of the new development traffic.

## C. Uses Permitted by Special Permit

1. **Active adult community** - Housing units in a Planned Residential Development may be configured as an active adult community as defined in these Regulations, with single-family detached structures and/or structures with two, three or four units therein, provided that:
  - a. No less than 80% of the total dwelling units in the active adult community shall be active adult units occupied by at least one person 55 years of age or older, in order to meet and maintain the requirements for designation as active adult housing units pursuant to 42 U.S.C., Section 3607:
  - b. Unless waived by the Commission, the applicant shall designate at least ten percent (10%) of the total number of units as "affordable," using the criteria in CGS Section 8-30g to determine price of the unit and eligibility of the purchasers, for persons and families whose income is less than or equal to 80% of the area median income.
  
2. **Mixed housing community** - Housing units in a Planned Residential Development may be configured as mixed housing community with single-family detached structures and/or structures with two, three or four units therein, provided that:
  - a. No less than 50% of the total dwelling units in the mixed housing community shall be active adult units occupied by at least one person 55 years of age or older, in order to meet and maintain the requirements for designation as active adult housing units pursuant to 42 U.S.C., Section 3607:
  - b. The remaining units may, with approval of the Commission, consist of a non-age-restricted component provided that such component shall be age-targeted by design and construction.
  - c. Unless waived by the Commission, the applicant shall designate at least fifteen percent (15%) of the total number of units in the mixed housing community as "affordable," using the criteria in CGS Section 8-30g to determine price of the unit and eligibility of the purchasers, for persons and families whose income is less than or equal to 80% of the area median income provided that at least fifty percent (50%) of the affordable units must be located in the age-restricted portion of the development.

#### **D. Overall Requirements**

1. Housing units in a Planned Residential Development shall, unless waived by the Commission, be a common ownership interest community as defined by CGS Chapter 828.
2. Dwelling units designated as "active adult housing units" shall have association documents and deed restrictions, which shall be filed in the Land Records of the Town of Bethel, limiting occupancy as follows:
  - a. The active adult units shall be occupied by at least one person 55 years of age or older and not more than two additional people such as a spouse, children, or other related persons who are aged 18 or older except that such units may be occupied by a spouse under the age of 55, children, or other related persons who are aged 18 or older in the event that:
    - i. They have survived the individual occupying the dwelling who was aged 55 or older and at least one of the occupants has an ownership interest in the dwelling.
    - ii. The individual occupying the dwelling aged 55 or older has entered into a long-term continuing care facility and at least one of the occupants has an ownership interest in the dwelling.
  - b. The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling unit is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.
3. The management entity shall verify annually to the Zoning Enforcement Officer that the active adult community development is in compliance with the occupancy requirements of this section, including compliance with 42 U.S.C., Section 3607.
4. In accordance with CGS Section 8-12, the Town of Bethel, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with federal, state and local laws, rules and regulations, including the approvals issued in connection with the development. As a condition of approval, each applicant, owner or resident's association shall provide legal documents which shall hold harmless and indemnify the Town of Bethel and its duly appointed officials from any claims or liability arising from the corrections of violations cited. The form of such documents shall be acceptable to the Commission's counsel and the Commission. The provisions of this subsection shall survive the issuance of any certificate of occupancy or certificate of zoning compliance.
5. In the event such verification inspections determine that corrective action is necessary to bring the development into compliance with any laws, rules and regulations, the official of the Town of Bethel performing the inspection shall, in writing, cite the violations and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations and be subject to such fines and penalties as prescribed by statute or regulation.

**E. Dimensional Standards**

1. Maximum Density	Six units per acre of buildable land
2. Maximum Impervious Coverage	50%
3. Minimum Perimeter Setback for any structure or parking area	50 feet
4. Minimum Building Separation	20 feet
5. Minimum Front Setback	20 feet
6. Minimum Side Setback	
a. Principal Uses	5 feet min., 15 feet total
b. Accessory Uses	5 feet
7. Minimum Rear Setback	
a. Principal Uses	35 feet
b. Accessory Uses	10 feet
8. Minimum Floor Area Per Dwelling unit	1,200 square feet
9. Maximum Building Height	35 feet
10. Minimum Common Open Space Requirement (may include environmentally sensitive land, including but not limited to wetlands and watercourses, floodplains, slopes of 25% or greater and areas of unique wildlife habitat)	35%

## F. Design Standards

1. **Traffic Access** - At least two independent means of access shall be provided for the project, one of which may be designated as an emergency access. Any access labeled for emergency use shall be constructed according to the recommendations of the Town's Engineer and with approval from appropriate municipal emergency service personnel. The emergency road must be a minimum of 18 feet in width.
2. **Road Construction** - All private roads within and providing access to the active adult community shall be designed and constructed in accordance with the road construction specifications set forth in Section 82-5 through 82-14 of the Road Regulations of the Town of Bethel, as amended, except that the Commission may modify the specifications for curbing, and width of cul-de-sac roads may be a minimum of 22 feet. The main access road shall be a minimum of 24 feet in width. Private roads shall be permanently restricted as private roads and shall be shown on the site plan as private roads, not to be deeded to the Town of Bethel.
3. **Parking** - Parking requirements shall be in accordance with Section 6.2, as may be amended. At a minimum, there shall be an average of one garage per unit. Driveways may be counted as a parking space provided there is a minimum of 22 feet in depth of paved area. The Commission may require additional parking for visitors at locations throughout the development.
4. **Fire Protection** - The development must be provided with adequate fire-fighting facilities, including water storage and/or hydrants as may be required by the Fire Department and the Fire Marshal.
5. **Utilities** - All utilities shall be located underground.

## **G. Approval Process**

1. No zone change to Planned Residential Development Zone (PRD) shall be approved without approval of an accompanying special permit for a PRD schematic development plan (the "plan").
2. The PRD schematic development plan shall be a schematic concept plan drawn to a scale of one inch = 100 feet which shall show:
  - a. typical building design and locations,
  - b. roads, typical parking locations,
  - c. landscaped areas, recreational facilities, utilities, and
  - d. any additional information that the Commission may deem pertinent, in substantial conformance with this section.
3. The application shall also include a narrative statement describing the proposed use of the proposed structures and facilities and the narrative statement together with the PRD schematic development plan shall be controlling as to the uses permitted on the site and the layout and development of the site.
4. An application for site plan, pursuant to Section 8.4 of these regulations and consistent with the conditions of the special permit for the PRD schematic plan, shall be submitted within one year following the approval of the zone change and the special permit for the PRD schematic development plan. The Commission may grant an extension for one additional period of one year for the filing of the site plan.
5. The site plan, in addition to meeting the requirements of Section 8.4 of these regulations and the conditions of the special permit, shall be consistent with the PRD schematic plan and shall contain the proposed declaration of condominium and bylaws for the project. The Commission shall approve, modify and approve, or disapprove the site plan based upon conformance with the special permit for the PRD schematic development plan and other applicable regulations.

## **H. Construction and Maintenance**

1. Upon completion of construction of the development, the developer shall furnish the Town of Bethel with three sets of as-built plans for the private roads, including the stamp and seal of a registered professional engineer licensed by the State of Connecticut, certifying that the private road(s) have been inspected and that the construction meets the design standards of the Town of Bethel for municipal roads.
2. All common project facilities or systems shall be maintained by the applicant, owner or residents' association in perpetuity. Such facilities and systems shall include, but may not be limited to, the following:
  - a. Project utilities, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
  - b. Roadways, sidewalks, drives and parking areas, including curbing and paving.
  - c. Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
  - d. Recreational facilities.
  - e. Landscaping, including maintenance of buffer areas and conserved land areas.

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## **SECTION 5.6. RESIDENTIAL MULTI-OFFICE ZONE (RM-O)**

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### **A. Purpose**

The Residential Multi-Office (RM-O) district is intended to be a residential district primarily where the aim is to:

- maintain historic structures and the historic character of areas in and near the center of Bethel,
- maintain residential uses, especially in areas outside Greenwood Avenue, and
- consider allowing some non-residential uses along Greenwood Avenue when historic structures and the historic character are maintained.

### **B. Architectural Review Required**

The RM-O Zone is hereby designated as a Village District as authorized by CGS Section 8-2j. Any new construction or remodeling of the exterior of a building within the RM-O Zone shall be reviewed by a design review board designated by the Commission (see Section 6.10 for additional information and requirements) except that a single-family residential use shall be exempt from this requirement.

### **C. Uses Permitted**

1. Any use permitted in Residence Zone RR-10 subject to the same conditions and limitations.
2. For a use permitted, accessory uses when customarily incidental to a permitted use and on the same premises.
3. More than one building per lot may be required by the Commission where the Commission determines it would be advisable, consistent with the area and in the best interests of the town, because of any one or more of the following considerations:
  - a. Aesthetic consistency with surrounding buildings.
  - b. Nature of the proposed use.
  - c. Traffic flow.
  - d. Other factors peculiar to the land such as shape of the lot or existing topography.



**D. Uses Permitted by Special Permit**

All special permit uses shall provide appropriate landscaping, as determined by the Commission, in order to provide a transition between uses.

1. Professional office within an existing building without frontage on Greenwood Avenue.
2. Professional office within a new building or an addition to an existing building.
3. Bed and breakfast.
4. Three- and four-family dwellings in accord with the minimum lot area per family as outlined in Subsection 5.6.E.
5. Special permit uses permitted in the Residence Zone RR-10, except cluster development as set forth in Subsection 3.2.C.7.
6. Accessory uses customarily incidental to a special permit use are permitted on the same premises by special permit.
7. More than one building per lot may be requested by the applicant or required by the Commission where the Commission determines it would be advisable, consistent with the area and in the best interests of the town, because of any one or more of the following considerations:
  - a. Aesthetic consistency with surrounding buildings.
  - b. Nature of the proposed use.
  - c. Traffic flow.
  - d. Other factors peculiar to the land such as shape of the lot or existing topography.

**E. Dimensional Standards** <sup>(1)</sup>

<b>1. Minimum lot area (SF)</b>	
a. Four-family use	20,000
b. Three-family use	15,000
c. Other permitted uses	10,000
<b>2. Minimum lot width / frontage</b>	80 feet
<b>3. Minimum square dimensions (feet)</b>	
a. Office use	70 feet
b. Other permitted uses	80 feet
<b>4. Maximum building coverage</b>	35%
<b>5. Minimum front yard</b>	20 feet
<b>6. Minimum side yard</b>	
a. Principal buildings	5 min. / 15 total
b. Accessory buildings	10 feet
<b>7. Minimum rear yard</b>	
a. Principal buildings	35 feet
b. Accessory buildings	15 feet
<b>8. Maximum building height</b>	2 1/2 stories
<b>9. Maximum building height</b>	35 feet
<b>10. Minimum floor area per unit (sq. ft.):</b>	
a. Three- or four-family	750 SF

Notes: (1) Where the Commission determines that multiple buildings on one site will be most appropriate, it may modify any of the dimensional standards in this section.

**F. Additional Requirements**

1. All uses shall be connected to the Town sewer.

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## **SECTION 5.7. EDUCATIONAL PARK ZONE (EP)**

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### **A. Purpose**

The purpose of the EP Zone is to provide for municipal facilities in a campus-like atmosphere with appropriate standards.

### **B. Uses Permitted by Special Permit**

An application for site plan review shall be submitted to the Commission for each permitted or accessory use. The site plan shall depict the entire parcel on which the use is proposed.

1. Public schools, including elementary, middle and senior high schools.
2. Educational administrative offices.
3. Educational and recreational maintenance facilities.
4. Public emergency services facilities.
5. Uses customarily accessory and incidental to a permitted principal use.
6. The following accessory uses are expressly permitted:
  - a. Facilities related to the function and operation of public schools.
  - b. Athletic fields, fences, playing courts, running tracks, playgrounds, aquatic pools, bleachers, dug-outs, and concession stands.
  - c. Lighting for athletic fields, by special permit only.

### **C. Dimensional Standards**

1.	Minimum Lot Area	13 acres
2.	Minimum Frontage	250 feet
3.	Minimum Lot Width	250 feet
4.	Minimum Square Dimension	500 feet
5.	Minimum Building Separation	
6.	Maximum Building Coverage (building)	15%
7.	Minimum Setback <sup>(1)</sup> <sup>(2)</sup>	50 feet
8.	Maximum Building Height	three stories
9.	Maximum Building Height	35 feet

- Notes
1. Nonresidential uses adjoining an R-40 or R-80 Residence Zones shall observe a minimum setback of 100 feet from the nearest lot line of any residential lot and the resultant area shall be landscaped, planted as a buffer, or preserved in its natural state as needed for protection of adjacent properties.
  2. The setback requirement may be waived between adjacent properties owned by the Town of Bethel.

#### **D. Design Standards**

1. **Multiple Uses** - Each lot may contain multiple principal and accessory uses, so long as all criteria of these regulations are otherwise met.
2. **Utilities** - Each lot shall be served by public sewers capable of handling the needs of the development.
3. **Utilities** - Each lot shall be served by a public water supply capable of handling the demand required by the development for both potable water and fire-fighting service.
4. **Access Roads** - Notwithstanding any other provision of these regulations, each lot shall be served by roads suitable in design and capacity for the traffic to be generated by the educational park. Any such roads shall be constructed to the standards of the road construction specifications set forth in Section 82-5 through 82-14 of the road regulations of the Town of Bethel, as amended. If any such roads are not accepted as public roads, they shall be accepted as open to the public under CGS Section 13a-71. At least two independent means of access shall be provided to one or more public roads.
5. **Parking** - Notwithstanding any other provision of these regulations, parking required for uses permitted in the EP Zone shall be determined as follows (for purposes of this section only, the term "classroom" shall refer to a room within an educational facility that is designed or intended to be used for teaching purposes more than half of the scheduled periods in a day):
  - a. Each elementary school or middle school shall provide 25 off-street parking spaces plus a minimum of 1.5 spaces for each classroom.
  - b. Each senior high school shall provide 50 off-street parking spaces, plus a minimum of seven off-street spaces per classroom.
  - c. Each educational administrative office shall provide a minimum of one off-street parking space per 200 square feet of floor area.
  - d. Educational and recreational maintenance facilities shall provide one off-street parking space per 1,000 square feet of floor area.
  - e. Public emergency service facilities shall provide a minimum of one off-street parking space per 200 square feet of floor area.
6. **Landscape Requirements** - If deemed necessary by the Commission, all permitted uses shall be separated from adjacent residential uses on all sides and front by a screen, a landscaped buffer or a screen in accordance with Section 6.1 of these regulations.
7. **Site Lighting** - Adequate lighting shall be provided at appropriate intervals for all roadways and site parking areas. Measures shall be taken to minimize light from projecting beyond the property boundaries.
8. **Utilities** - All utilities shall be placed underground.
  - a. Each lot shall be suitable for the construction of interior roads, buildings, and other uses customary to educational facilities.
  - b. The provisions of Section 6.4 of these regulations regarding excavation and fill activities shall apply to the EP Zone.

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## **SECTION 5.8. DESIGNED CONSERVATION DISTRICT (DCD)**

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### **A. Purpose**

The Designed Conservation District (DCD) is intended to permit creative development of land in a manner that will conserve natural, scenic and historic areas, including views and vistas observed from public streets, preserve open space and other natural resource and environmentally sensitive areas, and promote efficient development.

### **B. Nature of District**

The DCD is an overlay district. The requirements and provisions of the DCD shall supplement the requirements and provisions of the underlying zone.

### **C. Location**

The DCD may be applied only to land located within the R-10 and RR-10 zoning districts.

### **D. Size of District**

The DCD may be applied only to parcels of land consisting of at least 5 acres.

### **E. Permitted Uses**

1. Uses as permitted in the underlying zoning district.
2. Single family detached dwellings (whether held in individual subdivided lots or in one or more common interest ownership communities).
3. Multifamily dwellings containing no more than four units per structure (whether held in individual subdivided lots or in one or more common interest ownership communities).
4. Accessory uses to the above, which may include, in addition to uses customarily incidental to the principal uses, and recreational facilities for use by the residents of the DCD.

### **F. Ownership**

1. Dwellings within a DCD may be located on individual lots pursuant to an approved subdivision plan, or may be located in one or more common interest ownership communities.
2. Where the dwellings are located in common ownership interest communities, all private roads and common open space shall be maintained by the homeowners' association.
3. The homeowners' association shall be established prior to issuance of any certificates of occupancy.
4. Membership in the homeowners' association shall be mandatory for each dwelling unit owner.
5. It shall be stated on the site plan and recorded on each deed or declaration of common interest ownership community condominium in the office of Town Clerk that each dwelling unit owner possesses an undivided interest in all private roads, common areas and open space and is jointly and separately responsible for their maintenance and for the payment of all required taxes thereon.

## **G. Design Standards**

### **1. Base Density.**

- a. The number of dwelling units that shall be permitted on a parcel of land shall be determined by dividing the gross area of the parcel, exclusive of the area occupied by wetlands and watercourses and slopes in excess of 25 %, by:
  - i. If the underlying zoning district is the R-10 zoning district, 10,000 square feet.
  - ii. If the underlying zoning district is the RR-10 zoning district, 5,000 square feet;
- b. A fractional dwelling unit total shall be rounded down to the nearest whole number if below 0.5 and rounded up to the nearest whole number if the fraction is greater than or equal to 0.5.
- c. The total number of dwelling units may not exceed the maximum number of dwelling units that would be permitted on the parcel by the underlying zoning district.

### **2. Density Bonus.**

- a. Additional dwelling units on a parcel of land shall be permitted, provided that twenty percent (20%) of the total dwelling units on the parcel of land are subjected to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, as defined by CGS Section 8-30g (a) (7).
- b. The number of additional dwelling units that shall be permitted on a parcel of land shall not exceed one-half of the number of dwelling units calculated under Subsection 5.8.G.1.
- c. Additional dwelling units in excess of the number calculated under subparagraphs (a) and (b) of this section may be permitted by special permit, as part of an affordable housing application, as that term is defined by CGS Section 8-30g (a) (2).
- d. A development proposal that utilizes an affordable housing density bonus shall submit an affordability plan that complies with CGS Section 8-30g (b) and regulations adopted pursuant thereto.
- e. At the applicant's request, some or all of the dwelling units required by subparagraph (a) of this section to be deed-restricted dwelling units maybe approved as unrestricted dwelling units, as follows:
  - i. The applicant shall pay to the Town of Bethel a fee-in-lieu of the affordable housing unit in an amount to be determined by the Commission after consultation with the Town of Bethel Housing Administrator for each deed-restricted dwelling unit that is to be approved as an unrestricted dwelling unit, to be used for the express purpose of assisting in the construction and renovation of affordable housing in the Town of Bethel.
  - ii. Any such payments shall be made, in good funds, prior to the issuance of any zoning permits for the development or in accordance with such other schedule that the Commission, in its sole discretion, shall determine.
  - iii. Any such payments shall be deposited into, and held in, a separate account administered by such entity as the Board of Selectmen may designate.
  - iv. No expenditure of any funds received under this section may be made without the approval of the Commission. Any such expenditures must be consistent with the Plan of Conservation and Development.
  - v. Any such payments shall be secured by a lien on the property, which may be filed in the Land Records on or after the effective date of the approval of the application. The Commission may, in its sole discretion, waive or modify this requirement.

- vi. The provisions of this section shall be within the sole discretion of the Commission to exercise. Nothing contained herein shall grant to an applicant the right to make a payment in lieu of providing some or all of the deed-restricted units which may be required by this section.
- vii. The provisions of this section shall not apply an affordable housing application, as that term is defined by CGS Section 8-30g (a) (2).

**3. Dimensional Standards.**

a. For dwelling units located on individual lots:

i. Minimum lot area (for dwellings)	6,000 square feet
ii. Minimum lot width:	50 feet
iii. Minimum front setback:	20 feet
iv. Minimum side setback:	
a) Principal building:	8 feet
b) Accessory building:	5 feet
v. Minimum rear setback:	
a) Principal building:	25 feet
b) Accessory building:	5 feet
vi. Maximum building height:	
a) Feet	35 feet
b) Stories	2 ½ stories.
vii. Maximum Impervious Coverage:	20 percent of gross lot area

b. For dwelling units not located on individual lots:

i. Minimum setback:	
a) Principal building:	20 feet
b) Accessory building:	20 feet
ii. Minimum building separation:	
	10 feet
iii. Maximum building height:	
a) Feet	35 feet
b) Stories	2 ½ stories.
iv. Maximum Impervious Coverage:	
	20 percent of gross lot area

c. The provisions of this section shall supersede any dimensional standards of the underlying zone.

**4. Sewer And Water** - If the underlying zoning district is the R-10 or RR-10 zoning district, all uses in the DCD shall be served by municipal sewer and water.

**5. Private Roads.**

- a. All private roads within and providing access dwelling units in a DCD shall be designed and constructed in accordance with the standards of the Town of Bethel for municipal roads, except that cul-de-sac roads of 800 feet in length or less providing access to dwelling units in a common interest ownership community may have a minimum paved width of 22 feet.
- b. Private roads shall be permanently deeded and shall be shown on the site plan as private roads not to be deeded to the Town of Bethel.
- c. Upon completion of construction, the Town of Bethel shall receive as-built plans of the private roads and a seal of certification from a registered professional engineer licensed by the State of Connecticut attesting that he/she has inspected the private road(s) and determined that it meets all the design construction standards of the Town for municipal roads.

**6. Open Space.**

- a. No less than 35% of the gross area of land in a DCD shall be reserved for open space.
- b. No more than half (50%) of the area reserved meeting the minimum open space requirement shall consist wetlands, watercourses and steep slopes in excess of 25%.
- c. The open space may be conveyed to the Town of Bethel, an appropriate conservation organization, or a homeowners' association (subject to a conservation easement).
- d. Any additional area containing wetlands and watercourses and slopes in excess of 25% shall also be subjected to a conservation easement, or may be conveyed to an appropriate conservation organization or the Town of Bethel.
- e. The method of ownership and maintenance of all common open space shall be specified in the application documents.



## **7. Landscaping.**

- a. All buildings, parking areas, driveways and walkways shall be substantially screened from all streets and adjoining properties by a landscaped treatment acceptable to the Commission.
- b. A mix of shade trees, evergreen trees, flowering trees and shrubs shall be planted in all buffer areas and around the buildings to provide suitable year round screening and a pleasant aesthetic environment.
- c. To the greatest extent possible, all mature trees shall be retained on the site.
- d. All landscaping shall comply with the requirements of Section 6.1.

## **H. Age Restricted Community.**

1. A DCD may apply to a community including "housing for older persons" as defined in 42 USC 3607 (b) (1).
2. An applicant for a DCD that proposes to include housing for older persons shall submit to the Commission prior to the close of any public hearing, and in addition to any other documents required by these regulations, draft public offering statements, common interest community declarations, restrictive covenants, policies and procedures that will be implemented to ensure compliance with the Fair Housing Act to maintain the community as housing for older persons.
3. The applicant shall also provide sufficient information to the Commission to allow the Commission to determine the effect of the failure of the community to maintain compliance with the Fair Housing to maintain the community as housing for older persons, including, among other things, the effect on traffic, school enrollments, open space, municipal services, and other considerations.

## **I. Application Procedures.**

1. **Zone Change** - An application to apply the DCD to a parcel of land constitutes a petition for legislative action to amend the Zoning Map and:
  - a. The petition shall be submitted to the Commission and shall be signed by the owner(s) of all the land within the proposed District.
  - b. Upon receipt of the petition the Commission shall hold a public hearing and act on the petition in the same manner as required for an application to change zone district boundaries and as specified in the Connecticut General Statutes.
2. **Required Submittals** - All applications to apply the DCD to a parcel of land shall include concurrent submission, review, and action by the Commission of:
  - a. A petition to amend the zoning map;
  - b. An application for special permit as provided for under Section 8.5;
  - c. A conceptual site plan showing the proposed location of all streets, driveways, structures, detention and drainage structures and other improvements and, if applicable, proposed lot lines.
  - d. A conceptual subdivision plan which would conform to the regulations of the underlying zoning district, so that the Commission can ascertain that the base density per Subsection 5.8.G.1 does not exceed the density as allowed in the underlying district. The conceptual subdivision plan shall be both feasible and prudent.
  - e. A written report explaining how the application of the DCD to the parcel of land will meet the purposes stated of this Regulation and will be consistent with the Town Plan of Development.

- f. A suitable boundary description and A-2 survey map of the proposed District boundaries, including a delineation of the areas within the proposed District which are to be reserved for open space as defined and required herein.
  - g. A topographic map with at least two foot (2') contours.
3. **Detailed Plans** - Within one (1) year after approval of a DCD, and prior to the issuance of any zoning and/or building permits for building or development within the DCD, the applicant shall submit an application for approval of a Site Development Plan, consistent with the Conceptual Development Plan, prepared in accordance with the specifications for a Site Plan under Section 8.4, which shall be reviewed by the Commission under the provisions thereof as a Site Plan.
  4. **Subdivision Plans** - If any portion of a development proposal requires that the property be divided, then within one (1) year after approval of a DCD, and prior to the issuance of any zoning and/or building permits for building or development within the DCD, the applicant shall submit an application for subdivision.
  5. **Expiration** - In the event that an application for a Site Development Plan and/or Subdivision Plan is not submitted within one (1) year of the effective date of the DCD, the approval of such District shall be rescinded, the zoning map shall automatically be amended so that the zoning district of the parcels of land shall revert to the district in which they were originally located.

## **ARTICLE 6 - BASIC STANDARDS**

### **SECTION 6.1. LANDSCAPING**

#### **A. Purpose**

This Section of the Regulations is intended to promote the general welfare by preserving existing vegetation; requiring planting of new materials; providing privacy from visual intrusion, light, dirt, and noise; preventing the erosion of soil; providing water recharge areas; and improving the quality of the environment and attractiveness of Bethel.

#### **B. Applicability**

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. These provisions shall not apply to the construction or development of a single-family dwelling or a two-family dwelling unless part of a multi-family development.

#### **C. Overall Landscaping Standards**

1. All portions of properties which are not proposed as locations for buildings, structures, off-street parking and loading areas, sidewalks or similar improvements shall be landscaped as a formal area or buffer and permanently maintained in such a manner as to minimize stormwater runoff.
2. Landscaping shall not obstruct line-of-sight for vehicles entering or exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles traveling on abutting Town or state highways.

#### **D. Existing Vegetation and Site Features**

1. Existing plant materials may be used to meet all or part of the landscaping regulations and, to the extent possible, existing trees and unique site features, such as stone walls, shall be saved.
2. Existing trees in good condition over 18 inches in caliper shall be preserved unless approved for removal by the Commission.
3. All trees to be saved, either as proposed by the applicant or as required by the Commission, shall be clearly identified for protection.
4. All unique site features (such as stone walls) to be saved, either as proposed by the applicant or as required by the Commission, shall be clearly identified for protection.
5. For resources to be protected:
  - a. The protection zone shall be defined:
    - i. by a recognized arborist (for trees),
    - ii. by the drip line of the tree canopy (for trees), or
    - iii. as otherwise recommended by the applicant or approved by the Commission.
  - b. The protection zone shall be clearly delineated on the site plan.
  - c. The Commission may require the posting of a bond to ensure protection of significant trees and other unique resources identified for preservation.

- d. Snow fence or orange plastic fencing shall be erected around the perimeter of the protections zone prior to construction.
- e. The fence around the perimeter of the protections zone shall be securely staked and shall be posted with "no trespassing" signs to prevent encroachment within the protected area.
- f. No activity (construction, traffic, storage, etc.) shall be permitted within the protection zone as delineated on the site plan and approved by the Commission.
- g. The protective fencing shall remain in place until all construction work has been completed and the ground has been stabilized.
- h. Attention shall be paid to drainage issues (erosion control, storm water drainage, cement truck cleaning, etc.) in and near the protection zone so that the viability of the trees and other unique site features within the protection zone is not adversely affected.

**E. Perimeter Landscaping Standards**

- 1. Within the front yard, a suitably landscaped planting area shall be provided for the full width of the lot with at least the following minimum depth:

<b>Zone</b>	<b>Minimum Depth</b>
VC Zone	10 feet
C Zone	10 feet
RT6 Zone	35 feet if within 300 feet of an intersection, otherwise 25 feet
I Zone	25 feet
IP Zone	25 feet except that property which abuts a residential property line shall provide a 150 foot landscaped yard and such yard shall not be used for parking or storage

- 2. Such front yard landscaped planting area may be traversed by driveways and sidewalks as approved by the Commission.
- 3. Deciduous trees of not less than three-inch caliper shall be planted in the front setback as follows:
  - a. The total quantity of such trees to be planted shall be based on one tree for each 40 feet of street line frontage or fraction thereof,
  - b. The actual planting of such trees shall be designed and implemented:
    - i. to complement the street, the site, and the building,
    - ii. to allow for flexibility in location in order to create natural groupings and harmonious effect, and
    - iii. to avoid conflicts with overhead wires and underground utilities.

**F. Perimeter Buffering Standards**

1. Where required by these Regulations, a planted buffer shall consist of at least one and, where conditions permit, two parallel rows of dense plant materials, such as evergreen trees or shrubs, of not less than eight feet in height spaced no further apart than is required to provide a visual barrier to adjoining properties.
2. Where landscaped buffers are required, a planting plan and plant list with types and sizes shall be required as part of the site plan approval.
3. Where a commercial use, an industrial use, or a special permit use is adjacent to a residential zone, all yards adjoining such residential use shall include a landscaped buffer with at least the following minimum depth:

<b>Zone</b>	<b>Minimum Depth</b>
VC Zone	As required by the Commission, not less than 10 feet for a side yard and 20 feet for a rear yard
C Zone	10 feet
RT6 Zone	As required by the Commission, not less than 20 feet for a side yard and 25 feet for a rear yard
I Zone	25 feet
IP Zone	25 feet except that property which abuts a residential property line shall provide a 150 foot landscaped yard and such yard shall not be used for parking or storage
Special Permit Use	As deemed necessary by the Commission,

4. When mature existing vegetation is not being incorporated into the buffer plantings, or when such vegetation comprises a relatively insignificant proportion of the buffer, the buffer area shall be composed of a suitable combination of evergreen, deciduous and flowering trees and shrubs.
5. Where a commercial or an industrial use is adjacent to a residential zone, a visual screen such as a fence or landscaped area may be required by the Commission to aid in the separation of dissimilar land uses.
6. Where required in Section 6.2.I (Residential Limitations) of these regulations, a durable, solid fence six feet in height or a row of evergreen trees or shrubs, of not less than eight feet in height spaced no further than apart is required to provide a visual barrier to adjoining properties and the street.  
**[Effective 2/4/2011]**
7. A front yard landscaped buffer may be traversed by driveways and sidewalks as approved by the Commission.
8. The Commission may allow an alternative landscaped buffer design which:
  - a. Meets, or exceeds, the performance level of the inter-planted buffer.
  - b. Includes tree and shrub plantings and may include hedges, earthen berms, fencing or other treatments.
9. The Commission may modify proposed landscaping plans to require more mature plantings, different species or alternative design in order to afford a functional and aesthetically pleasing buffer area.

## **G. Parking Area Landscaping Standards**

Required parking areas for all commercial, industrial and special permit uses shall be landscaped as follows:

1. **Interior Islands Required** - Required parking areas shall have a landscaped island marking the end of each row of vehicle parking spaces and an intermediate landscaped island across each row of vehicle parking spaces at intervals of not more than 10 vehicle spaces and each such planting island shall:
  - a. be not less than eight feet wide in the direction perpendicular to the parking stalls and not less than 18 feet long in the direction parallel to the parking stalls.
  - b. have a suitable curb of granite or concrete.
  - c. be planted with grass or ground cover.
  - d. at the discretion of the Commission, have one tree of not less than two-inch caliper.
2. **Separation From Street or Sidewalk** - All parking areas adjacent to a sidewalk or street line shall have:
  - a. a landscaped safety island not less than three feet in width and six inches high, except at points of access.
  - b. a durable bumper guard, approved by the Building Inspector, installed to prevent vehicles' encroachment on the landscaped safety island.
3. **Screening Required** - Parking areas adjacent to residential uses shall be provided with screening of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles.

## **H. Service Area Landscaping and Screening**

Service areas for delivery refuse, recycling, and mechanical/electrical equipment shall be appropriately screened and/or landscaped as determined by the Commission. In the case of refuse and recycling areas, this may include walls, fencing, gates, and other measures to enhance the public health, safety, and welfare.

**I. Planting and Maintenance Standards**

1. Every required landscape area shall be planted with trees (shade or ornamental), shrubbery and ground cover or grass.
2. Planting plans shall consider the "suggested" and "undesirable" varieties of plantings as included in the Appendix.
3. Landscaping, trees, shrubs and other planting material required by these regulations shall:
  - a. Be planted in a growing condition according to accepted horticultural practices.
  - b. If adjacent to parking areas, loading areas or driveways be properly protected by curbs, posts or other means to prevent damage from vehicles.
  - c. Be maintained in a healthy growing condition.
4. Any landscaping, trees and shrubs proposed by the applicant or approved by the Commission which shall be in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
5. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of use of the lot.

**J. Modification**

The Commission may waive or modify any landscaping standards for excellence in landscaping and/or site design elsewhere on the site.

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## **SECTION 6.2. PARKING, LOADING, ACCESS AND STORAGE**

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### **A. Purpose**

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses.

### **B. Applicability**

1. Motor vehicle parking facilities and loading spaces, together with adequate exits and entrances thereto, shall be installed and permanently maintained as provided in this Section for each building erected, enlarged or altered and for any land or premises hereafter used in any zoning district.
2. For land, structures or permitted uses actually used, occupied or operated on the effective date of this regulation, the number of existing parking spaces shall not be reduced below the minimum number of spaces required under this regulation.
3. For all permitted uses established or placed into operation after the effective date of this regulation, there shall be provided the amount or number of off parking spaces hereinafter set forth.

### **C. Number of Parking Spaces**

Each use shall provide parking sufficient to accommodate all vehicles normally associated with that use, except as provided in Subsection 6.2.D regarding shared parking by off-hour uses.

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#### **Minimum Parking Requirements**

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##### **1. Residential Uses**

a. Single family residential use on a separate lot	Two spaces for the dwelling unit
b. Multi-family building on an individual lot:	
i. Efficiency, one-bedroom, or two-bedroom units	Two spaces per dwelling unit
ii. Three-bedroom units	Three spaces per dwelling unit
iii. Four or more-bedroom units	Three spaces plus 0.5 spaces per bedroom
c. Multi-family development:	
i. Efficiency, one-bedroom, or two-bedroom units	Two spaces per dwelling unit
ii. Three-bedroom units	Three spaces per dwelling unit
iii. Four or more-bedroom units	Three spaces plus 0.5 spaces per bedroom
iv. Visitor parking	0.25 spaces per unit

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## Minimum Parking Requirements

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### Residential Uses (cont.)

- |                                     |   |
|-------------------------------------|---|
| d. Bed-and-breakfast establishments | Two spaces for the dwelling unit plus one space per bedroom used for the bed and breakfast  |
| e. Home-based business              | Two spaces for the dwelling unit plus one space per home based business plus one space per non-resident employee plus other spaces as may be necessary, in the opinion of the Commission, for the home based business |

### 2. Institutional-Type Uses

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- |  |   |
|--|---|
| a. Church, Community center            | One space per 150 square feet of useable floor area   |
| b. Club, lodge, fraternal organization | One space provided per 100 SF useable   |
| c. Educational facility                | 25 spaces, plus: <ul style="list-style-type: none"><li>• Two off-street parking spaces per classroom up to grade 8</li><li>• 10 off-street parking spaces per classroom above grade 9</li></ul> |
| d. Places of assembly                  | One space per 3 seats or one space per 3-person capacity  |

### 3. Business Uses

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- |                                   |   |
|-----------------------------------|---|
| a. Retail store                   | One space per 200 SF of gross floor area  |
| b. Personal service establishment | One space per 200 SF of gross floor area  |
| c. General office                 | One space per 200 SF of gross floor area  |
| d. Financial institution          | One space per 200 SF of gross floor area  |
| e. Medical office                 | One space per 150 SF of gross floor area  |
| f. Gasoline station               | One space at each dispenser plus an additional parking space for each dispenser           |
| g. Automobile repair              | Two spaces plus one additional space per 200 SF of gross floor area and one space per bay |
| h. Industrial uses                | 1.5 spaces per 1,000 SF of gross floor area   |
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## Minimum Parking Requirements

### 4. Hospitality Use

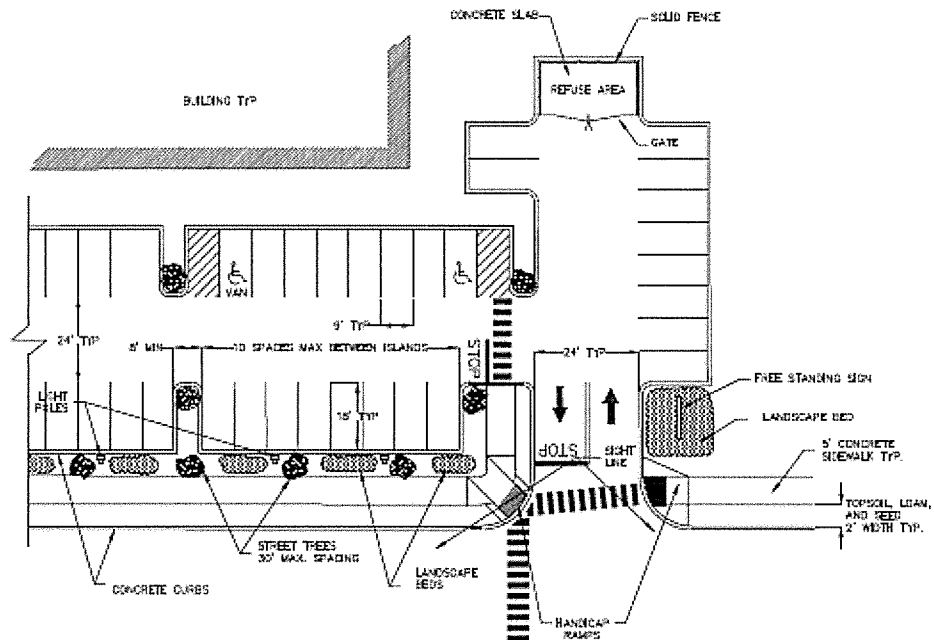
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|-------------------------|---|
| a. Sit-down restaurant  | One space per 100 SF of public floor area and one space per 200 SF of non-public floor area |
| b. Fast food restaurant | One space per 100 SF of public floor area and one space per 200 SF of non-public floor area |
| c. Hotel or motel       | One space per habitable unit plus one space per employee on the largest shift               |

### 5. Recreational Use

- |   |   |
|---|---|
| a. Indoor recreation facility (tennis, ice-skating, etc.)                               | One space per 150 SF of public floor area   |
| b. Outdoor recreation facility (miniature golf, batting cage, golf driving range, etc.) | One space per station (at full capacity of facility), plus one space per employee |
| c. Theater  | One space per three seats   |

### 6. Miscellaneous Uses

- |                               |                                      |
|-------------------------------|--------------------------------------|
| a. Day-care or nursery school | One space provided per 200 SF of GFA |
| b. Uses not listed            | As determined by the Commission      |

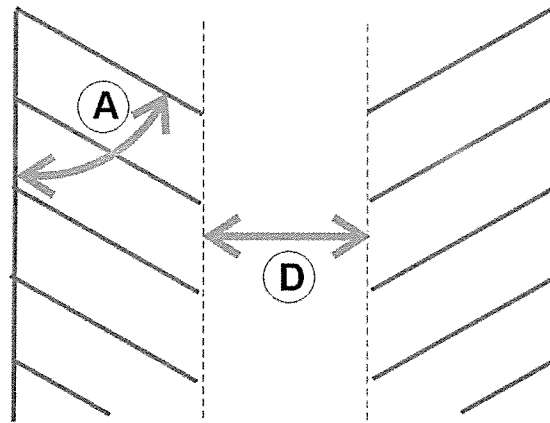


#### **D. Modification of Parking Requirements**

1. **Change of Use Exemption** - In the event that no new buildings or structures are being established and the land area, structures or permitted uses are simply being changed from one permitted use to another permitted use allowed under this regulation no additional parking spaces shall be required if:
  - a. The new use requires less parking than presently exists.
  - b. The parking requirement for the new use(s) is less than 125 percent of the number of spaces that presently exist.
2. **Permanent Shared Use Reduction** - The Commission may, by Special Permit, allow a reduction of the provision of up to 25% of the parking spaces required for the uses on one or more sites due to shared use of parking facilities when:
  - a. the parking facilities provided on the site(s) are interconnected with adjacent parking facilities to create a functional parking arrangement,
  - b. appropriate access and parking easements are executed between the adjacent properties providing for joint access and parking in perpetuity, and
  - c. the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses.
3. **Permanent Site Use Reduction** - The Commission may, by Special Permit, allow a reduction of the required parking spaces when the Commission is satisfied that:
  - a. the parking needs of the uses on the site will occur at different hours of the day and there are adequate spaces provided for the peak parking demand,
  - b. adequate parking will be available for the current and potential future uses due to the availability of public parking or other permanent arrangements,
  - c. the applicant has, as provided in CGS Section 8-2c, made a payment in lieu of providing parking spaces, and/or
  - d. the development will, due to its transit-orientation or similar situation, not require as many parking spaces as required by the regulations.
4. **Temporary Installation Deferral** - The Commission may, by Special Permit, defer the immediate installation of the required parking spaces where:
  - a. sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use,
  - b. the applicant has shown the complete layout for the full parking requirements, and
  - c. the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

**E. Design of Parking Facilities**

1. **Space Dimensions** - Parking spaces shall be at least 9.0 feet in width and 18.0 feet in length except that parallel parking spaces shall be 22 feet in length.
2. **Handicapped Parking** - Where the installation of parking spaces is required by these Regulations, parking spaces for the physically handicapped shall be provided as required by any applicable provisions of CGS Section 14-253a(h), the State Building Code, or the Americans with Disabilities Act (28 CFR Part 36), as they may be amended.
3. **Aisle Dimensions** - Off-street parking spaces shall be accessed from travel aisles of at least the following dimension:



Parking Angle (A)	Vehicular aisle width(D)	
	One-way circulation	Two-way circulation
0°	12.0'	24.0'
30°	14.0'	24.0'
45°	16.0'	24.0'
60°	18.0'	24.0'
90°	24.0'	24.0'

4. **Location Limitations** - In an Industrial Zone, if the 25 feet abutting the residential property line contains the required screen or landscaped buffer, the remainder of the required 100' setback may be used for the off-street parking of cars in conformance with the provisions of this Section.

**F. Loading Space Requirements**

1. **Provision Required** - Loading space shall be provided for each establishment and shall be sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. In the case of hospitals, institutions, hotels, restaurants, retail, wholesale and industrial uses, and wherever required by other uses, each loading space shall be a minimum of five hundred (500) square feet and loading spaces shall be furnished according to the following table:

**Required Off-Street Loading Space**

<u>Gross Floor Area</u>	<u>Number Of Spaces</u>
Up To 15,000 Sq. Ft.	1
15,000 To 30,000 Sq. Ft.	2
Each Additional 30,000 Sq. Ft.	1

2. Parking space as required in Section 6.2 shall not be considered for loading or unloading space.
3. Aisles in off-street parking areas may be used to maneuver for entry into loading spaces, if the efficient operation of the parking area is not affected thereby.
4. In any case where an off-street loading space or spaces have been established, loading shall thereafter take place in such space or spaces in preference to any public street or sidewalk.

**G. Access**

1. In a Commercial or an Industrial Zone, access to or from a use shall be permitted only from streets on which the lot frontage of the lot containing such use meets the minimum lot width requirement (in a Commercial Zone) or the minimum lot frontage requirement (in an Industrial Zone) for the zone in which such lot is located.
2. The requirements stated above shall not prevent the following:
  - a. The continued use of an existing access in its existing location.
  - b. The consolidation of existing access curb cuts or the relocation of an existing access on the same street that will improve traffic safety as determined by the Bethel Police Commission and/or the Town's traffic consultant.
  - c. The allowance for access to and from a property where no other street frontage is available.

## H. General Provisions

1. **Accessory Activity** - Access to, or parking in connection with, a use shall be considered to be accessory to such use and controlled by the same requirements as such use; but this provision shall not prohibit access across a Commercial Zone to a use lying in an Industrial Zones.
2. **Same Lot** – Except as may be otherwise provided in these Regulations, off-street parking spaces shall be located on the same lot as the permitted use for which they are provided.
3. **Ingress / Egress** - Parking spaces shall be provided with entrances and exits so located as to minimize traffic congestion.
4. **Drainage** - Parking spaces shall be graded for proper drainage.
5. **Surface Treatment** - Parking areas for non-residential uses shall be provided with an all-weather surface of asphalt or asphaltic concrete.
6. **Landscaping** – See Section 6.1 for landscaping and screening requirements for parking areas.
7. **Front Yard Limitations** - Required off-street parking space will be permitted in the required front yard, provided that ingress to and egress from the off-street parking spaces do not cause unsafe traffic conditions, under the following conditions:
  - a. For one-family and two-family uses only, a maximum of two off-street parking spaces may be provided in the required front yard. For lots lacking adequate side yards, more parking spaces may be permitted with Commission approval.
  - b. At the discretion of the Commission, off-street parking spaces in the VC, C, I and IP Zones may be provided in the required front yard provided the following standards are met:
    - i. the required minimum landscaped area for the applicable zone will be provided for;
    - ii. such parking will not present a hazard to pedestrians or circulation of vehicles on the site;
    - iii. such parking will not affect access to or egress from the site; and
    - iv. such parking will not adversely affect required sight distance at driveway entrances or exits or adjacent street intersections.
  - c. For corner lots in the RT6 Zone:
    - i. No parking is allowed in the required landscaped area as provided for in Subsection 6.1.E on that portion of a lot fronting on Route 6.
    - ii. Parking is permitted in the other front yard, provided that there is a minimum ten-foot landscaped area.
8. **Nuisance Avoidance** - Parking spaces shall:
  - a. be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the property line.
  - b. Have lighting facilities for parking spaces so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.
  - c. Loudspeaker systems shall not be used.
9. **Attendant Shelter** - Parking spaced areas may not have more than one attendant shelter building, which shall conform to all setback requirements for structures in the zone and which shelter building shall contain no more than 50 square feet of gross floor area.

## I. Use and Maintenance

[Effective 2/4/2011]

1. **Residential Limitations** - Off-street parking spaces and storage for residential uses on residential zoned property shall be conducted in accordance with the following specifications:
  - a. The parking and storage of farm vehicles and related farm equipment used on a bon a fide farm shall be exempt from the requirements of these regulations.
  - b. The parking of vehicles shall only be on a driveway surface (*see definition*) or in an enclosed building unless provided otherwise herein.
  - c. The commercial sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies is prohibited.
  - d. **Junk Storage** (*see definition*) must be contained within a 100 square feet area, shall not be located in a front yard, and shall be screened from view in accordance with Section 6.1.F.6 of these regulations.
  - e. No more than two (2) vehicles parked on a residential zoned property and registered to the owner of the premises may be offered for sale in a twelve-month period.
  - f. The parking of one (1) registered commercial motor vehicle is permitted provided that the vehicle is owned and/or operated by the owner or occupant of the property. Such vehicle shall not exceed a gross vehicle weight rating (GVWR) (*see definition*) of 11,500 pounds.
  - g. Commercial Vehicles, regardless of GVWR, shall met the following standards:
    - i. No vehicle shall have more than two (2) axles.
    - ii. Such vehicle shall be parked on a driveway or in an enclosed building and shall not obstruct the view of traffic from adjacent driveways or streets.
    - iii. Construction and other related mechanized equipment including but not limited to back-hoes, skid loaders, bucket loaders, excavators, bulldozers, paving equipment and wood chippers shall not be stored on a residential zoned property unless and only when said vehicles and equipment are being used in connection with a current and valid permit issued by Town agency or is an activity which is exempted from permit requirements under Section 6.4.C or these regulations.
  - h. One (1) utility trailer for household use may be kept on a residential property but not in a front yard and it must be screened from view in accordance with Section 6.1.F.6 of these regulations.
  - i. One (1) motor vehicle hauling trailer for personal/non-commercial use may be kept on residential zoned property and shall be stored in an enclosed building or screened from view in accordance with Section 6.1.F.6 of these regulations.
  - j. Trailers used for carrying registered recreational vehicles including but not limited to boats, jet skis, all terrain vehicles (ATV), and snowmobiles may be kept on residential property but not in a front yard and shall be stored in an enclosed building or screened from view in accordance with Section 6.1.F.6 of these regulations.
2. **Unregistered Vehicles** - Except as permitted in duly authorized zones, motor vehicles or trailers of any kind or type without a current registration to the owner, renter or occupant of the premises shall not be parked/stored on any property other than in completely enclosed buildings. [8/15/2012]
3. **Recreational Vehicles** - Including but not limited to a currently registered camping trailer, camping vehicle, motor home, boat, boat with trailer, jet ski, ATV, or snow mobile. One (1) such vehicle may be kept outside on a property but not in a front yard. Additional recreational vehicles may be permitted but shall be kept in an enclosed building or must be screened from view in accordance with Section 6.1.F.6 of these regulations.

## **J. Access Management**

**[Effective 8/15/2012]**

1. Purpose – This Section is intended to control the number, size, and location of driveways and access points, especially those that front on heavily trafficked roads and state highways, while allowing proper and adequate access to and from premises along such thoroughfares in order to promote overall traffic control, public safety, and welfare, provide for safer and more efficient traffic operations along major roadways through the management and reduction of vehicular congestion.
2. Applicability – The provisions of this Section shall apply only to development in Bethel.
3. Review Considerations – In reviewing proposed developments, the Commission and/or its designated agent shall review road layout, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
4. General Provisions
  - a. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may limit the number of driveways that serve a specific site, designate the location of any driveway, require the use or provision of a shared driveway with associated easements, and limit access to a major street and require access from a minor street.
  - b. As part of an application approval, the Commission or its designated agent may require an applicant or owner to establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority, file such easements on the land records in favor of the abutting property owners and/or the Town of Bethel as shall be acceptable to the Commission and Town Attorney, and/or utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.
5. Specific Provisions
  - a. Specific curb cut and access management plans may have been adopted by the Commission as follows:
    - i. Curb Cut management Plan for Routes 6, 53, 58, and 302 in Bethel, Connecticut (2012); and
    - ii. Such other corridors as deemed necessary.
  - b. Where specific curb cut and access management plans have been adopted by the Commission, driveways and curb cuts shall, unless modified by the Commission, be brought into conformance with recommendations shown on maps contained in the document if:
    - i. The application is for a new development;
    - ii. The application is for an existing development and involves an increase of twenty-five (25) percent or more in floor space or traffic generation; and
    - iii. The proposal requires a special permit pursuant to Section 8.5 (Special Permit Application (PZC) ) of these regulations or if the alteration or change of use of land or building necessitates the filing of a site plan application under Section 8.4 (Site Plan Application (PZC)) of these regulations.
  - c. In reviewing existing and future curb cuts, the following guidelines shall be considered:
    - i. Curb Cuts should generally be located opposite existing streets and/or major driveways;



- ii. The number of site access points shall be limited;
- iii. Driveway closures should not restrict internal site circulation; and
- iv. Internal connections between adjacent properties and the combination of access/egress driveways serving adjacent properties shall be required whenever practical. When internal connections and the combination of driveways are proposed, the property owner shall record along with the deed to the property an easement allowing cross access, a joint maintenance agreement, and an agreement to close and eliminate any temporary driveways after construction of the joint-use driveway. The commission may extend incentives where appropriate to property owners who agree to consolidate driveways or provide cross access. These incentives may include reduction in lot dimension, parking or driveway spacing requirements.

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## SECTION 6.3. SIGNS

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### A. Purpose

While signs perform important functions in identifying businesses and in general advertising, the control of the number, size location, and design of signs is necessary to lessen hazards to pedestrians and vehicular traffic, avoid the potential for a blighting influence, and ensure sign design and construction which enhances the overall community.

### B. Applicability

No sign, except as provided herein shall be erected, or structurally altered or otherwise changed, unless a Zoning Permit has been approved by the Zoning Enforcement Officer. A new name shall be deemed to be a change. Normal maintenance shall not be a change.

### C. Sign Measurement

1. **Sign Area** - The sign area is calculated by determining the number of square feet of the smallest rectangle(s) within which a sign face can be enclosed. In determining the area of an individual sign that has more than one face (e.g. a monument or projecting sign), the single sign face with the greatest area shall be used. The total sign area is the sum of all individual sign areas.
2. **Sign Height** - The height of a sign shall be measured from the ground, adjacent to the sign, to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.

### D. Exempt Signs

Provided they meet the listed requirements, the following signs may be installed without a sign permit (although a building permit or encroachment permit may be required under certain circumstances).

	<b>Sign Type</b>	<b>Description</b>
1.	<b>Address Signs</b>	Signs installed in compliance with Article 901.4.4 of the 1997 Uniform Fire Code.
2.	<b>Agriculture/Farm Signs</b>	One (1) wall sign on a building not to exceed 6 square feet in size and 10 feet in height from the existing grade. One (1) free standing post sign in accordance with Section 6.3.F of these regulations.
3.	<b>Construction Signs</b>	While a valid construction permit is active, a maximum of four signs located on construction sites not exceeding 12 square feet per side, if two-sided. For commercial projects, the maximum sign area is 16 square feet per side if two-sided.

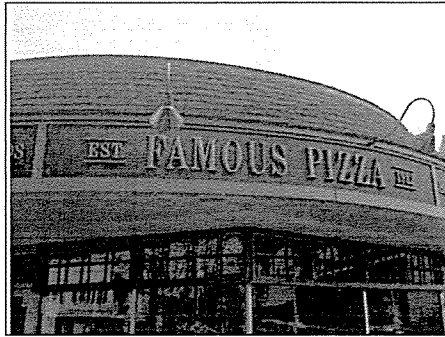
	<b>Sign Type</b>	<b>Description</b>
4.	<b>Government Signs</b>	Official federal, state or local government signs and notices issued by any court, person or officer in performance of a public duty.
5.	<b>Political Signs</b>	Sign shall not be located on public property, within right-of-ways, or be located so as to obstruct sight lines or interfere with pedestrian traffic.
6.	<b>No Trespassing Signs</b>	Trespassing warnings that are posted in compliance with the requirements of Federal, State and local laws.
7.	<b>Real Estate Signs – Residential Zone</b>	One temporary sign per street frontage indicating that the property on which the sign is located is for sale, rent or lease. Any such sign may be single- or double-faced and is limited in size to 3 square feet or less.
8.	<b>Real Estate Signs – Non-Residential Zone</b>	One temporary sign per street frontage indicating that the property on which the sign is located is for sale, rent or lease. Any such sign may be single- or double-faced and is limited in size to 10 square feet or less.
9.	<b>Tag Sale Signs</b>	No more than 6 signs are permitted per event. No sign shall exceed 4 square feet in size. Signs may be placed one day in advance of the event and must be removed no later than 1 day after the event. No sign shall obstruct or interfere with pedestrian or vehicular visibility.
10.	<b>Temporary Window Signs</b>	Temporary signs painted directly on a window, affixed to the inside of a window, or hung within 12 inches of a window promoting any commercial or non-commercial message, provided the sign or signs do not exceed 10 percent of each window area, or 4 square feet per window, whichever is greater.
11.	<b>Traffic Safety Signs - Construction</b>	Signs warning of construction, excavation, or similar hazards if expressly approved by the Public Works Director.
12.	<b>Traffic Safety Signs - Directional</b>	Traffic control and safety devices intended to regulate, warn or guide traffic on private property used by the public provided such signs conform to the manual and specifications adopted under CGS Section 14-298.
13.	<b>Transit Signs</b>	Signs identifying transit stops, facilities, times, routes, and similar information.
14.	<b>Utility Signs</b>	Signs placed by utility companies as part of the normal operation and maintenance of facilities such as public telephones and underground services.
15.	<b>Vehicle Signs</b>	Painted signs or decals affixed to the body of any vehicle, <u>unless</u> parked for the primary purpose of displaying the sign.

**E. Attached Signs**

**1. General Provisions -**

- a. Attached signs are attached to a building face.
- b. Such signs shall be located on a building face that has a public entrance.
- c. New commercial developments shall have a coordinated sign design. Existing commercial developments shall make every effort to establish a coordinated sign design.
- d. Each tenant of a building located above the first floor may display a non-illuminated sign on the inside of one (1) window serving said tenant, provided that such sign shall not exceed six (6) square feet in area.
- e. In no case may the maximum number or size of signs exceed the standards provided by these Regulations.
- f. In no case may the illumination levels of signs exceed the standards provided by these Regulations.

## 2. Wall Sign

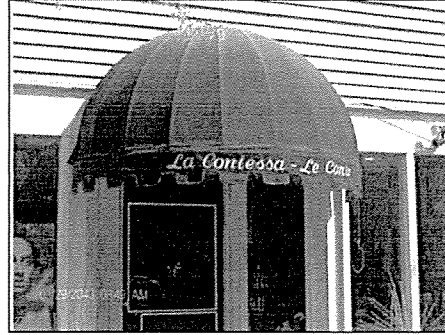
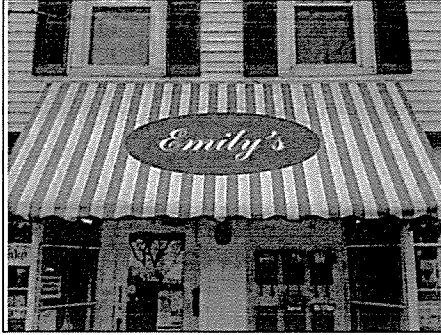


### Signage Guidelines

Wall signs include most types of signage that are attached to the face of a building wall. These include channel letters made out of wood, metal or plastic. Wall signs may be painted on a wall, or on a board that is attached to a wall. Wall signs should be oriented to achieve balanced composition and harmony with other architectural elements of a building façade. Wall signs should be placed on a flat building surface and should not be placed over or otherwise obscure architectural building features.

<b>a. Districts</b>	Allowed by Zoning Permit in the VC, C, RT6, I, IP, and EP zoning districts
<b>b. Permitted Location</b>	Each sign must be attached to the building and located on a building face that has a public entrance. The Planning & Zoning Official may make exceptions to this requirement in circumstances where the purpose and intent of these regulations is maintained and where the orientation of the public entrance to a building is such that the sign would not have sufficient visibility from the public right-of-way to provide for adequate identification of the business or use.
<b>c. Maximum Number</b>	Two (2) wall signs per tenant space.
<b>d. Maximum Area</b>	In the VC Zone, the total area of a wall sign shall not exceed one (1) square feet per linear feet of building frontage for each tenant space. In the C, RT 6, I, IP and ED Park Zones, the total area of a wall sign shall not exceed (2) square feet per linear feet of building frontage for each establishment.
<b>e. Maximum Height</b>	Signs in the VC, C, and ED Park zones shall not exceed (20) feet in height and shall not be located above the lower sill of a second story window. Signs in the RT 6, I and IP Zones shall not exceed (25) feet in height and shall not be located above the highest point of a second story.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.
<b>g. Other Limitations</b>	Box signs are not permitted in the Village Center (VC) Zone.

### 3. Awning Sign



**Signage Guidelines**

Signs on awnings should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs or hanging and suspended signs.

<b>a.</b>	<b>Districts</b>	Allowed by Zoning Permit in the VC, C, RT6, I, IP, and EP zoning districts.
<b>b.</b>	<b>Permitted Location</b>	Signs may be located on awnings subject to size criteria. Awnings must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.
<b>c.</b>	<b>Maximum Number</b>	One (1) awning sign is permitted per tenant space.
<b>d.</b>	<b>Maximum Area</b>	Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.
<b>e.</b>	<b>Maximum Height</b>	N/A
<b>f.</b>	<b>Illumination</b>	See Section 6.3.I of these Regulations.

#### 4. Projecting Sign



#### Signage Guidelines

Projecting signs are attached to a building face and project out perpendicular to the building wall. Projecting signs are very effective when oriented to pedestrians on the sidewalk level. Appropriate materials include wood and metal with carved or applied lettering, or any other material that is architecturally compatible with the building that the sign is attached to. Multiple projecting signs should not be installed within 10 feet from projecting signs on adjacent properties by 10 feet to ensure proper visibility.

<b>a. Districts</b>	Allowed by Zoning Permit in the RMO (for an approved office use), VC, C, RT6, I and IP zoning districts.
<b>b. Permitted Location</b>	Projecting signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above the public right-of-way or private sidewalk area.
<b>c. Maximum Number</b>	One (1) projecting sign is allowed per tenant space.
<b>d. Maximum Area</b>	Projecting signs may be a maximum area of 6 square feet in area in the VC Zone and 12 square feet in the C and RT6 Zones.
<b>e. Maximum Height</b>	N/A
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## 5. Hanging Sign



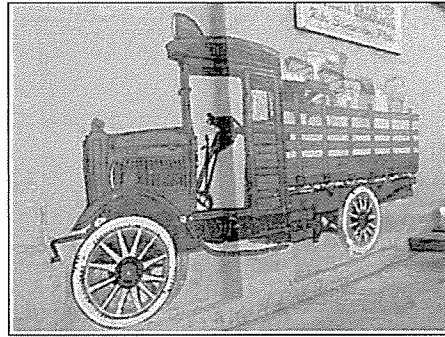
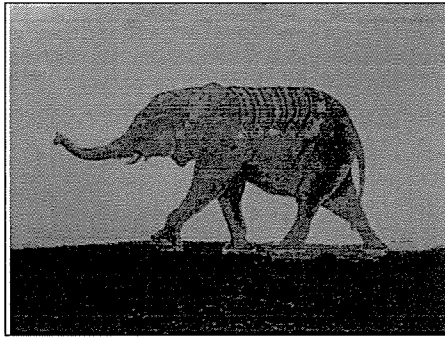
### Signage Guidelines

Hanging signs, or suspended signs, are used to help define entries and identify business names to pedestrians. They are small and can hang over a building entry if the appropriate clearance is provided. Hanging signs can be particularly useful for storefronts that have multiple tenants.

<b>a. Districts</b>	Allowed in the RMO (for an approved office use), VC, C, RT6, I and IP zoning districts.
<b>b. Permitted Location</b>	Hanging or suspended signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.
<b>c. Maximum Number</b>	One (1) hanging or suspended sign is allowed per tenant space.
<b>d. Maximum Area</b>	Hanging signs may be a maximum area of 8 square feet in area.
<b>e. Maximum Height</b>	N/A
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.



## 6. Mural

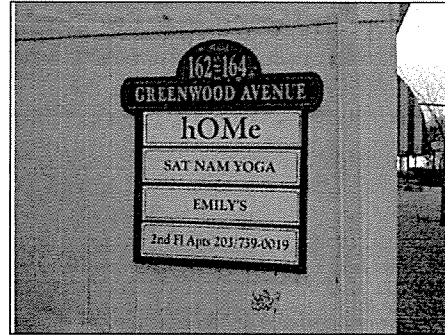
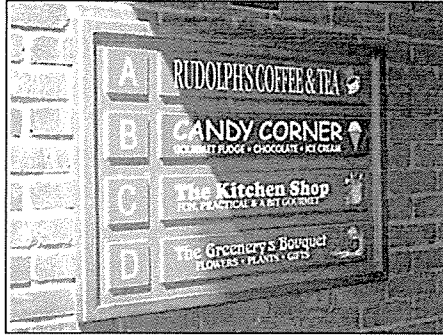


### Signage Guidelines

Certain building walls present opportunities for murals. Murals should not contain text or any specific commercial message. Murals that do not contain text or any specific commercial message can be considered public art.

<b>a. Districts</b>	Murals may be located in all zones, subject to granting of a Special Permit by the Commission.
<b>b. Permitted Location</b>	Murals may be located on any building wall, subject to a Special Permit.
<b>c. Maximum Number</b>	There is no specific limit on the number of murals permitted, subject to a Special Permit.
<b>d. Maximum Area</b>	Murals may be any size, subject to a Special Permit.
<b>e. Maximum Height</b>	Murals may be any height, subject to a Special Permit.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## 7. Wall-Mounted Directory Sign

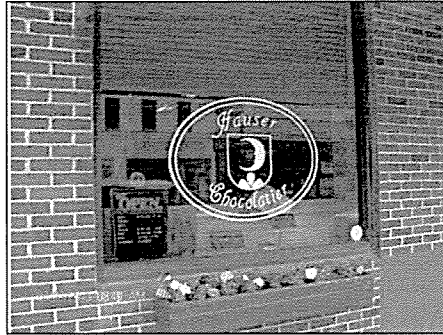
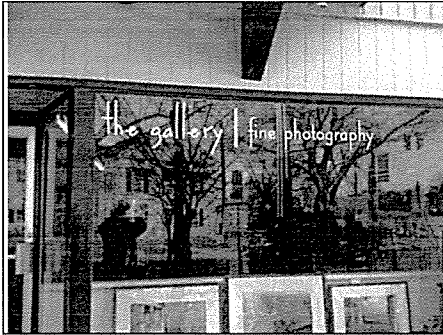


### Signage Guidelines

Directory signs are used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property. Directory signs are small scale and are oriented to pedestrians.

<b>a. Districts</b>	Allowed by Zoning Permit in the VC, C, RT6, I, and IP zoning districts.
<b>b. Permitted Location</b>	On a wall by the building entrance.
<b>c. Maximum Number</b>	One directory sign may be permitted per building entrance.
<b>d. Maximum Area</b>	Directory signs may be no larger than 12 square feet in area, and individual letters may not exceed 6 inches in height.
<b>e. Maximum Height</b>	Each sign may have a maximum height of five (5) feet.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## 8. Window Sign



### Signage Guidelines

A window sign is a sign that is painted on or attached to a window and located within 12-inches of the face of a window. Window signs do not include business hours of operation or open/closed signs. Window displays, including merchandise displays, graphics and text, that are located more than 12 inches from the face of a window are not considered signs. Window signs should be scaled to the pedestrian and oriented to window shoppers on the sidewalk, as opposed to vehicles passing by. Window signs should be limited to small graphics and text that serve to frame a window or to provide information. A window sign should not obscure the view into a store or place of business.

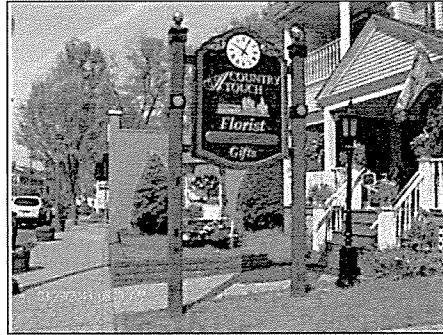
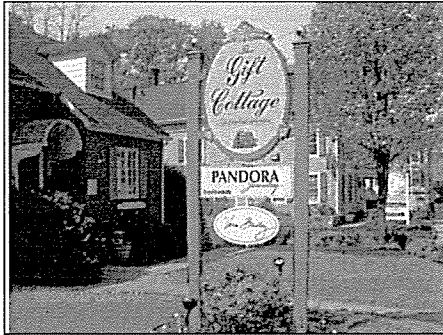
<b>a. Districts</b>	Allowed by Zoning Permit in the VC, C, and RT6 zoning districts.
<b>b. Permitted Location</b>	There is no specific location requirement.
<b>c. Maximum Number</b>	There is no limit to the number of window signs allowed.
<b>d. Maximum Area</b>	Window signs are limited to a maximum of 25% of the window area.
<b>e. Maximum Height</b>	N/A
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

**F. Detached Signs**

**1. General Provisions -**

- a. Detached signs are signs that are not attached to a building.
- b. Such signs may be located in the required setback area provided there is adequate site distance for driveways and streets and that the sign does not interfere with visibility required for safe vehicular and pedestrian circulation.
- c. The address of the development shall be placed on all free standing signs, except residential development signs, and shall be exempt from the computation of height and area requirements. The minimum height of address lettering shall be (4) inches and the maximum height of lettering shall be (18) inches.
- d. No signage may be placed on the canopy of a gasoline station, whether attached or detached to a building.
- e. Unless otherwise stated herein, no more than one (1) free standing sign shall be permitted on a premise.

## 2. Free-Standing Post Sign

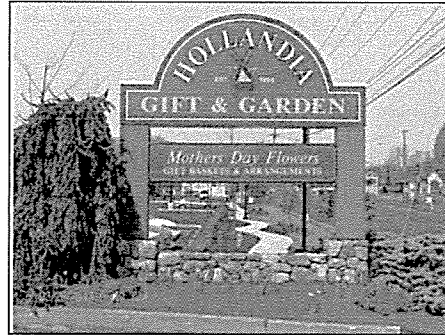


### Signage Guidelines

Free-standing post signs are primarily used to identify office uses, especially where a former residence has been converted into an office. They are similar to monument signs, except they do not have a base other than the support posts. The colors and materials used for the sign must be compatible with the associated building design. Lettering should be carved, routed or applied as opposed to painted on a flat board.

<b>a. Districts</b>	Allowed in the VC, C, RT6, I, IP, EP, and RMO zoning districts. May be allowed for Special Permit uses located in residential zones by Special Permit granted by the Commission.
<b>b. Permitted Location</b>	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
<b>c. Maximum Number</b>	One (1) sign is permitted per premises, per street frontage.
<b>d. Maximum Area</b>	The maximum sign area permitted is (20) square feet for a one-sided sign and (40) square feet for a two-sided sign. Where two or more uses are located on the same premises, the sign area for free-standing post signs must be shared.
<b>e. Maximum Height</b>	Signs shall not be taller than (8) feet in height.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

### 3. Free-Standing Single-Establishment Sign

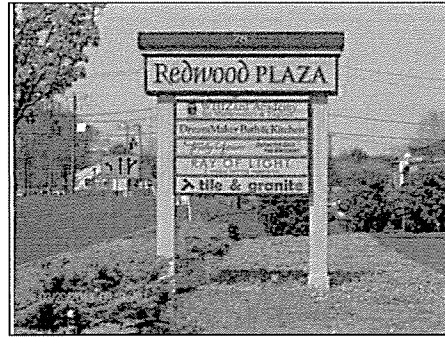


**Signage Guidelines**

Free-standing single-establishment signs are primarily intended to communicate with people in motor vehicles. The sign structure is typically supported by two poles, but other types of supports may be used.

<b>a. Districts</b>	Allowed in the RT6, I, and IP zoning districts. May be allowed in VC, C, and for Special Permit uses in residential zones by Special Permit granted by the Commission. May be allowed in EP zoning districts by Special Permit granted by the Commission
<b>b. Permitted Location</b>	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
<b>c. Maximum Number</b>	One (1) sign is permitted per premises along an arterial street frontage. One additional free-standing sign may be permitted by Special Permit if the subject property's arterial frontage is in excess of 500 feet.
<b>d. Maximum Area</b>	A free-standing single establishment sign may have a maximum area of 30 square feet per side and 60 square feet if two-sided. 60 square feet of sign area
<b>e. Maximum Height</b>	A free-standing single establishment sign may have a maximum height of sixteen (16) feet
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

#### 4. Shopping Center Identification Sign

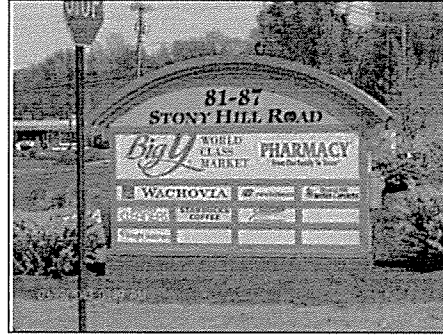
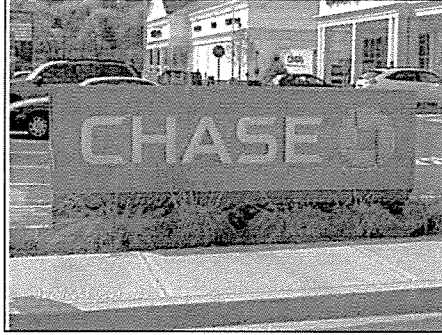


##### Signage Guidelines

Shopping center identification signs are free-standing signs that identify two or more establishments within a commercial development and should be compatible with the design theme of the development. They may identify multiple tenants, but larger shopping centers with more than 5 tenants should avoid listing individual tenants, other than the project anchors, to avoid sign clutter. The sign structure should contain elements of the design theme of the buildings in the center.

<b>a. Districts</b>	Allowed by Zoning Permit in the RT6 zoning district. May be allowed in the VC and C zones by Special Permit granted by the Commission.
<b>b. Permitted Location</b>	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
<b>c. Maximum Number</b>	One (1) sign is permitted per premises along an arterial street frontage of a development.
<b>d. Maximum Area</b>	A shopping center identification sign may have a maximum area of 100 square feet per side for developments with up to 50,000 square feet of floor area. For developments in excess of 50,000 square feet, signs shall not exceed 150 square feet in area per side.
<b>e. Maximum Height</b>	A shopping center identification sign may have a maximum height of 20 feet
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## 5. Monument Sign



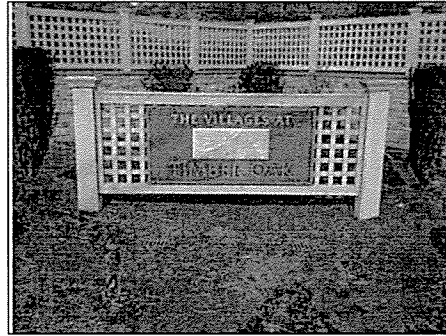
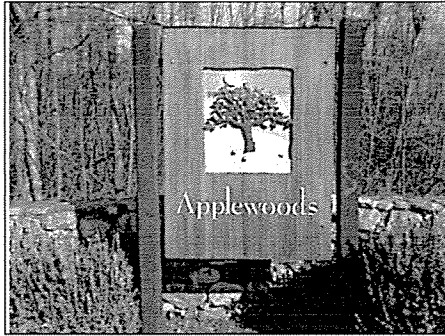
### Signage Guidelines

Monument signs are typically used where building setbacks, orientation or design make it difficult to provide other types of signage, such as wall signs, that are plainly visible to people that are trying to identify a use. Monument signs have a solid base that the sign face is installed upon. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site. They are typically oriented perpendicular to the adjacent street and sidewalk and have a maximum of two parallel sign faces. Monument signs provide opportunities for landscaping to enhance their appearance.

<b>a. Districts</b>	Allowed by Zoning Permit in the RT6, I, IP, and EP zoning districts. May be allowed in the VC and C zones by Special Permit granted by the Commission. May be allowed in residential zones for Special Permit uses by Special Permit granted by the Commission.
<b>b. Permitted Location</b>	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way. In the Route 6 Business (RT6) Zone, no such sign shall be located within 75 feet of the road centerline unless approved by the Commission.
<b>c. Maximum Number</b>	One monument sign is permitted per premises, per street frontage.
<b>d. Maximum Area</b>	Monument signs may be a maximum of 24 square feet.
<b>e. Maximum Height</b>	Monument signs may have a maximum height of 6 feet.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.



## 6. Residential Development Sign

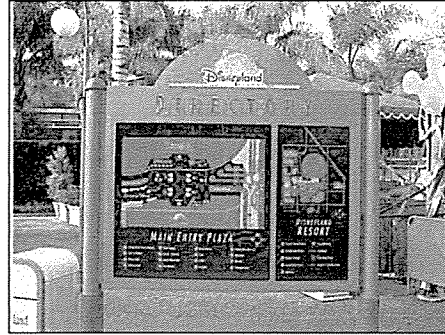
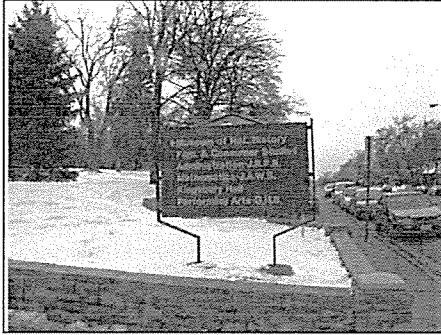


### Signage Guidelines

The purpose of residential development signs is to identify the name of a development, provided the development is not an in-fill project within an established neighborhood. They are usually monument signs or wall signs placed on a wall feature in a landscaped open space area at the entry of the development.

<b>a. Districts</b>	Residential development signs are allowed in all zones, subject to Special Permit approval by the Commission.
<b>b. Permitted Location</b>	At each major street frontage of a development within a landscaped area that is maintained by a homeowner's association. Sign locations must not impact the line of sight of people in cars to pedestrians or other vehicles in drive-ways or street rights-of-way.
<b>c. Maximum Number</b>	One (1) residential development sign is allowed at each major street frontage of a development.
<b>d. Maximum Area</b>	Each sign may have up to 20 square feet unless modified by the Commission.
<b>e. Maximum Height</b>	Each sign may be up to five (5) feet in height unless modified by the Commission.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## 7. Free-Standing Directory Sign

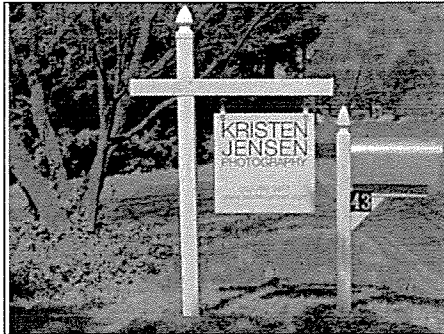


### Signage Guidelines

Directory signs are used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property. Directory signs are small scale and are oriented to pedestrians.

<b>a. Districts</b>	Allowed in the VC, C, RT6, I, and IP zoning districts by Special Permit granted by the Commission.
<b>b. Permitted Location</b>	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
<b>c. Maximum Number</b>	One detached directory sign may be permitted per premises.
<b>d. Maximum Area</b>	Directory signs may be no larger than 12 square feet in area, and individual letters may not exceed 6 inches in height.
<b>e. Maximum Height</b>	Each sign may have a maximum height of five (5) feet.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## 8. Home Based Business Sign



### Signage Guidelines

The purpose of home-based business signs is to identify the name of a home based business and/or the occupation of a person conducting a home based business. They are typically supported by a single post, may be two-sided and they are usually oriented perpendicular to the sidewalk instead of parallel. The colors and materials used for the sign must be compatible with the associated building design. Lettering should be carved, routed or applied as opposed to painted on a flat board.

<b>a. Districts</b>	By Zoning Permit in all residential zones, including the RMO Zone.
<b>b. Permitted Location</b>	May be located in required setback but must not impact the line of sight of people in cars to pedestrians or other vehicles in driveways or street rights-of-way.
<b>c. Maximum Number</b>	One sign may be permitted per premises.
<b>d. Maximum Area</b>	In all residential zones except the RMO Zone, a sign shall not exceed 2 square feet per side. In the RMO Zone, a sign shall not exceed 4 square feet per side. Such signs shall not exceed six (6) feet in height.
<b>e. Maximum Height</b>	Each sign may have a maximum height of six (6) feet.
<b>f. Illumination</b>	See Section 6.3.I of these Regulations.

## G. Prohibited Signs

The following signs are prohibited and subject to immediate abatement by the Zoning Enforcement Officer.

	<b>Sign Type</b>	<b>Description</b>
1.	<b>Signs in the Street Right-of-Way</b>	Any sign placed in any street right-of-way without a valid encroachment permit or prior approval of the Public Works Director for the purpose of safety or traffic control.
2.	<b>Signs that Block Ingress or Egress</b>	Any sign, such as a sandwich-board sign, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape, parking lot, or street.
3.	<b>Signs on Utility Poles or Traffic Control Devices</b>	Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal or any other official traffic-control device.
4.	<b>Signs on Street Trees</b>	Any sign posted on a street tree.
5.	<b>Off-Site Signs</b>	Off-site commercial signs that advertise a business or entity not located on the property where the sign is posted.
6.	<b>Outdoor Advertising Displays</b>	Outdoor advertising displays such as billboards.
7.	<b>Portable Signs</b>	Such as sandwich board, foldable, or A-frame signs. This shall not include signs used for traffic safety purposes.
8.	<b>Banner Signs</b>	Banner signs of any type unless authorized by the Zoning Enforcement Officer in conjunction with a temporary use permit or special event permit.
9.	<b>Attention Getting Devices</b>	Pennants, streamers, spinners, balloons, inflatable signs, search lights, beacons, flashing lights or messages and other similar attention-getting devices visible from a public street, unless authorized by the Zoning Enforcement Officer in conjunction with a temporary use permit or special event permit.
10.	<b>Simulated Traffic Signs</b>	Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.
11.	<b>Highly Reflective/ Fluorescent Signs</b>	Signs made wholly or partially of highly reflective material and fluorescent or day-glow painted signs.
12.	<b>Electronic Message Signs</b>	Electronic message signs come in different shapes and sizes and typically have a changing or scrolling message.
13.	<b>Backlit Translucent Awning Signs</b>	Any sign located on an awning that is translucent or semi-transparent and illuminated from a light source under or within the awning.
14.	<b>Vehicle Signs</b>	Signs attached or painted to vehicles and parked in a position and location with the primary purpose of displaying the sign.
15.	<b>Signs Projected By Light</b>	Signs created by the projection of light onto another surface.

## **H. Maintenance Standards**

1. All signs together with their supports and anchors shall be kept in good repair and in safe condition. The owner or lessee of the premises on which a sign is erected shall be responsible for keeping such sign and premises in a safe and neat condition.
2. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, as determined by the Community Development Director.
3. When signs are repaired, they must be done so in a manner (paint colors shall match, etc.) that is consistent with the approved sign permit . When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall.
4. Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of 60 days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located upon 30 days written notice by the Community Development Department.
5. Any sign that, in the opinion of the Chief Building Official, is unsafe or insecure, shall be deemed an unsafe sign and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within 72 hours of written notice by the Community Development Department.

## **I. Illumination Standards**

1. All illuminated sign or lighting devices shall employ only lights emitting a light of constant intensity.
2. All illuminated sign or lighting devices shall be designed, located, erected and maintained to confine or direct all illumination to the surface of the subject sign and away from adjoining premises.
3. Self-illuminated signs shall be such that all direct light sources are completely covered.
4. Internal illumination of signage is not permitted:
  - a. In the VC district.
  - b. For wall signs in the RM-O district.
  - c. For projecting signs or hanging signs in any district unless approved by the Commission as a Special Permit.
  - d. For free standing post signs.
  - e. For residential development signs.
  - f. For home based business signs.
5. In the VC district, an illuminated wall sign may be permitted where the Zoning Official determines that the sign will coordinate with the existing wall sign signage of tenants on either side of the proposed location or where it coordinates with a signage theme within a shopping center.
6. For free standing single establishment signs, approval of the lighting design is required.
7. For monument signs, external illumination or halo lighting is preferred. Internally-illuminated cabinet signs must have a dark background with light lettering..
8. Illuminated mural signs may only be permitted with approval of a Special Permit by the Commission

**J. Non-Conforming Signs**

1. Currently existing signs of a size or type not permitted in the district in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered nonconforming structures under this Section.
2. No nonconforming sign shall be altered or changed unless such sign is made to conform to these regulations.
3. A change shall not include a change on a theater marquee sign or a change in name where the size and style of lettering conforms to the previous lettering, and there are no other changes.
4. Normal maintenance activities are not considered to be a change of name or alteration.
5. Any change of a non-conforming sign or increase in size shall be deemed to be an enlargement or extension producing an increase in nonconformity.
6. Any non-conforming sign shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of nonconformity.

**K. Application Requirements**

All applications for a sign permit shall be accompanied by:

1. a plot plan showing the location of the sign.
2. a building elevation and/or sign sketch, drawn to scale with dimensions, showing the location, height, design, materials, colors and illumination of the sign.

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## **SECTION 6.4. EXCAVATION, FILL AND GRADING**

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### **A. Purposes**

The purpose of this section is to control any excavation and filling operations and to prevent the depreciation of land values, the creation of hazards to life and health and the permanent damage to the beauty and economic usefulness of property which may result from the unregulated and uncontrolled filling, excavation and/or removal of sand, stone, loam, dirt and other earth products from property within the Town of Bethel.

### **B. Applicability**

1. No contours of any land in the Town of Bethel shall be altered by the excavation, removal or relocation of earth, loam, topsoil, sand, gravel, clay, stone or minerals or by the depositing of any material, natural or otherwise, except as provided in this Section.
2. Any person or persons carrying on excavating, filling or earth removal operations in conformance with a valid permit may continue such operations until the termination date of said permit.
3. Any person or persons carrying on excavating, filling or earth removal operations which, except for their status as a valid nonconforming use, would be invalid under this regulation shall be required to obtain a permit to carry on said operations in accordance with the provisions of this regulation.
4. Said nonconforming users shall be required to obtain annual renewals of their permits prior to the expiration of their permits. The provisions of this regulation, shall apply to the application and granting of permits for nonconforming excavation, filling and earth removal operations.

### **C. Activities Allowed**

- Notes:
1. No permit required if activity is conducted in accordance with Subsection 6.4.D.
  2. Staff may forward any application to the Commission for its review and action.
  3. If individual activity or a combination of activities exceeds 1,000 cubic yards.

	<b>Less than 500 CY</b>	<b>500 CY to 999 CY</b>	<b>More than 1,000 CY</b>
1. <b>Subdivision</b> - Changes in contour in accordance with subdivision construction plans and contour maps approved by the Commission provided no topsoil is removed from the site.	No permit required <sup>1</sup>	No permit required <sup>1</sup>	No permit required <sup>1</sup>
2. <b>Foundation Excavation</b> - Changes in contour directly related to the bona fide construction of a foundation or basement for a building or structure when such construction is authorized by a valid building permit.	No permit required <sup>1</sup>	No permit required <sup>1</sup>	Permit required from Staff <sup>2</sup>
3. <b>Utility Construction</b> - Necessary filling, excavation and/or removal of materials in connection with the bona fide construction or installation of sewers, waterlines, electric or gas service.	No permit required <sup>1</sup>	No permit required <sup>1</sup>	Permit required from Staff <sup>2</sup>

(continued)

	Less than 500 CY	500 CY to 999 CY	More than 1,000 CY
4. <b>Construction Grading</b> - Changes in contour directly related to the bona fide construction or alteration of a building or structure when such construction or alteration of a building or structure is authorized by a valid zoning permit. The Commission shall retain the right to determine whether any activity is a reasonable adjunct to a valid zoning permit after considering: <ul style="list-style-type: none"> <li>a. the feasibility of constructing the building or other structure at the existing contour,</li> <li>b. the percent of lot area to be excavated,</li> <li>c. whether or not the difficulty of construction at existing contours was the result of prior acts of the applicant in interest,</li> <li>d. the primary nature of the applicant's business, and</li> <li>e. any additional relevant factors affecting the lot in question.</li> </ul>	No permit required <sup>1</sup>	Permit required from Staff <sup>2</sup>	Special Permit <sup>3</sup>
5. <b>Fences &amp; Walls</b> - Necessary filling, excavation and/or removal of materials in connection with the bona fide construction or installation of fences or walls (free standing walls or retaining walls).	No permit required <sup>1</sup>	Permit required from Staff <sup>2</sup>	Special Permit <sup>3</sup>
6. <b>Driveway</b> - Changes in contour directly related to the bona fide construction of an approved accessway or driveway or a sidewalk.	No permit required <sup>1</sup>	Permit required from Staff <sup>2</sup>	Special Permit <sup>3</sup>
7. <b>Property Improvement</b> - The removal by or for the owner from one part of his property to another of topsoil or subsoil when such removal is for the purpose of landscaping, farming, construction of a pond (to the least depth necessary in order to carry out its purpose), or otherwise improving or beautifying the property.	No permit required <sup>1</sup>	Permit required from Staff <sup>2</sup>	Special Permit <sup>3</sup>
8. <b>Other</b> - Activities involving less than 1,000 CY which are not in accordance with Subsection 6.4.D.	Permit required from Staff <sup>2</sup>	Special Permit <sup>3</sup>	Not applicable
9. <b>Other</b> - Other changes in contour, filling, excavation and/or removal of materials.	Permit required from Staff <sup>2</sup>	Permit required from Staff <sup>2</sup>	Special Permit <sup>3</sup>
10. Other - On a property situated within the in the Route 6 Business Zone, changes in contour may be permitted to prepare a site for development without being directly related to the bona fide construction or alteration of a building or structure. <b>[Effective 8/15/2012]</b>	Special Permit	Special Permit	Special Permit
11. <b>Processing</b> - Screening, sifting, washing, crushing or other processing of earth materials.			
12. <b>Blasting</b> - Blasting of earth materials.	Special Permit	Special Permit	Special Permit



**D. Basic Standards When No Permit Required**

1. **Hours of Operation** - No operations shall be undertaken on the site except between the hours of 8:00 a.m. and 5:00 p.m. local time, Monday through Friday, no weekends or holidays.
2. **Drainage** - At all stages of operations, proper drainage shall be provided to prevent the collection, stagnation or excessive runoff of water and to prevent harmful effects upon surrounding properties.
3. **Slopes** - Final slopes shall not exceed a slope of two to one (horizontal to vertical) without approval of Staff and/or the Commission.
4. **External Impacts** - All activities shall be conducted in such a way as to not adversely affect adjacent property including, but not limited to;
  - a. Not changing elevations at property lines.
  - b. Not changing elevations more than two feet within 10 feet of a property line.
  - c. Not affecting natural drainage patterns onto or from adjacent property.
5. **Nuisance Abatement** - The operation shall be conducted so as to minimize noise, dust, erosion, sedimentation, and other nuisances by:
  - a. Treating access roads and other areas with calcium chloride or similar material.
  - b. Containing stockpiled material within a sediment control barrier.
  - c. Limiting the stockpiling of excavated materials upon the site.
6. **Protective Fences** - During the period of excavation, removal or filling, proper barricades or fences shall be erected as necessary for the protection of pedestrians and vehicles.
7. **Traffic Issues** -
  - a. Truck access shall be so arranged to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.
  - b. Truck loads shall be covered with an approved device and shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.
  - c. At the point of truck access on a Town road, there shall be a adequate sight line clearance in all directions.
  - d. The applicants shall be responsible for cleaning and repairing any state, city, Town or private roads which have been damaged or upon which earth materials have been deposited because of the activities of the applicant or his agent.
  - e. The applicant shall provide, at its expense, all necessary special police or traffic control measures deemed necessary by the Commission or its agent.

## **E. Additional Standards When Permit Required**

1. **Phasing Plan** – For excavation, removal or fill operations, the applicant shall submit a phasing plan for the work.
2. **Duration of Permit** - Excavation or fill permits issued by the Commission shall cover operations for a stated period of time, not to exceed 12 months.
3. **Extension of Permit** - The Commission may grant not more than one extension of time within which to complete the proposed work where:
  - a. it is demonstrated that the proposed work could not reasonably have been completed within the time originally allocated for reasons beyond the control of the permittee.
  - b. The extension shall not exceed six month.
4. **Reporting Requirement** - When deemed necessary by the Commission, monthly reports providing information on the percent of approved excavation or fill materials activity shall be provided by a licensed civil engineer. More frequent reports may be required by the Commission when considered necessary.
5. **Buildings and Structures** - Except for a temporary field office or a temporary shelter for machinery, no building shall be erected on the premises unless specifically approved by the Commission and any temporary building shall be removed upon the completion of the operations.
6. **Fixed Machinery** - No fixed machinery (for rock crushing, sorting, processing, or other purposes) shall be erected or maintained within 300 feet of any property or street line.
7. **Material Processing** - On-site screening, sifting, washing, crushing or other processing of earth materials may be permitted by the Commission, by Special Permit, provided:
  - a. the lot is 7.5 acres or larger in size.
  - b. the applicant has demonstrated that on-site processing of earth materials will result in a reduction of site-generated truck traffic.
  - c. any such processing activity is located at least 300 feet from any property line.
  - d. Such activity is limited to on-site earth materials only and there shall be no importation or exportation of materials from the site except as specifically approved by the Commission.
  - e. All processing equipment shall use noise reduction or mitigating materials or procedures and engine muffler systems.
8. **Blasting** - There shall be no blasting permitted within 150 feet of any occupied dwelling, unless the Commission is provided with a report from a licensed professional engineer indicating that such blasting can be conducted without damage to such dwelling.

## F. Stabilization

Final slopes in excess of 2:1 (horizontal to vertical) may be permitted where the Commission makes a determination, based on a report from a licensed professional engineer, that the final slope of an excavated area can be maintained without causing instability and/or erosion and the following provisions are made:

1. **Setbacks** - The following minimum set backs shall be observed at the top and the toe of the final slope and all such setback areas shall be as flat as possible while providing drainage away from structures:
  - a. Ten feet from any public or private road or rights-of-way.
  - b. Twenty-five feet from any other property line.
  - c. Twenty-five feet from existing and proposed structures, where the excavation is 20 feet in height or less.
  - d. Thirty-five feet from existing and proposed structures, where the excavation is in excess of 20 feet.
2. Existing contours within 10 feet from any property line shall not be changed by more than two feet.
3. Existing vegetation and soil shall be cleared from the surface of the top of an excavation for a distance of 10 feet back from the top of the final slope.
4. Fencing shall be provided at the top of any excavation slope higher than five feet as follows:
  - a. The fence shall be chain link with diagonal tension bars at the top and bottom of the fence;
  - b. The fence shall be able to support lateral loads of at least 300 pounds per six-foot interval;
  - c. The fence shall be four feet six inches in height;
  - d. The fence shall be set back at least 10 feet from the top of the slope; and
  - e. The fence shall terminate in such a way so as to preclude access to the slope face.
5. At any time during the excavation, the Commission may, at the applicant's expense, have the preliminary design reviewed by a professional engineer licensed in the State of Connecticut, specializing in geotechnical sciences, or a geologist licensed in the State of Connecticut, and final design elements shall be implemented based on conditions encountered during construction. Examples of design elements include, but are not limited to rock bolting, rock mesh, scaling and drainage. Such design shall follow commonly accepted local rock mechanics and/or geotechnical engineering practice.
6. Any cut slope that, based on field conditions, will exceed the proposed final slope shown on the approved plans by more than ten degrees (10°) vertical for slopes less than 10 feet in height, or five degrees (5°) vertical for slopes in excess of 10 feet in height, must be reviewed and approved by the Commission.
7. Any cut slope that, based on field conditions, exceeds the maximum cut slope envelope must be reviewed and approved by the Commission. In such instance, all excavation, fill and grading work on the site must immediately cease, until the Commission has reviewed and approved the revised slope.

## **G. Conformance, Inspection and Revocation**

1. **Conform To Permit** – Premises to be excavated, filled or graded shall be excavated, filled or graded only in conformity with the permit as approved by the Commission and any deviation from the plan shall be cause for the Commission to revoke the permit.
2. **Right of Inspection** - As necessary for inspection purposes, any member of the Commission, or its authorized representatives, shall have the right of access to all operations for which excavation or fill permits have been issued or applied for.
3. **Compliance Hearing** – If there is a question as to whether or not any of the conditions of this Section have been or are being violated, the Commission may at any time:
  - a. halt the excavation or filling operation until it receives an updated site plan map, including contours and cross sections, completed by and certified by an engineer or land surveyor licensed to practice in the State of Connecticut.
  - b. call a hearing upon five days' notice to the holder of an excavation or fill permit.
4. **Findings and Revocation** - If the Commission finds, based on a site inspection, an updated site plan, or a hearing, that there is or has been a violation of the permit, the Commission may immediately revoke such excavation or fill permit and order operations suspended.
5. **Penalties** - For each and every violation of the terms of the permit or of the prescribed conditions under which an excavation or fill permit is issued, as set forth in this Section, the holder of such permit shall be subject to a fine of not in excess of \$150 a day for each day for which each violation continues.

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## **SECTION 6.5. FENCES AND WALLS**

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### **A. Purposes**

This Section is intended to control the size, location, and type of fences and walls in all zoning districts in order to allow for protection of private property while not infringing on the public safety and general welfare or on adjoining properties. In addition, this Section is specifically intended to allow such structures to be located within setbacks to the extent authorized by this Section.

### **B. Location and Height Standards**

1. A fence or wall shall be located inside all lot lines.
2. A fence or wall shall not exceed four feet (4') in height within a front setback or six feet (6') in height within a side or rear setback, except that:
  - a. Properties housing horses, ponies or livestock under the provisions of Subsection 6.11 of these Regulations may have a fence up to six feet (6') in height within the front setback.
  - b. A residential property abutting a commercial or industrial use may have a fence up to eight feet (8') in height.
3. A fence not located within a required setback may be built to a maximum of eight feet (8') in height.
4. On a corner lot or at the intersection of two streets, the fence or wall shall be located to meet the requirements of Section 6.7 of these Regulations governing corner lot visibility and area.
5. For retaining walls, unless modified by the Commission through granting of a Special Permit:
  - a. No retaining wall shall exceed a height of six feet (6').
  - b. When used to create terraces, retaining walls shall be a minimum of five feet (5') apart and the terrace area between them shall not exceed a slope of one foot of rise for three feet of horizontal distance (1:3). Landscaping shall be provided where conditions permit at the top and base of walls and on terraces to blend the wall with the surrounding site.
  - c. The exposed face of a retaining wall shall be designed of material which will enhance the attractiveness of the site and shall be subject to the approval of the Commission. Smooth faced concrete is not permitted.

**C. Other Standards**

1. If such fence or wall is located within a required yard and has a finished or more attractive side, such side shall face the neighboring property or street as the case may be.
2. A retaining wall four feet or higher above ground level requires the issuance of a building permit based on a plan prepared by a licensed engineer. Such plans shall address construction design and drainage within 10 feet of the wall.
3. Barbed wire fences and other fences constructed of sharp materials are not permitted within residential zones or along a residential zone boundary line.
4. Electrically charged fencing is not permitted in residential zones except that such fencing shall be permitted on property which qualifies under Subsection 6.11 of these Regulations as related to the keeping of horses, ponies and livestock.

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## **SECTION 6.6. EROSION AND SEDIMENTATION CONTROL**

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### **A. Purpose**

This Section is intended to prevent accelerated erosion and sedimentation of land during and after development; reduce the danger from storm water runoff; minimize sediment pollution from land being developed; and prevent detrimental impacts to soil and water resources.

### **B. Overall Requirements**

1. All development shall employ proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology in order to result in a development that:
  - a. minimizes erosion and sedimentation during construction;
  - b. is stabilized and protected from erosion when completed; and
  - c. does not cause off-site erosion and/or sedimentation.
2. The Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, as amended, shall be used to determine the best available technology on any site unless alternative principles, methods or practices have been approved by the Commission for use on a particular site.

### **C. Implementation of Controls**

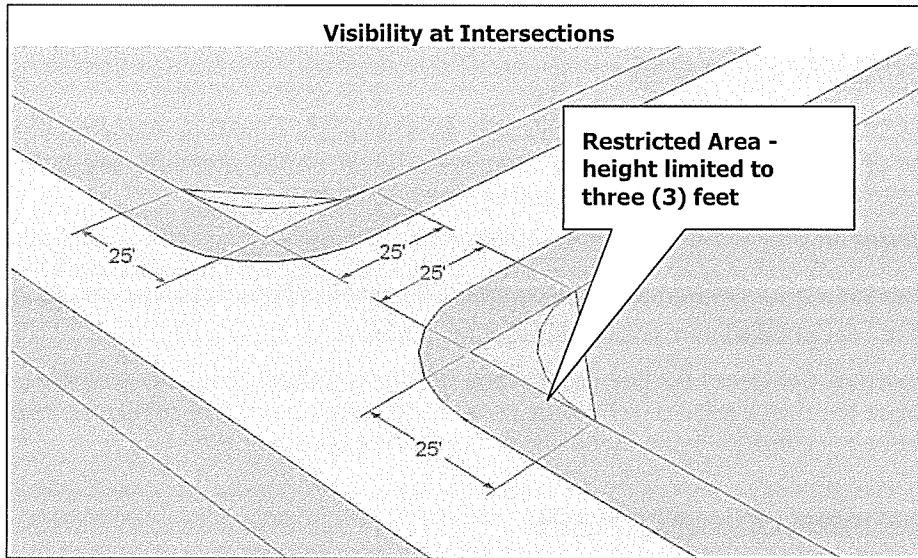
1. Site development shall not begin in any area of the site unless the appropriate soil erosion and sediment control measures and facilities for that area have been installed and are functional.
2. All control measures and facilities shall be maintained in effective condition to ensure compliance with the purpose of this section.
3. The estimated costs of measures required to control soil erosion and sedimentation may be covered in a performance bond or other assurance acceptable to the Commission.
4. Inspections shall be made by the Commission or its designated agent during development to ensure that control measures and facilities are properly performed or installed and maintained.
5. The Commission may require the permittee to verify through progress reports that appropriate soil erosion and sediment control measures and facilities have been installed and are being operated and maintained.

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## SECTION 6.7. OBSTRUCTIONS AT INTERSECTIONS

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On a corner lot in any residential zone, no building, structure, fence, wall or obstruction to vision more than three (3) feet in height above the gutter elevation 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 twenty-five (25) feet distant from the point of intersection.





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## **SECTION 6.8. OUTDOOR LIGHTING**

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### **A. Purpose**

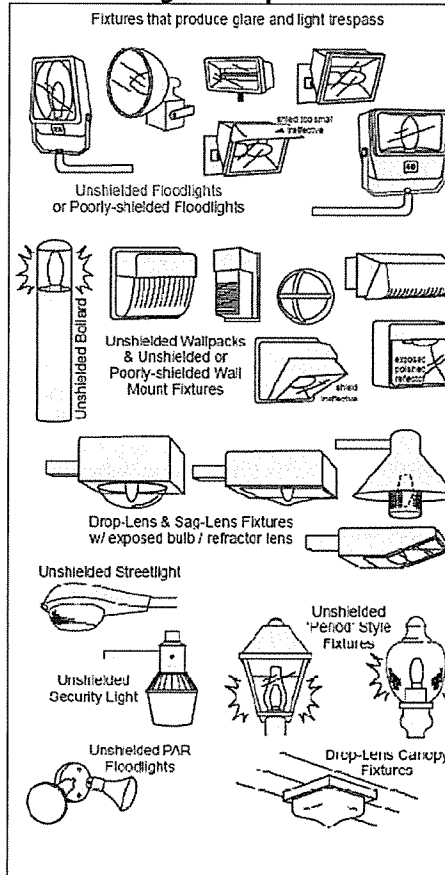
These Regulations are intended to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

### **B. Standards**

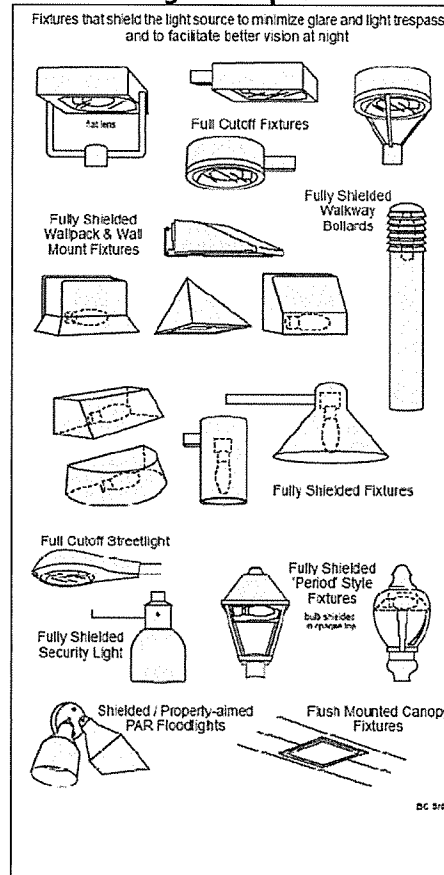
1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
  - a. prevent direct or objectionable glare or light trespass,
  - b. be shielded to the extent possible,
  - c. employ soft, transitional light levels which are consistent from area to area,
  - d. minimize contrast between light sources, lit areas and dark surroundings, and
  - e. be confined within the target area.
2. Where overall standards have been adopted by the Commission, street lights and poles shall conform to the adopted standards.
3. In all Residential zones and in all areas adjacent to residential property, no externally-mounted, direct light source directed towards the property line shall be visible at the property line at ground level or above.
4. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
  - a. full cut-off type fixtures, or
  - b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
5. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
  - a. top downward (not upward or sideways), and
  - b. full cut off or fully shielded/recessed.
6. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
  - a. their beams fall within the primary playing area and immediate surroundings, and
  - b. no direct illumination is directed off the site.
7. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.

8. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.
9. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
10. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of thirty (30) feet.

**Fixtures Which Might  
Produce Glare or  
Light Trespass**



**Fixtures Which Might Not  
Produce Glare or  
Light Trespass**



**C. Exemptions and Modifications**

1. Lighting maintained by the Town of Bethel or the State of Connecticut is exempt from these Regulations.
2. Traditional seasonal lighting is exempt from these Regulations.
3. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.
4. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
  - a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
  - b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
  - c. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation,
  - d. where special lighting is indicated for historic buildings,
  - e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
  - f. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.
5. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.

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## **SECTION 6.9. PEDESTRIAN IMPROVEMENTS**

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### **A. Purpose**

This Section is intended to make provision for pedestrians.

### **B. Standards**

1. Every non-residential development, except in the Industrial Park zone, shall provide sidewalks along the public street frontage unless modified by the Commission.
2. Every multi-family residential development shall provide sidewalks along the public street frontage unless modified by the Commission and within the development as approved by the Commission.
3. Residential subdivisions shall make provision for sidewalks along the public street frontage in accordance with the requirements in the Subdivision Regulations or as required by this Section.
4. Any new or reconstructed sidewalks shall be at least five (5 feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.
5. The Commission may require additional pedestrian improvements (such as trails) when such improvements will enhance the overall pedestrian environment within the site or the neighborhood.
6. Such sidewalks shall be constructed on private property with an easement to allow for public use except that the Commission may allow such sidewalks to be provided within the road right-of-way when and where feasible.
7. Such sidewalks shall be extended to connect to sidewalks on adjacent property.

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## **SECTION 6.10. ARCHITECTURAL GUIDELINES**

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### **A. Purpose**

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

### **B. Applicability**

Any application to the Commission, unless such requirement is waived by the Commission, shall be reviewed in relation to the design guidelines following.

### **C. Procedure**

1. The Commission shall review an application in relation to the design guidelines of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any reviewing agency shall not be binding upon the Commission.

### **D. Design Guidelines**

Since the architectural design, scale and mass of the buildings and other structures are important in determining the visual character of an area, the guidelines listed below are recommended so as to harmonize and be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community.

#### **1. Relationship of Buildings to Site and Adjoining Areas**

- a. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- b. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas. In particular, exterior building renovations and new construction for properties located within the National Register designated Greenwood Avenue Historic District should take into consideration the architectural style of existing building and the pedestrian orientation of the downtown.
- c. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
- d. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
- e. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- f. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- g. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

## **2. Landscape and Site Treatment**

- a. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, watercourses, rock outcrops and similar natural features are preserved to the greatest extent possible.
- b. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
- c. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
- d. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
- e. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

## **3. Building Design**

- a. Architectural designs appropriate to a New England community are generally preferred (pitched roof buildings, colonial facades, etc.).
- b. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
- c. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
- d. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
- e. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
- f. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
- g. Rooftop mechanical equipment (other than solar energy panels) should be concealed.

## **4. Signs and Lighting**

- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
- b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
- c. Lighting shall be restrained in design and excessive brightness avoided.
- d. Roof lighting is prohibited.

## **E. Additional Village District Considerations**

### **1. Design Guidelines**

- a. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within any Village District.
- b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
- c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of a Village District is encouraged.
- d. The exterior of structures or sites shall be consistent with:
  - i. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
  - ii. the distinctive characteristics of the district identified in the Bethel Plan of Conservation and Development.
- e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
- f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
- g. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
- h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

## **2. Procedures**

- a. The Commission shall select and contract with one or more Village District consultants.
- b. Such Village District consultant shall be:
  - i. a registered architect or an architectural firm,
  - ii. a licensed landscape architect, or
  - iii. a planner who is a member of the American Institute of Certified Planners.
- c. Alternatively, an architectural design review board may be designated as the Village District consultant provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.
- d. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
- e. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
- f. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
- g. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
- h. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Bethel Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
- i. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.



## **SECTION 6.11. KEEPING OF ANIMALS**

### **A. Canine / Feline / Rabbits**

The following limitations shall apply to the keeping of dogs and cats:

	<b>Permit</b>	<b>Density Limitation</b>	<b>Other Limitations</b>
<b>Canine / Feline / Rabbits</b>	No Permit Required	Up to four (4) dogs, cats and/or rabbits over the age of 12 weeks per property	None specified
	Special Permit Required	More than four (4) dogs, cats, and/or rabbits over the age of twelve weeks per property	None specified
	Special Permit Required	Any type of commercial boarding or day care or similar facility	

### **B. Horses, Cows and Similar Large Animals**

1. The following limitations shall apply to the keeping of horses, cows, and similar large animals:

	<b>Permit</b>	<b>Density Limitation</b>	<b>Other Limitations</b>
<b>Equine</b>	Zoning Permit required	For parcels containing at least one (1) acre, one horse or pony for the first 40,000 square feet of parcel area and one additional horse or pony for each additional 20,000 square feet of parcel area	All horses and ponies shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line
	No Permit Required	Farming on parcels containing eight (8) acres or more, no limit	Same requirement as above for a fenced enclosure
<b>Bovine and Similar Large Animals</b>	Zoning Permit required	For parcels containing at least three (3) acres, one cow or similar large animal for the first 40,000 square feet of parcel area and one additional cow or similar large animal for each additional 20,000 square feet of parcel area	All livestock shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line
	No Permit Required	Farming on parcels containing eight (8) acres or more, no limit	Same requirement as above for a fenced enclosure

- Maintaining horses, cows, and similar large animals in septic or septic reserve areas shall be subject to Health Department approval.
- For horses, cows, and similar large animals, no manure or dust-producing fertilizer shall be stored in the open within 100 feet of any property line. Manure disposal shall be subject to all Public Health Code regulations.

### **C. Sheep, Chickens and Other Animals**

- The following limitations shall apply to the keeping of sheep, chickens, and other animals:

	<b>Permit</b>	<b>Density Limitation</b>	<b>Other Limitations</b>
<b>Ovine and Similar Small Animals</b>	Zoning Permit required	For parcels containing at least three (3) acres, one goat or similar small animal for the first 20,000 square feet of parcel area and one additional goat or similar small animal for each additional 10,000 square feet of parcel area	All livestock shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line
	No Permit Required	Farming on parcels containing eight (8) acres or more, no limit	Same requirement as above for a fenced enclosure
<b>Keeping of chickens and other poultry (except homing pigeons)</b>	Zoning Permit required	For parcels containing at least one (1) acre, 50 birds per 40,000 square feet	All poultry shall be housed within a building or fenced enclosure and no poultry shall be housed within 50 feet of any street or within 75 feet of any other property line.
	No permit required	Farming on parcels containing five (5) acres or more, no limit	Same requirement as above for poultry
<b>Keeping of homing pigeons</b>	Zoning Permit required	For parcels containing at least one-half (0.5) acre, 50 birds per 40,000 square feet	All homing pigeons shall be housed within a building or fenced enclosure and no homing pigeon shall be housed within 30 feet of any street or property line
<b>Keeping of swine</b>	Not permitted	0 per acre	
<b>Raising of fur-bearing animals for commercial purposes</b>	Not permitted	0 per acre	

- Maintaining sheep, chickens, and other animals in septic or septic reserve areas shall be subject to Health Department approval.
- For sheep, chickens, and other animals, no manure or dust-producing fertilizer shall be stored in the open within 100 feet of any property line. Manure disposal shall be subject to all Public Health Code regulations.

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## **SECTION 6.12. OUTDOOR WOOD-BURNING FURNACES**

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### **A. Intent and Purpose**

This section regulates the installation of Outdoor Wood-burning Furnaces, as defined in Section 2.2 (Definitions) of these regulations

### **B. Standards**

1. The installation of Outdoor Wood-burning Furnaces in any zone within the Town of Bethel is prohibited.

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## **ARTICLE 7 - SPECIAL PROVISIONS**

### **SECTION 7.1. NONCONFORMING CONDITIONS**

#### **A. Nonconforming Uses**

1. Any nonconforming use of building or land lawfully existing or in use at the time of the adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.
2. No nonconforming use and no portion of a building containing a nonconforming use shall be extended or expanded.
3. No nonconforming use may be changed, except to a conforming use or with the granting of a Special Permit by the Commission, to another nonconforming use more consistent with the uses permitted in the zone in which the premises are located.
4. No nonconforming use shall, once changed to a more conforming use, be changed back to a less conforming use.
5. A nonconforming use, if discontinued for a continuous period of six months, shall be deemed terminated unless the property owner can demonstrate to the reasonable satisfaction of the Commission his or her intent to maintain and continue such use.
6. Following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy, nothing in this section shall prevent the restoration of a building used by a nonconforming use to its form immediately prior to said destruction.

#### **B. Nonconforming Buildings and Structures**

1. Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
2. A nonconforming structure may only be enlarged provided such enlargement complies with applicable parts of these Regulations for the specific use and zone.
3. Following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy, nothing in this section shall prevent the restoration or reconstruction of a nonconforming building within one year to its form immediately prior to said destruction.
4. Nothing in this regulation shall prevent the restoration of a wall or of a structural member on a nonconforming structure.

**C. Nonconforming Parcels**

1. Nonconforming single lots in contiguous ownership upon which no building has been erected shall be required to conform to the standards for density and height and setback requirements and lot size for the applicable zone district as specified herein in effect at the time of:
  - a. approval of the lot, or
  - b. adoption of zoning.
2. The provisions of these regulations relative to required lot area and required lot frontage and required lot width shall not prevent the construction of an otherwise permitted use on a lot which, at the time of the adoption of these Regulations or of any pertinent amendment hereto, was owned separately from any adjoining land, as evidenced by deed recorded in the land records of the Town. Any reduction in the required front, side or rear yard shall be subject to the granting of a variance by the Zoning Board of Appeals.
3. Any nonconforming parcel lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming parcel provided that such parcel has not, once becoming non-conforming, been in the same ownership as an abutting parcel. If such parcel has been in the same ownership as an abutting parcel, such parcels shall, for zoning purposes, be considered to be merged to create a conforming lot or a more conforming parcel

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## **SECTION 7.2. ALCOHOLIC BEVERAGES.**

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### **A. Definitions**

The following definitions shall apply to this Section of the Regulations:

1. **Cafe** - A place where beer or alcoholic liquor is sold under a cafe permit issued by the State Liquor Control Commission.
2. **Hotel** - A place where beer or alcoholic liquor is sold under a hotel permit issued by the State Liquor Control Commission.
3. **Package Store** - A place where beer or alcoholic liquor is sold under a package store permit issued by the State Liquor Control Commission or any other place where beer or alcoholic liquor is sold at retail in sealed bottles or other containers not to be consumed on the premises under any permit from the State Liquor Control Commission or other authority authorized by law to issue such permit.
4. **Restaurant** - A place where beer or alcoholic liquor is sold under a restaurant permit issued by the State Liquor Control Commission.
5. **Tavern** - A place where beer or alcoholic liquor is sold under a tavern permit issued by the State Liquor Control Commission.

### **B. Standards**

1. Unless located in the Village Center (VC) zone, the Commercial (C) zone, or the Route 6 Business (RT6) zone, no parcel of land or building thereon shall be used for a cafe, hotel, package store or tavern if any part of such parcel of land is situated:
  - a. Within 1,500 feet, as measured along the center line of any public street, of any other parcel of land used for the purpose of a cafe, hotel, package store or tavern.
  - b. Within 500 feet of any parcel of land used or reserved to be used for the purpose of a public school, a duly organized school other than a public school, a church, a charitable institution, whether supported by public or private funds, a hospital or a library.
2. Unless located in the Village Center (VC) zone, the Commercial (C) zone, or the Route 6 Business (RT6) zone, no parcel of land or building thereon shall be used for a restaurant serving beer or alcoholic liquor if any part of such building or premises is situated within 500 feet of any parcel of land used or reserved to be used for the purpose of a public school, a duly organized school other than a public school, a church, a charitable institution, whether supported by public or private funds, a hospital or a library.
3. The provisions of Subsection 7.2.B.1 and 2 shall not be deemed to be retroactive.

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## **SECTION 7.3. TELECOMMUNICATION FACILITIES**

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### **A. Purpose**

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in Bethel in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

### **B. No Permit Required**

1. **Residential Household Antenna** - An antenna used solely for residential household television and radio reception provided any such antenna meets required setbacks and does not exceed the maximum total building height for the zoning district in which it is located.
2. **Residential Satellite Dish Antenna** - A satellite dish antenna in a residential zone provided:
  - a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
  - b. a building-mounted installation complies with setback and total building height standards for a principal structure.
  - c. a ground-mounted installation is located in the rear yard and complies with setback and total building height standards for an accessory structure.

### **C. Permitted by Zoning or Other Permit**

1. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Business or Industrial zone provided:
  - a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
  - b. the dish antenna is screened from public view to the extent feasible.
2. **Amateur Radio Antenna** - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
  - a. a ground-mounted installation is located in the rear yard.
  - b. a building-mounted installation is affixed to the rear of the residential structure.
  - c. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
  - d. a suitable safety fence may be required to be erected to preclude unauthorized access.
3. **Existing Tower Repair** - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.



#### **D. Permitted by Site Plan Approval**

1. **Other Residential Antenna** - An antenna that does not comply with Subsection 7.3.B. or Subsection 7.3.C. and is:
  - a. used solely for residential household television and radio reception,
  - b. a satellite dish antenna in a residential zone, or
  - c. is an amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC.
2. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Business or Industrial zone that does not comply with Subsection 7.3.C.

#### **E. Permitted by Special Permit**

1. **Other Antennas on Existing Structures.** Any other antenna which is not attached to a tower, provided:
  - a. The antenna complies with all applicable FCC and FAA regulations;
  - b. The antenna complies with all applicable building codes;
  - c. The antenna does not extend more than 10 feet above the highest point of the structure; and
  - d. The antenna is completely screened or designed and installed to be architecturally compatible with the structure in question.
2. **New Public Safety Tower or Antenna** - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.
3. **New Tower or Antenna on Town-Owned Property** - A new antenna located on property owned, leased or otherwise controlled by the Town of Bethel.
4. **New Tower or Antenna** - Any new tower or antenna not regulated by the Connecticut Siting Council.

#### **F. Requirements for Special Permit Applications**

##### **1. Application Requirements**

- a. Each application shall include documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application.
- b. Each application shall include documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.
- c. Each application shall include documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired.
- d. Each application shall include documents indicating that:
  - e. all towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

- f. if such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance.
- g. Each application shall include documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line.
- h. Each application shall include a written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.

## **2. Visual Considerations**

- a. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.
- b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.
- e. No signs shall be allowed on any antenna, facility, or tower unless required by an overriding legal authority, except that a 2 square foot sign is required to be posted showing the emergency contact and telephone number.

## **3. Equipment Considerations**

- a. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets
- b. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.
- c. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

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## **SECTION 7.4. ADULT-ORIENTED BUSINESSES**

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### **A. Purpose and Intent**

1. The intent of this section is to regulate uses which, because of their very nature, are recognized as having potentially serious objectionable characteristics, particularly when several of them are concentrated and thus have deleterious effect upon adjacent areas. Special regulation of adult-orientated businesses is necessary to ensure that these adverse effects will not result in the blighting or downgrading of the neighborhood.
2. Statistics and studies performed by a substantial number of cities and Towns in the United States indicate that:
  - a. Large numbers of persons, primarily male, frequent such adult-orientated establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and
  - b. Persons under the age of 18 may be attracted to adult-orientated establishments and seek to enter or loiter about them without the knowledge or permission of their parents and guardians; and
  - c. Closed booths, cubicles, studios and rooms within adult-orientated establishments have been used by patrons, clients or customers of such adult-orientated establishment for the purpose of engaging in certain sexual acts; and
  - d. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments with such booths, cubicles, studios and rooms; and
  - e. The reasonable regulations and supervision of such adult-orientated establishment tends to discourage such sexual actions and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.
3. These regulations are intended to prevent the over concentration of such uses and to protect the health, safety, general welfare, property values and quality of life in Bethel.

### **B. Definitions**

For the purposes of this section, certain words and phrases used herein are defined as follows:

**Accessory Adult Use** -- An establishment, other than an adult personal service establishment, having less than 10% of its stock and trade in books, magazines, videotapes, adult materials and devices used for sexual stimulation or display, films for sale, barter or rent or for viewing on premises by use of motion-picture devices, or video players or any coin-operated means and other printed materials which are distinguished or characterized by their emphasis on matters depicting or relating to "specified sexual activities" or "specific anatomical areas." Any such accessory adult use shall be enclosed and controlled so as to restrict exposure and entry to exclude any minor by reason of age. All adult personal service establishments and activities shall be deemed to be a principal activity.

**Adult Bookstore** -- An establishment having a substantial portion, which shall be considered having 10% or more, of its stock and trade in books, magazines, videotapes, adult materials and devices used for sexual stimulation or display, films for sale or rent or for viewing on premises by use of motion-picture devices, or video players or any coin-operated means and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specific anatomical areas" as defined in this section.

**Adult Entertainment** -- Businesses, including adult bookstores, adult video store, adult motion-picture theater, adult entertainment cabaret, adult novelty business and adult personal services establishment, that involve viewing or participating in specified sexual activities or viewing specified anatomical areas as described in these regulations.

**Adult Entertainment Cabaret** -- A public or private establishment which is licensed to serve food and/or beverages, which feature topless dancers, strippers, male or female impersonators or similar entertainers, or acts relating to "specified sexual activities" or "specified anatomical areas," for observations by patrons therein.

**Adult-Orientated Establishment** -- A public or private establishment which is customarily not open to the general public but only to one or more classes of the public, thereby excluding any minor by reason of age, and whose principal activity includes but is not limited to one or a combination of the following types of businesses: adult bookstore, adult motion-picture theater and adult mini-motion picture theater, as well as any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing "adult entertainment," any premises to which the public, patrons or members are invited or admitted wherein an entertainer provides "adult entertainment" to a member of the public, a patron or a member, when such "adult entertainment" is held, conducted, operated or maintained for a profit, direct or indirect, regardless of how such premises are advertised or represented, but including, without limitation, adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any term of like import, as well as adult cabaret, adult novelty business or adult personal service business.

**Adult Mini Motion-Picture Theater** -- An enclosed building with a capacity for fewer than 50 persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or observation by patrons therein.

**Adult Motion-Picture Theater** -- An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or observation by patrons therein.

**Adult Novelty Business** -- An establishment having 10% or more of its stock and trade in adult materials, toys and other devices designed for sexual stimulation and which excludes minors by virtue of age.

**Adult Personal Service Establishment** -- An establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to allow a person while clothed, nude or partially nude to provide personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. Such services or activities include but are not limited to massages, body rubs, baths and other similar treatments, as well as modeling studios, body painting studios, tattoo parlors, body piercing studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut, nor does it include those uses and activities specifically excluded under Subsection 7.4.D below.

**Adult Video Store** -- An establishment having a substantial portion, which shall be considered having 10% or more, of its stock and trade in videotapes or films, for barter, sale or rent or for viewing on premises by use of motion-picture devices, or video players or any coin-operated means and other

printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specific anatomical areas" as defined in this Subsection.

**Partially Nude** -- Having any part of "specified anatomical areas," as defined below, less than completely and opaquely covered.

**Principal Activity** -- Means a use accounting for 10% or more of a business' stock and trade, display space or floor space, or movie display time per month.

**Specified Anatomical Areas** -- Less than completely and opaquely covered:

- (1) Human genitals, pubic region;
- (2) Buttock; and
- (3) Female breast below a point immediately above the top of the areola.
- (4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Specified Sexual Activities**

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttock or female breast.

### **C. Regulated Uses**

Regulated uses include all adult uses which include, but are not limited to the following:

1. Adult bookstore.
2. Adult video store.
3. Adult motion-picture theater.
4. Adult mini motion-picture theater.
5. Adult cabaret.
6. Adult novelty business.
7. Adult personal service establishment.

#### **D. Exemption**

The provisions of this section shall not apply to nor prohibit the following uses and activities:

1. Treatment by a licensed chiropractor, licensed osteopath, a Connecticut-licensed masseur, a licensed practical nurse or a registered professional nurse;
2. Electrolysis treatment by a licensed operator of electrolysis equipment;
3. Hospitals, nursing homes, medical clinics or medical offices;
4. Barbershops, beauty parlors, nail salons which offer massage to the scalp, the face, the neck or shoulders only;
5. Athletic facilities or an educational institution including alumni club, or a philanthropic or charitable institution; and
6. Health establishment, including commercial and noncommercial clubs, which are equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

#### **E. Locational Requirements and Standards**

1. An adult-orientated establishment may be located in an Industrial Park (IP) Zone subject to the approval of a site plan and in accordance with the following standards and criteria.
  - a. No such adult-orientated use shall be located within 200 feet of any residentially zoned areas.
  - b. No such adult-oriented establishment shall be located within 500 feet of the property line of any public or private school or other educational facility serving individuals under the age of 17 years, day-care center, senior center, funeral home, park, library, firehouse or other public building, playground, church, convent, monastery, synagogue, mosque or similar place of worship, or cemetery.
  - c. No such adult-oriented establishment shall be located within 500 feet of the property line of any lot containing a preexisting establishment which sells alcoholic beverages (other than beer and wine) for on-premises consumption, or within 200 feet of the property line of any lot containing a preexisting restaurant or other food service establishment which does not sell alcoholic beverages (other than beer and wine) for on-premises consumption.
  - d. No such adult-oriented establishment shall be located within 1,000 feet of another such establishment.
  - e. For purposes of compliance with these separation requirements, distances shall be measured in a straight line, without regard to intervening structures or objects, from the principal entrance of the building containing or proposing to contain an adult-orientated establishments to the nearest boundary of the uses specified in Subsection 7.4.E.1. above.
2. In accordance with CGS Section 8-6, these regulations shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult-orientated establishment.

## **F. Sign and Exterior Display Limitations**

No adult use shall be conducted in a manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult-orientated establishment. This requirement shall also apply to any display, decoration, sign, show window or other opening.

## **G. Registration Requirement**

1. All existing or proposed adult-orientated establishments shall within 30 days of the effective passage of these regulations or prior to the opening of business register with the Zoning Enforcement Officer and provide the following information concerning the proposed or existing adult-orientated establishment of the type listed in Subsection 7.4.C of this section:
  - a. The street address of the premises.
  - b. The name of the owner of the premises, or the names of the beneficial owners if the property is a land trust.
  - c. The address of the owner or the beneficial owners.
  - d. The trade name of the regulated adult-orientated establishment.
  - e. The name(s) and address(es) of the owner, beneficial owner, partners, limited partners or the major stockholders of the regulated adult-orientated establishment.
  - f. The date of initiation of the regulated adult-orientated establishment.
  - g. If the building or premises is leased, a copy of the said lease shall be furnished.
2. Upon filing of this information, the Zoning Enforcement Officer shall automatically issue a certificate of registration within 10 days.
3. The failure of an adult-orientated establishment to obtain a certificate of registration shall be deemed a violation of these regulations entitling the Zoning Enforcement Officer to issue a cease and desist order.
4. Any appeals from the cease and desist order shall be handled in accordance with CGS Section 8-8.
5. No cease and desist order will stay the operation of the establishment unless the Zoning Enforcement Officer seeks and obtains a court-ordered injunction.
6. During any administrative appeal or injunction proceedings, the Zoning Enforcement Officer shall carry the burden of proof.

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## **ARTICLE 8 - PROCEDURES**

### **SECTION 8.1. ZONING PERMIT (STAFF)**

#### **A. Applicability**

No building or land shall be occupied or used, the use of an existing building or land shall not be changed, and no building or other structure shall be constructed, reconstructed, altered, extended or enlarged in whole or in part for any purpose until a Zoning Permit shall have been issued by the Zoning Enforcement Officer showing conformance:

1. with these Regulations, or
2. to an approval granted by the Planning and Zoning Commission, or
3. to a variance granted by the Zoning Board of Appeals.

#### **B. Application Procedures**

1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. If all requirements of these regulations are met, the Zoning Permit shall generally be issued within thirty (30) days; otherwise, the permit shall be denied for stated reasons.
3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such Zoning Permit shall be null and void.

#### **C. Notice Provisions**

1. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7.
2. Any such notice to be published by the recipient shall contain:
  - a. a description of the building, use or structure and its location,
  - b. the identity of the applicant, and
  - c. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS Section 8-7.

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## **SECTION 8.2. CERTIFICATE OF ZONING COMPLIANCE (STAFF)**

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### **A. Applicability**

No building, structure, land or premises shall be occupied for use or converted to a new use until a certificate of zoning compliance has been issued by the Zoning Enforcement Officer or his designee.

### **B. Application Procedures**

1. An application for a Certificate of Zoning Compliance shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. Within 15 days of such application, the Zoning Enforcement Officer or his designee shall inspect the premises.
3. If all requirements of these regulations are met, including requirements of approved site and plot plans, the certificate shall be issued within 15 days; otherwise, the certificate shall be denied for stated reasons.
4. In the event that any permit or certificate is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such permit or certificate shall be null and void.
5. A certificate of zoning compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

### **C. Notice Provisions**

1. In accordance with CGS Section 8-3(f), the recipient of a certificate of zoning compliance may publish notice of issuance of the certificate of zoning compliance in order to establish the appeal period per CGS Section 8-7.
2. Any such notice to be published by the recipient shall contain:
  - a. a description of the building, use or structure,
  - b. the location of the building, use or structure,
  - c. the identity of the applicant, and
  - d. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS Section 8-7.

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## **SECTION 8.3. PRELIMINARY CONCEPT PLAN (PZC)**

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### **A. Applicability**

If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission.

### **B. Concept Plan Submission**

1. A Concept Plan submission shall be submitted to the Planning and Zoning Office and shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. The Commission may informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.
3. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan.
4. Such review shall not be binding on the applicant or the Commission.
5. In accordance with PA 03-184, such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
6. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

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## **SECTION 8.4. SITE PLAN APPLICATION (PZC)**

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### **A. Applicability**

1. A Site Plan application shall be submitted:
  - a. for any activity designated in the Regulations as requiring Site Plan approval.
  - b. in a Residential zone, for any construction, development, expansion, or major alteration of a multi-family use or any non-residential use.
  - c. in any other zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.
2. Notwithstanding the above, a site plan shall not be required for:
  - a. interior remodeling work, or
  - b. minor site plan revisions defined as:
    - i. use changes for permitted uses in an existing building or building additions that require up to an additional five parking spaces,
    - ii. changes in the layout of a parking lot, excluding changes in driveway locations,
    - iii. changes in exterior mechanical equipment, dumpsters or storage structures which occupy less than 200 square feet of floor area, or
    - iv. changes in the location of existing fences or new fence locations.

### **B. Submission Requirements**

1. A Site Plan application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Site Plan application shall be accompanied by detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
3. A Soil Erosion and Sediment Control Plan in accordance with the requirements of Section 6.6 shall be submitted when the disturbed area of any development is more than one-half (1/2) acre.
4. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

### **C. Proceedings**

1. The date of receipt for the Site Plan application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Site Plan application may be denied in accordance with Subsection 8.10.C.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
  - a. may hold a public hearing on the application, and
  - b. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. Notification to the Department of Environmental Protection may be required in accordance with the requirements of Subsection 8.10.J.
8. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
  - a. the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
  - b. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
9. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
10. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35<sup>th</sup>) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
11. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
12. The applicant may, at any time prior to action by the Commission, withdraw such application.

#### **D. Considerations**

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
  - a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
  - b. give due consideration to any report of the Inland Wetlands Commission when making its decision.
2. On a Site Plan application involving notice to adjoining municipalities under Subsection 8.10.H or notice to water companies under Subsection 8.10.I, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.
4. In approving a Site Plan application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
5. The Zoning Enforcement Officer may require that a bond be posted, in an amount and form acceptable to the Zoning Enforcement Officer, to ensure:
  - a. that adequate erosion and sediment control measures are installed and maintained, before any Zoning Permit is issued for activities shown on the approved plan, and
  - b. that all of the improvements shown on the approved plan are implemented before a Certificate of Zoning Compliance related to issuance of a Certificate of Occupancy is granted.
6. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

#### **E. Action Documentation**

1. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
4. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
5. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

**F. Following Approval**

1. Following approval of a Site Plan application, one (1) fixed-line mylar copy and three (3) paper copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:
  - a. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
  - b. bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity, and
  - c. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
2. Following signature by the Chairman, such plans shall be filed in the office of the Planning and Zoning Office before any Zoning Permits are issued for the activities shown on the approved plan.
3. Proposed modifications to approved site plans shall be submitted to the Zoning Enforcement Officer for review and such proposed modifications may be:
  - a. approved by the Zoning Enforcement Officer if minor in nature, or
  - b. submitted to the Commission for additional review if they propose major changes (i.e., additional building floor area, alteration of building location, etc.).
4. The Zoning Enforcement Officer shall submit a monthly report to the Commission summarizing actions taken in connection with Subsection 8.4.F.3.
5. Within a Village District Overlay Zone, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the record owner.

**G. Expiration and Completion**

1. Any Site Plan application under which no work is commenced (a structural portion of a building has not been erected) within twelve (12) months from the date of approval, shall expire unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.
2. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
3. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.
4. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

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## **SECTION 8.5. SPECIAL PERMIT APPLICATION (PZC)**

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### **A. Applicability**

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
2. Notwithstanding the above, a Special Permit shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a site plan approval under Section 8.4, or as a Special Permit under these regulations, provided that:
  - a. The use is permitted within the zone;
  - b. There are no exterior alterations to the structure or the site;
  - c. There is no additional requirement for parking under Section 6.2 of the Zoning Regulations.

### **B. Pre-Submission Requirements**

Prior to the submission of a Special Permit application to the Commission, the applicant shall request an informal conference with the Planning and Zoning Official for a pre-application review with appropriate town agents and staff.

### **C. Submission Requirements**

1. A Special Permit application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. Each application for a Special Permit shall be accompanied by a Site Plan application unless the Zoning Enforcement Officer finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
3. A Special Permit application shall be accompanied by appropriate materials for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
4. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. The applicant shall bear the burden of demonstrating that the applicable Special Permit Criteria in Subsection 8.5.E of these Regulations are addressed.
6. The Commission shall not be required to hear an application relating to the same request or substantially the same requests, more than twice in a twelve-month period.



#### **D. Proceedings**

1. The date of receipt of the Special Permit application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Special Permit application may be denied in accordance with Subsection 8.10.C.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Permit application and:
  - a. publish a legal notice in accordance with the requirements of Subsection 8.10.F of these Regulations, and
  - b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. The Commission shall process the Special Permit application within the period of time permitted under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
  - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

## **E. Special Permit Criteria**

In considering an application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors except that the Commission may determine that some factors may not be applicable to certain types of applications:

### **1. Zoning Purposes**

Whether the proposed use or activity conflicts with the purposes of the Regulations.

### **2. Environmental Protection and Conservation**

Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

### **3. Overall Neighborhood Compatibility**

Whether the proposed use will have a detrimental effect on neighboring properties and residences or the development of the district.

### **4. Suitable Location For Use**

Whether the location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

### **5. Appropriate Improvements**

- a. Whether the design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.
- b. Whether the location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- c. Whether the proposed use or activity will have an adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
- d. In cases where it is proposed to convert a structure designed and built originally for other uses, whether the structure is adaptable to the proposed use from the point of view of public health and safety.

## **6. Suitable Transportation Conditions**

- a. Whether the design, location and specific details of the proposed use or activity will adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.
- b. Whether the parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- c. Whether the streets and other rights-of-way are or will be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

## **7. Adequate Public Utilities and Services**

- a. Whether the provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and will not unduly burden the capacity of such facilities.
- b. Whether the proposed use or activity will provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

## **8. Long Term Viability**

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

## **9. Nuisance Avoidance**

- a. Whether the design and use incorporate measures to control noise, light, parking visibility, erosion, water contamination and stormwater run-off on the site and in relation to the surrounding area.
- b. Whether the hours of operation need to be regulated in order to protect public health, safety, convenience and property values.

## **10. Plan of Conservation and Development**

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

## **F. Decision Considerations**

1. Before the Commission approves a Special Permit application, it shall determine that the application:
  - a. has, in the sole discretion of the Commission, satisfied the Special Permit criteria in Subsection 8.5.E of these Regulations, and
  - b. is in conformance with other applicable provisions of these Regulations, and
  - c. is in harmony with the purposes and intent of these Regulations.
2. On a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
  - a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
  - b. give due consideration to any report of the Inland Wetlands Commission when making its decision.
3. On a Special Permit application involving notice to adjoining municipalities under Subsection 8.10.H or notice to water companies under Subsection 8.10.I, the Commission shall give due consideration to any report or testimony received.
4. In granting a Special Permit, the Commission may:
  - a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and
  - b. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Permit by the Zoning Enforcement Officer, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
5. Any or all of the special permit criteria of Section 8.5.E may be waived by the Commission for signs and accessory apartments.
6. Any condition or safeguard attached to the granting of a Special Permit:
  - a. shall remain with the property as long as the Special Permit use is still in operation, and
  - b. shall continue in force and effect regardless of any change in ownership of the property.
7. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

## **G. Action Documentation**

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.
2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
3. The decision to grant a Special Permit shall:
  - a. state the name of the owner of record,
  - b. contain a description of the premises to which it relates,
  - c. identify the Section and/or Subsection of the Regulations under which the Special Permit was granted or denied, and
  - d. specify the nature of the Special Permit.
4. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Special Permit application to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

## **H. Following Approval**

1. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.
4. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature, result in no significant change in the use or its intensity, or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
5. Any use governed by an existing special permit may be amended by the Commission through the granting of a new special permit in accordance with these Regulations.

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## **SECTION 8.6. TEXT AMENDMENT APPLICATION (PZC)**

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### **A. Applicability**

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

### **B. Submission Requirements**

1. A Text Amendment application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Text Amendment application shall be accompanied by ten (10) copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment, that comply with the requirements in the Appendix of these Regulations.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Text Amendment application shall only be submitted by:
  - a. an owner of real property in Bethel,
  - b. residents or persons having an interest in land in Town, or
  - c. by the Commission on its own initiative.
5. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.



### **C. Proceedings**

1. The date of receipt for the Text Amendment application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Text Amendment application may be denied in accordance with Subsection 8.10.C.
3. The Commission shall hold a public hearing on the Text Amendment application and:
  - a. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.10.F. of these Regulations.
  - b. may publish the full text of such proposed regulation in full in such notice.
4. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
  - a. such notice shall be made by certified mail, return receipt requested.
  - b. such notice shall be made not later than thirty (30) days before the public hearing.
  - c. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. The Commission may refer any application to amend the Zoning Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
8. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Commission shall process the Text Amendment application within the period of time permitted under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
  - e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

**D. Decision Considerations**

1. The Commission shall act upon the changes requested in such Text Amendment application.
2. On a Text Amendment application involving notice to adjoining municipalities, water companies, or a regional planning agency:
  - a. any report received from those agencies shall be made a part of the record of such hearing.
  - b. the Commission shall give due consideration to any report or testimony received.
3. In making its decision the Commission shall:
  - a. consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and regulations), and
  - b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
4. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.
5. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
  - a. protecting the public health, safety, welfare, or property values, and
  - b. attaining the purposes of these Regulations.



**E. Action Documentation**

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.
2. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
3. As part of approving a Text Amendment application:
  - a. the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Bethel before such effective date, or
  - b. if an effective date is not so specified, the text amendment shall become effective upon publication in a newspaper having a substantial circulation in the Town.
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**F. Following Approval**

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

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## **SECTION 8.7. ZONE CHANGE APPLICATION (PZC)**

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### **A. Applicability**

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

### **B. Submission Requirements**

1. A Zone Change application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Zone Change application shall be accompanied by ten (10) copies of a map signed and sealed by a land surveyor licensed in the State of Connecticut for review by the Commission and its designees that complies with the requirements in the Appendix of these Regulations.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Zone Change application shall only be:
  - a. submitted by the owner of the real property affected by the zone change,
  - b. initiated by petition of residents or persons having an interest in land in Town, or
  - c. submitted by the Commission on its own initiative.
5. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

**C. Proceedings**

1. The date of receipt for the Zone Change application shall be determined in accordance with Subsection 8.10.B.
2. An incomplete Zone Change application may be denied in accordance with Subsection 8.10.C.
3. The Commission shall hold a public hearing on the Zone Change application and shall:
  - a. publish a legal notice in accordance with the requirements of Subsection 8.10.F of these Regulations, and
  - b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
4. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
  - a. such notice shall be made by certified mail, return receipt requested.
  - b. such notice shall be made not later than thirty (30) days before the public hearing.
  - c. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
6. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
7. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
8. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Commission shall process the Zone Change application within the period of time permitted under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
  - e. these provisions shall not apply to any action initiated by the Commission regarding a zoning map change.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

**D. Decision Considerations**

1. The Commission shall act upon the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities, water companies, or a regional planning agency:
  - a. any report received from those agencies shall be made a part of the record of such hearing.
  - b. the Commission shall give due consideration to any report or testimony received.
3. Changes in zone district boundaries:
  - a. should be in harmony with the Plan of Conservation and Development for the Town of Bethel, as amended.
  - b. shall, where possible, constitute logical extensions of like or compatible districts.
  - c. where appropriate, follow property lines or geo-physical features.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
5. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning map change with the Plan of Conservation and Development, as may be amended.
6. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
  - a. is in accordance with the Plan of Conservation and Development,
  - b. is suitable for the intended location,
  - c. will aid in protecting the public health, safety, welfare, or property values, and
  - d. will aid in attaining the purposes of these Regulations.
7. Such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

**E. Action Documentation**

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
  - a. the reasons for its decision.
  - b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change application:
  - a. the Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Bethel before such effective date, or
  - b. if an effective date is not so specified, the zoning map change shall become effective upon publication in a newspaper having a substantial circulation in the Town.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**F. Following Approval**

A zoning map change approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

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## **SECTION 8.8. VARIANCE APPLICATION (ZBA)**

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### **A. Applicability**

A Variance application shall be submitted for any proposal to vary the application of the zoning regulations with regard to any parcel(s) of land or part thereof.

### **B. Submission Requirements**

1. A Variance application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Variance application shall be accompanied by five (5) copies of materials that comply with the requirements in the Appendix of these Regulations.
3. The Board shall require the filing of a survey prepared by a licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
4. As provided by CGS Section 8-6, the Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.
5. If a Variance application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

### **C. Proceedings**

1. The date of receipt for the Variance application shall be determined in accordance with Subsection 8.10.B.
2. The Board shall hold a public hearing on the Variance application and:
  - a. publish a legal notice in advance of the hearing in accordance with the requirements of Subsection 8.10.F. of these Regulations, and
  - b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
  - c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
3. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.10.H.
4. Notification to water companies may be required in accordance with the requirements of Subsection 8.10.I.
5. An incomplete Variance application may be denied in accordance with Subsection 8.10.C.

6. The Board shall process the Variance application within the period of time permitted under CGS Section 8-7d:
  - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
  - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
7. The applicant may, at any time prior to action by the Commission, withdraw such application.

**D. Decision Consideration**

1. Before granting a variance, the Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
  - a. solely with respect to the parcel of land that is the subject of the application, and
  - b. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
2. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
  - a. in harmony with the general purpose and intent of the Regulations.
  - b. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
  - c. so that substantial justice shall be done and the public safety and welfare secured.
3. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

**E. Additional Considerations for Use Variances**

1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
2. No use variance for a business use or an industrial use shall be granted in a Residence Zone.
3. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

**F. Action Documentation**

1. Whenever it grants or denies a Variance application, the Board shall state upon its records:
  - a. the reason for its decision,
  - b. the Regulation which is varied in its application, and
  - c. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
2. Notice of the decision of the Board shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice shall:
  - a. state the name of the owner of record,
  - b. contain a description of the premises to which it relates,
  - c. state the nature of the hardship claimed, and
  - d. specify the nature of such variance including the Regulation which is varied in its application.
4. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Bethel within fifteen (15) days after such decision has been rendered.
5. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

**G. Following Approval**

1. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A variance shall only authorize the particular activity specified in the Board's approval.



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## **SECTION 8.9. MOTOR VEHICLE LOCATION APPLICATION (ZBA)**

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### **A. Applicability**

1. In accordance with CGS Section 14-54, an application for a Certificate of Location Approval shall be submitted to the Board by any person who desires to obtain a license for dealing in or repairing motor vehicles in Bethel except that this requirement shall not apply to:
  - a. a transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
  - b. a transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
  - c. a change in ownership involving the withdrawal of one or more partners from a partnership.
2. In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the Board by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS Section 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:
  - a. in the case of a renewal of a license by the holder of the license;
  - b. to the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
  - c. in the case of the addition or discontinuance of pumps.

### **B. Proceedings**

1. In reviewing a Certificate of Location Approval application, the Board acts as an agent of the State of Connecticut and the notice provisions and other provisions of CGS Chapter 124 (CGS Section 8-1 et seq.) shall not apply.
2. The Board may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:
  - a. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.10.F of these Regulations; and
  - b. may require that the applicant give notice to nearby property owners in accordance with the requirements of Subsection 8.10.G of these Regulations.
3. The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Board.

**C. Considerations**

As an agent of the State of Connecticut, the Board serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:

1. whether the use is permitted in the zoning district;
2. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
3. the relationship of the proposed use or operation with respect to schools, churches, theaters, play-houses or other places of public gathering;
4. whether the proposed use of the location would imperil the safety and welfare of the public;
5. whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; or
6. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.

**D. Action Documentation**

1. Whenever it grants or denies a Motor Vehicle Location application, the Board shall state upon its records the reason for its decision.
2. Notice of the decision of the Board shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice shall:
  - a. state the name of the owner of record,
  - b. contain a description of the premises to which it relates, and
  - c. state the reason why the application was approved or denied.

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## **SECTION 8.10. PROCEDURAL REQUIREMENTS**

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### **A. Application Submittal Requirements**

1. Applications to the Commission or Board shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

### **B. Date of Receipt**

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Planning and Zoning Office, or
2. thirty-five (35) days after submission, whichever is sooner.

### **C. Incomplete Applications**

1. Each application shall be reviewed by the Planning and Zoning Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

### **D. Sequence of Hearings**

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

## **E. Consultations**

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission or Board may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.
3. The Planning and Zoning Official may make a preliminary determination of the need for such technical assistance to be provided by non-town personnel following a review of the application with other Town staff provided that such preliminary determination shall be subject to review by the Commission or the Board.
4. Prior to retaining an outside consultant, the Commission or the Board shall make findings that the nature and intensity of the development may have a significant impact on the Town of Bethel and that:
  - a. the Town staff will not be able to complete a technical review of the application in a timely fashion, or
  - b. that the project is of such a nature as to require expertise not available from staff.
5. The Planning and Zoning Official shall estimate the cost of such services based upon information received from qualified technical experts.
6. Upon determining the need for such technical assistance, the Commission or the Board shall require that the applicant:
  - a. deposit funds with the Town for 150% of the estimated costs of any consulting review fees before review of the application by the Commission or the public hearing, if such hearing is necessary, or
  - b. reimburse the Town for the cost of such consulting review.
7. Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund excess funds (if any) to the applicant.
8. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

## **F. Notice by Newspaper**

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Bethel.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

## **G. Notification to Property Owners**

1. When required by these Regulations, the applicant (other than the Commission which is exempt as per PA 06-80) shall notify owners of property within one hundred (100) feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside Bethel, of a pending application by mailing a notice at least fifteen (15) days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:
  - a. a description of the proposed activity,
  - b. notification of the date, time, and place of the first scheduled hearing, and
  - c. a copy of the application form submitted to the Commission or the Board.
3. Notices to such property owners shall be sent via "Certified United States Mail, Return Receipt Requested" except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
4. The most recent Assessor's records on file in the Bethel Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.
5. The applicant shall certify to the Planning and Zoning Commission 15 days prior to the public hearing that the required notices were mailed to all parties identified in Subsection 8.10.G.1.
6. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
  - a. a copy of the complete package of information sent to abutters,
  - b. a list of the abutters to whom the notices were sent, and
  - c. proof of mailing such as "Certificates of Mailing" issued by the United States Postal Service, and
  - d. return receipts.

## **H. Notification to Abutting Municipalities**

1. In accordance with CGS Section 8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
  - a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
  - b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
  - c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
  - d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Office of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

## **I. Notification to Water Companies**

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or Board concerning any project on any site that is within:
  - a. an aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c, or
  - b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the Bethel land records showing boundaries of the watershed.
2. 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 day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
  - a. a copy of the complete package of information, and
  - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

**J. Notification of DEP**

1. If any portion of the property which is the subject of the application is located within a "shaded area" identified on the Natural Diversity Database maps for Bethel ([www.ct.gov/dep/angeredspecies](http://www.ct.gov/dep/angeredspecies)), the applicant shall notify the Connecticut Department of Environmental Protection (DEP) of the pending project.
2. A report from DEP shall be a required for any application for a site plan or a Zoning Permit and any such application submitted without a DEP report shall be considered incomplete (see Subsection 8.10.C).
3. Additional information is available at the following web address (valid as of June 2009): [http://www.ct.gov/dep/lib/dep/Permits\\_and\\_Licenses/Common\\_Forms/NDDDB\\_instructions\\_app.pdf](http://www.ct.gov/dep/lib/dep/Permits_and_Licenses/Common_Forms/NDDDB_instructions_app.pdf).

**K. Beneficiaries of a Trust**

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

## L. Bonds

1. Where a bond is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any bond:
  - a. Cash deposited with the Town.
  - b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
  - c. Bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
  - d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
    - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
      - a. such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
      - b. the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
    - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
    - iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
  - e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
2. Any required bond shall not be released by the Commission until:
  - a. the release has been requested, in writing, by the applicant,
  - b. the Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
  - c. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with submitted site plans.
3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Subsection 8.10.L.2.



**M. Soil Erosion and Sediment Control Plan**

1. A Soil Erosion and Sediment Control Plan shall be submitted with or prior to any application for development requiring a Zoning Permit, Special Permit, or Site Plan when the disturbed area of any such development is more than one-half (1/2) acre.
2. Upon receipt of an application for approval of a Soil Erosion and Sediment Control Plan, the Commission or its agent shall refer the plan to the Northwest Conservation District for action by delivering a copy of the plan to its office.
3. The Commission shall incorporate any action taken by the Northwest Conservation District on the Soil Erosion and Sediment Control Plan into its decision.
4. The Zoning Enforcement Officer shall issue a Soil Erosion and Sediment Control Permit for a plan conforming to the approval granted by the Commission.

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## **ARTICLE 9 - ADMINISTRATION**

### **SECTION 9.1. ADMINISTRATION**

#### **A. Appointment**

The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer and may appoint one or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for administration of these Regulations.

#### **B. Duties and Responsibilities**

The Commission hereby delegates the following administrative duties and responsibilities to the Zoning Enforcement Officer and any Assistant Zoning Enforcement Officer(s):

1. To issue or withhold zoning permits, as herein provided.
2. To issue or withhold certificates of zoning compliance, as herein provided.
3. To enforce these Regulations in accordance with Section 9.2.
4. To maintain a proper record of all applications, zoning permits, certificates of zoning compliance, site plans and plot plans, complaints, violations, orders, corrections, correspondence, notices, fees levied and collected and such other data and files as are required by these Regulations.
5. To report regularly to the Commission and carry out its directives in all matters pertaining to these Regulations.
6. Any and all duties referred to in these Regulations.
7. Any other duties or responsibilities which the Commission chooses to delegate.

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## **SECTION 9.2. ENFORCEMENT**

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### **A. Appointment**

The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer and may appoint one or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for enforcement of these Regulations.

### **B. Powers and Duties**

The Commission hereby grants the following enforcement powers and duties to the Zoning Enforcement Officer and any Assistant Zoning Enforcement Officer(s):

1. To enforce these regulations uniformly.
2. To inspect or cause to be inspected any building, structure, land, place or premises wherein:
  - a. Work is proceeding under a zoning permit;
  - b. Application is made for a certificate of zoning compliance; or
  - c. There is filed a complaint alleging a violation of these Regulations or of an approved permit or site plan.
3. To order in writing the correction of any condition found to exist therein or thereat in violation of any provisions of these Regulations.
4. To order the stoppage of any work being done in violation of these Regulations.
5. To take remedial action in all instances wherein a violation of the Regulations or of an approved site plan or permit is found, including:
  - a. revocation of permits and certificates,
  - b. the issuance of orders for abatement or correction, or
  - c. the institution of other measures for relief as may be provided by law.

### **C. Other Provisions**

1. The owner, agent, lessee or tenant of any building or premises or part thereof where a violation of any provision shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation, or who shall maintain any building or premises in which any such violation shall exist shall be guilty of a misdemeanor.
2. Where plans are required to determine conformance with any provision of the zoning regulation, appropriate plans shall be filed which are sufficient in scope and character to determine that all relevant requirements of the zoning regulations have been met.
3. In cases where the particular skill or competence of some other Town department is relevant to an evaluation of the plans under the zoning regulation, the Zoning Enforcement Officer may refer such plans to such department for a report.
4. Any person, persons, party, firm or corporation, whether property owner, lessee or tenant, who or which perpetrates or allows a violation of these regulations shall be liable to the penalties prescribed by law (NOTE: Refer to CGS Section 8-12) and such legal relief as may be available to the Town of Bethel.
5. The Zoning Enforcement Officer or his assistant shall first order the abatement or correction of such violation, allowing 10 days, or such other time as provided by statute, for compliance. (NOTE: Refer to CGS Section 8-12.)
6. Failure to correct such violation after the specified deadline for correction shall constitute a separate offense for each day such condition persists, and legal enforcement remedies shall thereafter be pursued to completion by the Commission and the Zoning Enforcement Officer.

---

## **SECTION 9.3. ZONING BOARD OF APPEALS**

---

### **A. Establishment**

There shall be a Zoning Board of Appeals pursuant to the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.).

### **B. Powers and Duties**

The Zoning Board of Appeals shall have the powers and duties set forth in the Connecticut General Statutes, including:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer provided that:
  - a. Such appeal shall be made within fifteen (15) days of the order, requirement or decision.
  - b. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.
2. To determine and vary the application of the Zoning Regulations (a "variance") solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
  - a. be in harmony with the general purpose and intent of these Regulations,
  - b. give due consideration for conserving the public health, safety, convenience, welfare and property values, and
  - c. result in substantial justice being done and the public safety and welfare secured.
3. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations.

### **C. Nature of Variances**

1. Any variance granted by the Board shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
2. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
3. The application of a regulation affirming a statute shall not be subject to variance.

---

## **SECTION 9.4. ADMINISTRATIVE PROVISIONS**

---

### **A. Severability**

Should any provision of these Regulations be declared unconstitutional or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

### **B. When Effective**

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission.

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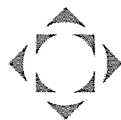


## AMENDMENT DATES

Section	Title	Effective Date
	Adoption of Zoning (Chapter 118 of the Town Code).	September 29, 1959
	Comprehensive Reorganization, Redrafting, Review and Update (replaces Town Code Chapter 118).	January 1, 2010
5.1	Adopted New Flood Plain Overlay Zone & Floodplain Management Regulations (replaces Town Code Chapter 57).	June 18, 2010
2.2	Inserted Definitions of Driveway, Gross Vehicle Weight Rating, Junk, Junk Storage, and an Illustration depicting Yard Setback Locations.	February 4, 2011
3.3.B.2	Revised Outside Parking and Storage Requirements in Residential Zones.	
6.1.F	Inserted New Residential Landscape Buffer Standards.	
6.2	Inserted "and STORAGE" to Section Title.	
6.2.I	Revised and Replaced Residential Limitations Language for Parking of Vehicles and Storage of Equipment.	
4.3.A	Defined residential density/mixed use requirements in the Route 6 Business Zone.	March 15, 2012
2.2	Included Licensed Massage Therapy in the definition of Personal Service.	August 15, 2012
3.4.C.1 Notes (1)	Identified setback requirements for cluster subdivisions.	
4.3	Revised the various uses that may be permitted in Commercial Zones.	
6.2.I.2	Added language regarding to whom a vehicle is registered.	
6.2.J	Added a section for Access Management on heavily trafficked roads and state highways.	

<b>Section</b>	<b>Title</b>	<b>Effective Date</b>
4.4.B.4	Clarified the setback requirements in the IP Zone from Residential Property Lines.	November 30, 2012
2.2	Defined "Motor Vehicle"	February 15, 2014
4.3, 4.6, 6.2, & 6.3	Replaced the terms "automobile" and "automotive" with "motor vehicle" throughout the sections.	
4.3.K.4	Distinguished a motor vehicle with three (3) wheels and allowed servicing as a special permitted use in the in the C and I zones.	

Technical assistance in the comprehensive revision  
of these Regulations provided by



**Planimetrics**

31 Ensign Drive, Avon, CT 06001 860-677-5267

**ZONING MAP**  
**OF THE**  
**TOWN OF BETHEL**



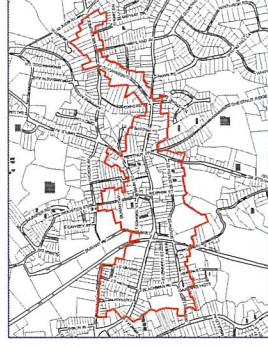


# TOWN of BETHEL Connecticut

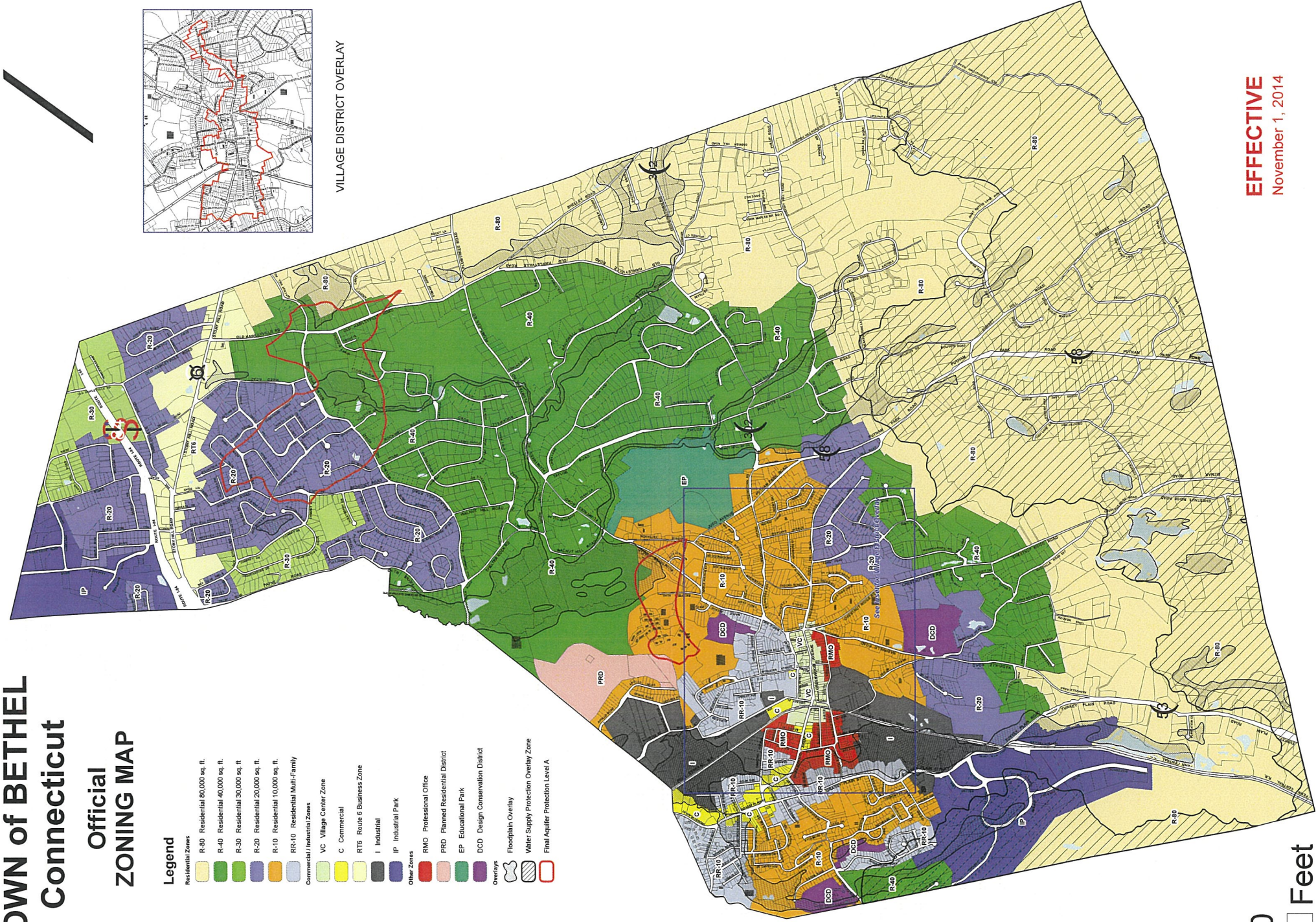
## Official ZONING MAP

### Legend

- Residential Zones**
- R-50 Residential 60,000 sq. ft.
- R-40 Residential 40,000 sq. ft.
- R-30 Residential 30,000 sq. ft.
- R-20 Residential 20,000 sq. ft.
- R-10 Residential 10,000 sq. ft.
- RR-10 Residential Multi-Family
- Commercial / Industrial Zones**
- VC Village Center Zone
- C Commercial
- RT6 Route 6 Business Zone
- I Industrial
- IP Industrial Park
- Other Zones**
- RMO Professional Office
- PRD Planned Residential District
- EP Educational Park
- DCD Design Conservation District
- Overlays**
- Floodplain Overlay
- Water Supply Protection Overlay Zone
- Final Aquifer Protection Level A



VILLAGE DISTRICT OVERLAY



2,000



Feet

**EFFECTIVE**  
November 1, 2014



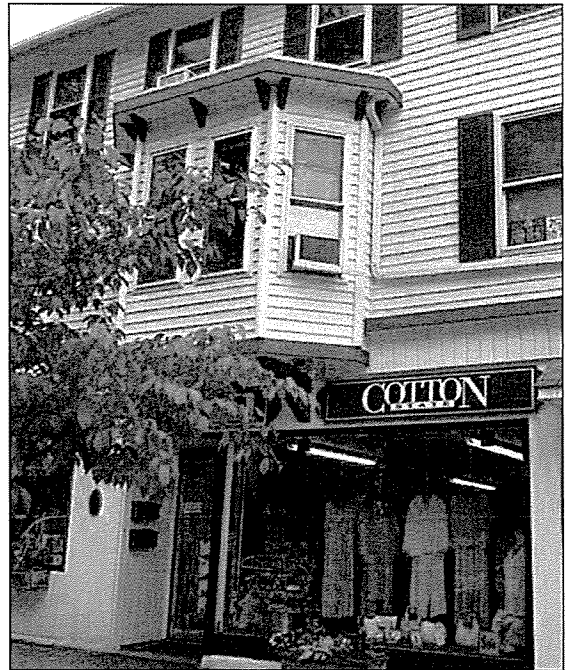
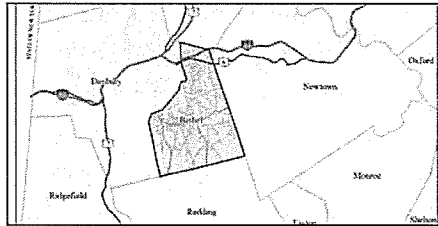
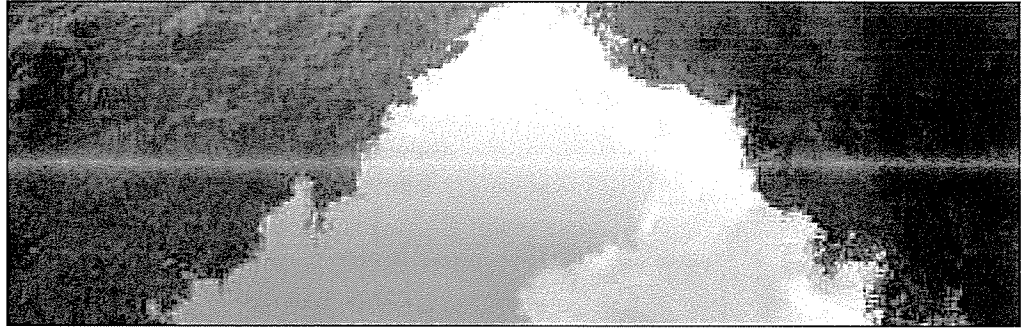
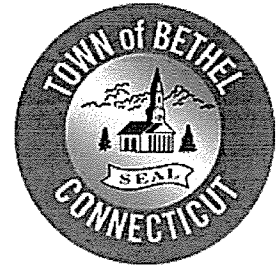


# Bethel

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## 2007 Plan of Conservation and Development

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Adopted: October 9, 2007  
Effective Date: October 15, 2007



# ACKNOWLEDGEMENTS

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The residents of Bethel  
The Planning and Zoning Commission

Peter S. Olson, Chair  
Patricia Rist, Vice-Chair  
Gabrielle Reynolds  
Christopher Bresloff  
Kitty Grant  
Robert Legnard  
John Lennon  
Robert Schweitzer  
Richard J. Shannon

Jon Chew, Housatonic Valley Council of Elected Officials

Special thanks to Bobby Schrivjer for assistance with the Mission Statement

Steve Palmer, Town Planner	Robert Dibble, Highway Department
Beth Cavagna, Assistant Planning and Zoning Official	Kelly Curtis, Public Works Director
Nancy LoBalbo, Land Use Office Manager	Marie Heering, Assessor
Andrew Morosky, Town Engineer	Clarence Rees, Public Works
Laura Vasile, Bethel Health Department	

## Photographic Credits

Beth Cavagna  
Chris Bresloff  
Deborah Howes, AICP

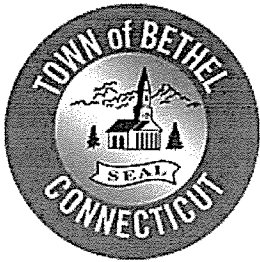


Glenn Chalder, AICP, Planimetrics	Principal
Leonard Desson, Planimetrics	GIS Analyst

Deborah Howes, AICP, Project Manager



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# WELCOME



October 9, 2007

To the Reader:

This Plan provides goals and guidance for both **conservation** and **development** in the Town of Bethel over the next ten years. To assist you as you read this Plan and as a guide to its future implementation, we offer the following statement of beliefs and aspirations:

Bethel is a residential sanctuary. We must proactively preserve, protect, promote, and enhance its assets. Our thriving downtown Village is enviable in our area of Fairfield County; our outlying residential areas are semi-rural and underdeveloped. We wish to encourage preservation of the town's peaceful and spacious nature. Increasing Bethel's beautiful, protected open spaces is our highest priority. Commercial growth is important to Bethel's future and we will encourage opportunities for businesses while assuring that commercial development is in harmony with the town's residential character. We wish to reflect the positive qualities of Bethel's Village in future commercial development in the Route 6/Stony Hill area.

The Village - We wish to encourage preservation of these Village Values:

- A community of generations that welcomes residents of all ages.
- A friendly, casual, and safe community with picturesque and historic village buildings, walkways, shops and restaurants.
- A residential haven, dotted with greenspace that continues to provide well-designed and diverse housing, within walking distance of transportation and the Village's commercial offerings.

Beyond the Village – We wish to encourage the spacious and underdeveloped beauty of our outlying residential areas:

- Preservation and increase of Bethel's open spaces is our highest priority.
- Appropriate clustered housing will provide more opportunities for open spaces.
- Environmental sensitivity will continue to guide new residential development.

Commercial Growth – We wish to encourage businesses to locate in and remain in Bethel and participate in the life of our Town:

- Growth of the commercial offerings in the downtown area should be consistent with the charm and historic nature of the Village and its residential character.
- In all commercial development, whether in the Village, on Route 6 or in between, aesthetic appropriateness that is consistent with the charm of our town will be paramount.
- Environmental sensitivity and open space preservation will be critical as we encourage commercial growth in Bethel.

Planning and Zoning Commission, Town of Bethel

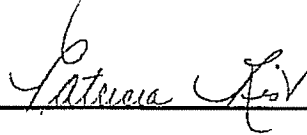
We, the undersigned members of the Bethel Planning and Zoning Commission, do hereby, this 9<sup>th</sup> day of October, in the year 2007, accept and adopt this Plan of Conservation and Development:

Peter S. Olson, Chairman




---

Patricia Rist, Vice-Chairman



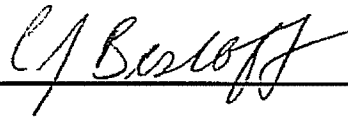
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Gabrielle Reynolds, Secretary



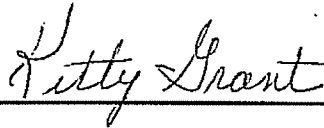
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Christopher Bresloff



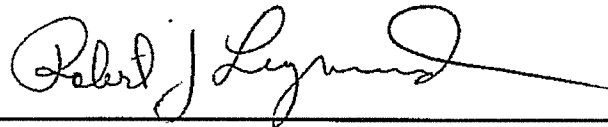
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Kitty Grant



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Robert Legnard



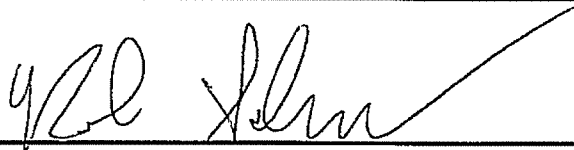
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John Lennon



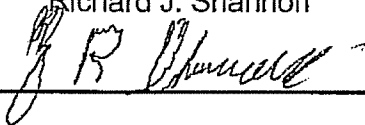
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Rob Schweitzer



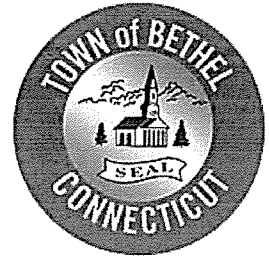
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Richard J. Shannon



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# INTRODUCTION



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## Vision and Mission of this Plan

Bethel is a blossoming community built on Village Values. The town is welcoming to all people, young and old. At its heart is a flourishing New England village center that is distinct in northwestern Fairfield County. We pride ourselves on our diverse housing opportunities, on our growing base of commercial development, and on our commitment to the protection of open spaces and other natural resources.

For the future, balancing the preservation of our village community and the natural beauty of our surroundings while embracing the inevitability of growth will be our greatest challenge. To achieve these two seemingly contrary objectives, we will:

- protect our village character through careful architectural review and community planning;
- encourage new housing opportunities that will enhance our diversity;
- work to strengthen our regional position as a complete community with cultural, recreational and educational offerings; and
- encourage commercial development that builds the town's economic base while remaining architecturally consistent with our values.

Most important, we will be responsible; we will take the greatest care to ensure that our development as a community is mindful of the need to conserve Bethel's precious environmental resources.

While there may be refinements to this Plan over time, it is anticipated that this overall philosophy will remain relevant during the next ten years.

## **About Plans of Conservation & Development**

A Plan of Conservation and Development is a tool for guiding the future of a community. While this Plan is primarily a statement of recommendations addressing the conservation and development of Bethel (the physical layout), this Plan is also intended to address the social and economic development of the community.

The goals and recommendations of the Plan reflect an overall consensus of what is considered desirable for Bethel and its residents in the future.

### **Prior Bethel Plans**

Bethel has a strong history of preparing and adopting Plans of Development. The town adopted its first Plan of Development in 1958. The Plan was updated in 1969 and again in 1984. The most recent plan was adopted in 1997 and was developed with the assistance of Buckhurst Fish & Jacquemart and the Housatonic Valley Council of Elected Officials.

## **Planning Process**

---

The process of preparing this comprehensive Plan of Conservation and Development (the Plan) for Bethel has been overseen and coordinated by the Commission with the help of planning consultants from Planimetrics. During the process of preparing this Plan, community input was gathered through several public meetings and workshops with residents, boards and commission members, and Town Staff to discuss issues that they felt were important to them and the community. The combined results indicate that open space protection; improvements to community facilities; natural resource protection; preservation of community character and historic resources; and business development are the most important issues facing Bethel.

### **Public Input**

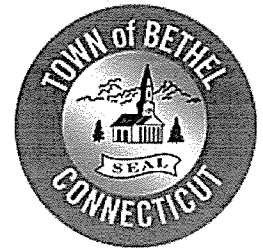
Public meeting participants indicated that they were proudest of Bethel's public lands and natural resources; the Town's educational facilities and library; and the Village Center's historic character.

Transportation systems, including insufficient alternatives to auto travel and heavy truck traffic through residential neighborhoods; overly dense development in some areas; and insufficient recreational facilities throughout the Town, were noted as issues that residents of Bethel were most unhappy about. Other concerns included insufficient protection for open space parcels, insufficient protection for historic resources, and inadequate protection of natural resources.

### **Availability of Planning Documents**

All background materials used in the preparation of this Plan are stored with the Land Use Department in Town Hall. In addition, copies of this Plan and prior plans are found in both the Land Use Office and the Library.

# CONDITIONS & TRENDS



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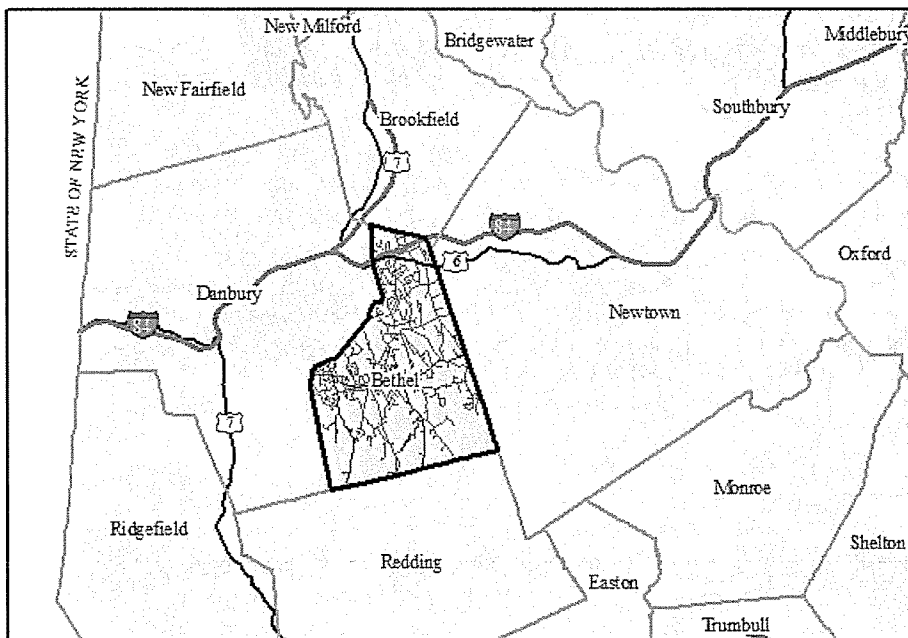
## Overview

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Bethel is located in northeastern Fairfield County east of Danbury, and mostly south of Route 84. An old community, even by Connecticut standards, it is a beautiful Town with a lively mixed use village center, rural and suburban areas of wooded residential and modern technical commercial parks. The town is approximately seventeen square miles. According to the U.S. Census, there were more than 18,000 people living in Bethel in 2000.

Bethel is a rural/suburban community, approximately 17 square miles in size, located near Danbury in southwestern Connecticut. The town is bounded on the west by Danbury, on the north by Brookfield, on the east by Newtown and on the south by Redding. According to the 2000 Census, Bethel had a population of about 18,000 people.

This chapter outlines conditions and trends affecting the Town of Bethel as the Plan of Conservation and Development was being prepared.



Regional Location Map

## Historic Context

---

The land area that became Bethel was originally part of the eastern quarter of Danbury. From the time of the first settlement in the late 1600s to the mid 1700s, settlers of this area had to travel to Danbury for church services and town meetings. Then, in 1759, permission was granted to establish a separate Congregational parish. In 1855, permission was granted to establish a separate Municipality to be known as Bethel (“a hallowed place”).

Early industry in Bethel included agriculture, hat factories, shoe-making, and comb-making from local cow horns. Agriculture and forests were the primary land uses outside of the Village, and artisan producers of hats, shoes, and combs shaped the Village Center. Bethel’s largest neighbor, Danbury, was promoted as the “Hat City of the World,” but at times there were more hat factories in Bethel than Danbury.

## Regional Context

---

Bethel is located in the Housatonic Valley and is a member of the Housatonic Valley Council of Elected Officials (HVCEO), an association of ten municipalities surrounding Danbury. Within this region, Bethel plays several roles.

Bethel is a major jobs center. The Department of Labor reported that there were about 6,000 jobs in Bethel in the year 2000; more recent data from the Connecticut Economic Resource Center (CERC) indicates that there are about 7,500 jobs in the community. This is a robust level of employment and an indication of strength in the local economy. Bethel businesses provide employment opportunities to residents of the region.

Since Bethel residents comprise a work force of about 10,750 workers, Bethel “exports” workers to the region as a whole. Bethel workers support businesses in other communities in the region.

Finally, as will be shown later in this report, Bethel has a diverse housing stock. As a result, Bethel provides housing opportunities ranging from apartments and “starter homes” up to “mini-estate” homes on several acres of land.

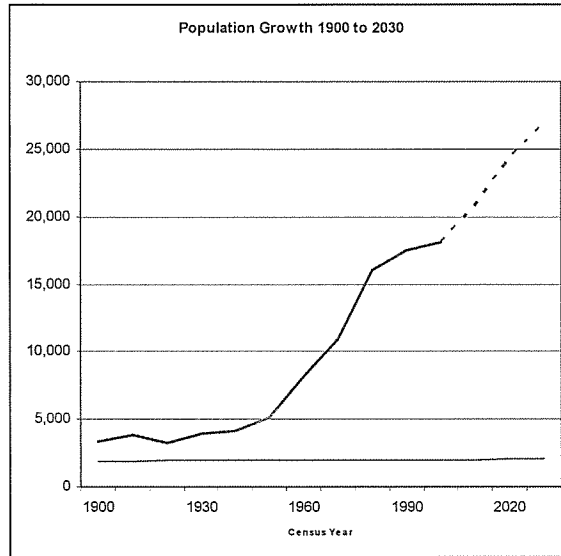
Bethel is an integral part of the region. According to “journey to work” data from the 2000 Census, Bethel residents commute far and wide for employment, predominantly to job locations which are south and west of Bethel. Most of the workers that commute to jobs in Bethel come from Bethel, Danbury, and communities to the north and east.



# People of Bethel

According to the U.S. Census Bureau, Bethel had a population of 18,067 in the year 2000. This represents an increase of about three percent (526 people) from the 1990 Census. While Bethel grew faster than many surrounding towns and the state as a whole from 1940 until 1990, population growth slowed in the 1990s.

According to the University of Connecticut's State Data Center, (UCONN SDC) released in May of 2007, population growth will continue in Bethel for decades to come at a slow but steady rate. By 2010, UCONN SDC estimates the population in Bethel will be 20,749 and by 2030 UCONN SDC estimates that nearly 27,000 people may live in Bethel.



## Population History

Year	Population
1900	3,327
1910	3,792
1920	3,201
1930	3,886
1940	4,105
1950	5,104
1960	8,200
1970	10,945
1980	16,004
1990	17,541
2000	18,067

1900 - 2000 Census.

## Population Projections

Year	Population
2010	20,749
2020	24,338
2030	26,876

UCONN State Data Center: 5/2007

## Percent Population Change 1970 to 2000

	1970s	1980s	1990s	1970 - 2000
Bethel	46%	10%	3%	65%
Brookfield	33%	10%	11%	62%
Newtown	13%	9%	20%	48%
Redding	30%	9%	4%	48%
Danbury	19%	8%	14%	47%
Region	25%	10%	13%	56%
State	3%	6%	4%	12%

U.S. Census

## Components of Population Change

Population change results from natural change (births minus deaths) and net migration (move in minus move out). Through the 1970s, much of Bethel's growth was fueled by in-migration. In the 1990s, there was net out-migration from Bethel. These changes reflect an aging population and smaller household size, a trend seen throughout the country.

## Components of Population Change

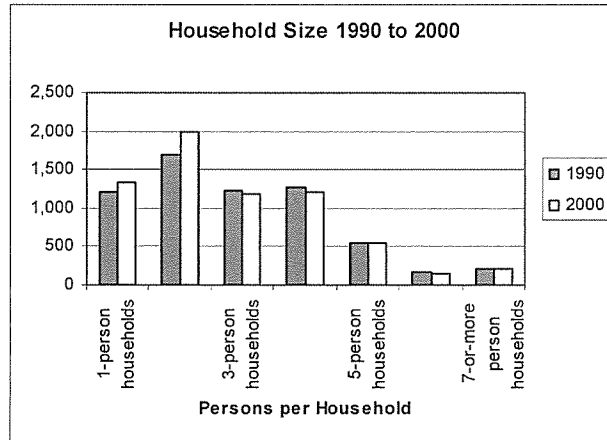
	1950s	1960s	1970s	1980s	1990s
<b>Total Change</b>	<b>3,096</b>	<b>2,745</b>	<b>5,059</b>	<b>1,537</b>	<b>526</b>
Births	1,464	1,796	2,040	2,418	2,466
Deaths	690	805	942	981	1,061
<b>Natural Change</b>	<b>774</b>	<b>991</b>	<b>1,098</b>	<b>1,437</b>	<b>1,405</b>
<b>Net Migration</b>	<b>2,322</b>	<b>1,754</b>	<b>3,961</b>	<b>100</b>	<b>(879)</b>

Connecticut State Department of Health

## Persons per Household / Household Size

The average household size in Bethel according to the 2000 Census was 2.76 persons, down from 2.84 in 1990. This is slightly lower than in the neighboring towns of Newtown, Brookfield, and Redding and slightly higher than in Danbury.

As can be seen from the chart *Household Size 1990 to 2000*, almost all of the change in housing unit size during the 1990s was the result of growth in the number of one-person and two-person households.

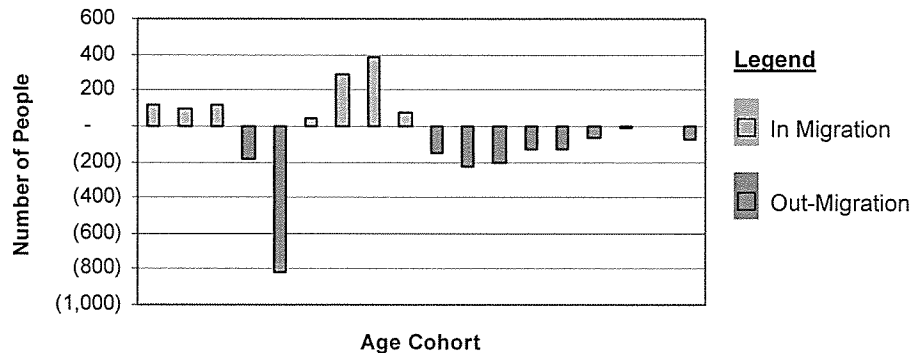


## Age-Specific Migration

It can also be informative to look at estimated migration by specific age groups. Overall, Bethel has exhibited a fairly consistent trend during the two decades of the 1980s and 1990s. The following chart, which examines the net migration in the 1990s shows:

- net in-migration of young adults aged 30 to 45 with children aged 0 to 15;
- net out-migration of young adults aged 15 to 30; and
- net out-migration of adults over the age of about 45.

Net Migration by Age Cohort  
1990 to 2000



## Age Composition

While overall population growth is important, projected changes in age composition may be even more significant. The age composition of a community can be evaluated in terms of the projected lifestyle needs of the different age groups and the types of services and amenities different age groups may desire or require. The following table identifies lifestyle needs of the various age cohorts and indicates the anticipated change in the percentage of these age cohorts between 1980 and 2020.

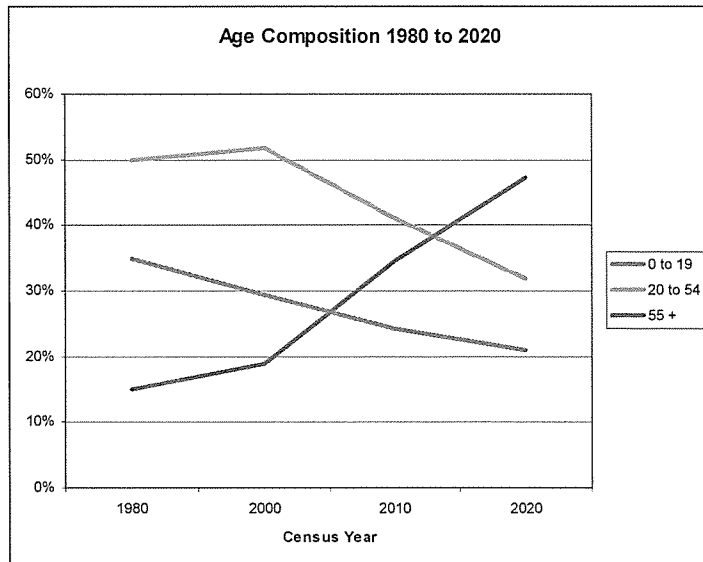
### Lifestyle Needs

Description	Age Range	Needs / Wants	1980 Share	2000 Share	2020 Projected Share
Infants	0 to 4	<ul style="list-style-type: none"> <li>Child care</li> <li>Pre-school programs</li> </ul>	7%	7%	5% ↓
School Age	5 to 19	<ul style="list-style-type: none"> <li>School facilities</li> <li>Recreation programs and facilities</li> </ul>	28%	22%	16% ↓↓
Young Adults	20 to 34	<ul style="list-style-type: none"> <li>Rental housing</li> <li>Starter homes</li> <li>Social destinations</li> <li>Trade-up homes</li> </ul>	25%	17%	17% ↓↓
Middle Age	35 to 54	<ul style="list-style-type: none"> <li>Family programs</li> <li>Services for infants / school children</li> </ul>	25%	35%	14% ↓↓
Mature Adults	55 to 64	<ul style="list-style-type: none"> <li>Smaller homes</li> <li>Second homes</li> <li>Recreation programs and facilities</li> </ul>	7%	9%	14% ↑
Retirement Age	65 +	<ul style="list-style-type: none"> <li>Low maintenance homes</li> <li>Assisted housing / elderly housing</li> <li>Elderly programs / tax relief</li> </ul>	8%	10%	33% ↑↑↑

1970 - 2000 Census, Projections by Connecticut Census Data Center (1995)

From 1980 to 2020, it is anticipated that Bethel will move from a community where more than half the population was under the age of 54, and less than 20 percent were over 54, to a community where almost half the population will be 55 or older.

This may lead to a reconsideration of the mix of municipal services provided in Bethel and may result in a situation where there may be more demand for different services in the future. For example, instead of desiring schools and ball fields, by 2020 Bethel residents may be asking for more trails and structured recreational services. Similar changes may be in store for social, medical, transportation, and housing programs.



**Housing Types As Defined by the US Census**

**1 unit-detached:** A single-family structure, which may be attached to a garage or shed, and with open space on all four sides.

**1 unit-attached:** A single-family unit with one or more walls extending from roof to the ground separating it from adjoining structures. Row houses and townhouses are counted in this category. Each unit has its own heating element.

**2-4 family dwellings:** These are structures containing between 2 and 4 housing units sharing attics, cellars, furnaces, and/or boilers.

**Multi-family and Other:** This category includes all other housing units including multi-family units with five or more units in the structure as well as mobile homes, boats, RVs, vans, and campers.

## Housing In Bethel

### Housing Types

Bethel contains a diversity of housing types. Approximately one-third of the housing stock is a housing type other than single-family housing, a more diverse housing stock than any surrounding community except for Danbury.

#### Housing Structure Types (2000)

	Single-Family Housing		Other than Single-Family Housing		
	One-family detached	One-family attached	2-4 dwellings	Family	Multi-family and Other
Danbury	46%	6%	24%		23%
<b>Bethel</b>	<b>67%</b>	<b>9%</b>	<b>16%</b>		<b>9%</b>
Brookfield	82%	6%	5%		7%
Newtown	93%	2%	4%		1%
Redding	95%	2%	2%		0%
Region	69%	5%	13%		13%
State	59%	5%	18%		18%

U.S. Census Bureau 2000

As of the 2000 Census, almost one-quarter of the housing units in Bethel (23%) were renter-occupied, again a higher percentage than the surrounding communities with the exception of the City of Danbury.

#### Housing Tenure Types (2000)

	Owner Occupied	Renter Occupied	Percent Vacant
Danbury	53%	42%	5%
<b>Bethel</b>	<b>75%</b>	<b>23%</b>	<b>2%</b>
Brookfield	85%	11%	4%
Redding	85%	10%	5%
Newtown	89%	8%	3%
Region	72%	23%	5%
State	63%	31%	6%

U.S. Census Bureau 2000

## Housing Growth

Bethel added a significant number of housing units in the 1970s and 1980s. Growth slowed substantially in the 1990s, perhaps due to the lower availability of developable land and economic factors early in the decade.

### Bethel Housing Growth

	Units at Start	Change in Decade	Percent Change
1960s	2,692	741	28%
1970s	3,433	1,970	57%
1980s	5,403	996	18%
1990s	6,399	254	4%
2000	6,653		

U.S. Census Bureau

### Regional Housing Growth 1990 – 2000

Newtown	20%
Danbury	10%
Brookfield	8%
<b>Bethel</b>	<b>4%</b>
Redding	3%
Region	9%
State	5%

U.S. Census Bureau 2000

During the 1990s, Bethel had very slow housing growth in comparison with the surrounding communities. Its rate was slightly lower than the State.

Since 2000, there has been increased activity in Bethel according to building permit data. While there were 376 building permits issued for single-family housing units in the 1990s (a ten-year period), there were 307 permits issued for single-family housing units in Bethel from 2000 to mid-2006 (a six year period).

## Housing Value

In terms of estimated housing values, Bethel has some of the least expensive housing among nearby communities, with the exception of the City of Danbury. Rental rates are also relatively affordable compared to other communities. A more detailed discussion of this issue is in the Residential Development Chapter.

### Housing Value (2000)

	Median Housing Value	Median Contract Rent	Affordable Housing Units	% Affordable per DECD
Ridgefield	\$435,300	\$1,044	160	1.80%
Redding	\$398,000	\$1,375	0	0.00%
Bridgewater	\$296,700	\$683	1	0.13%
Sherman	\$268,900	\$846	1	0.06%
Newtown	\$262,100	\$735	164	1.91%
Brookfield	\$242,000	\$946	85	1.47%
New Fairfield	\$228,100	\$898	27	0.52%
<b>Bethel</b>	<b>\$216,400</b>	<b>\$877</b>	<b>324</b>	<b>4.87%</b>
New Milford	\$180,500	\$679	249	2.32%
Danbury	\$174,600	\$818	2,879	10.09%
Region	\$265,100	\$722	3,890	4.87%
State	\$160,600	\$681	146,066	10.54%

U.S. Census Bureau 2000 / CT DECD 2006

## Where Bethel Residents Go to Work

According to a HVCEO analysis of commuting data, as the employed population has grown, the percentage of Bethel residents working in Bethel has declined from 28% in 1970 to 22% in 2000.

According to the 2000 Census, more work trips were made from Bethel to Danbury (26% of all work trips) than to any other destination.

The 1980-2000 trend is for Bethelites to be increasingly less dependent upon Danbury than in the past (38% commuted to Danbury in 1980) in favor of locations such as New York City, Westchester, Stamford, Ridgefield, Brookfield, and other locations.

## Comparison of Income Levels

According to a HVCEO analysis of Census Data for the Region, Bethel's Median Household Income is rising above the State average at a modest pace, indicating a gradual gentrification of the community. In 1970, Bethel's MHI was 112% of the State MHI; in 2000 it was 128% of the State MHI.

# Bethel's Economy

## For Bethel Residents

In 2000, Bethel residents were employed in a range of industries. Overall, this employment composition was very similar to that for the State as a whole.

### Jobs Held By Residents (2000)

Industry	Bethel	State
Educational, health and social services	20%	22%
Retail / wholesale trade	17%	14%
Manufacturing	16%	15%
Professional, scientific, management, administrative service	12%	10%
Other (including construction, finance, transportation, public administration, and other services)	35%	39%

U.S. Census 2000

Since 1990, the biggest shifts for Bethel residents relative to employment sectors have been:

- a significant decrease in percentage of workers in manufacturing jobs;
- an increase of percentage of workers in professional and management jobs; and
- an increase of percentage of workers in educational, health and social service jobs.

### Jobs Held By Bethel Residents (1990 – 2000)

Industry	1990	2000
Agriculture, forestry, fishing, hunting, and mining	1%	> 1%
Construction	7%	8%
<b>Manufacturing</b>	<b>25%</b>	<b>16%</b>
Retail / wholesale trade	21%	17%
Transportation, warehousing, communication and utilities	6%	7%
Finance, insurance, real estate and rental and leasing	7%	8%
<b>Professional, scientific, management, administrative service</b>	<b>7%</b>	<b>12%</b>
<b>Educational, health and social services</b>	<b>13%</b>	<b>20%</b>
Arts, entertainment, recreation, accommodation, food services	1%	5%
Other services (except public administration)	8%	5%
Public administration	3%	2%
<b>Total Number of Jobs Held by Bethel Residents</b>	<b>9,601</b>	<b>10,318</b>

U.S. Census

According to the 2000 Census, Median Household Incomes (MHI) were lower in Bethel than in most surrounding communities except Danbury.

According to a HVCEO analysis of Census Data for the Region, Bethel's (MHI) is rising above the State average at a modest pace, indicating a gradual gentrification of the community. In 1970, Bethel's MHI was 112% of the State MHI; in 2000 it was 128% of the State MHI.

### Median Household Income (1999)

	Income
Redding	\$104,137
Newtown	\$90,193
Brookfield	\$82,706
<b>Bethel</b>	<b>\$68,891</b>
Danbury	\$53,664
State	\$53,935

U.S. Census Bureau

## For Bethel Businesses

Although Bethel contains a significant number of jobs it is still a “net jobs exporter” which means that there are more workers from Bethel than there are jobs in Bethel.

Compared to surrounding communities, Bethel has a heavy concentration of manufacturing-type jobs. While this may make Bethel vulnerable to future manufacturing shifts from global economic competition, it may also be a source of strength for the local economy if manufacturing continues.

### Types of Jobs (2005)

Sector	Bethel	Brookfield	Danbury	Newtown	Redding
Agriculture	2%	1%	1%	3%	7%
Construction / Mining	10%	8%	6%	8%	17%
Manufacturing	25%	12%	20%	13%	5%
Transportation/ Utilities	9%	6%	4%	5%	4%
Trade	19%	36%	27%	19%	16%
Financial / Insurance / Real Estate	4%	4%	4%	6%	6%
Services	30%	30%	36%	41%	40%
Government	1%	3%	3%	6%	5%
Total Jobs	7,515	8,861	39,404	8,604	1,979

CERC, November 2005

## Major Employers

Among the major employers and top Grand List contributors, employment opportunities range from management and executive to administrative and manual labor.

Major Employers	Top Grand List Contributors
<ul style="list-style-type: none"> <li>• Duracell</li> <li>• Eaton Corporation</li> <li>• Consolidated Controls</li> <li>• Bethel Food Market</li> <li>• Cannondale Corporation</li> <li>• Town Municipal Offices</li> <li>• Bethel Board of Education</li> </ul>	<ul style="list-style-type: none"> <li>• Connecticut Light and Power</li> <li>• Duracell</li> <li>• Steiner, Inc.</li> <li>• Bethel Associates, LP</li> <li>• Target</li> <li>• Tony's Restaurant, Inc.</li> <li>• CE Bethel, LLC</li> <li>• Shepards</li> <li>• C &amp; P Real Estate</li> <li>• Eaton Aerospace LLC</li> </ul>

CERC 2005

Bethel Assessor's Office 2007

## Definitions

**Committed Land** is land that is used for a particular economic or social purpose, such as open space, residential, or retail.

**Developed Land** is a form of committed land that has buildings, structures, or improvements such as residential or institutional.

**Vacant Land** is land that is not committed and is not developed. In this analysis residentially zoned lands, in excess of the amount required to meet the requirements for minimum lot size, are considered vacant if additional development is possible.

## Land Use

Bethel contains approximately 10,844 acres, which is approximately 17 square miles.

The land use survey found that nearly 80 percent (8,654 acres) of the Town's land is either developed for a specific use such as residential, business, industrial, or committed to a specific use such as recreation lands, roads, or open space. 45% of the Town's land is committed to residential use.

Open space, such as the portion of the Huntington State Park that lies on the Town's southeastern corner, in combination with Town ball fields and lands managed by the Bethel Land Trust, occupy about 17% of all land within the Town.

One-fifth (20%) of the land in Bethel is either vacant or undeveloped. This land may be developed at some time in the future or it may be committed to another use (such as preserved open space).

The combination of vacant land, uncommitted municipal lands, parks and open space give the impression that there is more open space in Bethel than is actually committed to that use.

Use	Acreage	Percent of Total Land
<b>Residential</b>	<b>4,891</b>	<b>45%</b>
Single-Family	4,225	
Two-multi Family	350	
Multi-Family	316	
<b>Business</b>	<b>686</b>	<b>6%</b>
Retail/Services	185	
Office	93	
Industrial	357	
Mixed Use	52	
<b>Open Space / Agriculture</b>	<b>2,019</b>	<b>19%</b>
Open Space	1,847	
Agriculture	173	
<b>Community Facilities</b>	<b>259</b>	<b>2%</b>
Municipal Facilities	210	
Institutional Facilities	49	
<b>Infrastructure / Roads</b>	<b>779</b>	<b>7%</b>
<b>Developed / Committed</b>	<b>8,654</b>	<b>80%</b>
<b>Vacant / Uncommitted</b>	<b>2,190</b>	<b>20%</b>
<b>Total Land Area</b>	<b>10,844</b>	<b>100%</b>

Land use information supplied by the Town of Bethel with field updates by Planimetrics. Totals may not add to 100% due to rounding.



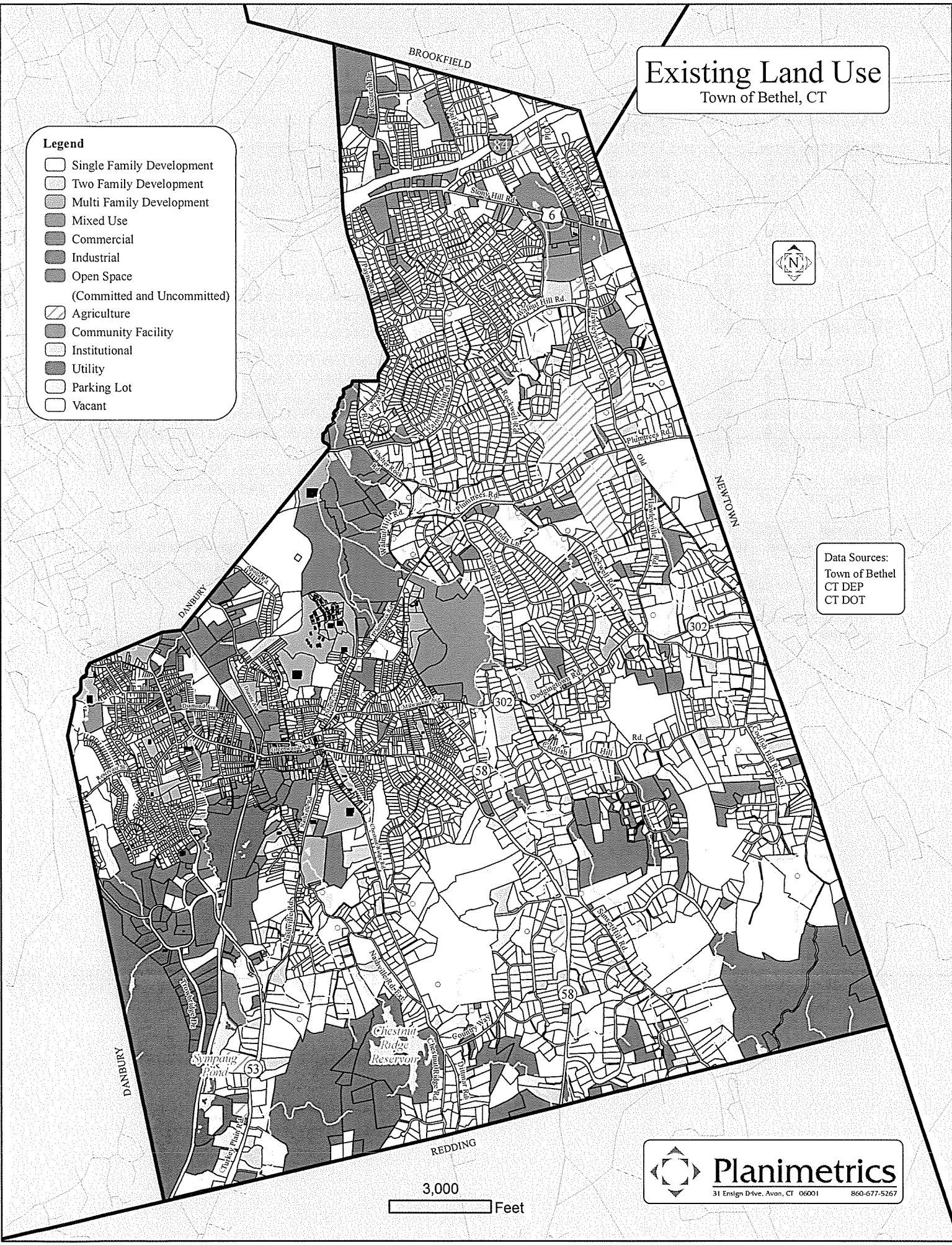
# Existing Land Use

Town of Bethel, CT



Data Sources:  
Town of Bethel  
CT DEP  
CT DOT

- Legend**
- Single Family Development
  - Two Family Development
  - Multi Family Development
  - Mixed Use
  - Commercial
  - Industrial
  - Open Space  
(Committed and Uncommitted)
  - Agriculture
  - Community Facility
  - Institutional
  - Utility
  - Parking Lot
  - Vacant



3,000  
Feet

**Planimetrics**  
31 Ensign Drive, Avon, CT 06001 860-677-5267

## Zoning Districts

Residential Zones		
	Acres	
R-80	4,606	42%
R-40	2,358	22%
R-30	230	2%
R-20	1,076	10%
R-10	841	8%
RR-10	291	3%
RM-O	72	1%
PRD	128	1%
DCD	8	>1%
<b>Sub total</b>	<b>9,610</b>	<b>89%</b>
Business Zones		
CI	210	2%
C	97	1%
I	314	3%
IP	476	4%
<b>Sub total</b>	<b>1,097</b>	<b>10%</b>
Other		
Educational Park	134	1%
<b>Sub total</b>	<b>134</b>	<b>1%</b>
<b>Total</b>	<b>10,844</b>	<b>100%</b>

All numbers are subject to change due to updated mapping information in progress.

## Zoning

Bethel first adopted Zoning Regulations in 1959. At the present time, Bethel employs a "use-based" zoning system with residential, commercial, and industrial zoning districts, as well as several special districts. The Zoning Map on the following page illustrates the location of the Zoning Districts.

### Residential

The vast majority (89 percent) of Bethel's land is zoned residential. There are five single-family residential districts with the minimum lot size requirement ranging from 10,000 square feet (R-10 zone) to almost two-acres (R-80 zone).

There are four additional residential zones. The RR-10 District allows for two-family units on 10,000 square foot lots. The RM-O zone allows a mix of uses (such as residential uses, professional office buildings, and apartment buildings). The Planned Residential Development District (PRD) allows for age-restricted housing on sites meeting certain criteria. The Commission recently adopted a Designed Conservation District (DCD), which is intended to promote more creative land development in the R-10 and RR-10 districts. The district is an overlay district intended to help conserve natural, scenic, and historic areas.

### Business Districts

Bethel has four business zones, comprising a total of ten percent of Bethel's land area. There are two business zones and two industrial zones which allow for commercial and industrial uses at a variety of intensities and building sizes.

### Other Districts

An Educational Park with its own Zoning Designation contains all of Bethel's public schools in one location, centrally located at one of the highest points in Town.















### Zoning Structure

Bethel has a strong zoning structure with the highest density zones located in and near the historic center of Bethel and lower density zones in outlying areas. The only exception is a secondary level of intensity in the north of Bethel near Route 6 and Interstate 84.

# Zoning Map

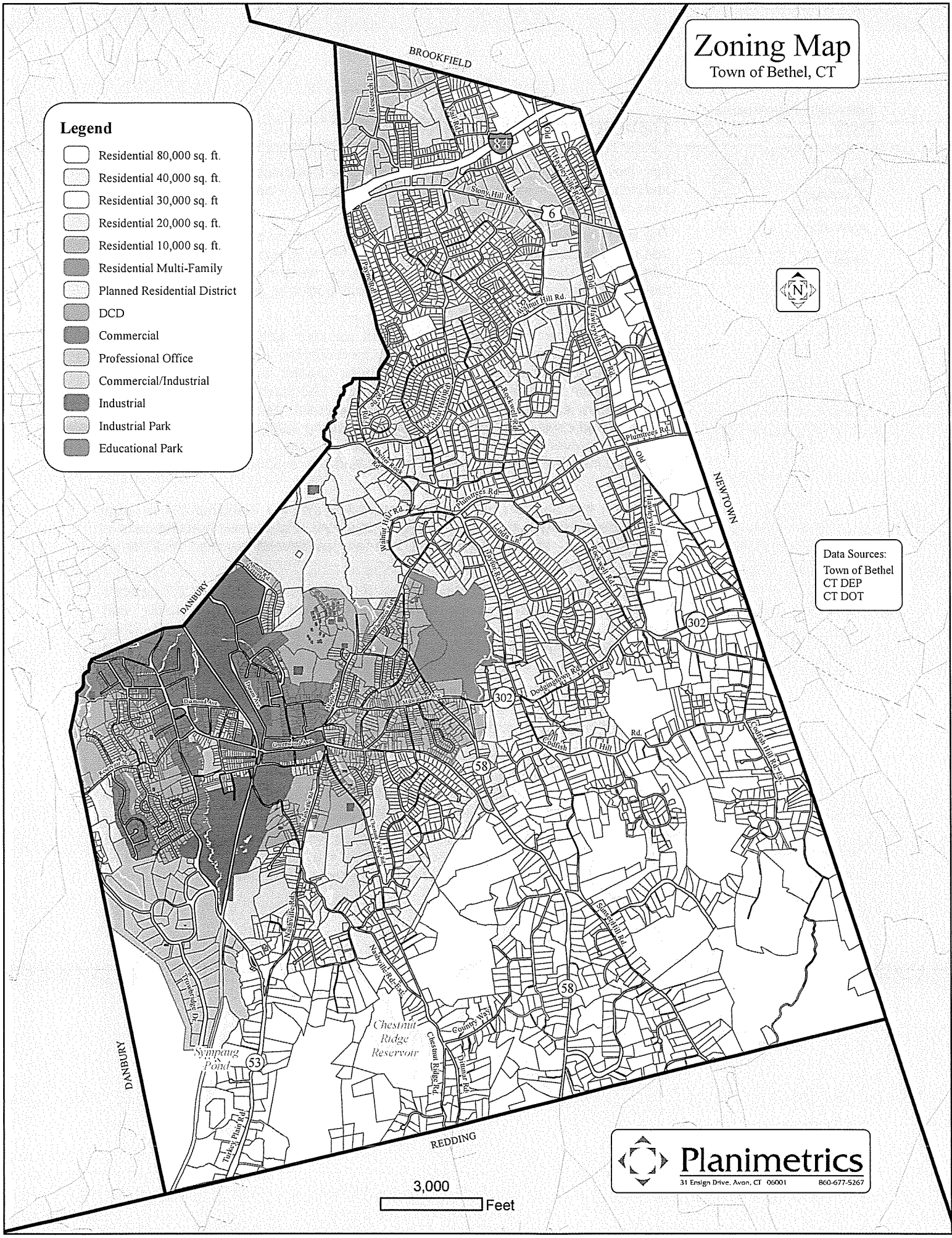
Town of Bethel, CT

## Legend

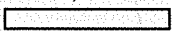
-  Residential 80,000 sq. ft.
-  Residential 40,000 sq. ft.
-  Residential 30,000 sq. ft.
-  Residential 20,000 sq. ft.
-  Residential 10,000 sq. ft.
-  Residential Multi-Family
-  Planned Residential District
-  DCD
-  Commercial
-  Professional Office
-  Commercial/Industrial
-  Industrial
-  Industrial Park
-  Educational Park



Data Sources:  
 Town of Bethel  
 CT DEP  
 CT DOT



3,000 Feet




**Planimetrics**  
 31 Ensign Drive, Avon, CT 06001 860-677-5267

**Potentially Developable  
Lands**

	<u>Acres</u>
Vacant	2,260
Oversized Residential	576
Agricultural	150
<b>Total</b>	<b>2,986</b>

**Development Potential**

For the purposes of determining how many additional housing units and residents could be supported in Bethel in the future, Planimetrics analyzed the Town’s development potential.

The land use survey identified approximately 3,000 acres of privately owned land that may be capable of supporting additional development in the future. For the purposes of this analysis, the following lands were included: vacant lands; residential lands with additional development potential, also called “oversized residential”; and agricultural lands.

Minimum lot size, minimum frontage, and required setback dimensions were applied to the parcels based on the current Zoning Regulations. Wetlands, watercourses, floodplains, and steep slopes greater than 25 percent were excluded from the developable land calculation. The current Zoning Regulations only exclude steep slopes greater than 25 percent, as measured in ten-foot contours and consisting of contiguous areas totaling 3,000 square feet of area or greater. However, this build-out analysis, which is based on a 100-foot grid, may underestimate the amount of steep slopes and overestimate build-out on some sites.

Based on this analysis, Planimetrics estimated that the available developable land in Bethel may support as many as 1,300 new single-family housing units in the residentially zoned districts and as many as several hundred multi-family units in the multi-family districts.

Using the household size identified in the 2000 Census for Bethel of 2.7 persons per household, Bethel could, under this potential build-out scenario, add approximately 4,000 additional people as a result of new development. Thus, with an existing population of approximately 19,000, it is estimated that Bethel could eventually be a community of as many as 23,000 residents.

This analysis did not identify potential development in commercial and industrially zoned areas. To do so would require a parcel by parcel analysis and a determination of fiscal and market factors beyond the scope of this document.

This analysis also did not calculate development on the approximately 950 acres of municipally owned land, some of which is currently used for managed open space and some of which has no current use. If these lands were included in this analysis, the build-out analysis could be higher.







The potential build out discussed in this section would not occur all at once and there are many factors that could influence the exact number of additional housing units and residents in the future. However, these projections can help a community shape future growth.



# Potential Buildout Scenario

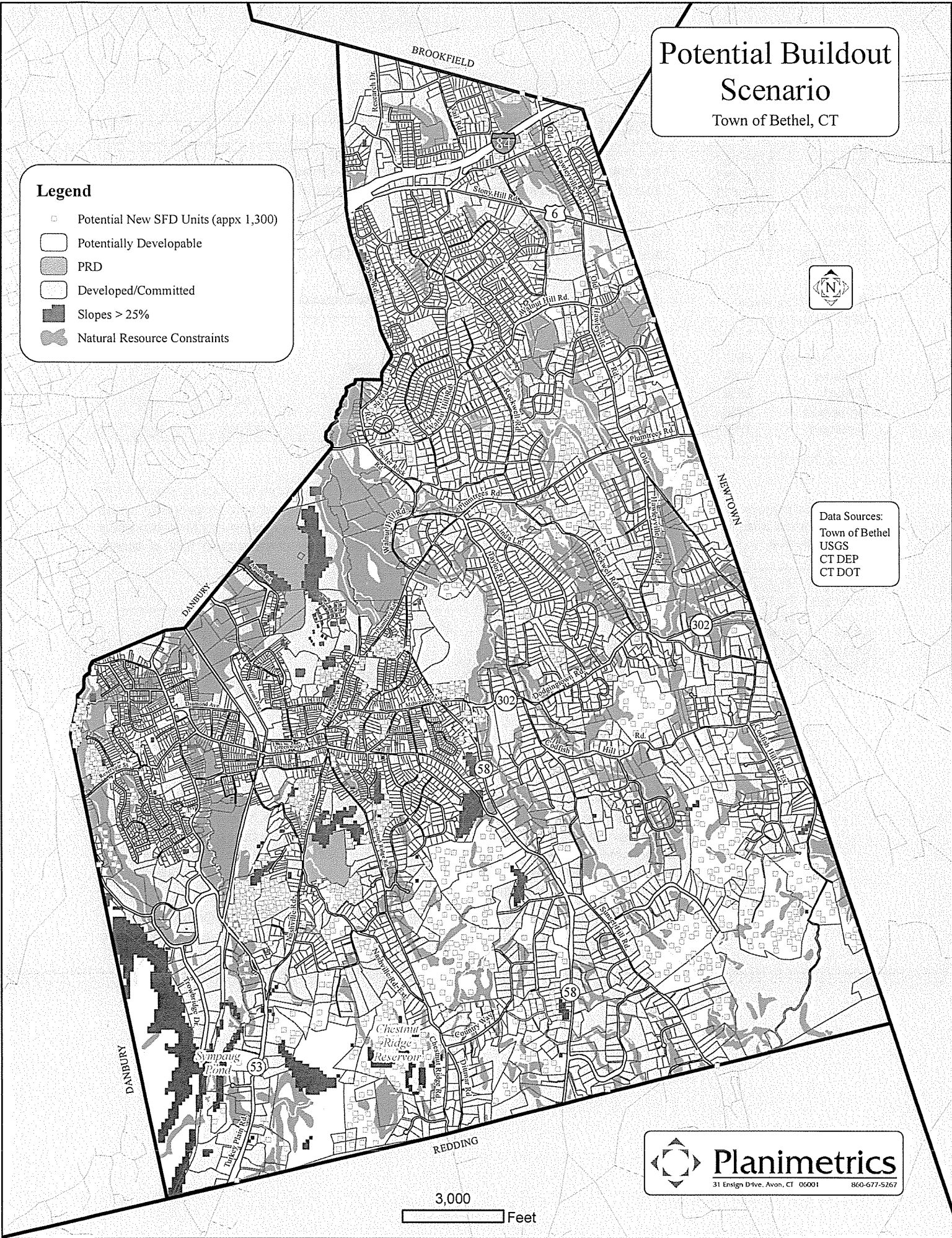
Town of Bethel, CT

**Legend**

-  Potential New SFD Units (appx 1,300)
-  Potentially Developable
-  PRD
-  Developed/Committed
-  Slopes > 25%
-  Natural Resource Constraints



Data Sources:  
 Town of Bethel  
 USGS  
 CT DEP  
 CT DOT



### 2001 Per Capita Grand Lists

Redding	\$231,783
Newtown	\$154,586
Brookfield	\$152,436
<b>Bethel</b>	<b>\$139,799</b>
State	\$114,514
Danbury	\$112,710

CPEC 2002-2003

### Business Tax Base 2001 Grand List

State Average	68%
Danbury	40%
<b>Bethel</b>	<b>25%</b>
Brookfield	20%
Newtown	13%
Redding	6%

CPEC 2002-2003

### Per Capita Property Taxes: Amount and Percent of Total Revenue

Redding	\$3,282	90%
Brookfield	\$2,241	90%
Newtown	\$2,386	80%
<b>Bethel</b>	<b>\$1,935</b>	<b>77%</b>
Danbury	\$1,507	78%

CPEC 2002-2003

## Fiscal Overview

The following fiscal data comes from the Connecticut Policy and Economic Council (CPEC), a source of municipal financial data that is consistent statewide.

In 2002, Bethel spent more than \$46 million providing municipal services. As is the case in most Connecticut municipalities, education was the major expense category. Overall, Bethel spends less than the state average on a per capita basis.

### 2002 – 2003 Per Capita Expenditures

	Bethel		Connecticut	
Education	\$1,553	63%	\$1,521	58%
Debt Service	\$185	1%	\$291	2%
Other	\$764	36%	\$820	40%
<b>Total</b>	<b>\$2,502</b>	<b>100%</b>	<b>\$2,632</b>	<b>100%</b>

Connecticut Policy & Economic Council

Most of Bethel's revenue is generated from the collection of property taxes from residential and commercial businesses. Bethel is more reliant on property taxes than many other communities since Bethel receives less state aid than the state average. "Other" revenue includes reimbursements, payments in lieu of taxes, grants, and other miscellaneous sources.

### 2002 – 2003 Per Capita Revenues

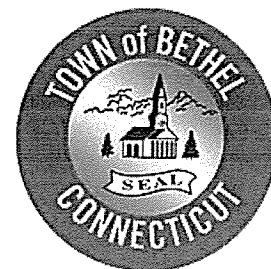
	Bethel		Connecticut	
Property Taxes	\$1,936	77%	\$1,792	68%
State Aid	\$507	20%	\$641	24%
Surplus	\$0	0%	\$26	1%
Other	\$59	2%	\$173	7%
<b>Total</b>	<b>\$2,502</b>	<b>100%</b>	<b>\$2,632</b>	<b>100%</b>

Connecticut Policy & Economic Council

The Bethel 2001 Grand List of Taxable Property was almost \$1.5 billion or \$139,799 per capita. As the table in the sidebar illustrates, this is higher than the state average of \$114,514 per capita. While Bethel's tax base is primarily dependent on residential property values, nearly 25 percent of the Town's revenues come from business property. The state average is approximately 20 percent from business property.

Overall, due to the strong business component of the tax base, Bethel residents actually pay lower property taxes per person than any surrounding community except for Danbury.

# CONSERVATION THEMES



## Overview of Conservation Themes

Bethel's character is largely the result of its unique combination of land and water, as well as historic and scenic resources. As these resources are mutually dependent upon one another, negative impacts to one can negatively impact others. Properly protected, these important resources will continue to have positive impacts upon the Town's quality of life, for generations to come.

These issues are addressed early in the planning process since it is necessary to identify those resources that the community wishes to preserve and protect before making decisions about where to locate development and what types of development to encourage.

Although Open Space preservation was identified as the most important issue in community workshops, this section leads with a discussion of natural resources, which are also a very important consideration and can have a tremendous impact on the qualities of individual pieces of open space.

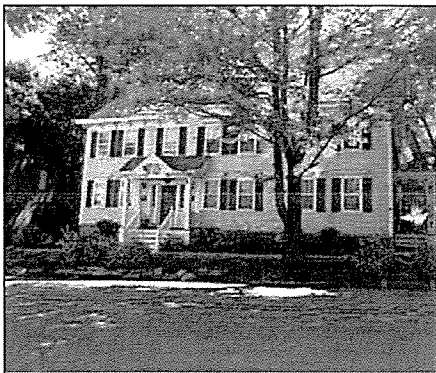
Protecting important resources is a critical element in maintaining community character and ensures quality of life for current and future generations.



Open Space



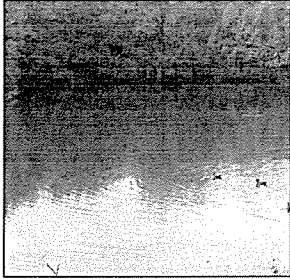
Land Resources



Historic Resources



Water Resources



# NATURAL RESOURCES

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## Overview

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*"The nation behaves well if it treats natural resources as assets which it must turn over to the next generation increased, and not impaired, in value."*

Theodore Roosevelt

Preserving and conserving natural resources protects environmental functions, maintains biodiversity, and prevents environmental damage.



**Tree Canopy**



**Water Resource**



## **Protect Land Based Natural Resources**

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Bethel is fortunate to have so many acres of forest land, meadowlands, and other undeveloped natural lands. While some of these areas are protected, many acres with valuable natural resources are vulnerable. There are a number of strategies that both our Commission and other Town entities can pursue to protect these resources for future generations.

The Town's land use regulations include provisions which address soil and erosion standards, road standards prohibiting grades in excess of 12 percent; and requirements to consider preservation of natural features. There are additional tools that can be used to provide protection for natural resources. Some of these issues are addressed below; others are discussed in greater detail in the development section of this Plan.

### **Address Steep Slope Development**

One of the most fundamental issues to consider for new development is the ground upon which the proposed development will be built. Unfortunately, no soil category in this area of Connecticut is entirely problem free. For example, excessively drained soil may seem to solve hydraulic problems, but these soils are particularly subject to groundwater contamination. And once the percentage of slope starts to rise, especially above 15 percent slope, there is an increase in the potential for slope instability, erosion, and various structural concerns.

The Town's Zoning Regulations currently consider "steep slopes" to only apply to slopes greater than 25 percent (25 feet of rise for 100 feet of horizontal distance), as measured in ten-foot contours and consisting of contiguous areas totaling 3,000 square feet of area or more. As the Zoning Regulations are amended the Commission should ensure that slopes be considered steep if they are in excess of 25 percent slope, no matter how small the area of land affected.

A major concern is the practice of blasting hillsides and steep slopes in order to accommodate development in inappropriate locations. In addition, the Commission has concerns about drainage, erosion, and sedimentation issues. Commercial development is already subject to regulations that address these issues, but under the existing Zoning Regulations, residential development is exempt from requirements to address these consequences of development on hillsides and steep slopes. The Commission will consider requiring a Special Permit for residential development on steep slopes to ensure that there is adequate review of the inherent engineering challenges of hillside development.

Since the majority of future development is likely to be proposed on lands with environmental constraints, including steep slopes, the Commission believes it is critical to obtain accurate topographic data for the entire Town. The Commission requests that the Board of Selectmen authorize topographic mapping at two-foot contours for all lands within Bethel. Until that mapping has been obtained, the Commission should adopt a practice of requiring two-foot contours for any development proposed on slopes in excess of 25 percent.

The HVCEO Regional Plan provides definitions for minimal, moderate, severe or prohibitive soil and slope conditions and provides a Development Opportunity Map prepared by the federal Soil Conservation Service. The Commission should consider using the definitions provided by HVCEO and the soil survey maps of the Soil Conservation Service of the United States Department of Agriculture as a standard in determining land use regulations, an action which is authorized by Connecticut General Statutes, Chapter 124, Section 8-2b.

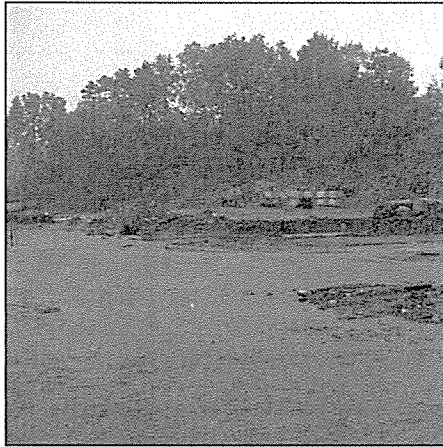
## Adopt Buildable Land Provisions

Buildable land regulations, typically applicable only to residential development, relate the number of housing units on a property to the natural carrying capacity and the character of the land. This is accomplished by excluding certain areas that are essentially unbuildable when considering the amount of “buildable” land on a piece of property. Unbuildable land refers to lands within the road right-of-way, wetland, steep land, or lands with other constraints.

As the Commission revises the Zoning Regulations, it should adopt a buildable land regulation to ensure that each building parcel has sufficient buildable land. This will include provisions that exclude slopes steeper than 25 percent from counting towards the minimum amount of buildable land on a parcel. Floodplains and floodways, streams, wetlands, and rights-of-way will similarly be excluded from consideration of the buildable land area of any parcel. Additional discussion of this topic is in the development section of this Plan.

## Actions for Preserving Land Based Resources

1. Revise the definition of steep slope in the Zoning Regulations.
2. Consider requiring a special permit for residential development on steep slopes; but do not allow the outright removal of steep slopes or hillsides.
3. Encourage the Board of Selectmen to authorize topographic mapping at two-foot contours for the entire Town.
4. Require topographic mapping at two-foot contours for all development activities.
5. Add a definition in the Zoning Regulations for buildable land. Exclude steep slopes, floodplains, floodways, and wetlands from buildable land areas.



Erosion and sedimentation



Hilltop clearing

## **Protect Important Habitat Resources**

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There are several areas in Bethel which contain important habitat resources for rare, endangered, and threatened species. These areas include forested areas, abandoned fields, intact wetland ecosystems, and migratory corridors. In Bethel, the State DEP has identified several areas within the Town containing lands with these qualities which have been identified in the State's Natural Diversity Data Base (NDDB).

As part of the land use application process, applicants should be required to identify NDDB sites on their applications and to consult with DEP if proposing development on lands identified as an area of concern in the NDDB. The Inland Wetlands Commission requires this procedure if any part of a proposed development is within or adjacent to a wetland or waterway. Our Commission should also require the DEP to review and comment if any part of a development project lies within an area identified in the NDDB. The Commission should then adopt a practice of considering the DEP's comments when reviewing applications on lands in the NDDB and include the comments as conditional requirements of approval, to the maximum amount practicable.

### **Use Native Species in Landscaping**

A simple measure for protecting native species habitat, used in several Towns in Connecticut, is a requirement to only allow the introduction of plant species listed on the Connecticut Native Tree and Shrub List. This list provides not only a complete list of those plants which are native and compatible with our region, but also provides information on the availability and location of suppliers of these plants. A copy of this list can be found in the Land Use office and a link is maintained on the Town's web site. The Commission will require that applicants only make use of the species identified on the Connecticut Native Tree and Shrub list.

### **Prohibit the Introduction of Invasive Species**

Another simple measure for preserving the natural ecosystem is to prohibit the deliberate introduction of non-native or invasive species during the site development or subdivision process. Invasive plant and animal species with no predators can aggressively multiply, replacing or depleting native wildlife food sources, leading to erosion, costly property damage and even threatening human health and safety when species are toxic, such as the giant hogweed recently found in Bethel.

### **Actions for Protecting Habitat Resources**

1. Require all applications within the NDDP to be reviewed by DEP.
2. Consider DEP's comments during application review.
3. Require the use of native species in landscaping plans.
4. Prohibit the introduction of invasive species.

## Protect Bethel's Trees

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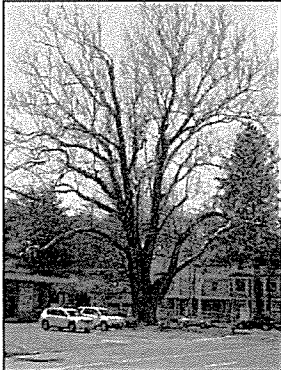
Bethel's character is shaped in large part by the many trees found throughout Town, particularly the old and notable trees. According to the Connecticut Botanical Society, which tracks large, notable, and champion trees in Connecticut, there are two officially recognized notable trees in Bethel. The two trees, both *Platanus Occidentalis*, commonly known as Sycamores, measure 256" and 228" in circumference respectively. One is the well-known tree at the intersection of Route 302 and Route 53.

Bethel has a tree ordinance that addresses some activities related to street trees and public trees. It does not address the preservation of notable trees, or prevent the practice of clear-cutting large amounts of land.

The Commission recommends that the Board of Selectmen revise the tree ordinance to provide protection for notable trees and to discourage clearcutting, to the degree possible within the constraints of State Statutes. Definitions for tree harvesting, clearcutting, land disturbance, and caliper should be included in the revised ordinance.

Currently there is a 500-cubic yard threshold that triggers a Special Permit for extraction and grading activities. As the Commission revises the Zoning Regulations, it should also consider requiring a special permit whenever land disturbance activities in excess of 5,000 square feet (or more than 1/10 of an acre), are proposed, with exceptions for foundations and septic systems. Integrating these requirements into the erosion, sedimentation, and grading regulations will provide a framework and rationale for these requirements.

The Subdivision Regulations require that trees over 18" in diameter be considered during development activities. The Commission should pursue efforts that will preserve mature trees to the maximum amount practicable. Where it is not possible to preserve trees, the Commission should pursue regulatory efforts to replace trees during the development process. Elm and Chestnut trees are two tree species that were commonly found throughout our region. Both species were subject to diseases that killed many trees over the last decade. Recently a disease resistant Elm tree has become available and a disease resistant Chestnut will be available in the next couple of years. The Commission will recommend that applicants make use of these species in their landscaping plans.



Sycamore Tree

### Actions for Protecting Trees

1. Encourage the Board of Selectmen to revise the tree ordinance to discourage clearcutting and to include definitions for tree harvesting, clearcutting, land disturbance and caliper.
2. Integrate tree protection measures into the soil erosion and sedimentation regulations.
3. Revise the subdivision and Zoning Regulations to require replacement of mature trees lost during the development process, as practicable.
4. Encourage the use of disease resistant Elm and Chestnut trees.

# Natural Resources Plan

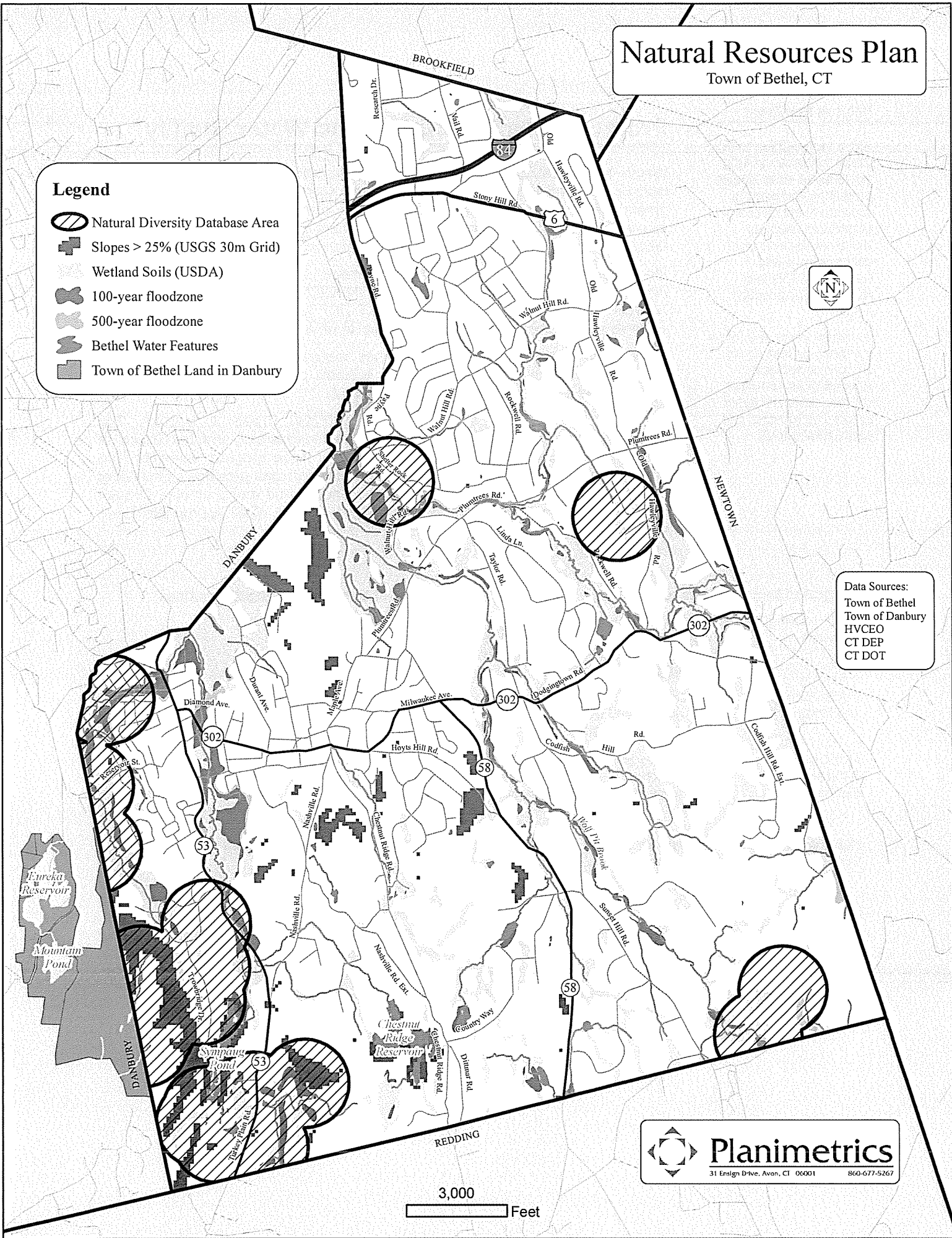
Town of Bethel, CT



Data Sources:  
 Town of Bethel  
 Town of Danbury  
 HVCEO  
 CT DEP  
 CT DOT

**Legend**

- Natural Diversity Database Area
- Slopes > 25% (USGS 30m Grid)
- Wetland Soils (USDA)
- 100-year floodzone
- 500-year floodzone
- Bethel Water Features
- Town of Bethel Land in Danbury



3,000  
 Feet

**Planimetrics**  
 31 Ensign Drive, Avon, CT 06001 860-677-5267

**Point vs Non-Point**

Since the adoption of the Clean Water Act in 1972, the focus of water quality protection had been to regulate direct discharges of pollution, such as industrial discharges of contaminants, into waterways. This was referred to as pollution points.

In recent years, the focus has been on less direct sources of pollution, referred to as non-point sources, which includes polluted stormwater and agricultural run-off.

**Protect Water Resources and Water Quality**

Water, a basic building block of life, provides drinkable water, contributes to biological diversity, and adds to the overall quality of life. Both surface and groundwater are fragile resources, which once contaminated can be lost forever as a source of potable water. Therefore, the best strategy is to protect all water resources from contamination to the maximum amount practical.

Since 1990, water quality has been regulated, in part through the National Pollutant Discharge Elimination System (NPDES) program. Phase I of the NPDES involved permits issued by the CT DEP to large municipal stormwater systems and for construction activities equal to or in excess of five acres of land.

Since 2003 Phase II of the NPDES has required regulation of even small discharges from municipal storm water systems and permits for construction activities that disturb as little as one acre of land.







There are six program elements of the NPDES Phase II program. The Commission along with the IWC, the Health Department, and the Board of Selectmen, should continue participation in all of these program elements. The following table identifies the various program elements and provides examples of Best Management Practices that should be encouraged and promoted through all available avenues and through a coordinated effort of all appropriate Town agencies.

<b>Program Element</b>	<b>Description</b>	<b>Examples of Best Management Practices</b>
Public Information and Outreach	Programs to help make the public aware and concerned about the impact of their behavior on pollution and water quality.	<ul style="list-style-type: none"> <li>• Develop an outreach program</li> <li>• Prepare information materials</li> <li>• Implement the outreach program</li> </ul>
Public Participation and Involvement	Joining forces with other groups to work toward the same goal with complementary programs.	<ul style="list-style-type: none"> <li>• Community meetings</li> <li>• Clean-up days</li> <li>• School programs and field trips</li> </ul>
Illicit Discharge Detection and Elimination	Preparing pro-active and reactive approaches to finding and eliminating untreated discharges.	<ul style="list-style-type: none"> <li>• Develop detection program</li> <li>• Develop avoidance program</li> <li>• Develop response plan</li> <li>• Implement programs</li> </ul>
Construction Run-off Controls	Programs to control erosion and sedimentation (E&S) for sites disturbing one or more acres.	<ul style="list-style-type: none"> <li>• Update erosion and sedimentation regulations</li> <li>• Review all development plans</li> <li>• Require use of prevention / management techniques</li> <li>• Regularly inspect construction sites</li> </ul>
Post-construction Run-off Controls	Reducing the amount of run-off occurring as a result of development.	<ul style="list-style-type: none"> <li>• Require infiltration</li> <li>• Minimize impervious surfaces</li> <li>• Buffer sensitive resources</li> </ul>
Pollution Prevention	Preventing pollution by municipal organizations.	<ul style="list-style-type: none"> <li>• Minimize street sanding</li> <li>• Clean up street sweepings</li> <li>• Contain possible pollution sources</li> </ul>

# Water Supply Resources Plan

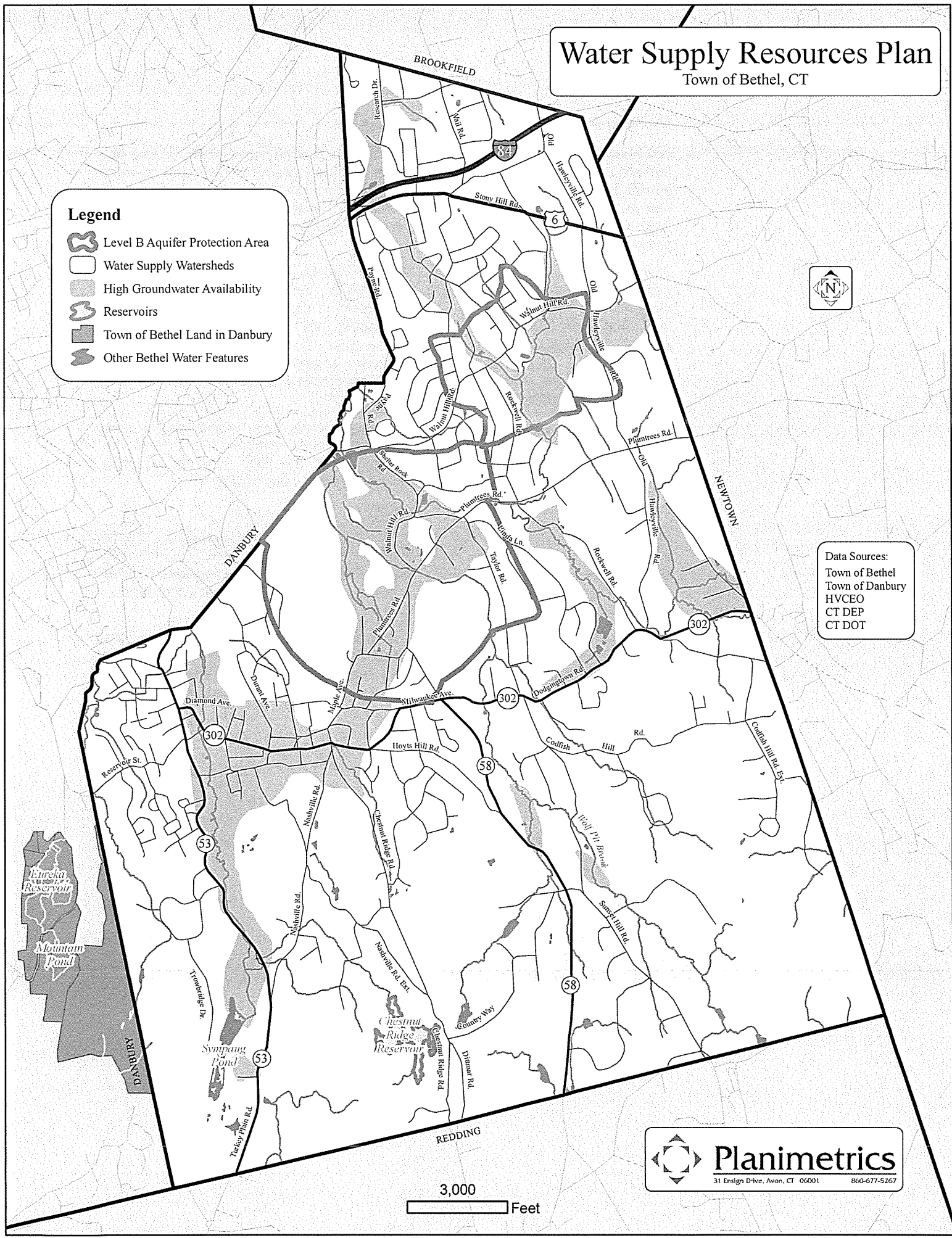
Town of Bethel, CT

**Legend**


-  Level B Aquifer Protection Area
-  Water Supply Watersheds
-  High Groundwater Availability
-  Reservoirs
-  Town of Bethel Land in Danbury
-  Other Bethel Water Features



**Data Sources:**  
 Town of Bethel  
 Town of Danbury  
 HVCEO  
 CT DEP  
 CT DOT



3,000 Feet




**Planimetrics**  
 31 Ensign Drive, Avon, CT 06001 860-677-5267

## **Protect Aquifers and Groundwater**

Wellhead areas are well sites that produce a source of public water. These are the areas that the CT DEP refers to as aquifers. Areas of high groundwater availability are areas where geologic conditions may be appropriate for the development of future public water supplies. In Bethel, the Inland Wetlands and Waterways Commission (IWC) has the responsibility for protecting aquifers and groundwater.

The Commission recommends that the IWC adopt Aquifer Protection Overlay Zones for the Aquifer Protection Areas (APA), once the Aquifer Protection mapping has been completed. Aquifer Protection zones should prescribe uses according to the potential risk each use poses. As the Commission revises its Zoning Regulations, it should ensure that our regulations addressing sedimentation and erosion control are consistent with the practices recommended and required by the 2002 Connecticut Guidelines for Erosion and Sedimentation Control.

Pollution of groundwater from incompatible land uses, accidents, or the introduction of common groundwater contaminants another concern of the Commission. The Commission recommends that the IWC consider adopting regulations to protect areas identified as high groundwater areas.

### **Develop a Septic Management Program**

Septic systems pose a threat to ground and surface water resources. Septic system failure can lead to contamination of stormwater runoff, which can contaminate drinking water supplies. Steps that Bethel can take to prevent water contamination problems include Septic Management Programs that encourage or require residents to monitor and regularly maintain septic systems.

The Commission, in cooperation with the Health Department, should evaluate the threat of septic systems on drinking water resources, and if warranted, request that the Board of Selectmen adopt and fund a Septic Management Program which would require the periodic inspection and maintenance (pumping) of septic systems.

### **Manage Underground Storage Tanks**

Underground storage tanks (UST) for residential fuel oils are another significant threat to groundwater resources. The CT DEP estimates that one in every five residential USTs in Connecticut have leaked at some point in the past. For many residents, a UST out of sight is out of mind and no thought is given to them until something goes wrong. To address this potential problem, some communities have adopted UST ordinances which may require any combination of registration, monitoring, and removal.

The Commission recommends that the IWC evaluate the threat of USTs to groundwater and ultimately all public water supply resources. If warranted by the results of the UST evaluation, the Commission requests that the Board of Selectmen adopt an ordinance that prohibits the installation of new underground oil tanks and requires the removal of existing underground residential fuel tanks to avoid pollution of water resources from tank leakage.



### **Manage Impervious Coverage**

Impervious coverage refers to areas of land which are paved or developed and which do not allow water to percolate through the soils and into ground water resources. Except for the recently enacted Designed Conservation District, there are no restrictions on impervious coverage in Bethel. The Town's Zoning Regulations address lot coverage, but this only applies to roofed buildings, and does not include driveways, patios, pools and other types of land development that prevent infiltration or increase stormwater runoff.

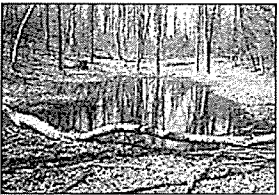
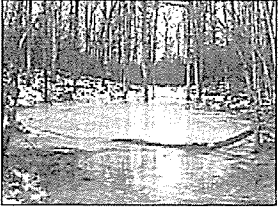
As the Commission revises the Zoning Regulations, it should encourage site designs that minimize impervious surfaces, promote infiltration and reduce runoff. The Zoning Regulations should also include impervious coverage performance objectives including the use of roof leaders, rain gardens, a minimum amount of landscaped and/or natural areas, and the use of porous paving materials to allow clean water from building roofs to infiltrate the ground. The coverage requirements should include stronger standards in environmentally sensitive areas (aquifer protection zones) and more relaxed standards in historically dense developed areas (Downtown Village area and along Route 6). Site designs that minimize impervious surfaces, promote infiltration, and reduce runoff should be encouraged.

### **Protect Public Water Watersheds and Reservoirs**

Public water supply watersheds are areas that drain into drinking water supply reservoirs. Pollution, which comes primarily from development activity, is the primary concern. Approximately 26 percent of Bethel's total land area is designated by the DEP as "existing or potential water supply watershed" (see the Water Supply Resources Plan).

Two of Bethel's reservoirs are located in Danbury, (the Mountain Pond and Eureka Lake Reservoirs) and are protected from land use activities that could potentially contaminate them. However, the Chestnut Ridge Reservoir in southern Bethel, and other DEP designated surface water supply tributary areas throughout Town, are not currently protected. Even though the Chestnut Ridge Reservoir may be put on reserve status as a future water supply, given Bethel's very limited reserve supply resource it is possible that the Chestnut Ridge Reservoir may need to be reactivated in the future. The Commission recommends that the Board of Selectmen consider acquiring the lands around the Chestnut Ridge Reservoir whenever those properties become available for sale.

The Board of Selectmen and the Commission are currently working with HVCEO to quantify future potential water resources. The results of these assessments should be used to modify and shape future land use policies and regulations, including the development of an overlay zone for all watersheds. Additional recommendations are contained in an HVCEO report entitled "Adopting a Water Supply Watershed Protection District Overlay Zone for Bethel, CT" dated October 2006. These recommendations should be implemented when the Commission revises the land use regulations.



Three Views of the Same  
Vernal Pool During  
Fall/Winter/Spring

## Protect Wetlands and Watercourses

Wetlands, which in Connecticut are defined as poorly drained areas or areas containing floodplain soils types, are the links between water and land. Wetlands are essential to the adequate supply and quality of surface and underground water; to the stability and control of flooding and erosion; to the recharging and purification of groundwater; and are vital for the existence of many forms of life.

Bethel has an Inland Wetlands Commission (IWC) which regulates specific and defined "core activities" within wetlands, and adjacent uplands within 100 feet of wetlands. The existing wetland regulations define "core activities" as activities involving the deposition or removal of 100 cubic yards or more of materials. Activities involving less than 100 cubic yards can also have significant impacts. The existing 100-cubic yard threshold is therefore allowing activities with significant impacts to both wetlands and adjacent upland areas to occur without any review or regulatory guidance.

The Commission recommends that the IWC establish a policy of no net loss of wetlands and adopt regulations that will allow for the evaluation of direct impacts to wetlands that occur outside riparian review areas. The Commission will work with the Inland Wetlands Commission to identify a lower threshold for consideration of core activities, in order to ensure that all wetlands and the adjacent upland areas are protected from development impacts to the maximum amount practicable.

## Protect Vernal Pools

Vernal pools are seasonal pools of water, found in depressions in the soil with no above ground outlet. Many species of salamanders, frogs, and insects require vernal pools for breeding and reproduction. Vernal pools support fauna specifically adapted to breed in the seasonal and cyclical nature of these unique water resources. While it is likely that there are vernal pools in Bethel, there is limited data on locations.

Vernal pools are not protected under any State or Federal program, although some species, such as the state-listed Jefferson salamander, which is a species of special concern, is dependent upon vernal pools for habitat conditions. As discussed in the section on rare and endangered species, asking applicants to confer with the DEP prior to submission of an application to the Commission can provide some protection for these valuable natural resources.

The Commission should endorse a policy of no net loss of vernal pools and should pursue a contract with a certified wetlands scientist or herpetologist to prepare a town-wide vernal pool study, identifying the probable location of existing vernal pools. As the Zoning Regulations are revised, the Commission should adopt regulations to protect vernal pools such as requiring that any development within a 750-foot radius of any identified vernal pool meet specific performance standards such as cape cod curbing.

## Manage Floodplains and Floodways

Floodplains and floodways are typically low-lying lands adjacent to rivers subject to periodic flooding. These areas should be managed to prevent water from entering the roadways from adjacent streams and brooks.

The Town's Zoning Regulations do not currently prohibit development in the floodway or the floodplains, which can impact the Town's ability to participate in the National Flood Insurance Program (NFIP). When the Commission revises the Zoning Regulations, it should carefully consider how best to manage development in these flood-prone areas. Areas within the floodplain should be excluded from the buildable land area and the Flood Plain Regulations amended to limit additional development in areas subject to flooding.

## Protect Streams

Just as a roadway network is the skeletal support for most land uses, the stream system is the backbone of the water resources. The Connecticut Department of Environmental Protection stream classification system could be considered the spine of the Town's water resource policy.

The CT DEP has developed water quality standards in conjunction with the principles of the federal Clean Water Act, as follows:

### Class AA

Designated uses are existing or proposed drinking water supply, fish and wildlife habitat, some recreational use, agricultural and industrial supply. Discharges are severely restricted.

### Class A

Designated uses are potential drinking water supply; fish and wildlife habitat; recreational use; agricultural and industrial supply; and other legitimate uses including navigation. Discharges are severely restricted. No reclassification of A or AA allowed down to B.

### Class B

Designated uses are varied and include discharges from industrial and municipal wastewater treatment facilities providing Best Available Treatment and Best Management Practices are applied. All water bodies must eventually reach the minimum standards of the B classification.

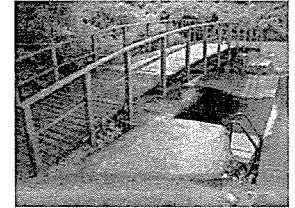
### Classes C & D

Indicates unacceptable quality. DEP will issue orders requiring improvement to Class B or Class A.

Each stream or water body in Bethel has two classifications; one for existing use and one for ultimate future use. These two classifications are written in an existing/future format such as "B/A" or "A/AA". The highest standards refer to water supply areas which provide drinkable water, or "AA" classified streams.



Flooded Street



Sympaug Brook

Streams in Bethel have been classified by CT DEP as identified in the following table, Stream Classifications in Bethel.

**DEP Stream Classifications in Bethel, CT**

Name and Description of Stream	Classifications Existing/Future
Aspetuck Reservoir tributaries reaching north into Bethel from Redding and Newtown	AA/AA
Bethel Reservoir Brook from west of Hudson Street north to the Danbury City Line	B/A
Chestnut Ridge Reservoir and its tributaries	AA/AA
Murphy Brook (aka Braunies Brook) from source in Danbury to pump station at Reservoir Street	AA/AA
Saugatuck Reservoir tributaries reaching north into Bethel from Danbury and Redding	AA/AA
Sympaug Brook from Sympaug Pond and the old Bethel Landfill flowing north to just north of railroad bridge	B/A
Sympaug Brook from just north of railroad bridge to Danbury City Line	B/B
Wolf Pit Brook and tributaries that are upstream of a point just north of the intersection of Route 58 with Hoyts Hill Road	A/AA
All other streams in Bethel including but not limited to: Chestnut Brook, Dibble's Brook, East Swamp Brook, Limekiln Brook	A/A

The Commission recommends that a Town Conservation Commission, which is discussed in greater detail in the section addressing Open Space, be charged with the task of working cooperatively with the State DEP and HVCEO to establish buffers along all streams. These stream buffers can and should become part of the Town's trail system (also discussed in the Open Space chapter). In addition, the Commission, as it revises the Zoning Regulations, will include limitations on development along all streams, particularly those classified B or better, to the maximum amount practicable.

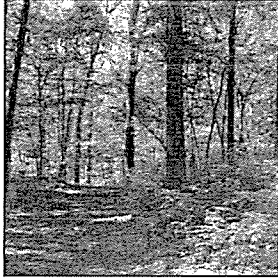
**Educate the Public**

Since human activities pose the greatest threat to water resources, the public needs to be educated about the activities that can have an impact on these vital resources. Educational strategies should be developed and a number of avenues for distributing the information should be utilized. Display tables in the library, inserts in municipal mailings, and partnerships with utilities can assist in educating the public about the importance of protecting water resources.

The Commission recommends that the Board of Selectmen distribute a flyer or mailing insert summarizing the recommendations of this Plan and provide a copy of the information to every household in Town.

## Actions for Protecting Water Resources

1. Continue to implement the NPDES program components.
2. Adopt aquifer protection regulations.
3. Revise the Zoning Regulations for consistency with the 2002 CT Guidelines for Erosion and Sedimentation Control.
4. Protect areas identified as high groundwater through the IWC regulations.
5. Assess the need for a septic management program and if warranted, develop and fund the program.
6. Evaluate the threats to groundwater from underground storage tanks (UST) and if warranted, adopt an ordinance prohibiting the installation of new USTs and requiring the removal of existing USTs.
7. Adopt provisions in the Zoning Regulations to limit the amount of pervious surfaces, including performance standards encouraging the use of roof leaders, rain gardens and other measures that limit run-off and promote infiltration.
8. Consider acquiring lands around the Chestnut Ridge Reservoir.
9. Implement the recommendations of the October 2006 HVCEO watershed protection report, including adopting a water supply overlay zone.
10. Use ongoing water resource assessments to guide revisions to land use regulations.
11. Adopt a no-net-loss of wetlands policy.
12. Lower the threshold of disturbance, for consideration of core activities in wetlands, watercourses, and upland review areas.
13. Identify significant wetlands, and all wetlands in undeveloped areas within recharge areas.
14. Establish a no-net-loss of vernal pool policy.
15. Contract a vernal pool specialist to inventory vernal pools.
16. Adopt regulations to protect vernal pools such as requiring that any development within a 750-foot radius of any identified vernal pool meet specific performance standards such as cape cod curbing.
17. Consider prohibiting additional development within floodplains and floodways.
18. Establish buffers along streams and limit development within the buffer particularly along streams classified as B or better.
19. Educate the public about the threats to and strategies available to protect water resources through mailings, flyers, and distribution of the water resource recommendations of this Plan.



# OPEN SPACE

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## Overview

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Preserving open space can conserve important natural resources, protect wildlife habitat, create more environmentally sensitive development patterns, provide fiscal benefits, protect community character and enhance the quality of life for the residents of Bethel. In addition the future residents of Bethel will need open space and this Plan is committed to providing future residents with the resources they will need.

## Open Space Definitions

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This plan refers to actual and perceived open space and defines these terms as follows:

- Permanently protected open space is referred to in this Plan as dedicated open space. It includes State-owned lands such as Huntington State Park, lands owned by local land trusts, and lands owned by private home owner associations. It should include Town-owned parks, however, as none of the Town's parks have a formal conservation easement, none can be considered permanently protected at this time.
- Managed open space refers to lands that may be used for passive and/or active recreational activities, including the Town's parks. It also refers to lands surrounding reservoirs which are managed for water quality issues. Other land use types include DOT owned right-of-way lands and cemeteries. Many of the managed open space lands in Bethel are without any formal mechanism preventing development.
- Perceived open space refers to lands that are not developed. In Bethel, the perception may be that more than 40 percent of land is "open space," because the land is uncommitted, undeveloped and appears in a natural state providing many of the benefits of open space. The majority of lands categorized as "perceived open space" are privately owned and zoned for residential uses, with approximately 20 percent owned by the Town.

## Open Space Vision

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The Commission envisions that within the next ten years, there will be significant parcels of open space in all parts of Town connected by trails, streams, and sidewalks. These open space parcels will provide both active and passive recreational opportunities. In some instances these areas will be inaccessible to humans in order to protect important resources such as water supply resources. In order to achieve this vision of a network of open space parcels connected by trails and other accessways, additional open space must be acquired. The Commission has identified those areas of Town where acquisition of additional open space is a priority, which includes:

- southwest corner of Town, including Terre Haute, Bald Rock, and Chestnut Ridge Reservoir;
- southeast corner of Town including lands adjacent to the Huntington State Park as far northwest as the intersection of Route 302 and 58;
- the area around East Swamp as far southwest as the intersection of Route 302 and 53 and as far southeast as the intersection of Route 32 and 58; and
- the northeast section of Town bounded by Route 6, Plumtrees, Rockwell, and the Town border with Newtown.

In addition, the Commission has identified approximate locations for open space connections along streams, trails, or easements, or through acquisition of additional open space parcels. These areas, identified on the Open Space Plan as Conceptual Open Space Connections, are not site specific, but do provide guidance when reviewing potential open space acquisitions. The Commission will monitor acquisitions and refine these goals as necessary. A priority will be to complete the Ives Trail connections.

## Create Connections

The physical act of connecting open space is usually accomplished with greenways (typically trails and wildlife corridors) and blueways (trails along stream belts) as well as sidewalks, and conservation easements. Interconnecting open spaces is one of the most effective ways of maximizing the benefits of open space.

Greenways and blueways can provide educational and passive recreational opportunities, benefit wildlife, and support water quality programs. A system of greenways and blueways allows wildlife to migrate between larger open space habitats. The Open Space Plan identifies existing and desirable open space parcels as well as existing and proposed greenways and blueways.

Making trail connections to the parks, the Village Center, the Educational Park, and the Ives Trail can increase passive recreational opportunities and increase the value of each piece of the open space network. The Town, ideally through the Conservation Commission, the Board of Selectmen, and our Commission, should continue to work with appropriate partners such as the Housatonic Valley Council of Elected Officials (HVCEO), the Bethel Land Trust (BLT) and PATH (Preservation Advocates for Terre Haute) to complete existing trails, like the Ives Trail. The Town and its partners should construct and maintain additional trails, including those proposed by the Town's Parks and Recreation Department and obtain conservation easements along the greenways, blueways, cemeteries, and parks. The Commission should also consider pursuing easements for trails or greenways across or at the edge of cemeteries and vacant lands to help link the existing open space network together.

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### Ives Trail

The Ives Trail is a 15-mile hiking path, which connects Terre Haute in Bethel to parks and natural areas in Ridgefield and Danbury.

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### HVCEO Proposed Trails

HVCEO has identified a number of proposed trails, greenways, and blueways, which if developed would go a long way towards connecting many of the existing open spaces in Bethel.

## Terre Haute Findings

- Development potential and access is limited by shallow depth to bedrock, steep slopes, and the presence of wetlands.
- Terre Haute has the potential to provide more economic opportunities through open space and recreational land uses than through housing or additional industrial development.
- Terre Haute and the reservoir lands are an enormous amenity for the Town with the potential for becoming a major "Gateway to Recreation."

## **Protect Significant Portions of the Terre Haute Lands**

In 1980, the Town of Bethel purchased a parcel known as Terre Haute which currently consists of approximately 255 acres located in the southwestern part of the Town and approximately 208 acres located in adjacent Danbury. The original intention was to develop some of the land for industry and economic development, preserve open space, and provide recreational opportunities for the citizens of Bethel. While the Town has developed a segment of the land as the Francis J. Clarke Industrial Park, there has been no formal action taken to preserve the open space or develop recreational opportunities.

Terre Haute is a unique natural resource in southwestern Connecticut with heavily forested land, steep slopes, vernal pools, wetlands, meadows, and significant habitat for many wildlife species, some of which are listed in the State's NDDB. In 2003, the Board of Selectmen contracted a design team from the Conway School of Landscape Design to prepare a land-use feasibility study of the Terre Haute property and adjacent reservoir land. (Findings from that report are identified in the sidebar.) With respect to the approximately 208 acres located within the city of Danbury, the Commission recommends that, in accordance with the town charter, a legal instrument, such as a conservation easement, be applied, preserving this valuable resource for passive recreation in perpetuity.

The future of Terre Haute is an important consideration for the Commission, and generates passionate discussion in Town meetings. The Commission recommends that significant portions of the Terre Haute property be permanently protected. While some development may be appropriate on a portion of the property immediately adjacent to the Francis J. Clarke Park, the Commission recommends that any development proposal also address the Industrial Park's inefficiencies related to parking, loading and infrastructure. In addition, the Commission should adopt regulations and design standards to promote and protect the environmental resources associated with these lands. The Conway report proposed design criteria for development and the Commission recommends that the criteria in the Conway report be applied to any development on the Terre Haute lands.



# Open Space Plan

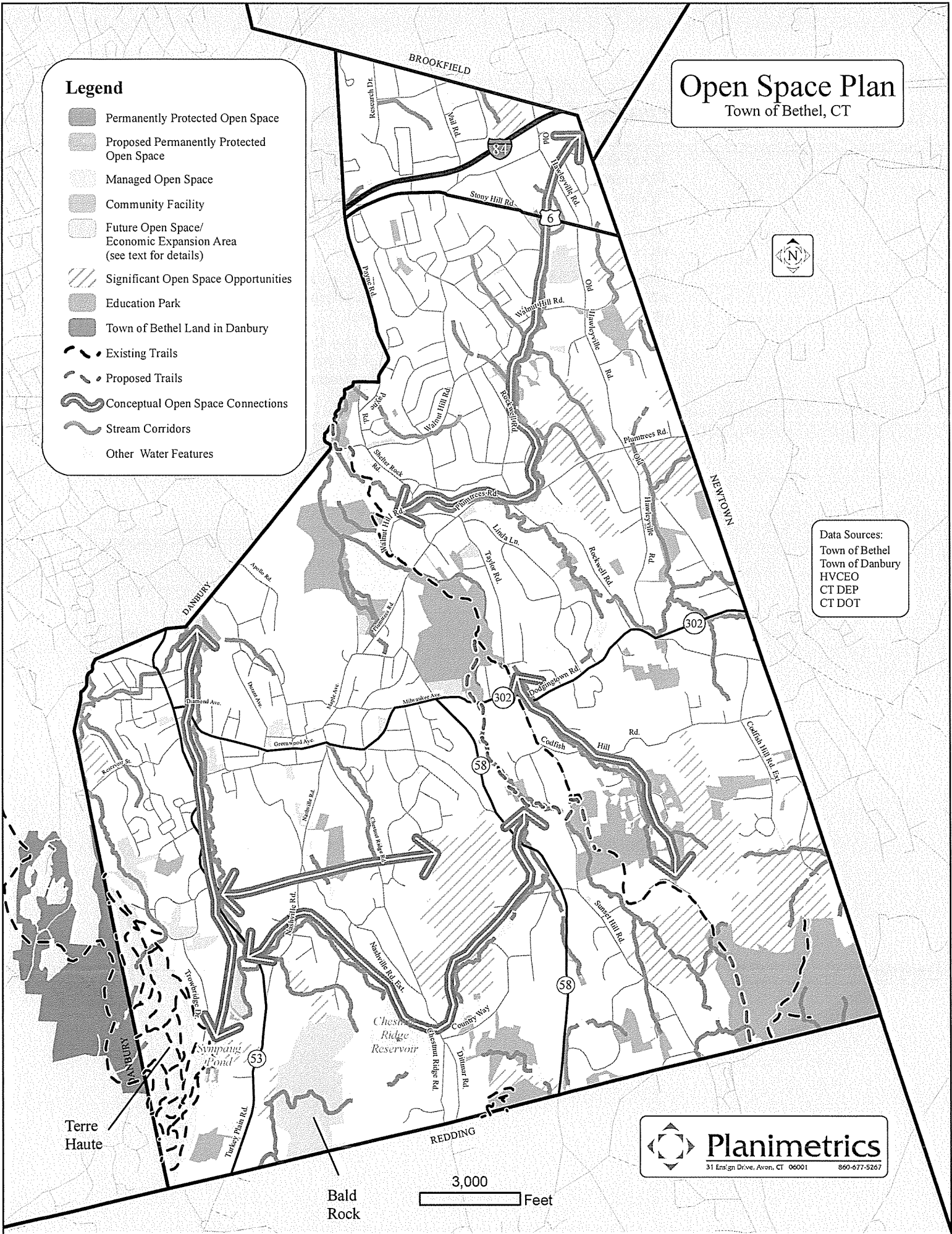
Town of Bethel, CT



Data Sources:  
 Town of Bethel  
 Town of Danbury  
 HVCEO  
 CT DEP  
 CT DOT

**Legend**

- Permanently Protected Open Space
- Proposed Permanently Protected Open Space
- Managed Open Space
- Community Facility
- Future Open Space/  
Economic Expansion Area  
(see text for details)
- Significant Open Space Opportunities
- Education Park
- Town of Bethel Land in Danbury
- Existing Trails
- Proposed Trails
- Conceptual Open Space Connections
- Stream Corridors
- Other Water Features



3,000 Feet

**Planimetrics**  
 31 Ensign Drive, Avon, CT 06001 860-677-5267

Terre Haute

Bald Rock

## **Preserve Portions of Bald Rock for Passive Recreation**

In 1984, the Board of Selectmen requested an analysis of the Bald Rock parcel to assist the Town in the development of a management plan for this 158-acre Town-owned land. A report was produced by the King's Mark Environmental Review Team (ERT). That report found that due to topographic and geologic constraints, the land would be best suited for passive recreational uses and concluded that "the Bald Rock tract has excellent potential for passive recreational use."

With judicious trail development, the site can provide an attractive area for hiking, nature study, and backpack camping. Opportunities also exist for forest management and wildlife habitat improvement.

There is no direct access to Bald Rock. The Commission recommends that, working in collaboration with the Board of Selectmen and willing land owners, lands adjacent to the Bald Rock tract be acquired to provide access for cars and hikers.

The Board of Selectmen should authorize the preparation of a management plan for this Town-owned property that takes advantage of the unique topographic and geologic resources and contributes to open space connections and resources.

## **Actions to Realize the Open Space Vision**

1. Monitor open space acquisitions focusing acquisition strategies in areas identified on the Open Space Plan as highest priority.
2. Connect open spaces along trails and stream corridors with acquisitions and easements.
3. Collaborate with adjacent towns and interested non-profit organizations to complete the Ives Trail.
4. Connect Bethel trails to the Ives Trails.
5. Permanently protect significant portions of Terre Haute, particularly on the western portions.
6. Create development guidelines for undeveloped lands in the Francis J. Clarke Industrial Park.
7. Prepare a management plan for Bald Rock that includes recreational opportunities.
8. Acquire adjacent lands to provide and improve access to Bald Rock.

## **Establish a Conservation Commission**

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While the Commission is overseeing the implementation of the Open Space vision, in the future it would be better to have a Conservation Commission charged with these tasks. The Commission recommends that the Board of Selectmen amend the Town Charter to allow for the creation of a Conservation Commission, in conformance with Section 7-131a of the CGS. Members should have expertise in land management and the ability to work cooperatively with the Commission. It will also be important to provide the Conservation Commission with appropriate authority, staff, and other resources.

One of the first tasks of the Conservation Commission should be to propose a mechanism, such as conservation easements, for Town-owned lands used as parks, to provide assurance that these facilities will be preserved for future generations for both passive and active recreational opportunities. The appropriate conservation easement should allow for some limited construction of buildings that support active and passive recreation, appropriate lighting that does not trespass off the site, and adequate parking. However, any significant development should be prohibited and the conservation easement should define the parameters of any potential development. The Commission should consider creating a Park Zoning District, as is used in communities such as Stamford, limiting development in the Park Districts.

The Conservation Commission should pursue conservation easements that help connect existing open space parcels. The Conservation Commission should also consider obtaining easements through cemeteries, particularly when the cemetery helps to facilitate open space parcels.

The Commission recommends that another goal of the Conservation Commission should be to pursue a right-of-first-refusal on significant parcels of privately owned lands that are offered for sale. Significant parcels would be those that complete connections between existing open space parcels or that provide open space in those parts of Town identified as priority areas for acquisition, as identified on the Open Space Plan.

Another task that should be addressed by the Conservation Commission should be identification of appropriate stream buffers. Stream buffers physically protect and separate a stream from disturbance or encroachment and act as a water right-of-way during floods. The streamside buffer is typically comprised of three zones: a streamside zone; a middle zone; and an outer zone. The three-zone buffer is variable in width, typically ranging between 75 and 300 feet. Variation is required to allow for protection of special areas such as wetlands and floodplain areas.

### **Actions for a Conservation Commission**

1. Establish a Conservation Commission.
2. Create conservation easements for Town-owned parks.
3. Consider a Park Zoning District.
4. Consider easements across or at the edge of cemeteries as part of the Town's trail system.
5. Pursue right-of-first-refusal for significant parcels of privately owned land.
6. Identify and define the parameters of stream buffers.

**Raising Open Space Acquisition Funds through the Mill Rate**

Average Tax Assessment	<b>\$205K</b>
Mill Rate (FY/2006 per \$1,000 of valuation)	<b>\$28</b>
Average Tax Bill per household	<b>\$5,740</b>
Average Increase per tax bill at ¼ of 1% of the mill rate	<b>\$51</b>
Approximate Amount of money that would be raised for open space acquisition annually	<b>\$351K</b>

## Acquire Open Space

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In order to implement the Open Space Plan, it will be necessary to acquire additional lands for both passive and active recreational opportunities. Bethel needs to develop a proactive land acquisition strategy because if the Town waits until a property is proposed for development, the community may miss the best open space parcels or pay excessively for them. A prudent overall land acquisition strategy can help avoid this situation. The following strategies, which should be developed and implemented through the Board of Selectmen and the Conservation Commission, with assistance from our Commission, can be used separately or in combination, to acquire additional open space.

### Apply for State Aid

The Connecticut Department of Environmental Protection recommends that by the year 2023, approximately 21 percent of the State be preserved as protected open space, with the State acquiring 10 percent and municipalities acquiring the rest. In order to assist local municipalities acquire the local share, the State has financial assistance programs for land acquisition. A requirement of the State's open space acquisition programs is that the land be identified in the Town's Open Space Plan and/or Plan of Conservation and Development. There is, typically, a requirement that the municipality contribute a portion of the funds.

The State programs promote the purchase of agricultural lands, the addition to and/or creation of contiguous open space, open space adjacent to urban areas, and compliance with local and regional conservation and development plans. The State's financial assistance programs allow communities to purchase properties that previously seemed beyond the reach of the local entity.

### Create a Land Acquisition Fund

The Board of Selectmen should establish a fund for open space acquisitions, in conformance with CGS 7-131r. These funds can be used to leverage open space grants, as required by many funding organizations. Money in a land acquisition fund can also be used to purchase open space when appropriate open space land become available.

One method is to establish an annual line item in the budget supported by ¼ of one percent of the mill rate. If this provision had been applied to the 2006 tax bill, the Town would have raised approximately \$350,000 for open space acquisition in one year (see sidebar).

Another funding tool is an open space bond, where funds can be immediately obtained and paid back over time to allow for the purchase of open space whenever it becomes available.

### Collaborate with Appropriate Partners

The Town, either through the Conservation Commission, or through our Commission, should develop collaborative relationships with willing landowners, non-profit organizations, and governmental agencies to acquire meaningful and protected open space. Organizations such as the Nature Conservancy, the DEP, the Trust for Public Land, local land trusts, and other organizations committed to land preservation are already working with us to protect specific properties. Working in partnership, and working proactively to implement the Town's long range Open Space Plan, will increase opportunities for adding desirable properties to the list of protected open spaces.

## Encourage Philanthropy

Many property owners have a spiritual attachment to their land and given a choice would prefer to see their property preserved in a way that enhances the community, if they can do so in a financially responsible manner. The active solicitation of land donations is an increasingly popular and successful open space implementation device and efforts in this direction should be promoted in Bethel. The Town, through the Conservation Commission once that has been created, and with the Board of Selectmen and our Commission, should work with landowners, land trusts, and conservation organizations to encourage the use of philanthropic donations and convert perceived open space to dedicated open space.

## Update Regulations

The Town's subdivision regulations require ten percent (10%) of lands subject to subdivision be reserved for parks or open space; or provide lands elsewhere in Town, equal in value. Open space acquired through the subdivision process must be usable for passive recreation and not be solely unfit for construction. Additionally, such open space must be deeded to an entity acceptable to the Commission. The Town has had a philosophical approach to ownership of open space that places the Town at the bottom of the hierarchy (see sidebar). The Commission recommends that this hierarchy be reviewed and possibly revised, placing the Town at the top of the hierarchy.

Some communities require as much as 20 percent of subdivided lands be dedicated as open space. Bethel should consider revising the subdivision regulations to require that at least 15 percent of any subdivided parcel be dedicated as open space during the subdivision process, or an equivalent fee-in-lieu be provided.

## Encourage Conservation Residential Developments

In addition to conventional and mandatory open space set-asides, there is another "no-cost" option for preserving more open space during the development process. Conservation Residential Developments (CRD) allow reduced frontages and lot sizes in return for preserving more open space. By permitting development flexibility in return for preserving more open space, developers unencumbered by conventional zoning requirements are able to set aside additional and often more significant open space.

To encourage the use of CRDs, the Commission should consider CRDs as-of-right and require a Special Permit for conventional subdivisions in the R-40 and R-80 Zoning Districts. By adopting density standards for CRD and applying them to the buildable land within a CRD, a development yield approximating a conventional subdivision can be easily determined without the added expense of additional soil testing and preliminary subdivision designs. The increased development flexibility, reduced infrastructure costs, and streamlined approval process would make CRDs the preferred development option. More detailed information on these regulatory approaches is discussed in the Residential Development chapter.

## Hierarchy of Preferred Open Space Ownership

The following is a summary of the Town's Subdivision Regulations (§95.10.A) relative to preferred ownership and management of Open Space Lands:

- Bethel Land Trust
- Home Owners Associations with conservation easements
- Other Land Trusts
- Town of Bethel

## Fee-In-Lieu

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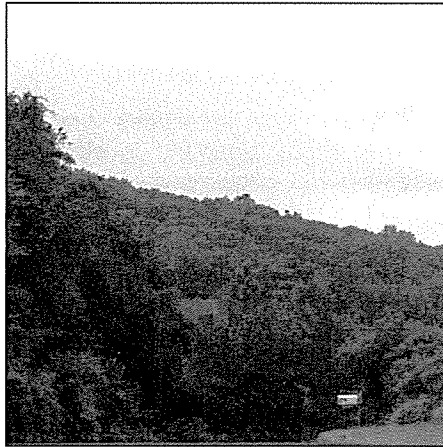
A fee-in-lieu is an acceptable approach, particularly if the lands in question do not contribute in a meaningful way to the Town's existing open space network, as determined by the Commission. This approach will become even more meaningful with an adopted Open Space Plan that clearly identifies criteria for desirable lands.

## Promote the Benefits of PA 490

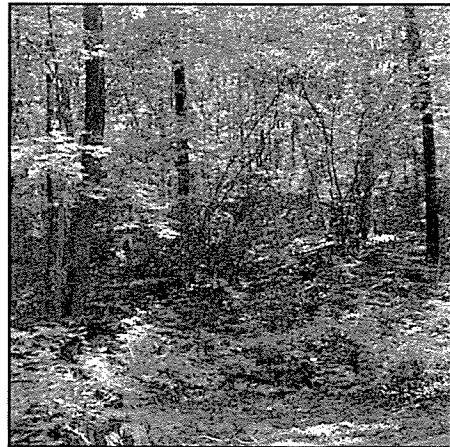
Public Act 490 (PA 490) is a State authorized, locally managed assessment program that can be effective in reducing the cost of owning large tracts of land used for forest, farm land, or open space preservation. This program allows for reduction of property taxes on applicable properties. The Board of Selectmen and the Assessor's Office should promote this program particularly with owners of large tracts of undeveloped lands. Although it does not provide for permanent protection, it does allow owners of large properties to hold onto properties that add to the perception of open space.

## Actions for Acquiring Open Space

1. Develop funding strategies for open space land acquisition.
2. Apply for state aid, using this Plan as a tool.
3. Create a land acquisition fund with small percentage of the mill rate (1/4 of one percent) and through bonding.
4. Collaborate with appropriate partners.
5. Encourage philanthropy of Bethel residents and property owners to increase land donations to the open space plan.
6. Increase the open space requirement of subdivided lands.
7. Encourage conservation residential development.
8. Promote the benefits of PA 490.

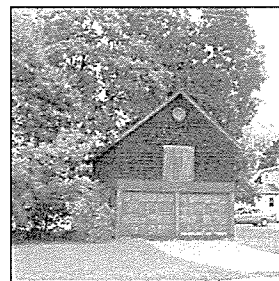


Terre Haute Hillside



Terre Haute Path

# HISTORIC RESOURCES



## Overview

Bethel's historic resources are a significant component of the Town's character. Successfully protecting these resources will contribute to Bethel's unique sense of place for years to come.

## Identifying Historic Resources

Various dictionaries define "historic" as anything having importance in or influence on history. The National Trust for Historic Preservation takes a broader approach asking not whether a building is historic but whether it is worth saving because of its architectural character. Many buildings in Bethel fit this broader definition because their destruction and/or replacement with contemporary structures would ultimately alter the character of the Town.

In Bethel, there are several recognized historic resources, identified in the sidebar and the Historic Resources Plan, which include the Library, the Ely House and the Greenwood Historic District all listed on the National Register of Historic Places (NRHP). There are two additional structures listed on the State Register of Historic Places.

Other historic resources, with no official historic status, include Victorian homes along Grand Street and many historic homes throughout the Town. While some of Bethel's historic resources are officially recognized, there is currently no mechanism in place that ensures that the many historic resources in Bethel will be preserved. If not adequately protected, these resources could be lost forever. This chapter suggests a number of strategies to provide protection for Bethel's many historic resources.

## Complete a Historic Resources Inventory

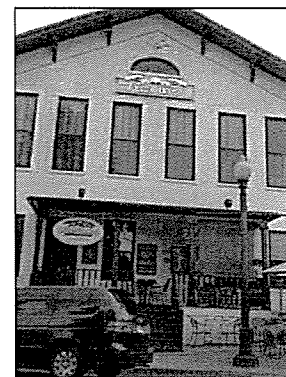
A comprehensive town-wide inventory was begun several years ago and should be completed to identify all architecturally and historically significant structures. The State provides financial assistance for the preparation of a historic resource inventory. The Board of Selectmen should apply for State assistance to complete the inventory.

## Actions to Identify Historic Resources

1. Complete and maintain the historic resources inventory.
2. Apply for State assistance to complete the inventory.
3. Consider creating a local registry of historic places.
4. Publicize events and programs for historic preservation in collaboration with the Bethel Library, the Historical Society, and the Board of Selectmen.

## Bethel's Recognized Historic Resources

Seth Seelye House aka  
Bethel Library  
Rev. John Ely House on  
Milwaukee Avenue  
1<sup>st</sup> Congregational Church  
at 46 Main Street  
1842 2<sup>nd</sup> Meeting House at  
40 Main Street  
Greenwood Avenue  
Historic District running  
along Greenwood  
Avenue and South  
Street from Nashville  
Road and the P.T.  
Barnum Square on the  
east to the railroad  
tracks on the East.



Old Opera House

## **Certified Local Government Status**

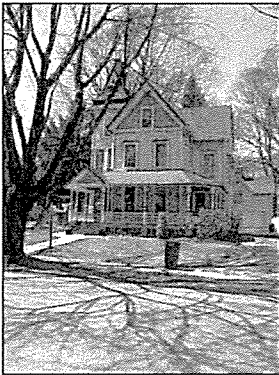
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Once the Town creates a local Historic District it will become eligible for certification as a Certified Local Government, and is able to establish a Historic District Commission, which is able to apply for grants for educational and rehabilitation purposes.

## **Provide Financial Incentives**

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The Board of Selectmen can provide economic incentives such as tax abatements for the restoration or improvement of historic resources, provided such improvements do not compromise the architectural or historic integrity of the property.



**Historic Victorian**

## **Support Local Historic Preservation Efforts**

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Bethel has a local Historical Society which provides information and education, but has no authority and limited access to financial resources. The Commission recommends that the Historical Society consider developing a local Registry of Historic Places, which is a voluntary program that involves the placement of a small placard on historic structures or locations to indicate the original owner and date of activity. While adding no legal protection for a property, this program provides visibility for historic resources and can instill pride in ownership and encourage additional preservation efforts.

The Commission also recommends that the Historical Society continue to provide educational programs, technical assistance, and information about the types of financial assistance available to historic property owners. The Historical Society, in collaboration with the Board of Selectmen and the Library, should publicize events and programs so that a wider audience is exposed to the efforts of this local, volunteer-run organization.

## **Establish Local Historic Districts**

Local Historic Districts (LHD) should not be confused with National Register Districts (NRD). Although both are listed on the State Register of Historic Places, they are structured very differently. A LHD is established and administered by a local Historic District Commission to protect the distinctive and significant characteristics of a listed area. New development and renovations to existing structures need to be compatible with the area's historic distinctiveness.

Establishing a local historic district requires adoption of a local ordinance (approved by the local legislative body) and approval by two-thirds of the properties to be included in the district. A local historic district, under the auspices of a local Historic District Commission, provides the highest level of regulatory protection for historic resources. Generally, any activity that affects the exterior of a property must obtain a Certificate of Appropriateness from the local Historic District Commission.

This approach has been successfully adopted in neighboring communities such as Brookfield, New Fairfield, New Milford, and Southbury. While the scope of historic district regulations varies from district to district, the intent is typically to ensure that repairs and improvements do not harm the architectural character of properties or the district. Preservation-minded property owners within local historic districts often appreciate the assurance that their investment in maintaining and rehabilitating their property is protected by the continued historic and architectural integrity of neighboring properties. The Commission recommends that efforts by the local Historical Society to establish a LHD be supported by the Board of Selectmen.

## **Encourage Stewardship of Private Structures**




Property owners who are emotionally and financially committed to maintaining a historic resource are the most effective source for protecting and preserving historic properties. Sensitive stewardship programs should be encouraged since without the willing participation of the property owner, no regulatory or incentive program can prevent the loss of these resources from demolition or neglect. The Historical Society, with support from the Board of Selectmen, can spearhead these efforts. Annual awards for most improved property can help stimulate rehabilitation efforts.

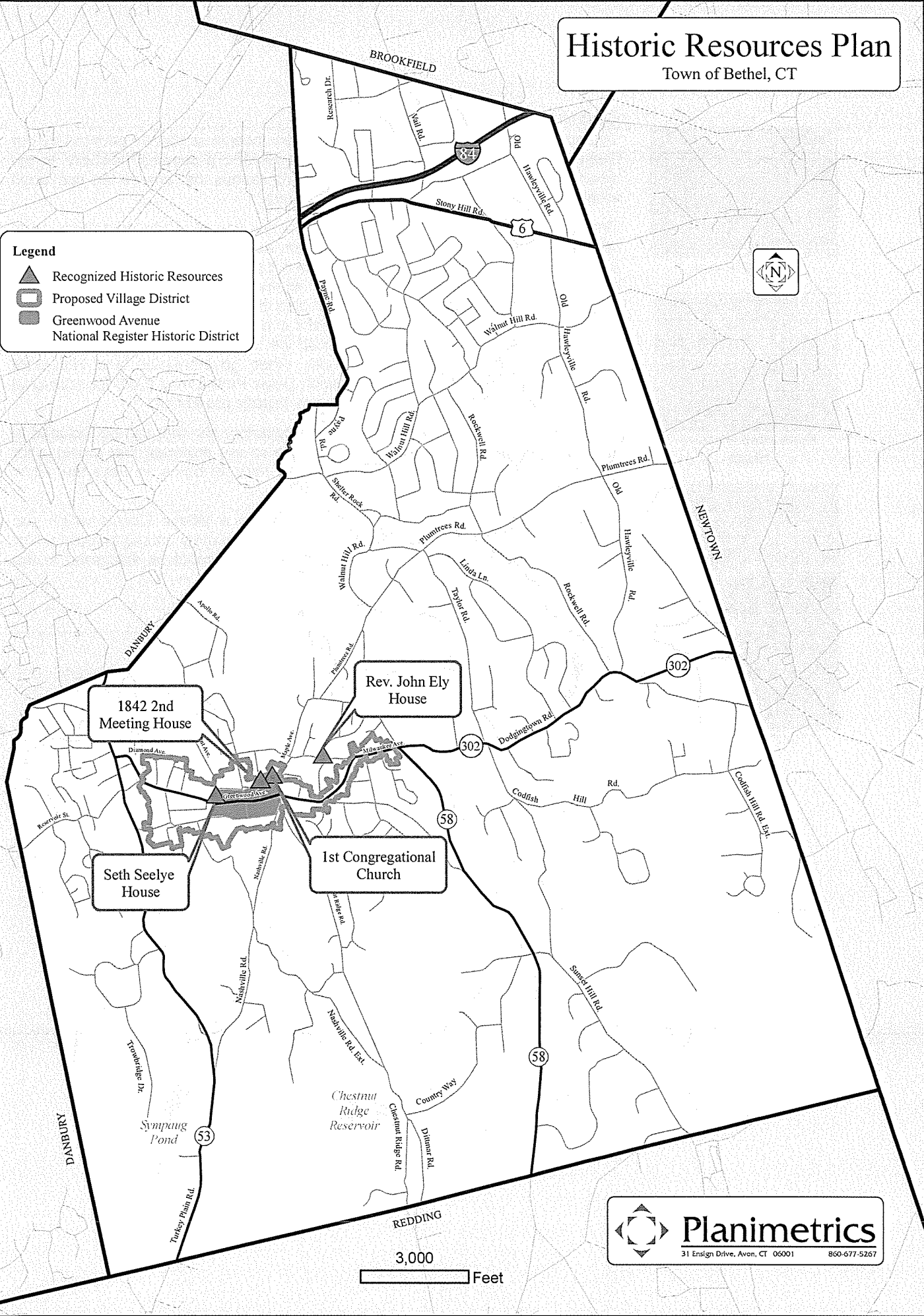


# Historic Resources Plan

Town of Bethel, CT

### Legend

-  Recognized Historic Resources
-  Proposed Village District
-  Greenwood Avenue National Register Historic District

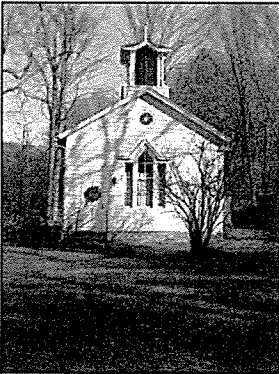




Historic House



Renovated Historic Home



Historic School

### Consider Regulatory Approaches

To encourage historic preservation, regulatory incentives can be adopted by our Commission to give owners of significant historic properties flexibility in re-tenanting their properties in return for making repairs that ensure the continued architectural and historic integrity of the property.

One regulatory tool that Bethel currently makes use of is the demolition delay ordinance. This ordinance requires as much as a 90-day waiting period before historic buildings can be demolished. While not preventing demolition, the waiting period allows the opportunity to seek alternatives such as purchasing the property, relocating the structure(s), or at a minimum, salvaging architectural components. This tool has been successful in protecting some historic resources and the Commission recommends that we continue to make use of this ordinance. Working collaboratively with other governmental and non-profit organizations to publicize each Demolition Delay Permit may allow for additional assistance in the preservation of threatened historic properties.

The Commission should consider another regulatory tool that can be included in the Zoning Regulations, which is an adaptive re-use provision that provides for redevelopment of historic properties, such as mills, or barns, in ways that allow for modern land uses in historic structures.

The Commission is also considering establishing a Village District which can provide protection for historic resources through regulatory criteria allowed under CGS 82-j. A more detailed consideration of the approach is discussed in the Development section of this Plan.

### Actions to Protect Historic Resources

1. Consider establishing Local Historic Districts.
2. Encourage sensitive stewardship programs and reward outstanding efforts.
3. Continue to use the Demolition Delay provisions with increased public notice.
4. Revise the Zoning Regulations to include adaptive reuse strategies.
5. Consider Village District regulations for historic protection.

# COMMUNITY CHARACTER



## Overview

Community character is typically a reflection of the physical resources and appearances of a community. Preserving and enhancing community character was identified by Bethel residents as an important issue to address during the planning process. While there is no accepted definition of what constitutes community character in Bethel, it is believed to include the following physical characteristics.

Category	Resource	Description
<b>Enhancing</b>		
	<b>Natural / Scenic Resources</b>	Forests, hillsides, wetland areas, meadows, ridgelines and scenic features (vistas, stone walls, barns, fences)
	<b>Open Space</b>	Dedicated, protected, and managed open spaces and undeveloped land
	<b>Historic Resources</b>	Historic resources that contribute to a sense of history
	<b>Community Structure</b>	Village Center, Stony Hill Corridor, densely developed areas adjacent to commercial centers and forests and meadows in the outlying parts of Town.
<b>Enhancing or Detracting Depending on a Number of Factors</b>		
	<b>Residential Development</b>	Older homes and neighborhoods establish character, new developments can detract
	<b>Business Development</b>	Walkable village area enhances character, "strip development" can be seen as detracting
	<b>Community Facilities</b>	Community facilities / services can enhance or detract from community character
	<b>Transportation</b>	Streets, sidewalks, and other transportation facilities can affect community character
	<b>Community Design</b>	Architectural styles can complement Bethel's identity as an historic New England town

Strategies throughout this Plan have been made with consideration of how they may affect community character and enhance the overall quality-of-life in Bethel.

## Encourage Community Spirit

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Community spirit is directly related to how people feel about their community and how it presents itself to the outside world. Community spirit tends to be a reflection of the emotional or social connections that people feel about their community. When nurtured, this spirit permeates the community and creates a culture of positive results.

Bethel should focus on enhancing community-wide quality of life by encouraging values that support the preservation and enhancement of community character, and which strike a balance between competing values, such as lower taxes and better town services. Over the years, the tireless devotion of residents have preserved community character, built community spirit, and allowed the Town of Bethel to do more with less financial resources. The following table identifies some of the resources that contribute to community spirit in Bethel.

### Enhancing

<b>Unique Events</b>	Events such as the St. Mary's Carnival and the Downtown Spring Festival where residents join in a common activity
<b>Volunteerism</b>	Volunteers on boards and commissions and volunteer organizations help Bethel do more for its residents, making it a special place
<b>Philanthropy</b>	Voluntary donations of time and money help make Bethel a special place
<b>Shared Visions / Goals</b>	Establishing and attaining shared visions and goals
<b>Open Communication</b>	Discussion of community issues and priorities is an important part of community spirit
<b>Positive Recognition</b>	Positive recognition of local activities and events helps build community spirit and pride

### Detracting

<b>Negative Communication</b>	A lack of communication or negative communication can undermine community spirit
<b>Negative Recognition</b>	Negative recognition of a community can undermine community spirit and pride

Activities that contribute to community spirit should be encouraged since these activities will contribute to the overall quality of life in Bethel. Volunteer efforts are enhanced by positive publicity and recognition by elected and appointed officials. Recognizing and celebrating the efforts of volunteer contributions through events such as an annual picnic, a "hometown hero's plaque," and /or a "volunteer of the year" goes a long way towards encouraging additional efforts.

### Actions to Encourage Community Spirit

- |  |
|--|
| <ol style="list-style-type: none"><li>1. Promote unique Bethel events.</li><li>2. Regularly recognize volunteer efforts.</li></ol> |
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## Protect Scenic Resources

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Bethel's numerous scenic qualities are important elements of the community's character. Fields, stone walls, and pastoral views, remnants of the Town's agricultural heritage, contribute to quality of life and rate high among resources valued by Bethel residents. Like the Town's other important resources, if not adequately protected, they could disappear forever.

### Preserve Scenic Vistas

Preservation of the Town's many scenic vistas is an important recommendation of this Plan. Vistas should be considered in development decisions as they provide visual relief. The existing land use regulations provide for some consideration of scenic features, but many of the Town's scenic features have not been formally identified, making it difficult to incorporate scenic vistas into the design phase and as a result, they were often overlooked.

The Character Resources Plan element of this Plan identifies a number of important scenic vistas. Property owners and developers should be encouraged to preserve these vistas. When they have knowledge about the location of vistas important to the community, applicants will often willingly include them in the design phase, since they can contribute positively to the design of the project. When development threatens an identified scenic vista, the Commission and the applicant should work together to develop appropriate mitigation measures. The Commission, perhaps with the assistance of the Conservation Commission, should update the scenic resources component of the Character Resources Plan accordingly.

### Adopt a Scenic Roads Ordinance

Bethel has scenic roads throughout the Town, many lined with stone walls, some shaded by majestic trees others offering stunning vistas or along pastoral meadows and fields. The scenic qualities of these roads should be protected to the maximum amount practicable. Preservation of scenic roads can be supported by Connecticut State Statutes (CGS 7-149a), which allows for some scenic roads meeting specific criteria (see sidebar) to be identified as official Scenic Roads. The adoption of scenic road ordinances have been popular in the area, with Danbury, Brookfield, Newton, and Redding having scenic road ordinances in place.

By adopting a scenic road ordinance and designating a certain road as a scenic road, a municipality may regulate improvements or changes to the roadway, which would otherwise alter its character. Widening, paving, straightening, changes in grade, and removal of mature trees or stone walls, whether by the municipality or a property owner, can all affect the character of a road. A scenic road ordinance does not interfere with normal maintenance activities, nor prevent essential safety improvements or the construction of new roads or private driveways that intersect with the designated scenic roads. The Commission recommends that the Board of Selectmen adopt a scenic road ordinance.

### Actions for Protecting Scenic Resources

1. Adopt and maintain the scenic resources component of the Community Character Plan.
2. Work with applicants to protect scenic resources.
3. Consider adopting a Scenic Road ordinance.

### Possible Scenic Roads

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- Codfish Hill Road
- Chestnut Ridge Road
- Plumtrees Road
- State Road 58
- State Road 53
- Sunset Hill Road

### Scenic Road Criteria

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Designation as a scenic road includes a requirement that at least 50 percent of the landowners with road frontage support the Scenic Road designation. In addition, the road must meet at least one of the following criteria:

- Unpaved
- Bordered by nature
- Traveled portion no more than 20 feet wide
- Offers scenic views
- Blends naturally into the terrain
- Parallels or crosses brooks, streams, lakes, or ponds

## Benefits of the State Farmland Preservation Program

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- Allows farms to remain in private ownership and to be farmed in perpetuity.
- Prevents farmland from ever being developed.
- Provides farmers with an influx of cash, eliminating the need to sell all or part of a farm for development.
- Reduces the taxable values of the land, making farming more viable.



Blue Jay Orchards

### PA 490

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PA 490 allows local tax assessors to assess lands that are in agricultural production, forested, or other locally determined undeveloped states, at a lower rate than developed land. This provides private landowners with incentives to keep land undeveloped.

## Preserve Bethel's Agricultural Character

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Farming operations played a major role in Bethel's history, with most land outside of the Village Center in self-sufficient farms until the 20th century. Today, only a handful of working farms remain in Bethel, mostly dependent on tourist and retail supported operations. However, the agricultural character of the Town is still evident and steps should be taken to preserve this piece of Bethel's past, which contributes positively to Bethel's community character. There are several programs available for farmland preservation, and the Commission encourages farmers and landowners to make use of these programs whenever and wherever possible.

### Provide Flexibility for Farmers

To remain viable, some farmers have diversified their farms to include educational and recreational components including corn mazes, hayrides, and maple sugaring operations, as well as retail components such as farm stands, dairy stores, nurseries, bakeries, wineries, and restaurants showcasing farm products. When the Commission revises the Zoning Regulations, it should provide additional flexibility for agricultural uses by permitting many more farm related activities as by-right accessory uses including craft products and farm products from other farms, and only use the Special Permit process when absolutely necessary.

### Promote the Benefits of Public Act PA-490

Public Act 490 (PA 490), discussed in the Open Space section, is a State authorized, locally managed assessment program that can be effective in reducing the cost of owning farmland, by allowing the Town Assessor to reduce property taxes on land used for farming. Many owners of large properties make use of this tool. The Commission encourages the Board of Selectmen and the Assessor's office to work together to ensure that property owners with properties that conform to the locally developed PA 490 criteria are aware of the benefits of this program.

### Promote the Farmland Preservation Program

The State Farmland Preservation Program is a voluntary program wherein the State Department of Agriculture purchases the development rights to the land and the land is kept in agricultural use. One of Bethel's largest farming operations, the Blue Jay Orchards, is in this program.

### Collaborate with Agricultural Trusts

Agricultural land trusts are dedicated to holding and leasing farmlands, and offer another alternative to preserving agricultural lands. The American Farmland Trust operates nationwide to preserve farms and address farmland issues while the Working Land Alliance has recently established the Connecticut Farmland Trust for the donation of agricultural land and preservation funds. Such organizations make ideal stewards to own and maintain the productive use of preserved farmland.

### Support the Local Farmer's Market

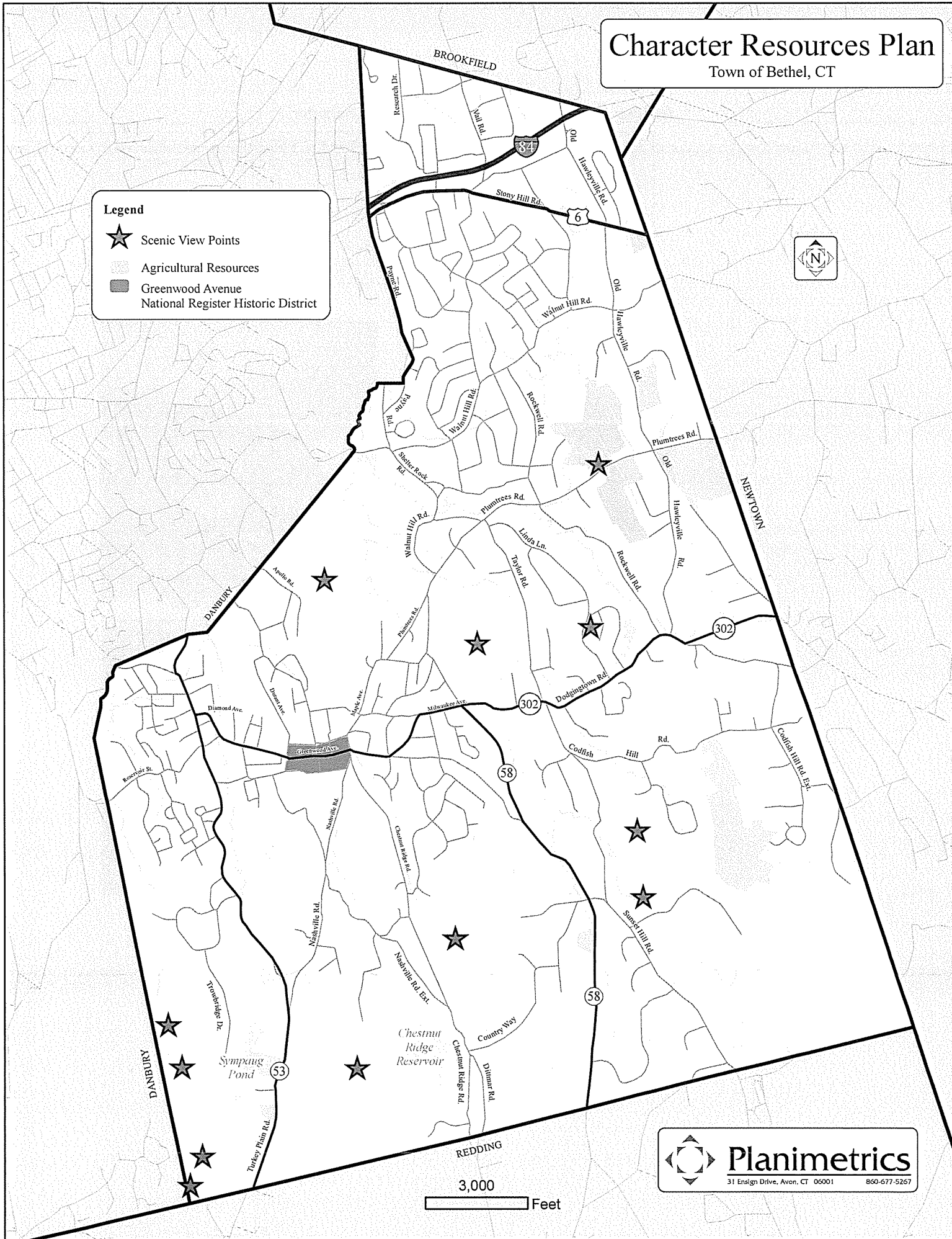
Farmer's markets support farms and preserve agricultural heritage. A farmer's market can be found, seasonally, at the State Agricultural Extension Service property on Route 6. The Board of Selectmen and the EDC should promote this local venue.

# Character Resources Plan

Town of Bethel, CT

## Legend

- ★ Scenic View Points
- ▨ Agricultural Resources
- ▨ Greenwood Avenue National Register Historic District



3,000 Feet

**Planimetrics**  
31 Ensign Drive, Avon, CT 06001 860-677-5267

**Actions to Support Bethel's Agricultural Character**

- 1. Provide flexibility in the Zoning Regulations for agricultural uses including crafts, products from other farms and more as-right accessory uses.
- 2. Promote the benefits of PA 490.
- 3. Encourage use of the Connecticut Farmland Preservation Program.
- 4. Collaborate with appropriate partners to protect farmland.
- 5. Support the local farmer's market.



Blue Jay Orchard Windmill



Blue Jay Orchard Barn



Nursery



Farmer's market



## **Protect Stone Walls, Foundations, and Bridges**

Scattered throughout Bethel are foundations of structures long since vanished. At first glance, many of these old stone walls and foundations look like nothing more than a pile of stones. However the location, dimensions, structure, and material of these foundations are an archeological key to Bethel's past.

Some communities have enacted ordinances to protect stone walls from unnecessary demolition. Without depriving citizens' use of their property, or detracting from the property's value, these ordinances provide a process to identify, protect, and preserve stone walls of historic, aesthetic and/or cultural merit. The purpose of a stone wall ordinance should be to preserve highway boundary stone walls; prevent the scavenging and destruction of historic stone walls during subdivision of agrarian land; preserve the scenic qualities of roads lined by stone walls; and regulate excavations adjacent to stone walls. Bethel should adopt a stone wall preservation ordinance that addresses these purposes.

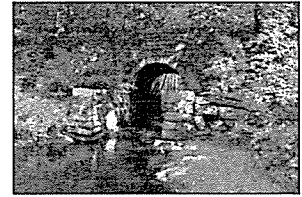
### **Complete Bridge Improvements**

Within Town-owned rights-of-way are several stone bridges in need of repair, some of them well over 100 years old. These old stone bridges are an important element of the Town's character and should be preserved for future generations. The Town Engineer's office maintains a database of the bridges with information on capacity, structural deficiencies and needed improvements.

State and Federal funds are sometimes available for bridge repair and replacement. The Town, through the Town Engineer's office, should continue to work with its partners at the Regional, State and Federal levels to access transportation enhancement funds and historic preservation grants that can be used for bridge enhancements. As matching funds are typically required for these particular grants, the Board of Selectmen should consider identifying a yearly line item for bridge maintenance of approximately \$50,000. Bridge maintenance should be more highly prioritized in order to preserve these unique bridges and reduce the possibility of replacement with modern structures.

### **Actions for Protecting Stone Walls, Foundations and Bridges**

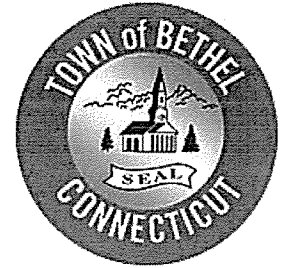
1. Consider a historic stone walls and foundations ordinance.
2. Maintain the historic stone bridges.
3. Create a line item for maintenance of historic bridges.



**Historic Stone Bridge**

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# DEVELOPMENT THEMES



## Overview of Development Themes

The next several chapters address development policies and patterns affecting the Town of Bethel as the Plan of Conservation and Development was being prepared.

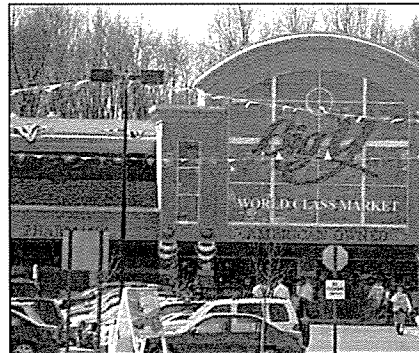
Unless additional development in Bethel is guided appropriately, areas of forest, meadow, and wildlife habitat could disappear, and historic resources could be damaged or destroyed, altering the character of the Town. The strategies in this section are guided by the vision that Bethel has appropriate development providing a range of goods, services, and employment opportunities, that areas with existing infrastructure are the densest parts of Town

*"Growth is inevitable and desirable, but destruction of community character is not. The question is not whether your part of the world is going to change. The question is how."*

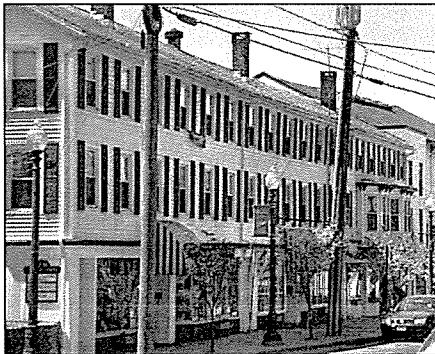
Edward T. McMahon, The Conservation Fund



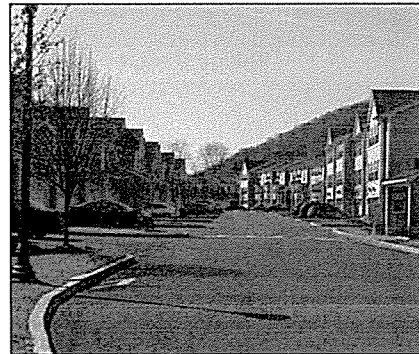
Residential Development



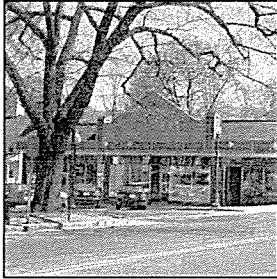
Commercial Development



Village Development



Moderate Density Housing



# COMMUNITY STRUCTURE

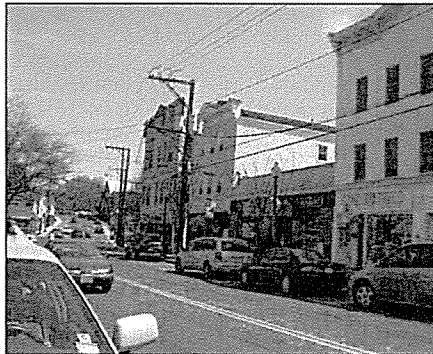
## Overview

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Community structure refers to the physical organization of the developed areas of a Town and provides a guide for future land use policies and regulations.

In studies of community structure and character, people feel most comfortable and identify most strongly with specific focal points in a community. These focal points provide the community with its unique “sense of place.” If one examines Bethel’s structure from an aerial perspective, the following elements, which can be traced back to Bethel’s historical development, become apparent:

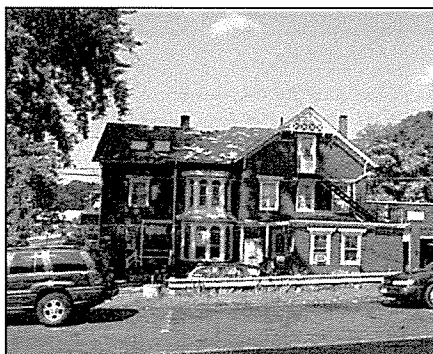
- strong mixed-use Village Center;
- secondary commercial districts along Route 6 and Grassy Plain;
- densely developed residential areas adjacent to the commercial districts; and
- decreasing residential densities in other outlying areas.



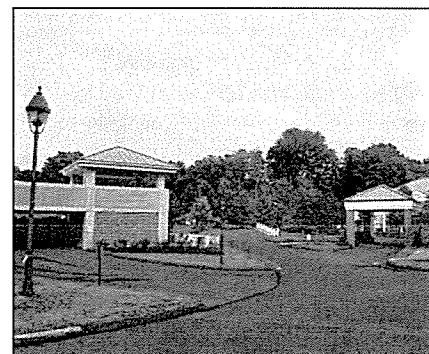
Village Center



Route 6



Downtown Mixed-Use







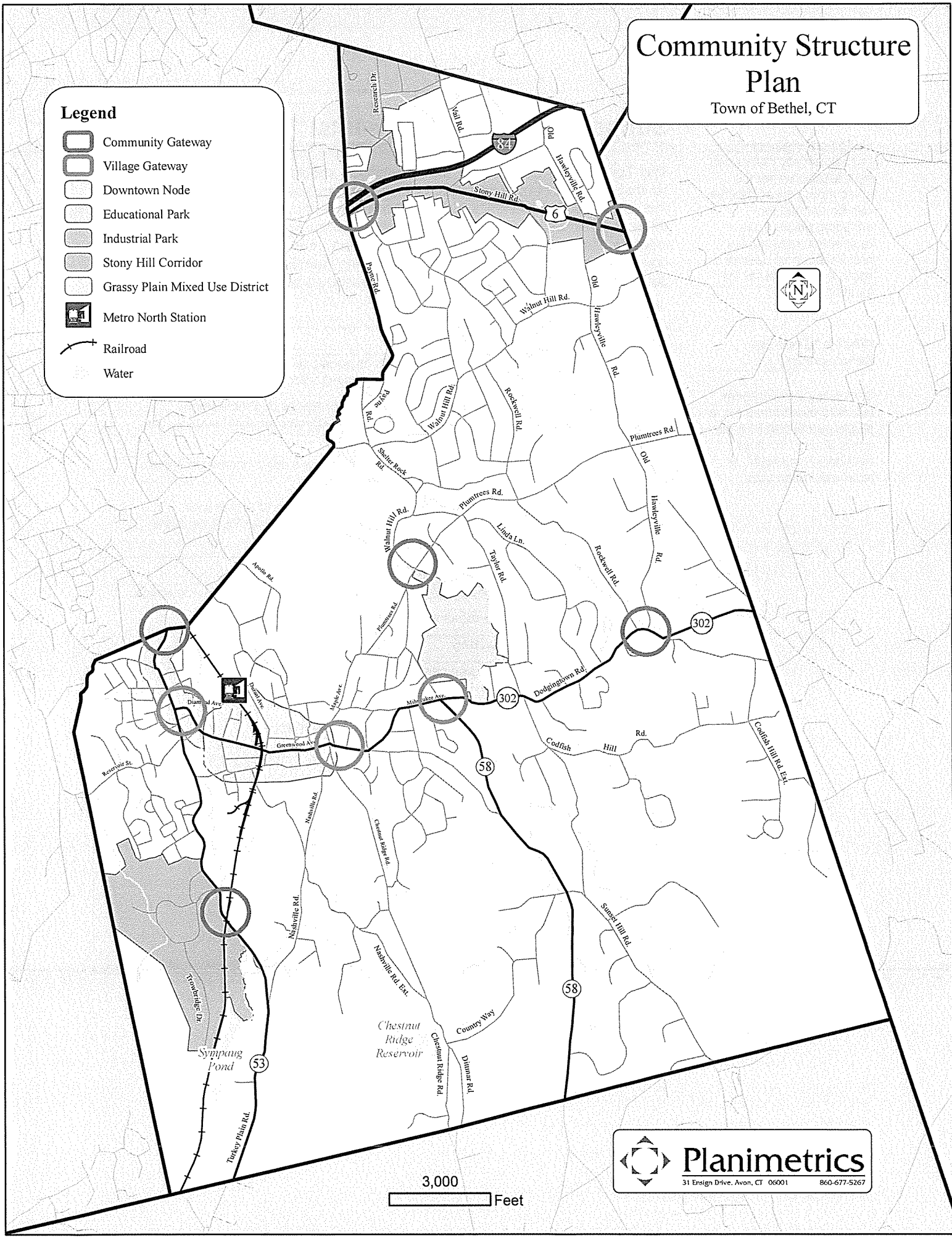
Stony Hill

# Community Structure Plan

Town of Bethel, CT

## Legend

-  Community Gateway
-  Village Gateway
-  Downtown Node
-  Educational Park
-  Industrial Park
-  Stony Hill Corridor
-  Grassy Plain Mixed Use District
-  Metro North Station
-  Railroad
-  Water



3,000 Feet



**Planimetrics**  
 31 Ensign Drive, Avon, CT 06001 860-677-5267

### What are Nodes?

Nodes are areas of more intense activity that serve as a focal point for the surrounding areas. Nodes can be defined as including office, retail, residential, recreational, and institutional uses at a scale appropriate for the location.

### What is Mixed-use Development?

Mixed-use development refers to development of a single parcel that includes a mix of uses such as residential and retail, or retail and office uses.

## Support Enhancing Elements

The Town's land use policies and regulations should guide future development so that it is compatible with Bethel's unique character and structure. Elements that enhance community structure should be encouraged and elements that detract community structure should be discouraged and/or avoided. The following table identifies those elements that can enhance a community's character and which should be supported. Also identified are those elements that detract from the desired character and which should be minimized.

Element	Description
<b>Enhancing Community Elements</b>	
Nodes	Identifiable focal points or places with distinctive characteristics and more intense development, such as the Village Center.
Cluster / Campus	Neighborhoods, educational or business development identifiable by use, location, character, or style, such as the Educational Park.
Greenbelts	Greenways, trails, stream belts, and other contextual linear elements such as the Ives Trail.
Gateways	Places providing a clear sense of entry or arrival with landscaping or signage, such as the Sycamore Tree at the intersection of Routes 53 and 302.
<b>Detracting Community Elements</b>	
Strip Development	Linear areas, usually commercial, with automobile-orientation.
Sprawl	Large areas with little variation in style or character.
<b>Either Enhancing or Detracting</b>	
Roads/Railways	Roads and railways can be positive or negative elements.

### Actions for Enhancing Community Structure

1. Maintain and enhance the strong, mixed-use node in the Village Center.
2. Support cluster and campus development that includes design considerations.
3. Promote greenways, blueways, and other linear elements.
4. Create design plans for gateways.
5. Maintain the gateways.
6. Avoid sprawling development patterns in areas without public infrastructure.
7. Manage conflicts between roads, railways, and adjacent land uses.

## Enhance the Village Center

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The Town's historic Village Center is a vibrant node that contributes positively to the community's character. Preserving and enhancing the character and structure of the downtown is an important recommendation of this Plan. A vibrant Village Center may also be an important economic development tool and additional strategies to encourage increased economic vitality in the Village Center, are discussed in the discussion about encouraging quality design.

### Continue Streetscape Improvements

In order to support the pedestrian friendly environment that exists in the Village Center today, Zoning Regulations, grants for streetscape improvements, and other tools that promote an active streetscape should continue to be utilized. The streetscape improvements that were added to parts of Greenwood Avenue a few years ago should be extended throughout the Village Center. Maintaining an attractive and safe environment for pedestrians will encourage shoppers to window shop which can lead to visits and purchases at additional stores, contributing to a vibrant Village Center that supports the local retailers. The EDC should consider working with local banks to identify low-interest loans, which could be used in conjunction with grants, for façade improvements and extension of the streetscape improvements.

### Develop Integrated Parking Strategies

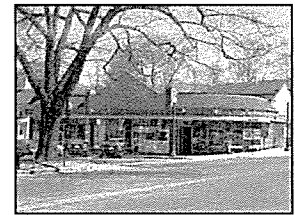
Residents expressed concern about parking availability in the Village Center and believe that additional parking is necessary in order for the area to be financially successful. The Commission should undertake a parking study for the Downtown that explores the following elements:

- occupancy rates for existing parking spaces in order to determine the nature and extent of any potential parking shortage;
- identification of shared parking strategies that allow for lower parking ratios when serving residential, retail, and office uses;
- signage directing traffic to available parking;
- municipal agreements with downtown property owners to make use of available parking spaces located on private property;
- integrating innovative stormwater management techniques including roof top gardens;
- potential development of municipal parking facilities including garages;
- consideration of the former train station as a parking facility if such a program includes preservation of the historic train station; and
- potential public/private redevelopment of the School Street properties incorporating parking, retail, and open space.

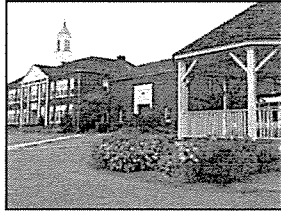
## Downtown Green Spaces

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As discussed in Chapter 4, Bethel does not have an abundance of protected green or open spaces. This is particularly apparent in the Village Center. Efforts to acquire properties should involve the Chamber of Commerce, a possible Conservation Commission, and a potential Economic Development coordinator.



PT Barnum Square



**Green Open Space at the  
Municipal Center**



**Historic Train Station**

## **Identify More Green and Public Spaces in the Village Center**

The Village Center does not have any significant public spaces, particularly green and open spaces, except for the lands associated with the Municipal Center and the small triangle of land known as P.T. Barnum Square. Green and open public spaces are necessary for public gathering and community events and allow for passive recreational opportunities. Additional green and open spaces should be acquired and preserved as public spaces.

The Commission recommends that any additional development or redevelopment in the Downtown consider provisions for additional green and open spaces particularly those suitable for public gatherings and passive reflection. The Board of Selectmen and/or the Conservation Commission should make the acquisition of additional open and green space in the Village Center a priority.

## **Preserve the Historic Train Station**

The Town's historic train station, located within the Village Center, provides retail space, currently for a local non-profit organization. The surrounding land provides parking for Main Street businesses and the Library.

The Commission recommends that the site be more thoroughly studied to determine if there are any redevelopment possibilities on the site. Any plan to redevelop the site needs to consider the following:

- preservation of the historic train station building;
- ability to co-locate any public green and /or open spaces;
- the nature and amount of parking on the site;
- access and circulation opportunities and constraints, particularly in relation to Greenwood Avenue and Depot Avenue; and
- public private partnership.

## **Actions for Enhancing the Village Center**

1. Continue streetscape improvements throughout the Village Center.
2. Maintain sidewalks and street furniture.
3. Develop integrated parking strategies for the Village Center.
4. Identify more open and green spaces for the Village Center.
5. Consider structured parking with open spaces, gardens, and innovative stormwater management techniques at the former train station.
6. Preserve the historic train station.
7. Support public-private partnerships with the Chamber of Commerce and the Economic Development Commission.



## Encourage Quality Design

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The development and management of land can affect the quality of our lives. In addition to dimensional standards and type of use, there are also aesthetic aspects of development that can play a role in the character of a community.

### Establish Design Districts and a Design Review Process

The Commission is considering establishing design districts in several parts of Town, including:

- the Village Center; (discussed in the next section)
- gateway areas (identified in the sidebar);
- transit-oriented districts; (discussed in the next chapter).

Bethel can make use of a process to have all applications in design designated districts reviewed by a design professional as allowed under CGS 8-1c. The design review process is usually an iterative process and works best if applications are reviewed early in the design stages. Some communities use an informal pre-submission conference, but other communities feel that the entire process is best addressed in regular Commission meetings. As the Commission revises its land use regulations, it will explore the various options to determine which will be the best approach for Bethel.

### Create Design Criteria

For the Village Center, the State's Village District enabling legislation CGS 8-2j provides specific criteria against which all development must be reviewed. The following section provides a more detailed discussion of the process and objectives of Village District regulations. For all other design designated districts, specific design criteria providing quantitative and qualitative design guidelines and regulations will need to be developed in conformance with CGS 8-2m. The primary considerations in drafting design guidelines are to ensure that they are consistent with due process and sufficiently clear that a person of ordinary intelligence can understand what they mean.

In order to implement a design review process, the Commission will need to establish either specific design districts or overlay districts. The Commission should establish a Village District for the Village Center, the boundaries of which are identified on the Village District Plan map. Other areas of town, including the Route 6 Corridor and a newly created transit-oriented development, will need clear boundaries for the design district, or have a design overlay for all non-residential development, and design criteria against which proposals can be measured for compliance.

In some communities where design is an important consideration, form-based or performance-based codes are adopted. Form-based codes contain traditional zoning elements such as minimum and maximum heights, with increased flexibility for a property owner to meet changing real estate markets by having the ability to build apartments, offices, or retail based on market demand, as long as the appearance of the development conforms to the community's vision. Wilton uses an ad-hoc board to review design considerations in design districts. Another possibility, used in Simsbury, is to consider a Design Review Board which has the ability to review all non-residential development in any district. The Commission will explore the various options and determine the best approach for Bethel as it revises its Zoning Regulations.

### Potential Gateway Locations

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- Grassy Plain Street and Greenwood Ave.
- Greenwood Ave. and Chestnut
- South Street and Route 53
- Old Hawleyville Road and Route 6
- Payne Road and Route 6

## **Village District Regulations Criteria**

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- Proposed buildings and modifications to existing buildings be harmonious with their surroundings and their terrain, and to the use, scale, and architecture of nearby buildings to which they are functionally or visually related.
- Spaces and structures visible from the road be designed to enhance the visual amenities in the area around the proposed building or modification.
- The characteristics of residential or commercial properties, such as color and materials, be evaluated for their compatibility with the local architectural motif, and the maintenance of views; historic buildings, monuments, and landscaping.
- Removal of or disruption to historic, traditional, or significant structures or architectural elements shall be minimized.
- An architect or architectural firm, contracted by the Commission and designated as its consultant for the application, must conduct reviews and submit recommendations to the Commission within 35 days of receipt and the Commission must consider it in decision-making.

## **Adopt Village District Regulations**

Bethel's historic downtown Village Center is a mixed-use New England Village with shops, restaurants, residences, and municipal services. The architecture is typical of an early American New England village, with peaked roofs reminiscent of the village churches that were the Town's first buildings, and narrow streets with tightly developed lots. As mentioned earlier, there is good sidewalk infrastructure throughout the Village Center.

The design qualities of the Village Center are important components of the Town's character, with distinct sub-areas including:

- the Downtown Core, a vibrant commercial district with a mix of uses including retail, restaurants, residential, and municipal uses, with a 19<sup>th</sup> century New England architectural character, and a pedestrian oriented streetscape;
- the surrounding historic residential areas which includes: the Greenwood Avenue residential area along both sides of Greenwood Avenue east from the Downtown Core, with moderately dense single-family residential homes in a mix of 18<sup>th</sup> through 20<sup>th</sup> century styles; South Street, Blackman Avenue, High Street, Farnam Hill, and Grand Street, with many 18<sup>th</sup> and 19<sup>th</sup> century homes providing additional residential options for multi-family living with a historically authentic character; and an area north of the downtown core with a mix of single family and multi-family homes, converted from single-family residences, many of which are architecturally and historically significant from the 18<sup>th</sup> and 19<sup>th</sup> centuries.

The Commission has discussed the possibility of including additional areas, including properties along Grassy Plain Avenue, many of which are historic and contribute to the Town's attractive character. At this time, the conceptual map for the Village District does not include those properties, but in the future, the Commission may expand the boundaries to include additional properties.

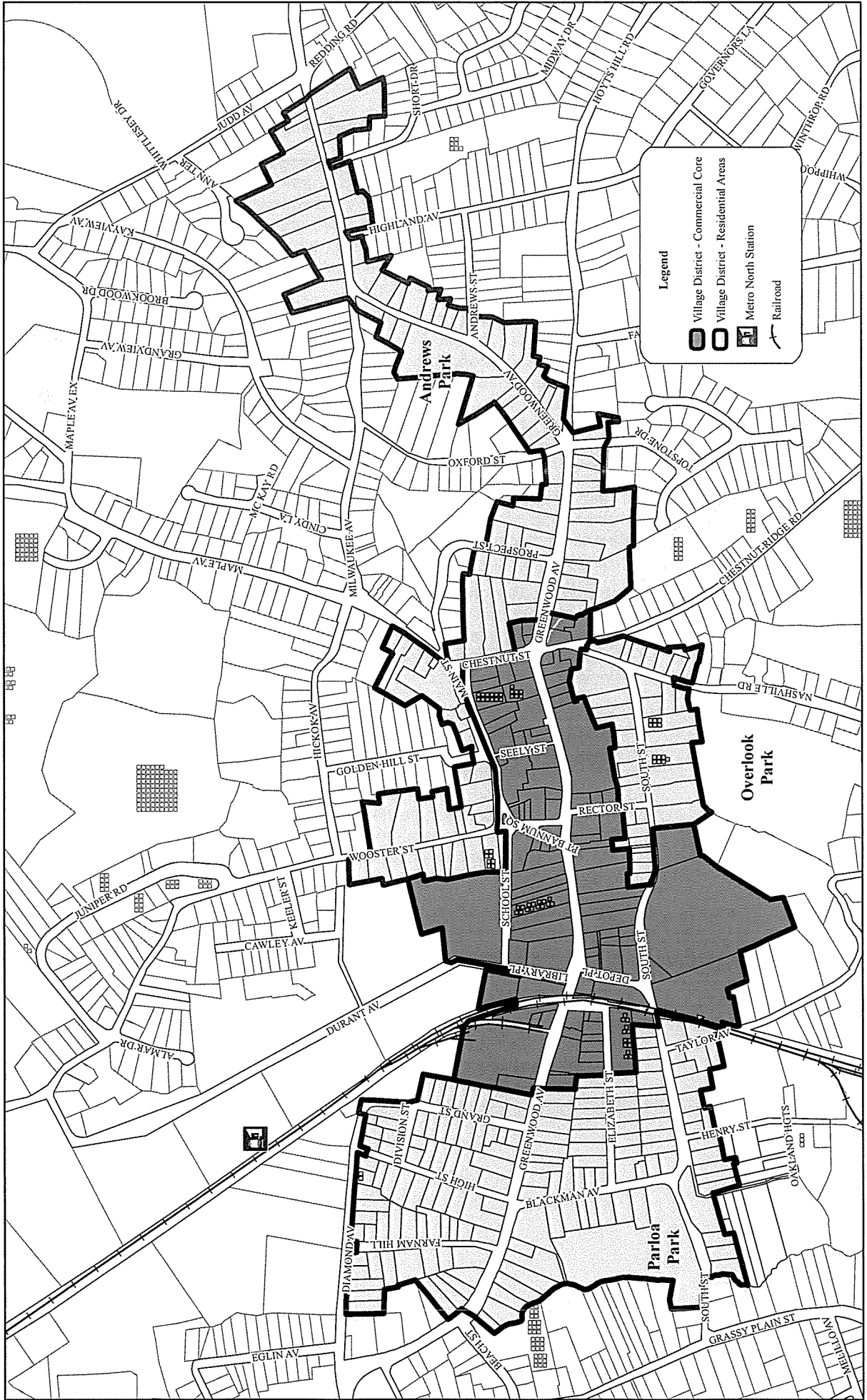
Connecticut General Statute's 8-2j allows for the establishment of village districts through an amendment to the Zoning Regulations that includes architectural and site design components to ensure that new development reflects the most desirable attributes of the village. Village District regulations must include specific criteria, identified in the sidebar.

Within the Village Center, under Village District regulations, the law requires that applications for all new construction and substantial reconstruction that are visible from the road must undergo architectural review. All development in the district must be designed to meet various compatibility objectives including arrangement and orientation of proposed building; and all accessory structures must support a uniform architectural theme and present a harmonious relationship to the neighborhood.

As the Commission revises the Zoning Regulations, it should develop Village District regulations in conformance with CGS 8-2j. The conceptual boundaries for the Village District are identified on the adjacent page, on the Village District Plan. The Commission will determine the exact boundaries which may include areas as far west as Grassy Plain. The Commission may decide to adopt regulations applicable to the Village Core at its earliest possible convenience and to later include those areas of the Village District which are more residential in character.

# Village District Plan

Town of Bethel, CT



**Legend**

- Village District - Commercial Core
- Village District - Residential Areas
- Metro North Station
- Railroad



500 Feet

## **Encourage the Use of Sustainable Design Principles**

With growing concerns about climate change and on-going improvements in building practices allowing sustainable development to be competitive with approaches that involved negative consequences for communities and their natural environments, designers and developers are adopting sustainable design principles. Some of Bethel's neighbors, including Redding and Brookfield, are already exploring ways to revise their land use regulations to encourage the use of green and sustainable technologies.

Examples of this development practice are found in the Leadership in Energy and Environmental Design Green Building Rating System, known as the LEED standards. These standards include a set of nationally accepted design, construction, and maintenance principles for high performance green buildings. Key elements are sustainability, optimizing energy performance, and environmental awareness. Sustainable building practices also encourage collaboration between builders, businesses, and residences to encourage all new development and redevelopment to incorporate these sustainable practices.

Land use policies that support sustainable design principles take advantage of the relationship of the building to the sun; integrate energy efficient and water efficient technologies; use specific materials that meet sustainability criteria and address indoor environmental quality.

Simple actions, like requiring that all windows can be opened, and allowing for differing setbacks on north-facing as opposed to south-facing streets to take advantage of the heating and lighting benefits of the sun; and allowing for permeable parking areas designed to freeze and thaw as a unit, are examples of sustainable design practices.

Today, in order to be competitive when securing governmental funding, developers are encouraged, sometimes even required, to comply with basic sustainable building practices. In Redding, a recent LEED certified project to redevelop a former wire mill brownfield site, known as the Georgetown Village and/or the Gilbert and Bennet mill site, resulted in \$72.5 million in tax exempt bonds. In a number of municipalities and states, such as New York City, Oregon, and California, in order to obtain permits for a development project that includes a public building or involves public funds, the use of sustainable design practices is required.

It is anticipated that over the next ten years, this trend will continue. Therefore, as the Commission revises its land use regulations it will consider and include sustainable design and building practices to the maximum amount practicable.

## Develop a Unified Sign Design Plan

In order to help create a positive image for the Town, a unified sign design plan should be developed that would be applicable to all Town-owned and/or managed signs. The sign design theme should be used on all signs that identify Town-owned facilities and properties. Currently most publicly owned facilities have some signage, such as the creative sign identifying the location of the Public Works Department. The unique and distinctive signage apparent at some locations should continue to be displayed but augmented by a consistent design approach to improve the Town's overall image and to facilitate finding and identifying municipal facilities.

The Commission recommends that the Board of Selectmen and / or EDC develop a unified sign design theme that can also be used for signs identifying parking areas in the downtown, directing travelers to and from the Train Station and along Town roads directing visitors and residents to places of interest.

## Develop "Wayfinding" Signs and Maps

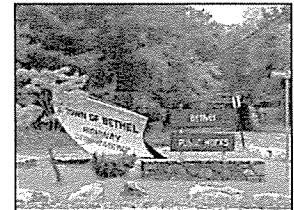
One way to preserve and reinforce Bethel's community structure would be to develop a system of "wayfinding" signs and maps to direct residents and visitors to key areas of town. The maps could highlight business centers and commercial activities as well as public buildings and facilities. Wayfinding signs and maps, using the Town's adopted unified design motifs, can be used to direct motorists and pedestrians. Some of the locations that should be identified on the wayfinding maps and signs are identified in the sidebar. The Commission encourages the Board of Selectmen and/or EDC to develop wayfinding signs and maps.

## Actions for Design Consideration

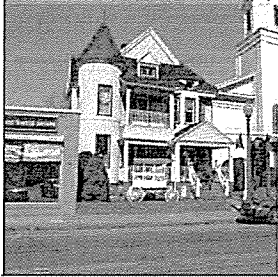
1. Establish a design review process.
2. Create appropriate design guidelines and/or criteria for design designated districts.
3. Consider form-based codes in design designated districts.
4. Adopt Village District Regulations.
5. Institutionalize architectural review for the Village District.
6. Encourage the use of sustainable building practices such as siting development appropriately in relation to natural light.
7. Develop a unified sign design for all Town-owned and managed properties.
8. Develop "wayfinding" signs and maps.

## "Wayfinding" Locations

- Between the Village Center and the Route 6 Corridor;
- Municipal Center, identifying it as the location of Town Hall and the Senior Center;
- Library;
- Teen Center;
- Railroad Station;
- Educational Park;
- Clusters of business activities such as shopping or dining areas;
- Tourist attractions such as Blue Jay Orchards or Huntington State Park
- Historic Districts, Structures and Places



Public Works Entrance



# ECONOMIC DEVELOPMENT

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## Overview

Attracting and retaining appropriate businesses are important for a variety of reasons, which includes providing goods and services to residents, maintaining jobs, enhancing community character and vibrancy in the community, and providing tax benefits. Bethel has a number of business districts for both commercial and industrial businesses. These business districts include a diversity of businesses which contributes approximately 25 percent of the Town's Grand List. Commercial businesses are located primarily in the Downtown Village Center and along Route 6. Industrial businesses are located within the Town's two industrial parks, and within the historic industrial zone adjacent to the Village Center.

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## Reorganize the EDC

Bethel would benefit from a coordinated and supported Economic Development Commission (EDC) with comprehensive economic development responsibilities for the entire Town. Currently the EDC has a limited mission to oversee the orderly development of the Francis J. Clarke Industrial Park. There are other parts of Town, such as the Village Center, that would benefit from the oversight of an EDC. The Board of Selectmen should expand the scope of the EDC to oversee economic development activities throughout Bethel.

The newly reorganized commission will need financial support. The EDC might also benefit from staff assistance, including the services of a full-time Economic Development Director to provide expertise relative to the complex issues related to economic development activities in Bethel. The Board of Selectmen should consider hiring a full-time experienced person to support the EDC.










## Actions for Reorganizing the EDC

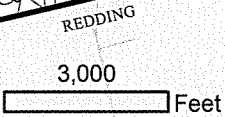
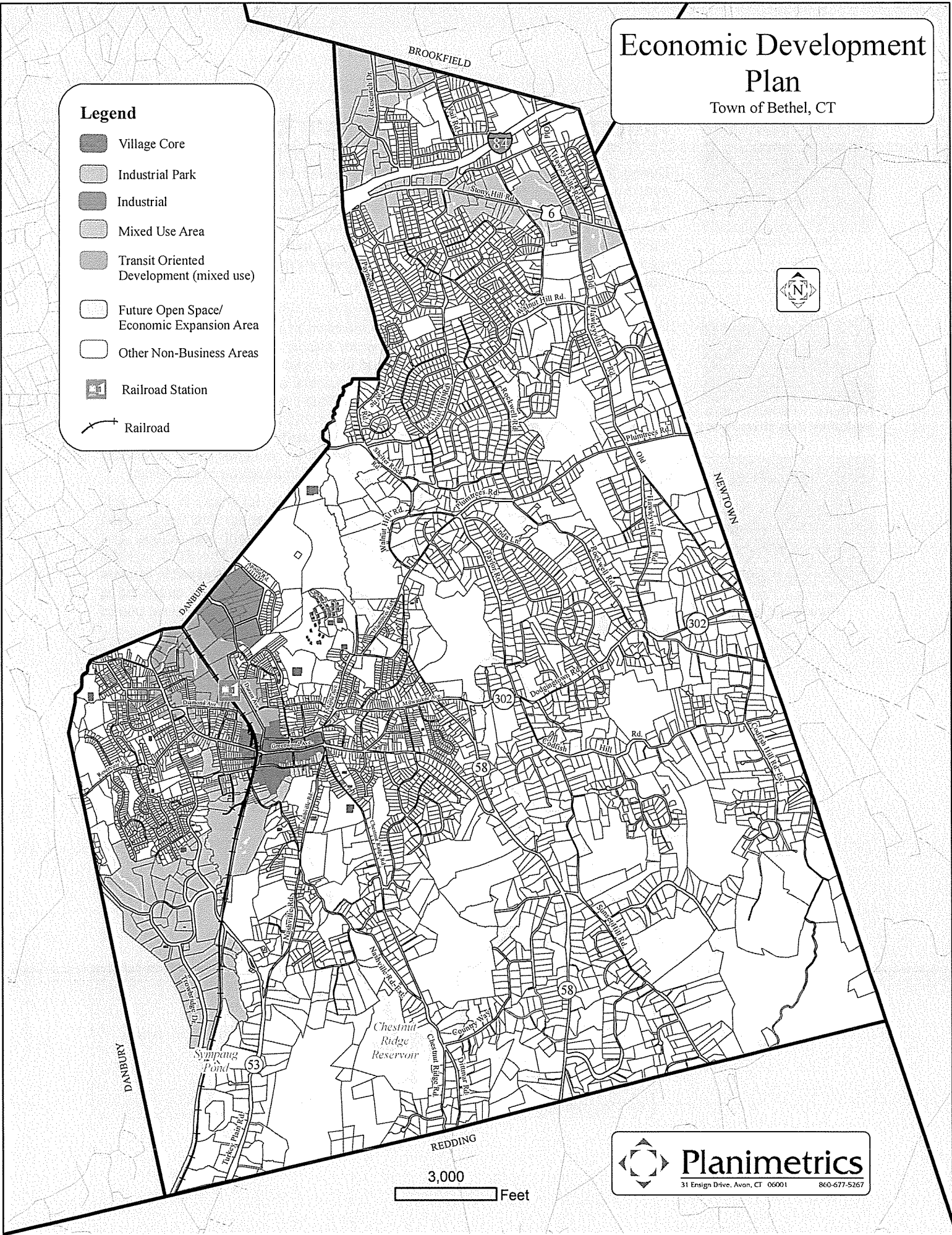
1. Expand the mission of the EDC to provide Town-wide economic development oversight.
2. Provide staffing support to the EDC.
3. Consider hiring a full-time Economic Development Director.

# Economic Development Plan

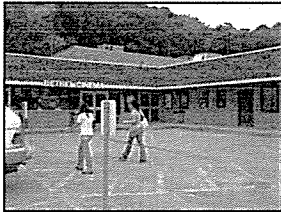
Town of Bethel, CT

**Legend**

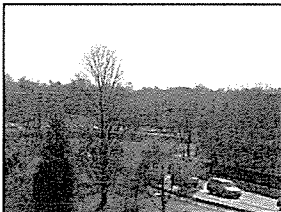
-  Village Core
-  Industrial Park
-  Industrial
-  Mixed Use Area
-  Transit Oriented Development (mixed use)
-  Future Open Space/  
Economic Expansion Area
-  Other Non-Business Areas
-  Railroad Station
-  Railroad



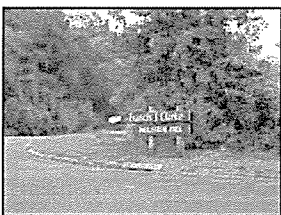

**Planimetrics**  
31 Ensign Drive, Avon, CT 06001 860-677-5267



Bethel Cinema



Northern Access into Berkshire Industrial Park



Francis J. Clarke Industrial Park

## Attract and Retain Appropriate Business

During the scoping sessions for the Plan, residents identified a desire to attract consumer oriented retail, restaurants; medical businesses; and research and development firms. The EDC and/or the Town's economic development staff should work collaboratively with existing business and property owners, Town Staff, the Commission, and elected officials to identify potential businesses, manage recruitment activities, and provide assistance in identifying appropriate locations for new business development.

One location in Town zoned for industrial and commercial uses is the Berkshire Industrial Park, a privately developed and maintained industrial park. This sixty-four acre parcel is not proximate to any water supply resources and the Park's owners provide water, sewer, electrical, and fiber optic connections, and security with good access to Routes 7 and 84. The owners of the Berkshire Industrial Park have been working with the Board of Selectmen and the Land Use Office to attract light industrial and commercial office operations appropriate for Bethel. The Board of Selectmen, the Land Use Office, and our Commission should continue to work with the owners of the Berkshire Industrial Park to identify additional tenants. The EDC should also be involved in assisting in this effort.

The other industrial park, the Francis J. Clarke Industrial Park, is a publicly managed industrial park located within the Terre Haute lands. The Commission will consider design considerations and other development regulations and criteria for these lands as it revises the Zoning Regulations. The EDC and the Commission should collaborate to identify and attract the most desirable tenants for these sites, once development guidelines for the undeveloped areas have been established. Consideration should be given to making more efficient use of this existing industrial park, including the use of regulatory strategies.

### Site Businesses Appropriately

Finding the right location for the right business is an important goal and one that needs the attention and direction of the Economic Development Commission. Some businesses have little impact on their surroundings, while others can become a source of irritation, particularly if they are improperly sited.

Bethel is fortunate in having a number of successful businesses and several well-developed business areas. However, as the Town's recent water supply study indicates, some of the Town's historic industrial areas are located on top of critical water supply resources. The Commission and the Board of Selectmen may wish to provide incentives for business and property owners in the older industrial areas to relocate to more appropriate locations, in order to avoid conflicts with these resources. The Commission should consider rezoning some of the industrial zoned lands north of and on Taylor Avenue for inclusion in the Village District.

### Actions for Attracting and Retaining Business

1. Identify appropriate businesses types for Bethel.
2. Identify appropriate locations for appropriate businesses.
3. Consider identifying incentives for industrial businesses located over public water supply resources to relocate.
4. Identify support services for new businesses.
5. Recruit appropriate businesses.



## Support Transit-Oriented Development

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The Commission recommends identifying locations for compact, transit accessible, pedestrian-oriented, mixed use development, sometimes referred to as transit-oriented development (TOD). TOD, as defined by the American Public Transportation Association, is compact, mixed-use development near new or existing public transportation infrastructure that serves housing, transportation, and neighborhood goals.

According to the Census and studies by the Housatonic Area Regional Transit (HART), transit travel to New York City from Fairfield County, as well as increased employment opportunities in Fairfield County commercial centers, has been increasing, making Bethel a desirable location for those working to the south and living in northern Fairfield County.

Components of compact, transit accessible, pedestrian-oriented, mixed-use development patterns are:

- transit station as the prominent feature;
- walkable design with pedestrian as the highest priority, designed to include the easy use of bicycles and scooters, and supported by transit that includes streetcars, trolleys, buses, etc;
- high density, (approximately 15 to 20 units to an acre) high-quality development within a 1/2 mile (approximately a ten to fifteen minute walk) radius surrounding the transit station,
- a mix of uses in close proximity to each other, including office, residential, retail, and civic uses; and
- reduced parking ratios; and
- a transportation management plan.

One area that is appropriate for TOD is the area adjacent to the Metro North Railroad Station on Durant Avenue. The Board of Selectmen, the Commission, and the EDC should work together to begin the process of identifying and / or helping property owners to assemble appropriate parcels in the area for TOD development. A map describing the proposed boundaries of the district is found following the discussion on transit-oriented development.

As the Commission revises the Zoning Regulations it will develop transit-oriented development regulations for areas deemed appropriate for TOD to encourage multi-story buildings set close to the street, with some on-street parking and bus kiosks. Other considerations include ground floor retail and restaurants with upper story residential. Parking should be structured, either in stand-alone or mixed use buildings. Landscaped sidewalks connecting the mixed use development with the train station and downtown should include benches, water fountains, and other pedestrian amenities.



**Transit Hub Adjacent to Mixed-use Development**

Currently, access to the train is only from the east side of the tracks. The Commission recommends that there be consideration of a west side platform for commuters living on the west side of the tracks. Since there is only one rail line, trains stopping at Bethel could open doors on both sides of the track to let passengers enter and exit from the most convenient side. If it is possible to build a west side platform, additional parking on the west side should be constructed, as well as bicycle facilities and additional sidewalks to improve access to and use of the train. The Commission would like to communicate this request directly to CONN DOT and encourages the Board of Selectmen to endorse the concept through a Resolution.

In addition to transit-oriented developments, there may also be locations appropriate for moderately dense residential development (approximately 10 to 15 units per acre) that integrates transit options by providing access to the train station by shuttle van, bus, bike, pedestrian paths, and other non-auto dependent transportation modes. The transit-supportive development locations should be identified and zoned appropriately, allowing for denser development with low parking ratios than used in more suburban districts which are strictly dependent upon automobiles for transportation.

In addition to good transit options, these transit-supported locations will also need access to retail, restaurants, and recreational opportunities. In particular, the area along Grassy Plain north of Greenwood Avenue should be examined as a potential location for transit-supported development. This area already has a mix of uses and is served by public water and sewer. In addition to considering revisions to the Zoning Regulations to allow for denser development, strategies to increase transit services should be explored. This could include a requirement that any new development provide a transportation management plan that provides shuttle service to the train station during peak commute hours.

As the Commission revises the regulations to allow for transit-oriented development, staff should be directed to communicate and collaborate with Metro-North Railroad to ensure compliance with the railroads efforts to develop TODs. The Commission and staff should also coordinate with HVCEO.

### **Actions for Transit-Oriented Development**

1. Identify appropriate locations for Transit-oriented development (TOD) and consider assembling parcels.
2. Work with property owners to educate them about the benefits of TOD.
3. Rezone the areas around the Metro North Rail Station to support TOD.
4. Encourage Metro North to build a west side platform at the train station.
5. Consider similar regulations for transit-supportive development with lower densities than allowed in a TOD.
6. Coordinate and collaborate with MNR and HVCEO.






# Proposed Transit Oriented Development

Town of Bethel, CT



### Legend

-  Transit Oriented Development Area (133 acres)
-  Transit Supported Area
-  Railroad Station

490

Feet



## Planimetrics

31 Ensign Drive, Avon, CT 06001

860-677-5267



**Sycamore Drive-in  
Restaurant**

## **Support Local Businesses**

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The Bethel Cinema has become a destination location for the region. Encouraging compatible and synchronistic businesses, such as restaurants adjacent to the theatre, might be successful if sufficient parking can be identified. When the Bethel Cinema is involved in statewide film programs the Board of Selectmen and the EDC should consider organizing one day street fairs piggybacking on the festival. The Commission will work with the owners of the Bethel Cinema and adjacent properties to identify shared parking options.

There are many historic buildings and sites that could be developed as regional attractions. With Bethel's long history and many buildings dating back to the 1700's, there are locations and stories that could provide interest.

Family oriented attractions, with activities catering to children, should be pursued. Examples include historic agricultural activities, such as maple sugar operations, which could provide a regional interest and some limited income for town-owned lands with mature maple trees.

Bethel also owns significant tracts of undeveloped lands with recreational opportunities. The EDC working with a Conservation Commission could create regional attractions with the development of hiking trails and nature preserves on lands already owned by the Town.

### **Support Economic Vitality in the Village Center**

Residents who attended scoping meetings for the Plan identified a desire to encourage and promote consumer oriented retail and restaurants in the Village Center. One tool that may stimulate appropriate retail and service oriented businesses, which in turn will support a vital Village Center, is to allow residential development on the upper floors of a building only if the ground floor provides space for desirable retail that promotes an active streetscape.

Desirable retail in Bethel is likely to be stores that provide everyday necessities such as apparel stores, small general merchandise stores, stationary and book stores, and similar establishments. Restaurants that cater to family dining and destination restaurants that cater to special occasion meals should be encouraged where practical.

Public-private partnerships, including collaboration with the Chamber of Commerce and the Economic Development Commission, should be encouraged to create a vibrant Village Center with the full support of the business community.

### **Develop a Route 6 Corridor Plan**

The Route 6 corridor in the Stony Hill section of Town is sometimes referred to as the "other Bethel." It is an area of Town that could allow for significant new and redevelopment opportunities. There are currently a number of vacant parcels along Route 6 and approximately 60 acres available for new development within the Berkshire Industrial Park. In addition, many of the existing commercial developments provide redevelopment opportunities.

The Route 6 corridor may be an appropriate location for mixed-use development. A concurrent planning effort to develop specific redevelopment proposals for this corridor is underway and the results of that study will be incorporated into this Plan as appropriate.

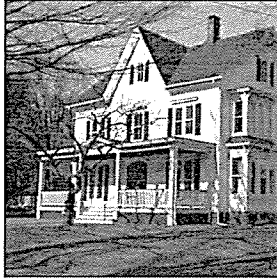
## **Support Home Based Businesses**

According to the US Bureau of Labor, small businesses create the majority of new jobs in the US. According to the National Federation of Independent Businesses, two out of every three new businesses are started at home.

In today's wired global economy, small businesses can grow into multi-million dollar enterprises. As businesses add employees and outgrow the home environment, many business owners will look to move locally rather than uproot their own families. The EDC, with the help of an Economic Development Director, should collaborate with state agencies to make programs available to small businesses and help them remain in Bethel.

## **Actions for Supporting Local Businesses**

1. Promote synchronistic businesses such as restaurants adjacent to the Bethel cinema.
2. Hold street fairs in conjunction with film festival events.
3. Work with the Bethel Cinema and adjacent properties to identify shared parking solutions.
4. Consider developing historic-theme activities for tourists such as maple-sugaring operations.
5. Consider developing recreational opportunities on Town-owned lands.
6. Revise the Zoning Regulations for the Village Center to encourage mixed use buildings with active ground floor uses and upper story residential.
7. Encourage public-private partnerships.
8. Develop a Route 6 Corridor Plan.
9. Ensure regulations relative to home businesses are consistent with today's global economy.
10. Assist small business owners identify and make use of state and national programs.



# RESIDENTIAL DEVELOPMENT

## Overview

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The focus of this chapter is on strategies to improve the pattern of residential growth and to ensure that Bethel has the range of housing opportunities appropriate for the diverse needs of the community.

The primary issues related to residential development identified during the planning process include:

- managing densities in areas of Town with large parcels of vacant and/or sparsely developed land and without public water or sewer services;
- conversions of single-family homes into multi-family homes;
- conversions of owner-occupied homes to renter-occupied homes;
- providing workforce housing affordable for people employed in and around Bethel; and
- future concerns relative to a phenomena seen widely in lower Fairfield County, involving the tearing down of older homes, some of which are historic, and replacing with houses that feel overly large in scale.



**Low-density Residential**



**Multi-family Club House**

## Manage Residential Development

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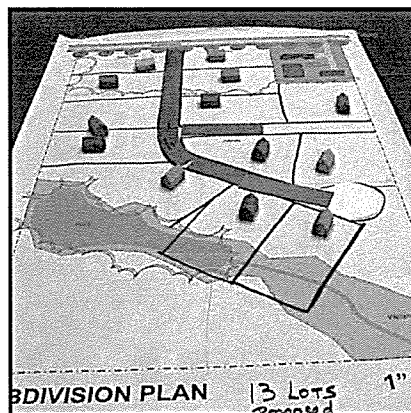
This Plan recommends that the Commission consider modifying the Zoning and Subdivision Regulations applicable to subdivisions. The conservation section of this Plan discussed some approaches that may affect development patterns, including a revision to the Zoning Regulations relative to a buildable land provision and a revision to the definition of steep slopes. Other approaches are discussed here.

The current regulations adhere to a traditional form of zoning that relies on minimum and maximum specifications. Another form of zoning, referred to as "performance based" zoning, includes a collection of flexible zoning tools that are particularly useful where there are large pieces of undeveloped land, a situation that exists in the south and eastern parts of Town.

The primary benefits of the revised conservation subdivision regulations are that they preserve the character that Bethel residents cherish, protect natural and scenic resources, relate development to the capacity of the land, and allow more flexibility for the developer. These regulations include the following elements:

- a definition of buildable land (discussed in detail in an earlier chapter);
- establishment of density standards to regulate the total number of lots on a parcel being subdivided;
- flexibility in lot sizes and setbacks;
- requirements that a specific percentage of the parcel area be preserved as open space; and
- allowance for community septic systems.

The Commission supports the concept of clustering residential development along existing road frontage and minimizing the amount of land required for each individual building lot. However, due to concerns about soil suitability for community septic or dense development dependent upon individual septic systems in close proximity to one another, the Commission wants to explore the regulatory mechanisms for conservation subdivisions before making a determination relative to any specific density on areas with challenging soils and / or steep slopes.



Example of a Conventional Subdivision Site Plan

## Benefits of Density-Based Zoning

- lot sizes can be reduced without increasing the number of housing units;
- the total buildout potential of the Town can be moderated through adjustments in density;
- amount of infrastructure to be constructed and maintained can be reduced
- sensitive areas can be avoided and the impacts on larger sensitive areas such as aquifers and steep slopes can be reduced; and
- residents and wildlife are able to enjoy all the benefits of the larger open spaces surrounding the newly developed homes.

## Adopt Residential Density Regulations

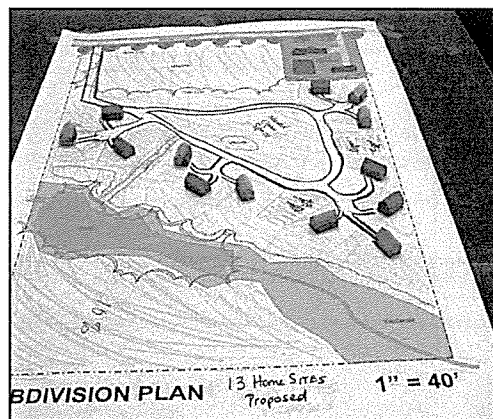
Currently, the development yield of a property is determined by an engineer or developer trying to locate as many lots on a parcel as will comply with the local health code and land use regulations. This approach can result in development patterns that are insensitive to the resources on a parcel, and do not contribute meaningful open space to the community.

The current text and calculations for conservation subdivisions are cumbersome and, as identified in the 1997 POCD, should be simplified. Rather than requiring a developer to produce a subdivision plan under existing minimum lot size requirements and then calculate the total number of lots that might be approved, the approach proposed in this Plan relies on the establishment of a density factor. A density factor identifies a number applied to the buildable acreage of a parcel which determines the total number of lots. For instance, if the density factor is determined to be 0.37 and there are ten buildable acres in a two-acre district, then the total number of buildable lots will be 4 (3.7 rounded up). The buildable acreage is different than the total acreage due to land being excluded from the calculations because road right-of-ways, wetlands and waterways, steep slopes, and other conditions are not included in the buildable land calculation.

The developer then prepares one plan for four home sites as a conservation subdivision plan. The four home sites should be clustered to the maximum amount practicable given the constraints of the land and its ability to accommodate septic sewer systems. The remaining land is shared land accessible to the residents of the subdivision and in some cases, available to the greater community.

The Commission will incorporate the provisions discussed in this section into the land use regulations as those are revised. It is anticipated that the Commission will use density factors in the range of 0.7 lots per buildable acres in the R-40 zone and approximately 0.37 lots per buildable acres in the R-80 zone. Prior to adoption of new Zoning Regulations, the proposed density standards should be compared to actual development experience in Bethel.

When subdivision plans are approved it will be necessary to place a note on the approved plans that certain oversized lots cannot be further subdivided, once the maximum density for the parcel has been reached. It will also be important to preserve a set of assessor maps that show the configuration of property at the time the residential density regulations was adopted.










Example of a Conservation Subdivision Site Plan

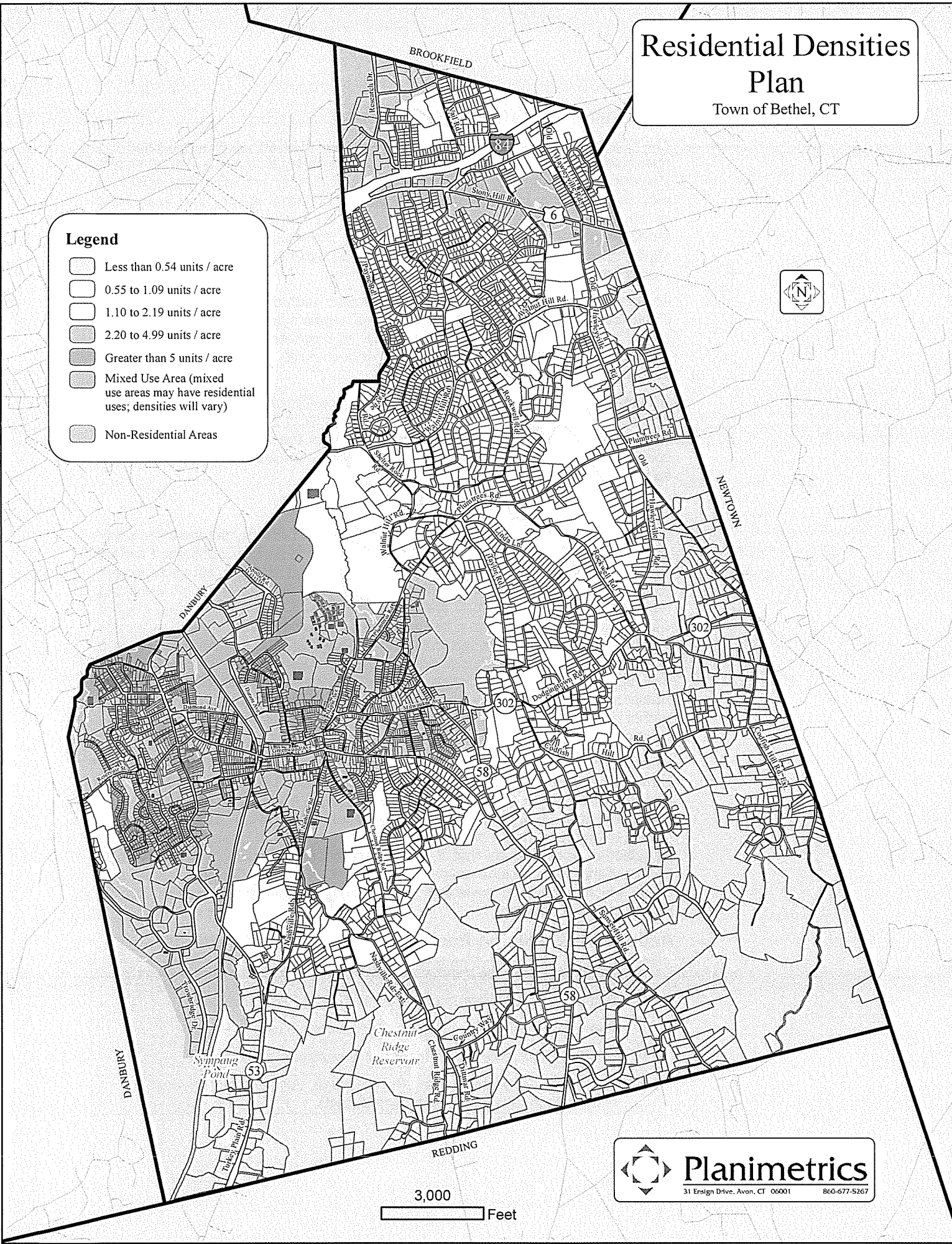


# Residential Densities Plan


Town of Bethel, CT

## Legend

-  Less than 0.54 units / acre
-  0.55 to 1.09 units / acre
-  1.10 to 2.19 units / acre
-  2.20 to 4.99 units / acre
-  Greater than 5 units / acre
-  Mixed Use Area (mixed use areas may have residential uses; densities will vary)
-  Non-Residential Areas



3,000 Feet




**Planimetrics**  
 31 Ensign Drive, Avon, CT 06001 860-677-5267

## **Consider Community Septic Systems**

The Commission is interested in obtaining more detailed information about the possibility of community septic systems. Based on input from the Bethel Health Department (BHD), this approach has some merits, including the ability to provide for much larger, contiguous pieces of open space, and less road construction. However systems larger than 33 bedrooms continue to pose problems and the BHD does not support the development of large community septic systems or in areas of Town identified as existing or future potential water supply areas.

Areas with soils of high sand and gravel content, such as the southern section of Route 53, where there is minimal impact of septic system discharge on public water supply watersheds, are the most appropriate. Factors that support community septic systems include well drained soils; and groundwater levels deep below existing grade.

A technical reference, "Analysis of Open Space Conservation Subdivisions by the Newtown Commission," is available from HVCEO as publication # 114 and should be considered as the Commission revises the Zoning Regulations and considers making allowance for community septic systems in conservation subdivisions.

## **Review Residential Dimensional Standards**

The issue of tearing down homes and replacing them with much larger houses is an issue that some Connecticut communities, particularly in southern Fairfield County, have been grappling with for years. This trend results in situations where housing units that were of reasonable size relative to the size of the lot, are being replaced by housing units that are maximizing the amount of floor area, in what was originally intended to be a flexible building envelope. The desire to maximize the building size within the maximum limits of the building envelope results in a situation where existing houses are demolished ("teardowns") to make way for new construction of much larger homes ("monster homes"). While there are situations where the replacement of older homes is appropriate, the concern in Bethel is that historic homes with significant architectural and community character resources may be lost.

One approach is to identify appropriate floor area ratios (FAR) in residential zones. The floor area ratio establishes a consistent relationship between the maximum size of the house and the size of the lot. A smaller lot would result in less floor area. A larger lot could result in more floor area. The Commission wants to explore this concept in greater detail as it revises the Zoning Regulations and believes that it may be particularly applicable in the Village District. Other tools include coverage regulations, setbacks, building height, etc. all of which should be reviewed and revised as appropriate as the Zoning Regulations are updated.

## **Actions for Modifying Residential Development Patterns**

1. Modify the land use regulations relative to conservation subdivisions.
2. Establish density standards for the R-40 and R-80 Districts.
3. Allow community septic systems in appropriate locations.
4. Consider floor area ratios and other dimensional standards.
5. Review and consider revising the coverage, bulk, and dimensional standards for all residential zoning districts.

## Preserve Housing Diversity

In Bethel today, there is a diversity of housing choices with a variety of size, type, ownership versus rental options, and housing geared for specific demographic groups such as active adults. In the future, there will continue to be a need to provide housing appropriate for the diverse needs of the community in terms of age, abilities, income, as well as for people moving to northern Fairfield County.

As discussed in the Conditions and Trends chapter, the age composition of the community is changing. Whereas decades ago approximately two-thirds of the population lived in a nuclear family and wanted a single-family home with a yard, by 2020, it is anticipated that a much smaller percentage of the population will be living as a two-parent household with children. While the predominant type of housing will continue to be a single-family residential unit, a growing percentage of the population is demanding housing closer to services and without the responsibilities of house and yard maintenance, which includes a variety of multi-family housing options.

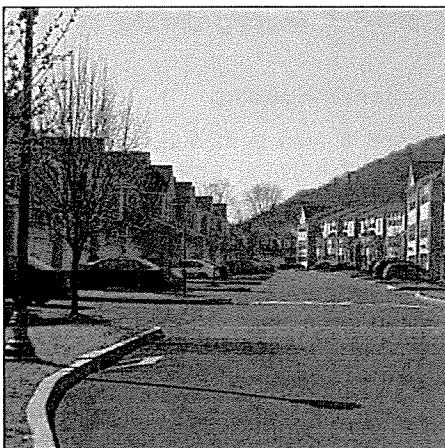
### Continue to Allow Multiple-Family Housing

Multi-family housing is currently allowed in several areas of Town including the Village Center and areas on the Bethel/Danbury town line. Although the sewer system is near or over capacity in the Village Center, this is perhaps the most appropriate area in Town to permit multi-family housing. If additional sewage capacity can be diverted to the Village Center then additional multi-family housing units in a range of price options should be encouraged close to retail services and transit. Discussions and negotiations between the Town of Bethel and the Town of Danbury relative to the sewer system are underway to address this issue. Once those negotiations have been completed the Commission will determine if and how to allow increased residential densities in the Village Center.

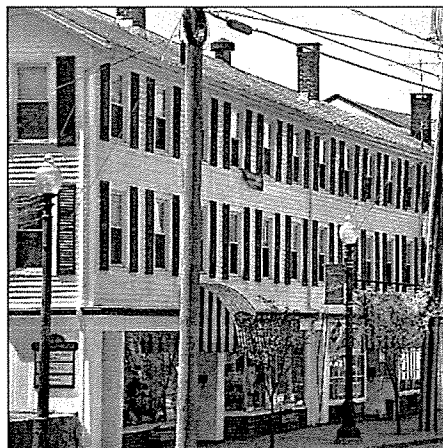
When the Town undertakes a study of the Route 6 corridor, it is possible that parts of that corridor will be identified as appropriate for multi-family housing, particularly in mixed-use buildings. If that is the case, the Commission, as it revises the land use regulations, will consider how best to allow multi-family housing as part of a mixed-use development in this corridor.

### Statutory Reference

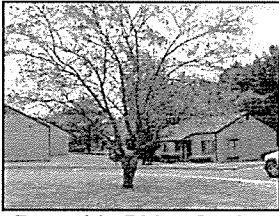
The CGS require all Plans of Conservation and Development to “make provisions for the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infra-structure capacity, for all residents of the municipality and the planning region.”



Moderate Density Residential



Mixed-Use Moderate Density



**Reynolds Ridge Senior Housing**



**Parking at Reynolds Ridge**

**Issues for Age Restricted Housing**

- Public water
- Public or community sewer
- Buffers
- Open space set-asides
- Legal protections
- Maximum Densities

**Allow Live-Work Units in Additional Districts**

Bethel currently allows live-work units in the RMO zone. This housing type is particularly appropriate for certain professions including chefs, dance and art instructors, doctors and lawyers, artists, and consultants in a variety of professional arenas. The Commission is considering allowing live-work units in additional parts of Town. The Route 6 Corridor may be an appropriate location and the Commission encourages the Route 6 Study, currently underway, to examine the possibility of live-work units along the Route 6 corridor.

**Manage Conversions of Single-family Homes**

The area north of the municipal center is a location where many conversions from single-family to two-family and multi-family have taken place. While single-family homes with owner occupancy typically provide the greatest stability to a neighborhood, conversions can sometimes provide benefits such as affordable housing options. Converting single-family homes into two-family and multi-family housing units is also a way to adaptively reuse some of the Town's historic housing stock. However, there are concerns about some of these conversions, which have occurred without any permits or apparent regard for fire safety issues, water and septic issues, and parking.

When the conversion can incorporate adequate parking, has access to adequate water and sewer service, provides fire safety measures for all residents, and manages garbage and other services in an efficient and aesthetically appropriate manner, some of the objections to these conversions might be eliminated. The Board of Selectmen could consider requiring a safety and occupancy certificate for all multi-family residences, which can only be issued after evidence that all safety, water, sewer, and parking issues have been satisfactorily resolved.

**Provide Housing for Older Adults**

As discussed in the chapter on Conditions and Trends, one of the fastest growing segments of the population is the cohort of adults aged 55 and older. This age cohort requires and desires different types of housing options than previous generations. Living longer and healthier lives, today's older adults want more options and flexibility in their housing choices. Bethel already has provisions for active adult housing, one housing type desired by some of the 55 and older cohort. The Commission wants to ensure that the Town's Zoning Regulations allow for and support the development of other housing options for these individuals.

**Encourage the Development of Additional Senior Housing**

In addition to Active Adult communities, there is also a market for traditional senior housing. Although there are a couple of housing projects specifically designed for seniors, such as the Bishop Curtis homes and the Reynolds Ridge homes, waiting lists for these housing units currently exceed the number of units many times over. The Commission and the Board of Selectmen should collaborate with the owners and managers of existing senior housing in Town, such as the Reynolds Ridge development and the Bishop Curtis homes, to develop ways to expand the number of units.

One strategy includes building on the site of the existing senior housing, providing single-level living in multi-story buildings, with elevators and parking facilities. The Board of Selectmen, the EDC, and the Town's Commission on Aging should collaborate to pursue this recommendation and other options for providing more housing for seniors.

## **Provide for Affordable Housing**

As mentioned earlier, Bethel's housing stock provides housing at a range of housing prices for both rental and housing ownership. In comparison with neighboring communities, Bethel has some relatively affordable housing options, with over 17% of the housing units valued below the State median house value. However, in Connecticut, any municipality that does not have at least ten percent (10%) of its housing stock affordable, in conformance with very specific State determined affordability criteria, is subject to the affordable housing appeals procedure as outlined in CGS 8-30g. As of 2006, according to records prepared by the Town and maintained by the CT Department of Economic and Community Development, 4.87% of Bethel's housing met the State's criteria for affordable housing. With approximately 6,700 housing units, 324 of them qualifying as affordable, Bethel would need to have another 350 affordable units built, plus one more for every ten units of market rate housing that is approved and built, in order to attain an exemption from the affordable housing appeals act.

In the past several years as a result of the State affordable housing appeals process, a number of affordable housing projects have been constructed in Bethel, resulting in housing that does not conform to the Town's zoning regulations and is not architecturally compatible with the character of the community. While the Commission is committed to providing for housing affordable to people who work within and adjacent to the Town, it would like to find ways to encourage housing that meets the needs of people with a range of income levels, while still conforming to the overall vision and character of Bethel.

One strategy that Bethel is using to increase the number of units that meet the State's affordability criteria is a requirement that all newly approved accessory apartments in Bethel qualify as affordable under the State criteria, discussed earlier. In order to receive approval of the accessory unit from the Commission, the property owner must guarantee that no rent will be charged for the unit for at least 40 years. The Land Use Office should continue to monitor these units to ensure that they are producing the desired type of housing.

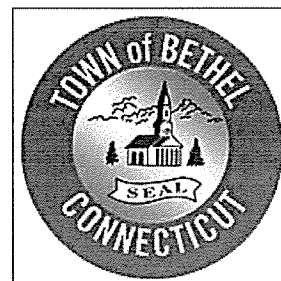
Another strategy that Bethel can employ is a revision to the land use regulations requiring that certain housing developments include housing affordable to persons and families of low and moderate income. The provision can be met by ensuring that a percentage of the housing units are certified as affordable housing or payment of a fee-in-lieu of compliance with such a requirement. Fee-in-lieu of payments can be funneled into an affordable housing trust fund to build affordable housing. Affordable housing funds can be managed by the Town, or through partnerships with organizations such as Habitat for Humanity, religious organizations or local housing trusts. Local housing trusts have shown that small-scale projects, often as small as two or three homes, can be effective. The Commission recommends studying this issue particularly as a trade-off with open space, in most residential districts, except for the R-40 and R-80 Zoning Districts.

The Commission also recommends that the Board of Selectmen, working with elected State officials, seek to amend the existing State Statutes relative to affordable housing in order to address this issue at a regional and state level and allow additional housing units, such as rental units which provide lower income housing options, to meet a community's affordable housing goals.

## **Actions for Encouraging Housing Diversity**

1. Continue to allow multi-family in appropriate areas with sufficient infrastructure including water, sewer, and access to transit and services.
2. Consider allowing increased residential densities in the Village Center if sewer concerns are resolved.
3. Consider allowing residential as part of a mixed-use development along Route 6.
4. Consider allowing live-work spaces in additional areas of Town such as the Village Center, the TOD, along Grassy Plain, and along Route 6.
5. Consider requiring evidence of safety compliance for conversions of single-family to multi-family housing units.
6. Monitor the accessory housing units to ensure that they are producing affordable housing.
7. Collaborate with owners and managers of existing senior housing to provide additional housing units.
8. Identify appropriate areas of town for senior housing.
9. Develop an affordable housing plan that requires all residential development to include either some affordable housing or payment of a fee-in-lieu to support the development of affordable housing.
10. Consider developing an affordable housing partnership with an organization like Habitat for Humanity or a local housing trust.
11. Work with elected State officials to revise the State Statutes relative to affordable housing to include rental housing that meets the needs of low and moderate income residents.

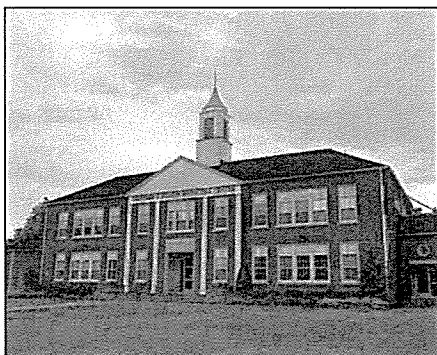
# INFRASTRUCTURE THEMES



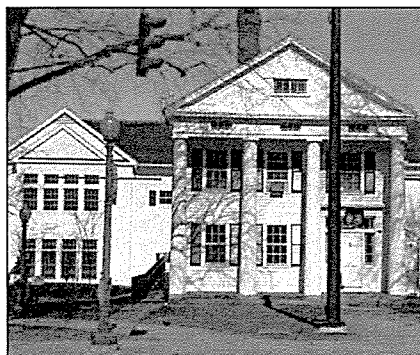
## Overview of Infrastructure Themes

For the purposes of preparing a Plan of Conservation and Development, the term "infrastructure" refers to community facilities and services, transportation facilities, and public utilities. Infrastructure supports overall community structure and plays a significant role in determining the quality of life in a community.

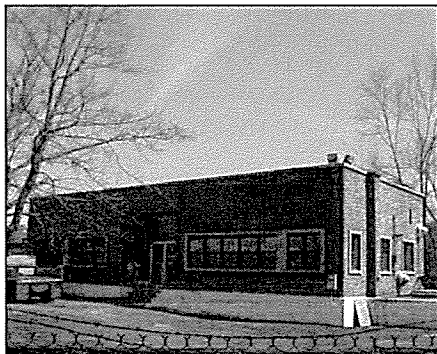
In the preparation of a Plan, infrastructure topics follow conservation and development issues. This sequence helps ensure that infrastructure decisions support, but do not dictate, the desired overall land use patterns. While infrastructure availability can guide other land use decisions, it should not be the overriding consideration.



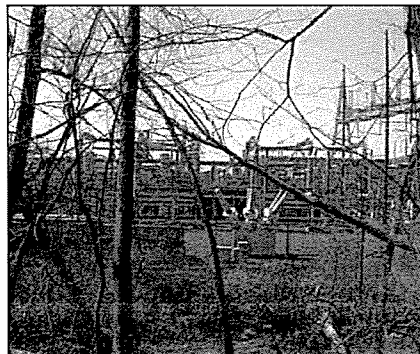
**Municipal Center**



**Library**

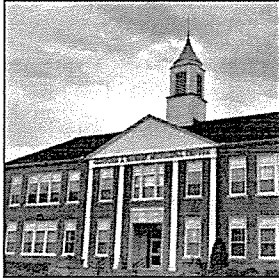


**Sewer Pump Station**



**Sub-Station Power Facility**



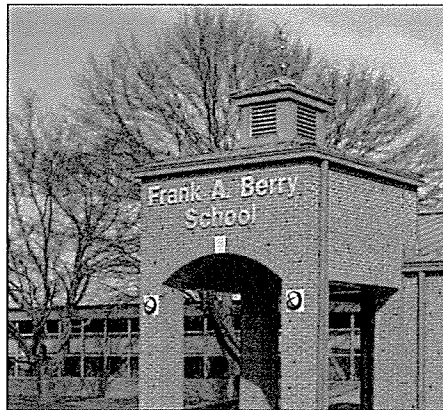


# COMMUNITY FACILITIES

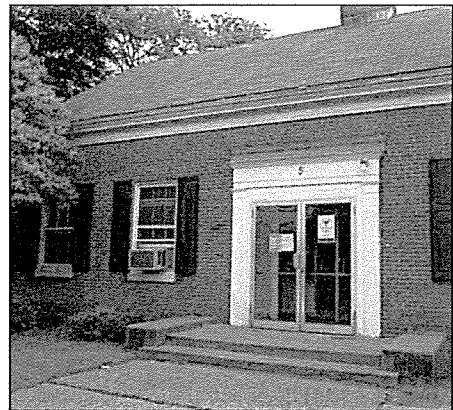
## Overview

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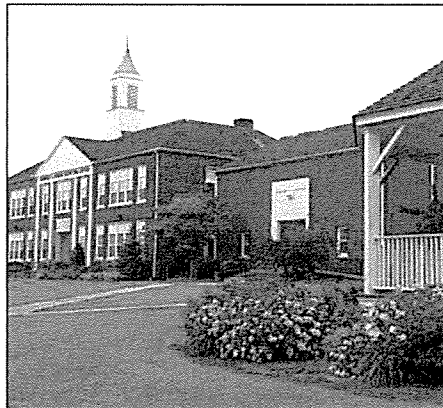
The next several chapters look at the Town's existing facilities and public services to determine what improvements will be required or should be considered, in order to provide the facilities and services that the residents of the Town will need over the next ten years.



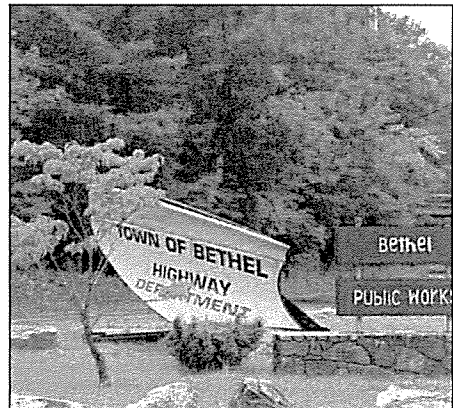
**Educational Facility**



**Teen Center**



**Municipal Center**



**Town Garage**



## Maintain a State of the Art Educational Facility

The Bethel Public School System consists of five schools located on one centrally located, 140-acre educational park near the geographical center of the community, as shown in the aerial photograph below. For many, the educational park is also the social and recreational center of the community. The following are the schools managed by the Bethel Board of Education:

- F. A. Berry School for Kindergarten through 3<sup>rd</sup> grade
- A. H Rockwell School, for Kindergarten through 3<sup>rd</sup> grade
- R.M.T. Johnson School, for 4<sup>th</sup> and 5<sup>th</sup> grades
- Bethel Middle School for 6<sup>th</sup> through 8<sup>th</sup> grades
- Bethel High School, for 9<sup>th</sup> through 12<sup>th</sup> grades

The primary focus of the Plan of Conservation and Development in relation to educational facilities is the physical capacity to provide for the long range educational needs of the community. Bethel's foresight in acquiring and managing the 140-acre campus provides Bethel with the ability to site and / or expand school facilities should the need arise in the future.

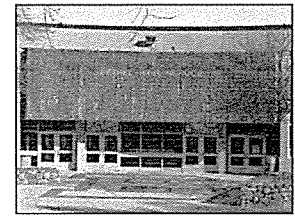
It is difficult to determine how many if any additional school aged children will be residing in Bethel in the future. Population projections indicate that the population may increase and that there may be more school aged children in the future than there are today. If this age cohort does increase, Bethel would likely need to build additional educational facilities. Despite the presence of wetlands, steep slopes, and other constraints on the lands in the Educational Park, Bethel has the ability to accommodate additional school-aged children by expanding the existing facilities.

### Action to Maintain the Educational Facilities

1. Maintain adequate land and facilities for potential expansion of the school aged population.



Bethel's Educational Park



Bethel High School

## Bethel Parks & Fields

Parks	Acreage
Meckauer Park	39
Bennett Park	8
Overlook Park	38

Ball Fields	Acreage
Mitchell Park	19
Parloa Park	7
Educational Park	28
Rourke and Freebairn	46
Crowe Field	5



Ball Field

## Increase Recreational Opportunities

The Parks and Recreation Department has six full-time and as many as 60 part-time and/or seasonal employees and manages approximately 190 acres of land for recreational uses. A consistent theme heard in public meetings held during the scoping phase of this Plan is a desire for additional recreational facilities, programs, and opportunities, including more parks for passive recreational activities, more ball fields, swimming facilities, and a community recreational facility. The Commission recommends that the Board of Selectmen identify funding mechanisms to provide recreational opportunities at town owned properties such as Terre Haute and Bald Rock with investments in trails, parking areas, and other improvements.

### Improve the Capacity of the Senior Center

The Town Senior Center is located in the Municipal Center, where there is insufficient space to accommodate all the desired programs. As the number of seniors in Bethel is likely to increase in the future, it will become increasingly difficult to accommodate all who want to use the facility. In addition, as seniors live longer and healthier lives, they may want more challenging activities. The Commission recommends that the Parks and Recreation Commission and the Board of Selectmen consider development of a community facility with designated areas for seniors.

### Provide Appropriate Recreational Services to Teens

The Town operates a Teen Center in the former Town Hall, which needs major repairs and does not provide the full range of activities and programs desired by the Center's Director. Some communities have determined that a stand-alone facility for teens is not the best use of municipal facilities and dollars. Offering services and programs in multi-use facilities can be a more effective and cost-efficient way to serve this population. The Commission recommends that the Parks and Recreation Commission and the Board of Selectmen consider development of a community facility with designated areas for teens.

### Consider a Multi-Use Recreational Facility

The Town has no public facilities for indoor recreation, and no public swimming facility. Developing a single multi-use facility with both common areas and separate areas for the various age cohorts might be the most economical way to provide recreational opportunities for all segments of the population. While these disparate age groups need some separate programming, there are many areas, supplies, and facilities that can be more economically delivered in a multi-use facility.

The Commission recommends the development of a multi-use indoor recreational facility, with either an in-door or outdoor swimming pool. In any proposal to develop a recreational facility, an analysis of combining the resource needs of the senior population and the teen population should be addressed.

### Action Steps for Increasing Recreational Opportunities

1. Develop recreational infrastructure on Town-owned properties.
2. Determine how best to meet the needs of seniors and teens.
3. Consider development of a multi-use recreational facility with programs for seniors and teens and with a swimming pool.

# Community Facilities Plan

Town of Bethel, CT

## Legend

### Public Safety

- ① Stony Hill Fire Station
- ⑥ Police Department
- ⑭ South St. Fire Station

### Town Hall

- ⑩ Town Hall

### Education

- ⑦ Educational Park

### Other Municipal

- ⑪ Teen Center
- ⑫ Library
- ⑯ Public Works Facility  
Town Garage
- ⑲ Paul St. Pump Station

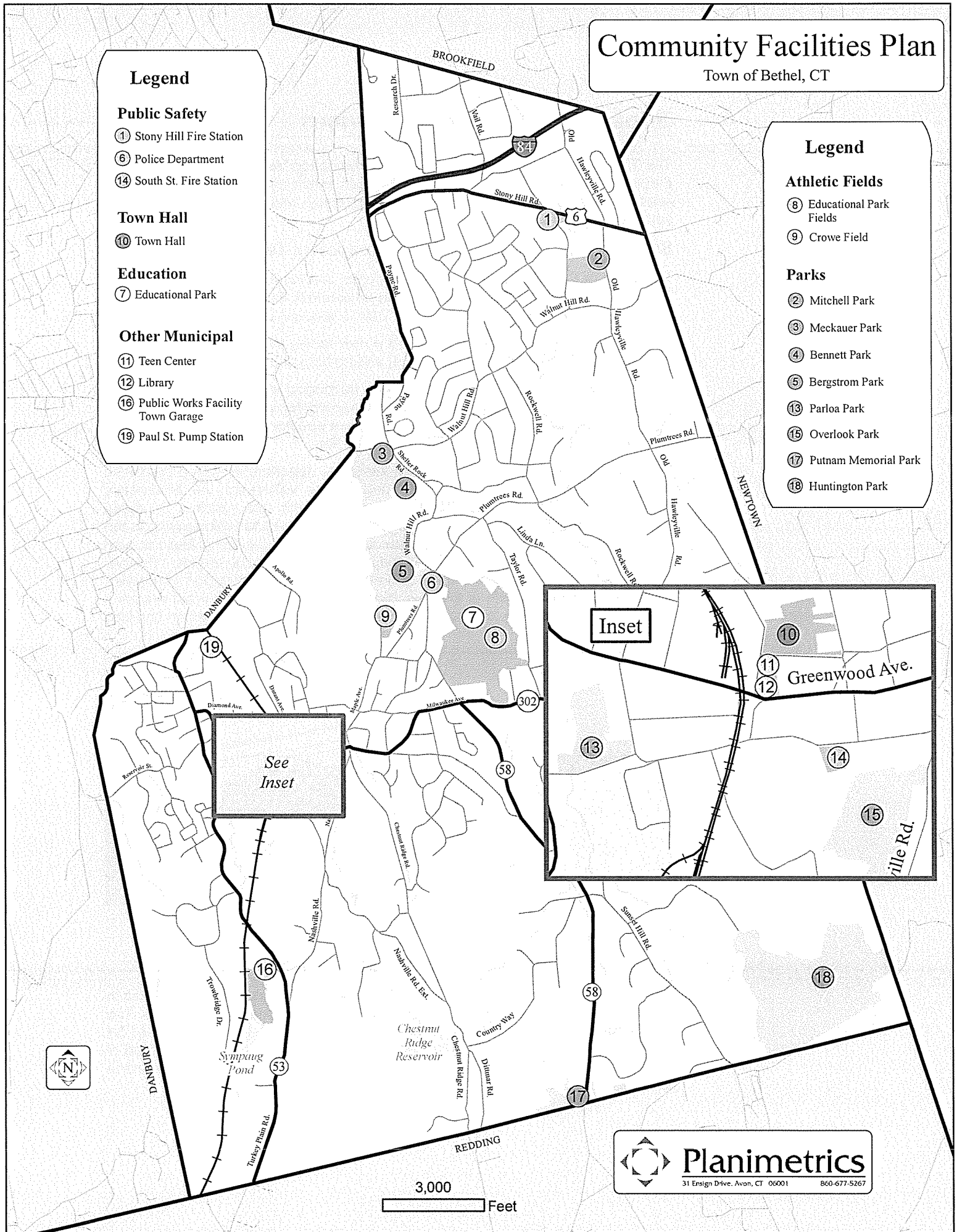
## Legend

### Athletic Fields

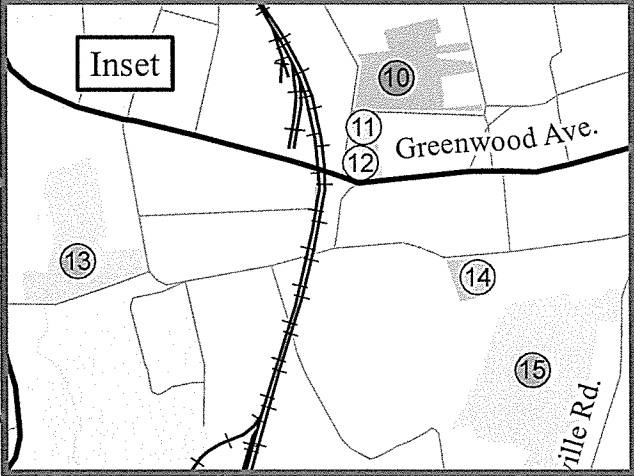
- ⑧ Educational Park Fields
- ⑨ Crowe Field

### Parks

- ② Mitchell Park
- ③ Meckauer Park
- ④ Bennett Park
- ⑤ Bergstrom Park
- ⑬ Parloa Park
- ⑮ Overlook Park
- ⑰ Putnam Memorial Park
- ⑱ Huntington Park



See  
Inset



## **Support Public Safety Services**

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The Town of Bethel has Police, Fire, and Emergency Medical Services. Each of these public service entities has facility needs which are necessary in order to adequately provide the full range of emergency and public safety support services required by the community.

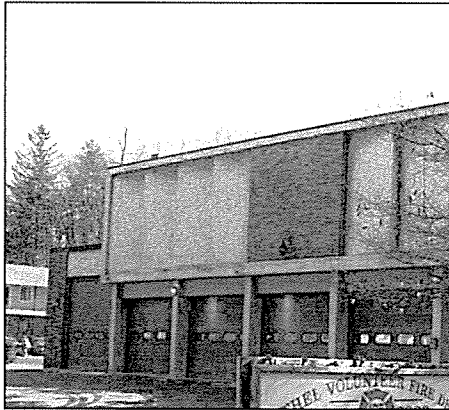
### **Support the Town's Emergency Response Teams**

The Town of Bethel has two Fire Departments; one located Downtown on South Street and the other in the Stony Hill area on Route 6. Both Fire and Emergency Medical Services are handled out of the Town's two Fire Departments.

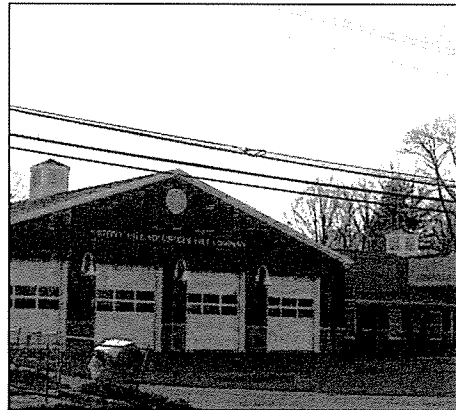
The Stony Hill Department recently built a new facility that accommodates all of that Department's equipment, personnel, and training needs.

The South Street Station has a facility plan, developed in the 1980's, to build an extension to the existing facility to accommodate additional training and administrative services. The Board of Selectmen should identify funding sources to complete the South Street Fire House expansion.

Bethel is currently protected by two volunteer fire departments with a combined membership exceeding one hundred and twenty volunteers. All emergency medical responses as well as fire and rescue calls are handled by these dedicated volunteers. The Town of Bethel offers incentives for volunteering in the form of tax abatement and pension plan. Certification and training fees for both firefighting and emergency medical training are paid for through the town budget. A paramedic is funded by the town to provide advanced life support care when necessary. If future growth of the town dictates a change to the current system it should be approached cautiously to develop the best emergency services possible.



**South Street Fire Station**



**Stony Hill Fire Station**

### **Construct a New Police Department Facility**

The Bethel Police Department is located in an 8,000 square-foot building built in the 1970s. Since then, the nature of police work has changed significantly. The current building does not provide the type or amount of space necessary for today's police work. An independent space needs assessment was conducted of the existing facility in 2005. Some of the major deficiencies identified in the space needs assessment are as follows:

Prisoners and potentially violent persons are interviewed and/or processed in the same areas:

- where the general public visits;
- where victims are being interviewed; and
- in areas which provide access to police officer's weapons and other equipment which can be used as weapons.

The current facility has insufficient space for:

- storage of evidence;
- storage of files;
- training;
- target practice;
- sanitary facilities;
- keeping male and female prisoners and youth offenders separated from each other as required by law;
- parking of police vehicles;

The building has been subjected to flooding with water and sewage due to the building's location in or adjacent to a wetland. In addition, the building was constructed with materials making it impossible to secure all areas of the building.

Another finding of that report was that it would be more cost effective to build a new facility than to try to renovate the existing building due to the presence of wetlands at the current location. The Board of Selectmen should continue to work with architects, engineers, and the various Town Departments to identify an appropriate site and finalize plans for construction of a new Police station facility.

### **Actions to Support the Town's Public Safety Services**

1. Complete the South Street Fire House expansion project.
2. Consider options for ensuring full-time coverage by emergency responders.
3. Identify an appropriate location for construction of a new Police Department facility.
4. Identify funding sources for construction of a new Police Department facility.
5. Construct a new Police Department facility.

## Agencies and Departments in the Municipal Center

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- 1<sup>st</sup> Selectman's Office
- Building Maintenance
- Social Services
- Tax Assessor's and Tax Collectors offices
- Town Clerk
- Registrar of Voters
- Comptrollers Office
- Building Department
- Fire Marshall's Office
- Health Department
- Land Use, Planning and Zoning and Inland Wetlands
- Town Engineer
- Parks and Recreation
- Tree Warden
- Board of Education

## Support the Municipal Center

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The Municipal Center, formerly the Bethel High School at one time and the Middle School at another time, now houses almost all town agencies and departments, identified in the sidebar. In addition to the many agencies and departments, the Municipal Center also houses the Senior Center and the Visiting Nurse Association.

The Town should be commended for the adaptive reuse of this building, which has many historic and architecturally significant qualities. However, a lack of space for additional and necessary employees in several departments has been identified by many of the Department Managers. Meeting rooms are frequently double-booked due to a lack of appropriate space for community meetings.

The antiquated HVAC system and energy-inefficient windows create situations which do not meet energy efficiency goals. While these issues may be expensive to address, the Town may realize cost savings from increased energy efficiencies over time. The Commission recommends that the Board of Selectmen address needed renovations and improvements particularly in regards to the HVAC system, windows, meeting room space, and storage facilities. These improvements should be addressed in the Town's Capital Improvement Plan.

### Conduct a Space Needs Assessment

The Board of Selectmen should consider conducting a needs assessment of the Municipal Center to determine whether future staffing, training, storage, and meeting room space will be available for the Town Departments housed in the building.

### Improve the Networked Computer System

Many of the departments in Town Hall would benefit by having increased inter-departmental access to data. A networked system, allowing the Land Use office, the Town Engineer's Office, the Assessor's office, the Health Department, the Police and Fire Departments, the Building Department, Parks and Recreation, and other departments to communicate and share data is beneficial for both internal communications and communications with the public.

The Town's networked computer system should include inter-departmental access to joint permitting software and GIS. GIS, which stands for geographic information systems, is a database of information used to produce highly detailed maps and was used to produce the maps and related data in this Plan.

The Commission recommends that the Board of Selectmen fund a computer upgrade allowing all departments access to data, GIS, and related inter-departmental information.

### Actions to Improve the Municipal Center

1. Complete renovations at the Municipal Center including installation of a new HVAC system and window replacement.
2. Consider conducting a needs assessment of the Municipal Center.
3. Expand the capabilities of the Town's networked computer system.
4. Consider acquisition of joint permitting software and provide inter-departmental access to the software.
5. Fund computer upgrades linking all departments with a shared GIS program.

## **Support the Public Works Department**

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The Public Works Department is responsible for the upkeep of the infrastructure of the town. Comprised of a number of related operations, it is the organization responsible for plowing and removal of snow, road and street repair, and sidewalk construction and maintenance. The positions reporting to the Public Works Director are identified in the sidebar.

This office maintains and oversees the water and sewer systems for the residents and businesses located within the Town's water and sewer service supply areas. It oversees all building maintenance for the municipal structures. It works with the State and Federal Governments to coordinate and implement the major bridge replacement projects around town. It oversees the engineering aspects of all new construction within the Town and ensures that these projects conform to local and state regulations.

Except for the Town Engineer's office, the Public Works Department is located at the Town Garage off Route 53 on Sympaug Park Road. The current size and configuration of the Town Garage is not sufficient to store all equipment indoors. This is a concern since outdoor storage of heavy equipment can hasten deterioration of the Town's many expensive pieces of road and utility equipment.

There are also concerns that there is not adequate space for all public work employees in the Town Garage, particularly if staffing is increased on the Highway Department, (discussed in the next Chapter on Transportation). Some consideration has been given to moving the water and sewer service employees to another location in order to provide sufficient indoor space for the storage of all equipment and sufficient sanitary and meeting space for the public works employees. While the Commission believes that the Engineer's office should continue to be maintained in the Municipal Building for customer-service related issues, it recommends that the Board of Selectmen review the options and determine how best to manage and maintain the equipment and personnel at the Town Garage.

### **Action to Support the Public Works Department**

- |   |
|---|
| <ol style="list-style-type: none"><li>1. Consider adjustments or renovations to the Town Garage to ensure adequate space for all equipment and personnel.</li></ol> |
|---|

### **Positions Reporting to the Public Works Director**

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- Highway Superintendent
- Town Engineer
- Transfer Station Manager
- Tree Warden
- Utility Supervisor

## Support the Library

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The Bethel Library is consistently identified as a valuable community resource. It is located in a historic building listed on the National Register of Historic Places. Ongoing support is necessary in order to ensure that the facility is able to meet the needs of the community.

Parking continues to be a problem, in part due to the Library's convenient location in the Village Center. The Library makes use of the parking lot at the former train station, but better signage is recommended for those unfamiliar with this practice. If at some time in the future, the School Street properties are redeveloped, parking considerations for the library should be addressed.

### Actions to Support the Library

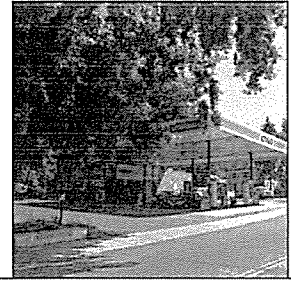
1. Complete the library renovations and provide signage for all library related parking.



Bethel Library



# TRANSPORTATION SYSTEMS



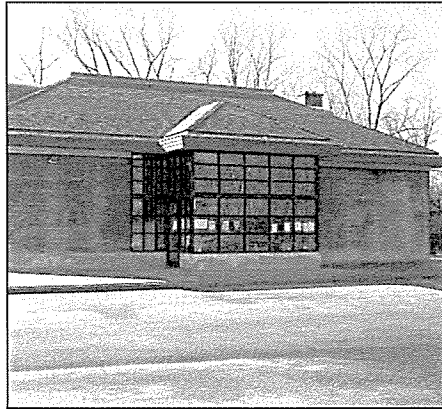
## Overview

Transportation systems tie a community together, connecting it with the larger community. Local streets and roads need to provide safe, reliable access to work, schools, shopping, and residences. Transportation systems also need to provide for the movement of goods and services both into and out of a community.

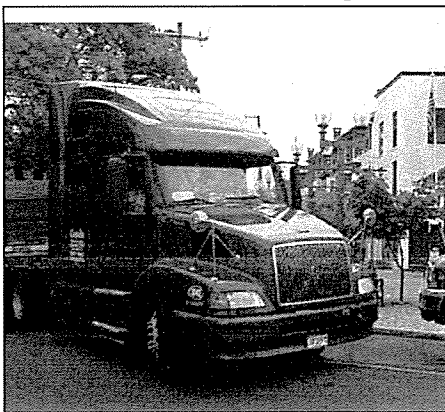
For most of the last century, transportation systems have primarily relied on vehicular traffic. This chapter also includes transit, pedestrian, and bicycle facilities, to ensure that these systems move people and goods safely and efficiently, support community character and structure, and protect residential neighborhoods and provide transportation options for the 21<sup>st</sup> century.



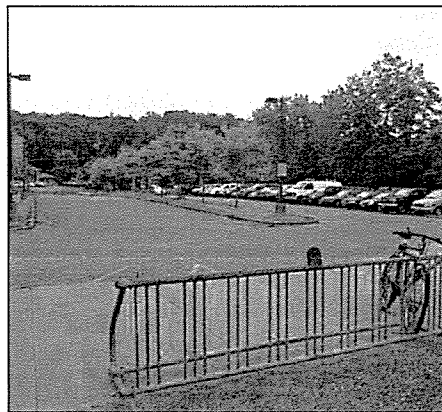
**Road with Stormwater Management**



**Train Station**



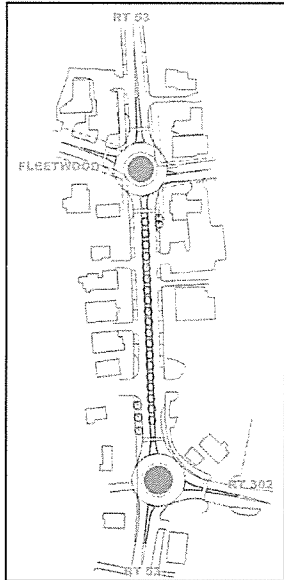
**Big Truck on Small Street**



**Bicycle Parking**

## Improve the Town's Road Network

Route 6  
Route 53  
Route 58  
Route 302



HVCEO

**Proposed Roundabouts  
on Route 53**

### Implement HVCEO Recommendations

The Town's Highway Department works with the State Department of Transportation (CONN DOT) and the Housatonic Valley Council of Elected Officials (HVCEO) on most transportation issues related to State and Interstate roads in Bethel. HVCEO conducted an overview of traffic issues in Bethel in 2005 with a focus on state roads and major regional issues. That review generated a number of recommendations for future traffic improvements in Bethel. Those recommendations are included in the *Bethel, CT, Traffic Issues Report*, available from HVCEO or on-line at HVCEO.org. The Board of Selectmen should continue to work with HVCEO to implement the recommended improvements.

CONN DOT has prepared a plan for widening I-84 and redesigning the access at Exit 8. The State's plan for I-84, if implemented, would facilitate movements for local traffic seeking I-84 access. A notable improvement would be for northbound Payne Road traffic entering I-84 eastbound immediately to the right of the intersection of Payne Road with Route 6, rather than requiring a circuitous trip around the large Exit 8 rotary. Access to I-84 westbound would be improved via a new bridge extending Payne Road across I-84 to Exit 8. The Board of Selectmen should continue to work with both HVCEO and CONN DOT to see these plans are fully implemented.

Another improvement proposed by HVCEO is the use of roundabouts for the intersections of Route 53 with Fleetwood Avenue, Route 53 with Route 302, and Route 53 with Willow Street (see sidebar). These proposed locations on Route 53, which include a heavily used shopping area, would benefit by the increased safety conditions that a roundabout provides. The reconfiguration would allow also for additional parking spaces, which are needed to support this busy commercial area. The Board of Selectmen should support the development of a detailed feasibility study, funded by the HVCEO transportation planning program as soon as possible. This study should include an evaluation of the conceptual plan in regards to CONN DOT's roundabout criteria. The completed feasibility study should then be submitted to the CONN DOT Project Development Unit with an application for funding.

### Address Congestion, Capacity, and Access Management

Congestion occurs when traffic volumes exceed the capacity of a roadway or intersection. In Bethel, congestion or capacity deficiencies are primarily located along the State roads, including the mile and a half of Route 6 in the northern part of Town, along Route 302 particularly in the Village Center, and at the intersection of Route 302 with Route 53. All of these road segments are addressed in the *Bethel, CT, Traffic Issues Report*, one of several reports prepared by HVCEO relative to traffic and transportation in Bethel.

When the Commission conducts an update of the Town's Zoning Regulations, the recommendations in the HVCEO reports, particularly those related to access management, should be reviewed and incorporated as appropriate.

In 1997, HVCEO completed an access management plan for Route 6. As part of the Route 6 Corridor Study already underway, the Route 6 access management plan will be updated.

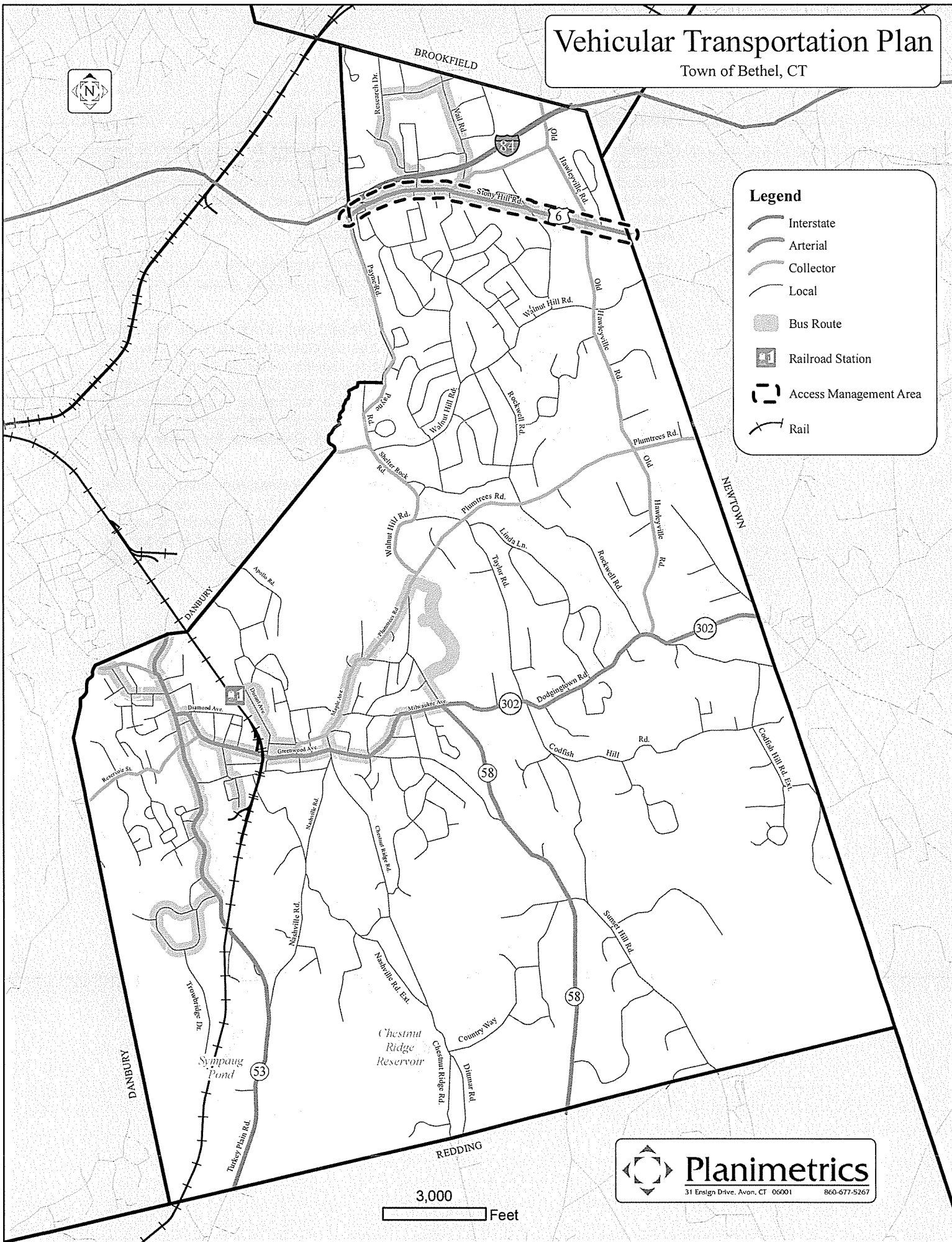
# Vehicular Transportation Plan

Town of Bethel, CT



## Legend

- Interstate
- Arterial
- Collector
- Local
- Bus Route
- Railroad Station
- Access Management Area
- Rail



3,000 Feet



**Planimetrics**

31 Ensign Drive, Avon, CT 06001 860-677-5267

## Encourage Scenic Roads

A major element of road engineering in the 20<sup>th</sup> century was on removing road hazards and moving cars as efficiently as possible. This approach frequently resulted in wide, flat, and straight roads, characteristics that encourage speeding and detract from community character. Many of Bethel's roads, originally cow paths or wood trails, were built prior to those 20<sup>th</sup> century standards and as a result many of the older roads are narrow and windy.

Today new roads in Bethel are built to standards requiring wider road widths, as required by the Town's Road Ordinance. These standards create roads which are often incompatible with scenic road criteria.

In the last several years, the Highway Department, working with the Town Engineer and the Public Works Director, has developed a manual for new road construction and subdivision infrastructure to replace outdated standards in the Town's *Road Ordinance*. The manual, "*Design and Construction Standards*" provides guidance on road materials, width, slope, stormwater management, and access management. While this manual has some improvements over the existing Road Ordinance, it relies on the Road Ordinance for many of the standards.

The Commission should review the manual and make recommendations to the Town Engineer to revise the manual. Revisions should include removing all references to fees, which should be managed by the Board of Selectmen and not be included in policy and regulatory documents. Other revisions that should be incorporated into the Road manual before it is formally adopted address the road standards and include the following:

- paved widths of less than 25 feet for secondary roads;
- prohibitions against grading flat for the full width of the road right-of-way;
- allowing gradients of up to 15% where site conditions permit;
- requirements that stone walls along rights-of-ways be preserved or built; and
- requirements for street tree plantings in the road rights-of-way.

Once these revisions have been made, the Commission requests that the Board of Selectmen adopt a new roads ordinance that identifies the manual as the source of all road standards. The roads ordinance should state that the Town Engineer has the authority to administer and maintain the Manual and the Commission has the authority to review any proposed amendments to the manual, with the provision that any such proposed amendments are not to be effective until the Commission has made a positive recommendation.

## Maintain the Town's Highways, Roadways, and Bridges

Bethel's Highway Department is located in the Public Works Garage on Sympaug Park Road near the Francis J. Clarke Industrial Park. Responsibilities of the Highway Department include leaf removal, sand removal, snow and ice removal, sidewalk maintenance, and storm drainage maintenance.

Recent State and Federal legislation mandates additional stormwater management tasks, requiring additional equipment and manpower. The staff of the Highway Department should be expanded in order to adequately provide these valuable services to the community in the most cost-effective manner possible.

The Department does the majority of the road reclamation work in Bethel and is able to perform local road maintenance and new road construction cheaper and quicker than any of the neighboring towns. Regular maintenance minimizes the total amount of work required, cost-effectively maintains good road conditions, and helps avoid expensive road reconstruction projects. Deferred maintenance results in significant efforts and expenditures to restore the original integrity of the roadway. For this reason, Bethel should continue to make regular road improvements on local roads.

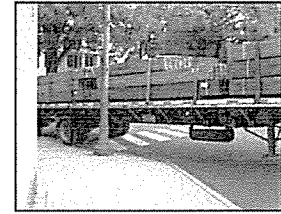
In addition to the historic stone bridges discussed in an earlier chapter, there are also many bridges in Town, all of which need regular maintenance. Some of these bridges, particularly those crossing the Sympaug River, are in need of replacement. The Board of Selectmen should ensure that bridge replacement efforts are fully funded and a work plan is proceeding in a timely fashion.

### Resolve Train Track and Road Network Conflicts

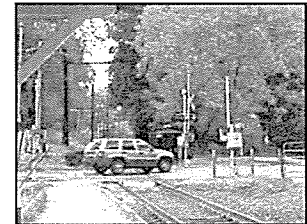
The railroad, designed long before cars and trucks dominated the transportation system, provides an important link between Bethel and southern Fairfield County and New York City. As a result, roads and the railroad tracks intersect in several critical locations creating conflicts for truck drivers, residents living on narrow streets where the heavy truck traffic is diverted, and the Town owned Industrial Park.

One of the most serious of these conflicts is on State Route 53 adjacent to the Francis J. Clarke Industrial Park. The railroad tracks cross over the road on a railroad trestle that prevents trucks taller than 11' 4" from passing under the trestle. In addition to thwarting the economic potential of the Industrial Park by limiting the size of trucks that can easily access the park from the State Highway, the Commission is also concerned about the number of large trucks that must travel through residential areas on narrow, winding, and densely populated residential streets, ill-equipped to accommodate large vehicles.

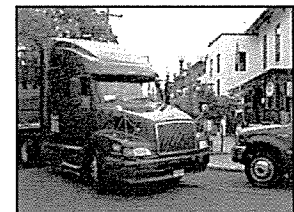
If the Town is going to realize the full potential of its location in Fairfield County, vehicles of all sizes must have unimpeded access to all state routes. The Commission recommends that the Board of Selectmen, working collaboratively with CONN DOT, CONN Rail, Metro North, and HVCEO, pursue options for moving truck traffic across the railroad and out of residential neighborhoods. The Board of Selectmen should actively pursue raising the height of the Danbury Branch railroad overpass to allow for the free flow of all legal truck heights.



Truck on Sidewalk



Car on Railroad Track



Large Truck Small Street

## **Provide Access for Trucks Out of the Historical Industrial Area**

There are conflicts between trucks and residential streets resulting from limited access from the historical industrial area adjacent to the Village Center. A potential solution is to identify a road right-of-way from Henry Street to Route 53. However, this is not a simple solution, as the area between Henry Street and Route 53 is largely wetlands. The Board of Selectmen should hire a transportation engineer with wetlands expertise to identify a potential route with minimal impacts to the wetlands. If a possible route is identified, the Board of Selectmen should submit an application to the Town's Wetlands Commission and to the State DEP. Depending on the size of the disturbance, it is likely that the Army Corps of Engineers will also need to approve the project.

The Commission recommends that the Board of Selectmen consider the magnitude of the problem and determine an appropriate solution, using this Plan for guidance. The Commission also suggests that a partial solution to this problem is related to finding more appropriate locations for the businesses in the historic industrial area, located over a public water supply watershed.

## **Actions to Improve the Town's Road Networks**

1. Implement the recommendations of the HVCEO report "Bethel, CT, Traffic Issues Report" to the maximum amount practicable.
2. Continue collaborative efforts with Regional, State, and Federal Transportation officials, and policy makers to resolve conflicts between local roads and Interstate 84.
3. Request a roundabout feasibility study and then submit the study to the CT DOT Project Development Unit with an application for funding.
4. Request updates to the 1997 Access Management Plan for Route 6.
5. Request realignment of the Route 6/Hawleyville/Benedict Road intersection and of the Route 6/Sand Hill intersection.
6. Adopt a scenic roads ordinance.
7. Continue to maintain the Town's highways and road network.
8. Adequately staff the Highway Department to address additional stormwater management tasks.
9. Revise the draft "Design and Construction Standards" manual removing all references to fees and revising road standards to encourage narrower, scenic roads.
10. Once revisions have been made, adopt the manual. Request that the revised manual replace the Road Ordinance, identifying the Town Engineer as the administrator.
11. Ensure that all revisions to the manual are subject to the Commission's approval.
12. Maintain bridges and continue to make bridge improvements.
13. Actively pursue options for resolving the road/railroad conflict on Route 53 near the Francis J. Clarke Industrial Park.
14. Consider hiring a transportation engineer with wetlands expertise to identify a potential route from Henry Street to Route 53.
15. Consider incentives to relocate businesses out of the historic industrial areas and then rezone to a mixed-use district, supported by transit.

## Support Transportation Options

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For more than 50 years, Bethel's transportation system, like most communities in the United States, has relied primarily on vehicular circulation. With rising gas prices, increasing congestion of the roadways, and mounting evidence that burning fossil fuels are contributing to unwelcome climate changes; the time has come to better balance vehicular transportation with other transportation options. In addition, providing pedestrians and bicyclists with safe and attractive routes adds vitality to the commercial areas and helps to calm traffic on the streets.

### Support Rail Service

The Metro North Railroad operates a train station in Bethel on Durant Avenue, provides rail service north to Danbury and south to Norwalk, with connections into New York City. The Commission supports the continuation of rail service to New Milford along existing tracks that provided this service in the past.

The Commission also supports more convenient connections to the New Haven line with more frequent service to both Stamford and New York City for both peak and off-peak periods. The Commission recommends that the Town, through the offices of the First Selectman, and in coordination with HVCEO, continue to work with Metro North Railroad and CONN DOT to increase the availability of train service into and through Bethel.

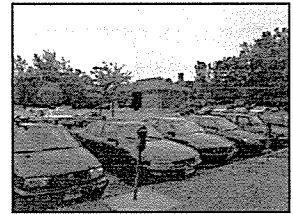
The Train Station, located at 13 Durant Avenue, has parking for 199 cars. This parking lot is usually fully occupied between 8:00 AM and 5:00 PM. The Board of Selectmen, working with Metro North, should pursue options for additional parking capacity on this site. Metro North is supportive of Transit-oriented development and might be able to assist with some funding if a development proposal is consistent with Metro North's TOD guidelines.

Bethel should also work with its partners in the Region to advocate for an additional station, perhaps in the northern part of Danbury to provide convenient access from the rail to the Berkshire Industrial Park and Route 6.

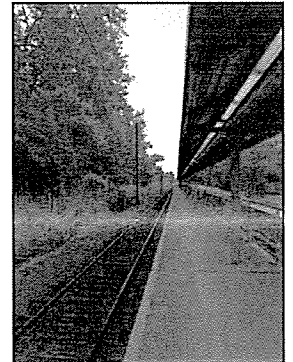
In order to make the train station more accessible to those living on the west side of the tracks, the Commission supports the development of a platform on the west side of the station so that train doors can open on both sides. The Commission recommends that the Board of Selectmen and HVCEO advocate for a west side platform and additional parking for both cars and bicycles.

### Support Additional Transit Service

HART (Housatonic Area Regional Transit), the greater Danbury public transportation provider, operates a 15-route bus system providing service between Bethel and Danbury with connections to the Connecticut communities of New Milford, Brookfield, Newtown, Redding, New Fairfield, Norwalk, Ridgefield, and Wilton, and additional locations in New York State. Other HART services include the SweetHART (Dial-A-Ride) system, and bus-to-rail shuttles between Ridgefield and the Katonah Metro North Railroad Station and between Danbury and the Brewster Metro North Railroad Station. The Commission recommends that the Board of Selectmen continue to work with HART to provide additional transit service in Bethel including increased frequency of existing services, additional capacity of the SweetHART system, more amenities for transit riders, and the creation of additional transit options.



Parking Lot at  
Train Station

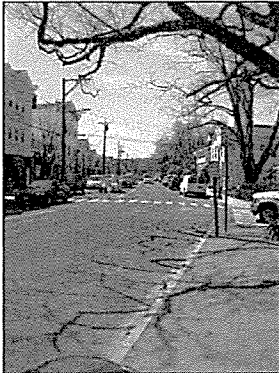


Track at Train Station

## Trackless Trolley

HART operates a trackless trolley in Danbury that serves as a model for a potential trolley system in Bethel. While the densities do not currently exist to support such a system in Bethel today, it is envisioned that such a system could provide transit service in the future.

Potential routes include Stony Hill corridor to the Train Station(s) and Downtown; and from the Train Station to locations such as the Town's Industrial parks, the Village Center, and the Route 6 corridor.



## Support the Development of Bus Shelters

An important amenity for transit users are bus shelters. Currently there is not a single bus shelter in Bethel. The Commission will ask that HART study this matter. Considerations in a study of bus shelters in Bethel should include identification of locations such as the Village Center, adjacent to the train station, and along Route 6. There should also be consideration given to the aesthetic qualities of the shelters and ongoing maintenance.

## Create a Pedestrian Network

Sidewalks, trails, and greenways provide for safe pedestrian circulation, an important element in creating and maintaining an active and vital community. In addition, providing an adequate pedestrian network will increase the chances that someone will choose walking over driving, particularly when the destination is a mile or less away.

In Bethel, the installation of sidewalks on one or both sides of a roadway occurs in one of two ways:

- the Zoning and Subdivision Regulations require the installation of sidewalks for most new projects; and
- the Town undertakes sidewalk construction projects, through the Capital Improvement Program or in conjunction with specific projects such as the STEAP (Small Town Economic Assistance Program) funded sidewalk improvement program for the Downtown's Village Center.

Bethel has a concentration of sidewalks in the historic Village Center. Sidewalks also exist along Durant Avenue up to the Metro North Rail Station. There are some residential subdivisions and commercial developments that installed sidewalks as part of their site development. The *Sidewalk and Walkways Plan* shows the location of existing and proposed sidewalks.

A recommendation of this Plan is to increase and improve the pedestrian network in Bethel. This includes construction of new sidewalks, maintenance of existing sidewalks, connecting sidewalks with greenways and other trails, and addressing conflicts between pedestrians and roadways. A fee-in-lieu of sidewalks may be appropriate in some locations and should be an option where it is appropriate.

The Commission recommends that the Board of Selectmen fully fund a *Sidewalk Improvement Plan (SIP)*, to be administered by the Town Engineer. The Goal of the SIP should be to assess the condition all sidewalks addressing gaps, potential extensions, handicap access, and maintenance issues at one time.



# Pedestrian and Bicycle Plan

Town of Bethel, CT



**Legend**

**Bike Routes**

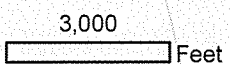
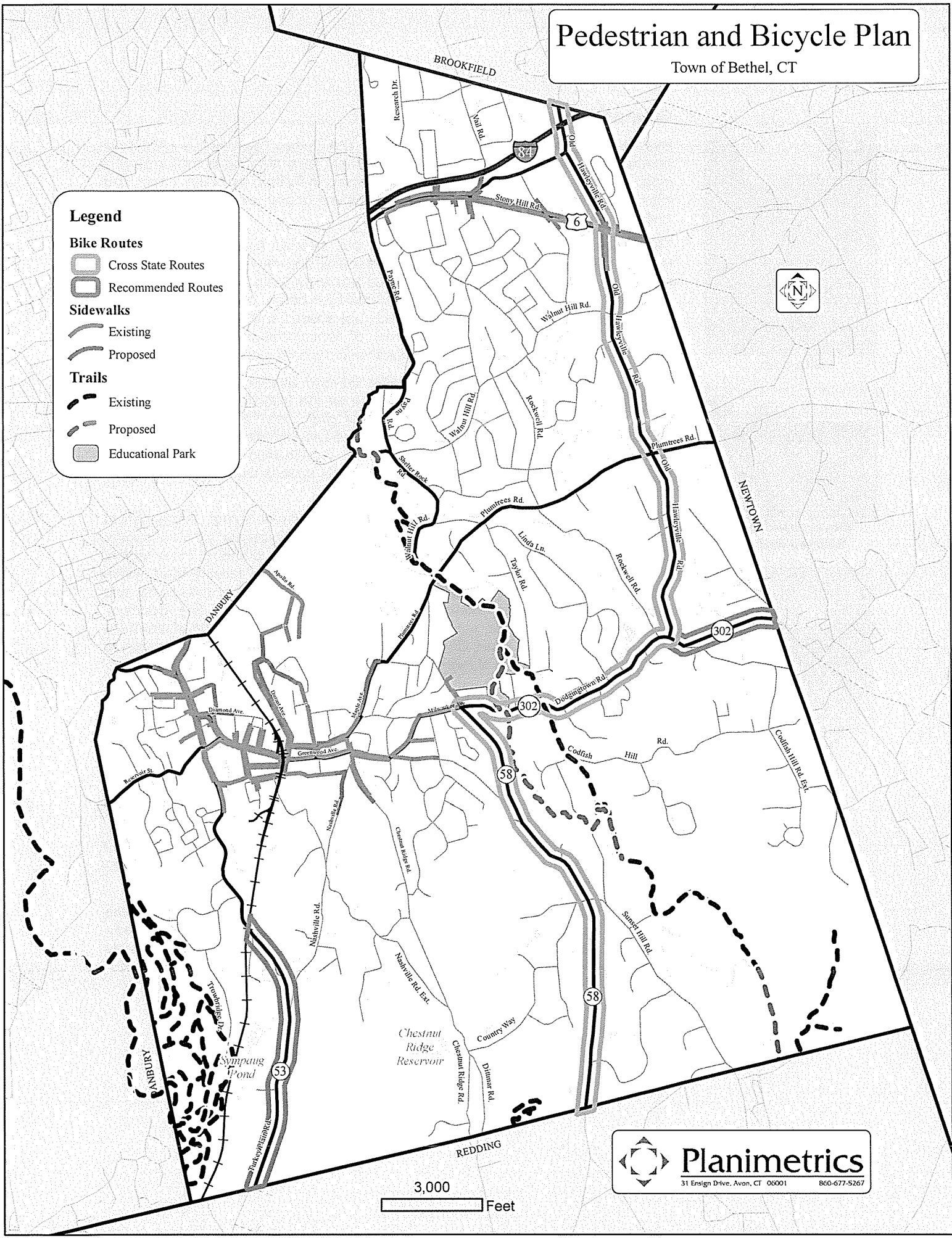
- Cross State Routes
- Recommended Routes

**Sidewalks**

- Existing
- Proposed

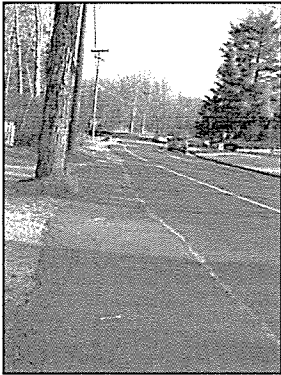
**Trails**

- Existing
- Proposed
- Educational Park

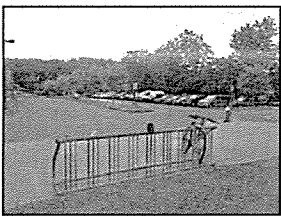


**Planimetrics**  
31 Ersign Drive, Avon, CT 06001 860-677-5267

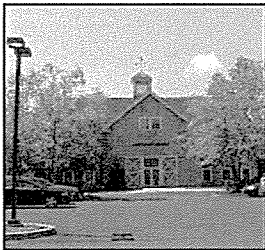
## Support Bicycle Infrastructure



**Bike path**



**Bicycle parking at  
Railroad Station**



**Cannondale Bicycles  
Headquarters**

Bicycling is a popular activity in the region. The Bethel Town Hall is used by a number of cycling clubs and bicycle enthusiasts as a meeting point for bicycle trips. The Hat City Cyclists, a bicycle club based in Bethel, has been organizing bike trips since 1985 which start at the Municipal Center and end up at a local restaurant.

The two major types of bicycle facilities are on-road and off-road. On-road facilities share the road with motor vehicle traffic, and may include either lanes specifically designated for bicycles or lanes that are shared by both bicycles and motorized vehicles. Off-road facilities include bike paths, which are exclusively for bicycle use, or multi-use trails, which are shared with pedestrians, in-line skaters, and other non-motorized forms of transportation. The Commission recommends that transportation facilities should become more bicycle friendly.

The State Bicycle Map identifies suitable on-road bicycle facilities which are identified on the Sidewalks and Bicycle Plan on the following page. There is a segment of Route 302, on the eastern edge of town, identified as a bicycle route on the State Bicycle Map. In addition, Route 58 is identified as a Cross State Route. According to a disclaimer on the State Bicycle Map "extreme caution is advised with both of these roads as motor vehicle speeds can be excessive and visibility can be impaired by terrain and vegetation."

Off-road facilities do not currently exist for bicycle users in Bethel. Bethel should take advantage of the proximity of the world headquarters of Cannondale Bicycles, a premiere manufacturer of bicycles, to make Bethel a more bicycle friendly community, perhaps by developing some off-road bicycle trails within Terre Haute. Cannondale might also be a good partner for developing and supporting other bicycle friendly infrastructure and amenities. The Board of Selectmen should consider creating an ad-hoc committee comprised of members of the Hat City Cycling Club, Cannondale, the EDC, and Parks and Recreation to oversee the development of more bicycle friendly facilities.

### Bicycles and Transit

Two additional recommendations to increase bicycle use would also support transit riders.

One recommendation is a bikes-on-buses program. This program, successfully operating in other communities, allows bicycles to be placed on a rack in the front of the bus, allowing many more riders to access the bus lines by traveling a portion of the trip by bicycle.

Another possibility for individuals wishing to ride their bicycle at least a portion of the way to work, is to drive the bike, in a car, to a park and ride facility, park the car, and then ride the bike the remainder of the commute.

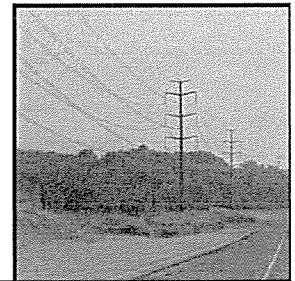
The Board of Selectmen should consider collaborating with bicycle advocates and State sponsored car-pooling programs to develop a map of potential park-and-ride locations that Bethel residents can use. This map should also be made available to commuters wishing to participate in carpooling programs.

## Actions to Support Transportation Options

1. Collaborate with Regional, State, and Federal transportation officials to extend the rail service north to New Milford.
2. Encourage increased service to the New Haven line for both peak and off-peak hours.
3. Develop additional parking capacity at the Train Station.
4. Advocate for a Danbury North Railroad Station near the northwest corner of the Town of Bethel.
5. Consider development of a west side train platform with additional parking and facilities for pedestrians and bicyclists.
6. Increase the frequency and coverage of HART bus services in Bethel, including additional service for the SweetHART Dial-A-Ride.
7. Encourage HART to provide bus shelters in Bethel.
8. Consider a trackless trolley route between Stony Hill and the Village Center.
9. Include a fee-in-lieu of sidewalks in the Subdivision Regulations where appropriate.
10. Develop and fund a sidewalk improvement plan (SIP) for ongoing maintenance of sidewalks and pedestrian infrastructure.
11. Consider the needs of pedestrians and bicyclists in all transportation projects, integrating facilities to support pedestrian and bicyclists to the maximum amount practicable.
12. Collaborate with bicycle advocates to develop additional bicycle infrastructure in Bethel.
13. Collaborate with Cannondale to develop more bicycle friendly trails and bicycle infrastructure.
14. Encourage HART to accommodate bikes on buses.
15. Identify potential park-and-ride lots for bicyclists and carpoolers.

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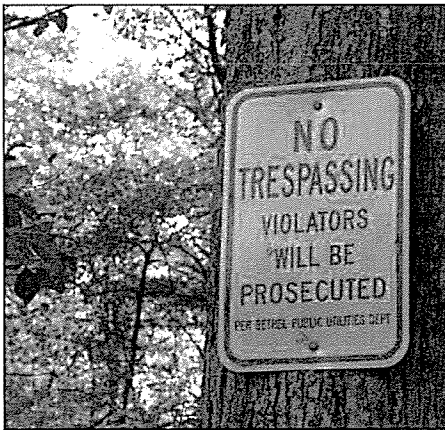
# UTILITY INFRASTRUCTURE



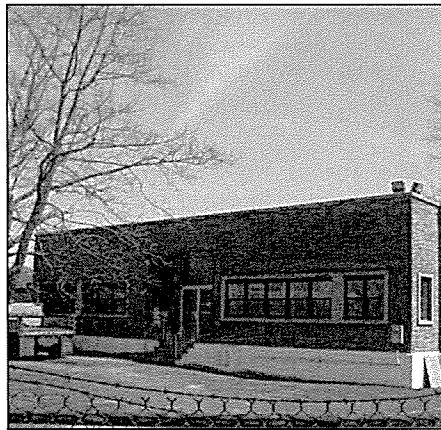
## Overview

The availability of public utilities can strongly influence development patterns. There are typically piped utilities such as public water and sewer service; wired utilities such as telephone and cable services and wireless services.

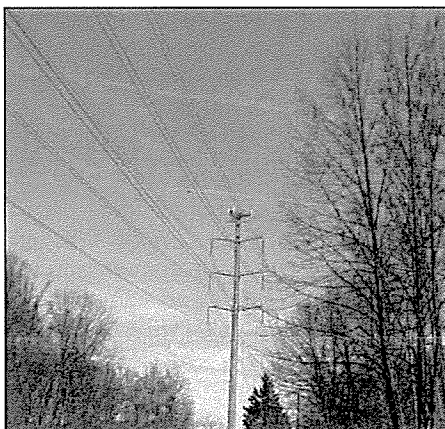
The Plan seeks to ensure that utilities are suitably located and have adequate capacity to support the desired residential and commercial growth pattern expressed throughout this Plan.



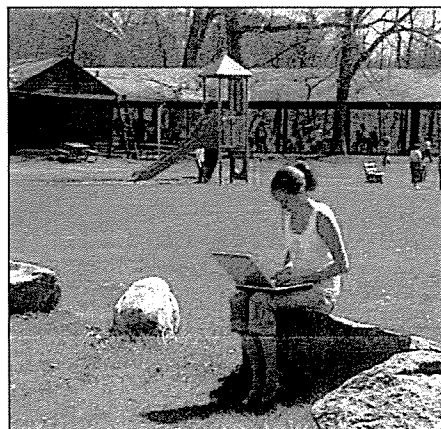
**Water Supply Service Area**



**Sewer Pump Station**



**Wired Utilities**



**Wireless Utilities**

## **Provide Public Water for Community Needs**

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Water supply is a critical element of the Town's infrastructure. Public water service provides potable water for fire protection, residential, and business requirements, and supports desired development patterns. There are two water service areas in Bethel, as identified on the map, *Water Service Areas*. The Bethel Water Department is a municipal utility and the Bethel Consolidated Water Company is a private utility. Areas not identified on the *Water Service Areas Plan* are served by private wells.

The Bethel Water Department obtains water primarily from the Maple Avenue Wells, which supplies 70% of the Town's drinking water. The remaining 30% comes from the Chestnut Ridge Reservoir. Emergency back-up supplies are located in Danbury in two reservoirs owned by the Town of Bethel.

The Bethel Water Department has a safe yield of 1.66 million gallons per day. Average consumption over the last five years, according to the Town Engineer, has been 942,400 gpd. Therefore, there are adequate water supplies to meet existing needs and sufficient capacity for some expansion of service.

The Bethel Water Department is responsible for the maintenance of the municipal drinking water systems and conducts monthly and yearly testing of the Town's water supply systems, including wells and reservoirs, to ensure that the Town's water supply is in compliance with state and federal guidelines. The Bethel Water Department provides water for those areas of the downtown and centrally located areas of town which are connected to the public water system.

The Town's water supplies are currently dependent on two reservoirs and the emergency back-up of Murphy's Brook. The Connecticut DPH recently completed assessments for all reservoirs and associated watersheds in the State. DPH concluded that the absence of source protection regulations in Bethel is a potential risk factor for its water supply. DPH recommends the creation of local watershed protection regulations, including a water supply overlay zone. Commission will adopt a water supply overlay zone when it revises the Zoning Regulations.

The privately owned Bethel Consolidated Water Company provides water for Chimney Heights and the Berkshire Corporate Park. Water for Chimney Heights comes from privately managed well fields in the Dibble Brook Aquifer, which has a safe yield of 224,640 gpd. Average daily consumption is approximately 110,000 gpd. Water for the Berkshire Corporate Park comes from an interconnection with Danbury. Average daily consumption for the Park is at 60,000 gpd.

As noted in the first draft of a water supply study prepared for the Housatonic Valley Council of Elected Officials in October 2006, despite the costs associated with a water supply overlay zone, the benefits of water source protection far outweigh the costs. The report entitled "*Adopting a Water Supply Protection District Overlay Zone for Bethel*" contains a number of recommendations for protection of Bethel's water supply. Once that report has been completed, the Commission should use the recommendations as guidance in the forthcoming revision process to update the Zoning Regulations.

### **Actions for Protecting Public Water Supplies**

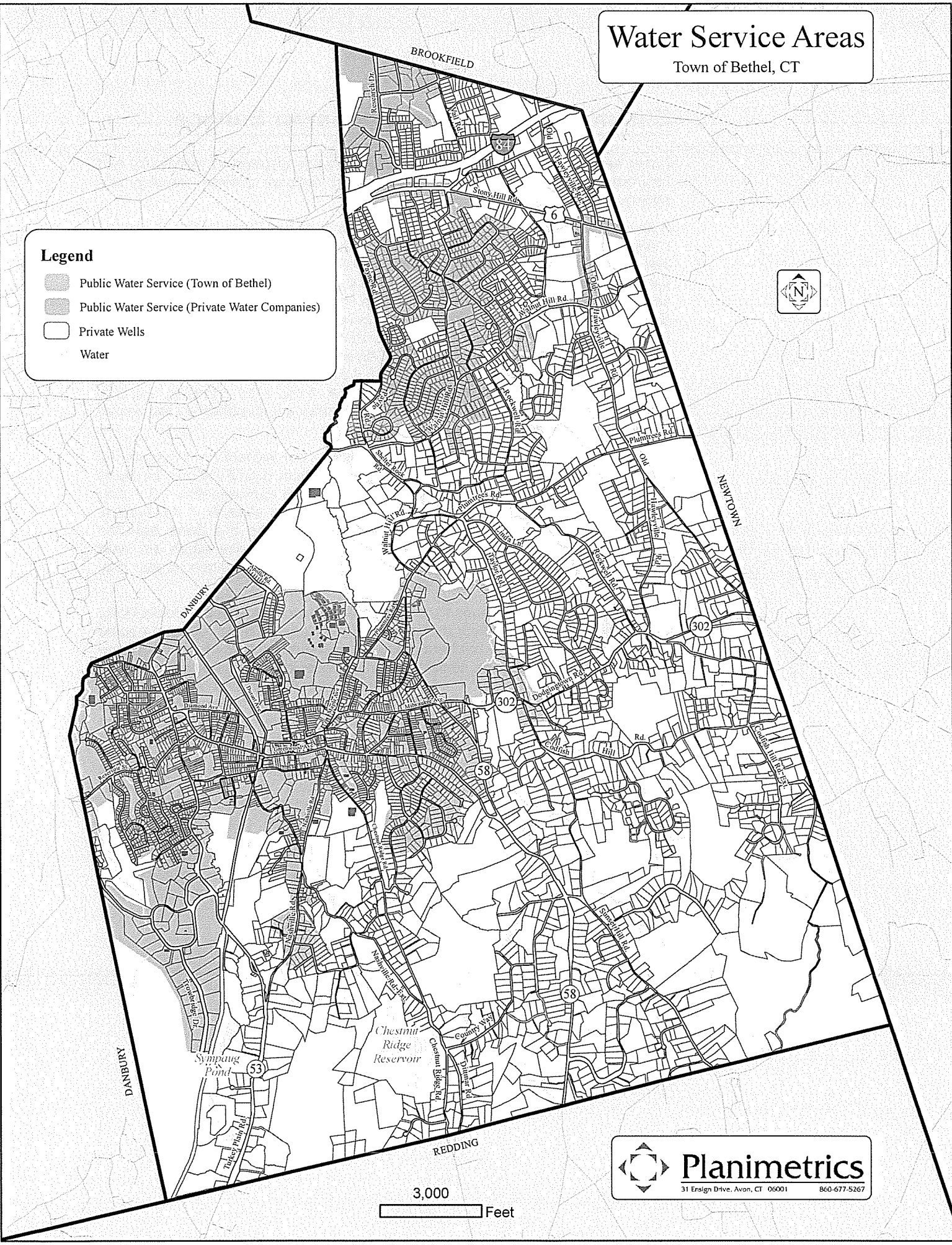
1. Create local watershed protection regulations, including a water supply overlay zone.
2. Implement the recommendations of the "Adopting a Water Supply Protection Overlay Zone for Bethel."

# Water Service Areas

Town of Bethel, CT

**Legend**

- Public Water Service (Town of Bethel)
- Public Water Service (Private Water Companies)
- Private Wells
- Water



3,000 Feet

**Planimetrics**  
31 Ensign Drive, Avon, CT 06001 860-677-5267

## **Ensure Adequate Sanitary Sewer Service**

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Public sewers can provide safe and efficient sewage disposal for residential and business needs, protect public health, and support desired development patterns.

Bethel's Public Works Department, primarily through the Town Engineer and the Utility Supervisor, maintain the municipal sewer mains located within the Town. The Town has an Inter-local Agreement with the City of Danbury to send its municipal sewage to their treatment facility. There are three different sewer service areas served by three sewer pump stations. As identified on the *Sewer Service Areas Plan*, sewer lines currently serve the entire downtown Bethel area, the Francis J. Clarke Industrial Park, the Berkshire Industrial Park, Hoyt's Hill, and the Stony Hill/Route 6 Corridor. Sewer service has been approved for Chimney Heights and Phase 1 work on installation of sewer service to this neighborhood has begun. The *Sewer Service Areas Plan* identifies existing, proposed and potential sewer service areas. Areas not identified on the *Sewer Service Areas Plan* use private septic systems.

As of October 2006, there were 3,476 customers of the Bethel Sewer System. An agreement with the Danbury Sewage Treatment Plant (DSTP) allows for up to two million gallons of sewage a day. Current usage is approximately 1.2 million gallons a day indicating that there may be some excess capacity in the system. However, according to a recent study conducted by Tighe and Bond, both the Paul Street Pump Station and the Downtown sewer service areas are near capacity. There are concerns that new development in these areas may jeopardize the current agreement with Danbury.

The Commission recommends that the Board of Selectmen and the Public Utility Commission consider revising the agreement with the DSTP to reallocate some sewage capacity from the northern area, where there is a surplus, to the Village Center, in order to support some limited additional development in the Village Center. As the Commission revises the Zoning Regulations and considers allowing for some increases in density both in the Village Center and within the proposed Transit-Oriented Development District, both the Zoning Map and the Sewer Service Plan may need to be reviewed and amended for compatibility.






The Public Utility Commission and the Board of Selectmen are considering extending sewer service throughout the southwestern part of Town. This is in conflict with the State Plan of Conservation and Development, which has identified this area as rural land and a conservation area. Therefore, the Commission recommends that the Town work to resolve this discrepancy and clarify the State Plan of Conservation's designation of this area of Town before moving forward with the proposal to sewer the southwestern part of Town and/or to propose or allow any additional development in this area.

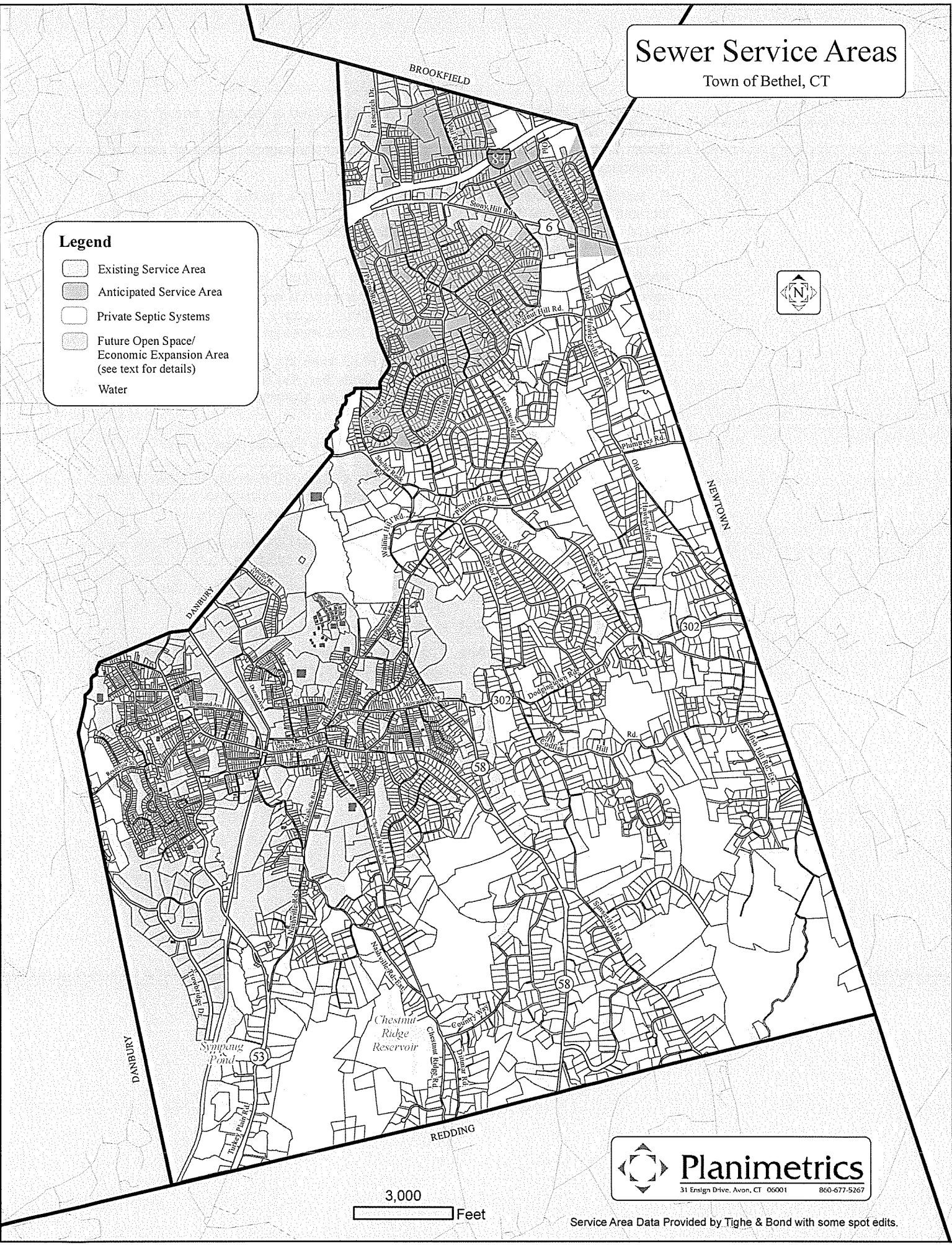


# Sewer Service Areas

Town of Bethel, CT

**Legend**

-  Existing Service Area
-  Anticipated Service Area
-  Private Septic Systems
-  Future Open Space/  
Economic Expansion Area  
(see text for details)
-  Water



3,000 Feet

 **Planimetrics**  
31 Ensign Drive, Avon, CT 06001 860-677-5267

Service Area Data Provided by Tighe & Bond with some spot edits.

In 2006, the Public Utilities Commission conducted a sanitary sewer system capacity evaluation, with the assistance of the engineering firm of Tighe and Bond. That report identified a number of recommendations, many of which the Commission endorses.

A number of recommendations address concerns about the potential for exceeding the flow limits agreement. The Commission recommends that the Board of Selectmen and the Public Utility Commission pursue those recommendations.

Another important recommendation is to develop a system to monitor redevelopment and build-out within the sewer service areas in order to evaluate the impact on wastewater flows and available capacity as development in the Town proceeds. The Commission supports these recommendations.

That report also recommended that the PUC evaluate and potentially upgrade the flow meters at the Payne Road Meter Chamber, the Berkshire Pump Station, and the Plumtrees Road Pump Station. The Commission supports these recommendations.

### **Actions for Ensuring Adequate Sanitary Sewer Services**

1. Update the sewer service area limits to ensure that areas of Town where new sewers are planned are within the sewer service area and are consistent with the State Plan of Conservation and Development.
2. Consider requesting an adjustment to the inter-municipal agreement with Danbury to shift capacity from the northern area to the southern area.
3. Develop a system to monitor redevelopment and build-out within the sewer service area in order to evaluate the impact on wastewater flows and available capacity as development in the Town proceeds.
4. Evaluate and upgrade, if necessary, the flow meters at the Payne Road Meter Chamber and the Berkshire Pump Station.
5. Evaluate options for upgrading or replacing the Plumtrees Road Pump Station.

## Manage Stormwater

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State and Federal regulations now require greater local management of stormwater. Under the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II guidelines, Bethel will be responsible for reducing the discharge of pollutants to the "maximum extent practical." Both the Town and all commercial properties tying into the Town's sewer and stormwater systems will be responsible for meeting the new water quality standards. The Board of Selectmen should investigate the creation of a stormwater utility to manage and pay for compliance with the NPDES guidelines and DEP requirements.

Areas with consistent stormwater runoff problems include Plumtrees Road near the Police Station, the intersection of South Street with Nashville Road, the P.T. Barnum Square, and the Diamond / Farnum Hill intersection. The Commission should review its stormwater run-off regulations to address both the volume and velocity of runoff. The Commission should explore regulatory strategies and other approaches to encourage the development of sustainable stormwater facilities such as catch basins, detention ponds, and rain-gardens, to control stormwater flows and improve the quality of stormwater runoff. As the Commission revises the Zoning Regulations, it should ensure that the Town's regulations are consistent with the *CT DEP Stormwater Management Plan* and the *CT Stormwater Manual, 2004* as amended.

As discussed earlier in the section on transportation, the Town Engineer's Office, has developed "*Design and Construction Standards*", which also provides guidance for storm drainage improvements. This manual used the recommendations and proposed regulatory intent of the EPA's stormwater regulations and the CT DEP stormwater management policies. Once the "*Design and Construction Standards*" manual has been reviewed and revised, it should be adopted to provide applicants and the Town Engineer with clear guidance on how to best address stormwater management systems.

### Actions to Manage Stormwater

1. Investigate the possibility of creating a stormwater utility.
2. Consider adopting a Zero Increase in Runoff policy.
3. Revise the Zoning Regulations for compliance with the CT DEP Stormwater Management Plan and the CT Stormwater Manual, 2004 as amended.
4. Adopt the "Design and Construction Standards" manual for guidance on storm drainage improvements.

### Stormwater Run-off BMPs

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Best Management Practices (BMPs) for managing stormwater include:

- reduce residential density and/or lot coverage in sensitive watershed and aquifer areas;
- improve stormwater treatment by natural or mechanical means including oil and grit separators and natural wetland vegetation;
- continue to provide water quality educational resources to land use commissions and the public; and
- adopt a Zero Increase in Run-off Policy.

# Manage Wired Services

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Bethel has adequate wired utility services, which includes electrical, telephone, and cable utilities, in place and able to meet community needs. So that such services continue to be available, the Town should work with utility companies who seek to improve the reliability of their systems by undertaking tree trimming projects. There is a delicate balance between the benefits of tree trimming to improve utility availability and reliability, and the negative impacts to community character that can occur when aggressive tree trimming practices are followed. Bethel's Public Utility Commission and Board of Selectmen should continue to work with utility companies seeking to improve the reliability of the wired services by undertaking tree trimming projects in ways that protect community character and involves private property owners.

During the preparation of this Plan, residents expressed a desire to have wired utility infrastructure placed underground whenever and wherever feasible. Bethel's Board of Selectmen, Public Utility Commission, and our Commission should continue to seek ways to have wired utilities placed underground whenever possible, such as the existing provisions in the Subdivision Regulations requiring that new developments place wired utilities underground. Placing wired utilities underground should be a priority in the Design Districts such as the Village Center, the Transit-oriented Design District, the Route 6 corridor, and along scenic roads.

## Actions for Wired Services

- 1. Continue to seek opportunities to place wired utilities underground.
- 2. Continue to work with utility companies who seek to improve the reliability of their systems by undertaking tree trimming projects.



Wired Utilities

## Improve Wireless Services

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Over the past several years, there has been a significant increase in the usage and availability of wireless communications. Whereas in the past, the primary concern with cellular phones and wireless services was the visibility of cell towers, today the primary concern is the availability of service.

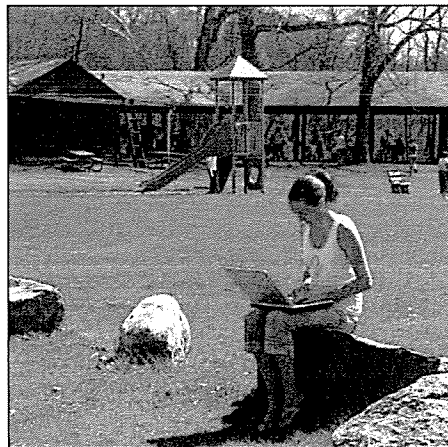
In addition, many owners of laptop computers and other local area network related technologies enjoy the ease with which they can communicate by email and telephone over wireless computer devices and other related services. Cafes, libraries, train stations, and even street benches are becoming likely places to find people communicating wirelessly. The upside is that as more users enter the wireless systems, it is possible to have much smaller cells with less visible antennae.

Due to a Federal Court ruling (*Sprint Spectrum LP v. Conn. Siting Council*, 274 F.3d 674, (2d. Cir. 2001)) the Connecticut Siting Council (CSC) currently has jurisdiction over the siting of telecommunication towers, with few exceptions. Prior to the ruling, Bethel adopted comprehensive tower regulations requiring telecommunications providers and tower builders to comply with the local regulations when applying to the CSC. These regulations should be revised in order to comply with State law and Federal legislation.

The Village Center is an excellent location to provide comprehensive wireless Internet coverage, which is known as a Wi-Fi Hot Spot. Wi-Fi Hot Spots allow anyone the appropriate computer hardware and software to connect wirelessly to the Internet which is a desirable amenity to many citizens and businesses. The Board of Selectmen, perhaps in partnership with the Chamber of Commerce should coordinate with local businesses and local providers to establish such a network.

### Actions for Improving Wireless Services

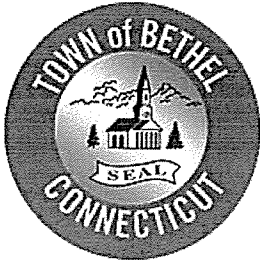
1. Revise the Zoning Regulations relative to telecommunication towers for consistency with State law and Federal legislation.
2. Collaborate with local businesses and Wi-Fi providers to create a Wi-Fi Hot Spot in Bethel's Village Center.



Wireless Services

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# FUTURE LAND USE PLAN



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## Overview

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The recommendations of each of the preceding chapters can be combined into a comprehensive plan, known as the Future Land Use Plan. This Future Land Use Plan is a reflection of the stated goals, objectives, policies, and recommendations of this Plan, to present a vision of what Bethel in the future, ten years from now, should look like.



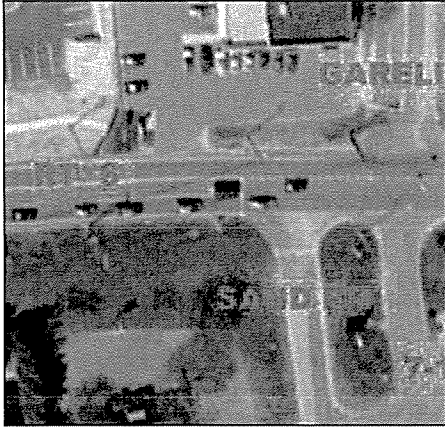
**Conservation**



**Development**



**Community Facilities**



**Infrastructure**

## **Descriptions of Future Land Use Categories**

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### **Natural Resources**

Land Resources	Land based areas with significant environmental constraints that represent the highest priorities for conservation.
Water Resources	Water based resource areas that are needed to ensure adequate water supply resources.

### **Open Space**

Dedicated Open Space	Areas that are currently preserved or are intended to be preserved for open space protection.
Managed Open Space	Areas that provide for passive and active recreation and which contribute to a sense of "openness".
Conceptual Trail Network	A system of trails, greenways and blueways that connect open spaces and neighborhoods.

### **Residential Areas**

Low Density Residential	Residential densities generally between 1.3 and 1.6 units per acre due to zoning, natural resources, infrastructure availability, or desirable patterns of development.
Medium Density Residential	Residential densities generally between 1.6 and 4 units per acre due to zoning, natural resources, infrastructure availability, or desirable patterns of development.
High Density Residential	Areas where apartments, townhouses, condominiums, congregate facilities, or other multiple dwelling units exceed 4 units per acre.

### **Business Areas**

Commercial	Areas suitable for retail, restaurant, service and general office uses.
Commercial Industrial Park	Areas suitable for large scale corporate and light industrial campuses with manufacturing, assembly, warehousing and distribution operations.
Mixed-Use and Transit Oriented	Areas with high density residential, retail, office, and restaurants.

### **Other Areas**

Community Facilities / Institution	Areas that are suitable for community facilities or institutional uses.
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# Future Land Use Plan

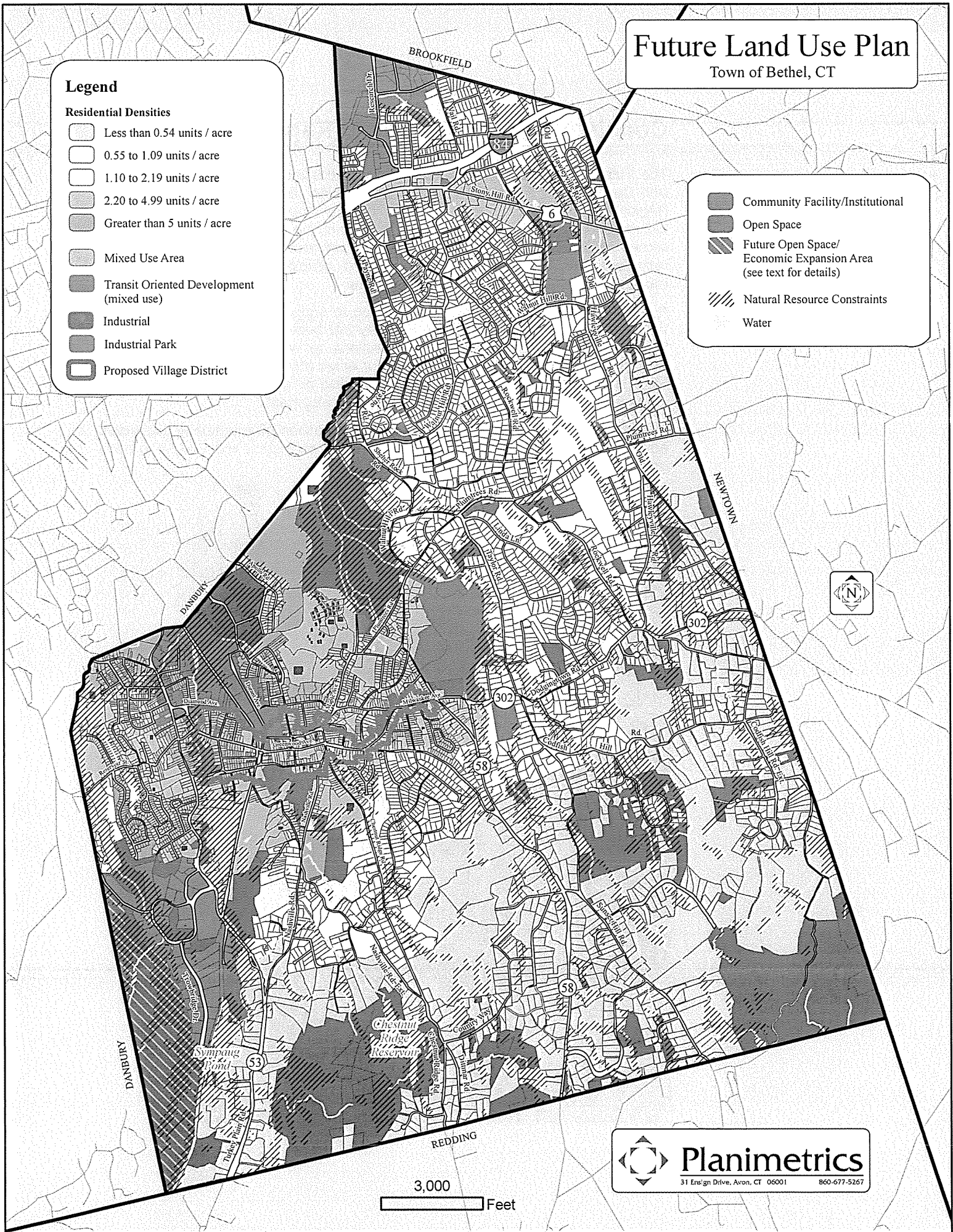
Town of Bethel, CT

## Legend

### Residential Densities

- Less than 0.54 units / acre
- 0.55 to 1.09 units / acre
- 1.10 to 2.19 units / acre
- 2.20 to 4.99 units / acre
- Greater than 5 units / acre
- Mixed Use Area
- Transit Oriented Development (mixed use)
- Industrial
- Industrial Park
- Proposed Village District

- Community Facility/Institutional
- Open Space
- Future Open Space/  
Economic Expansion Area  
(see text for details)
- Natural Resource Constraints  
Water

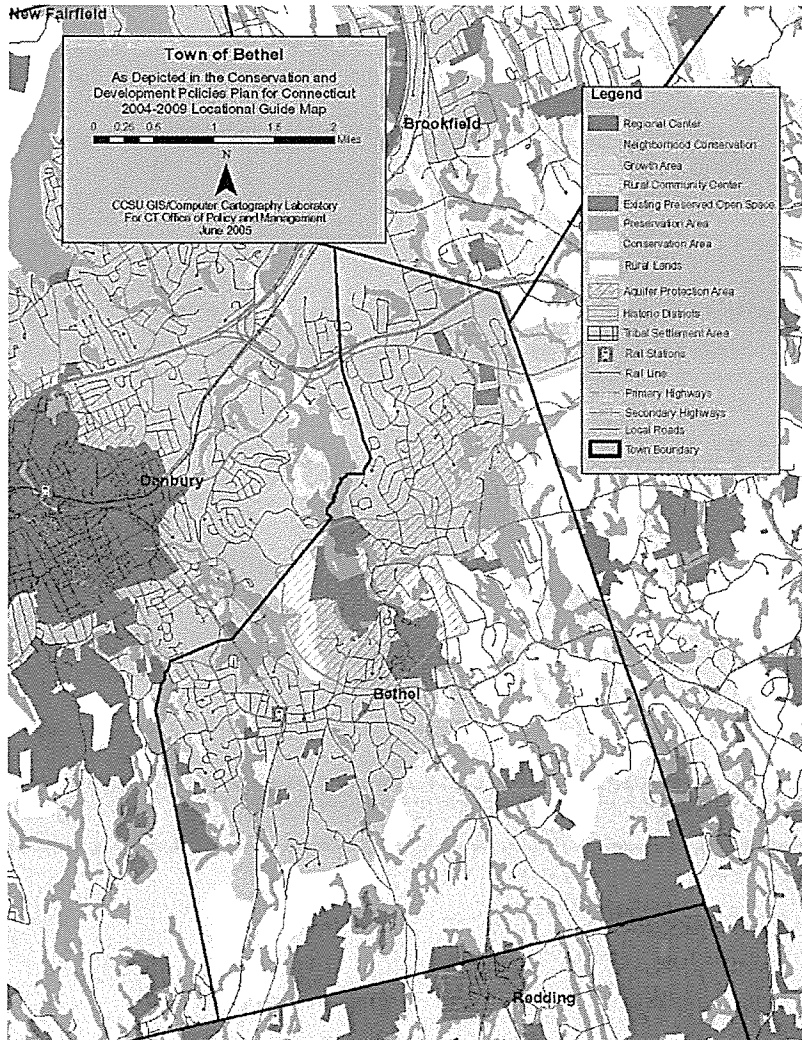


## Consistency with State and Regional Plans

The Future Land Use Plan was compared to the State's *Plan of Conservation and Development Policies Plan Locational Guide Map for 2004-2009* and the Regional Growth Policy Map adopted by the Housatonic Valley of Elected Officials. While the land use categories used in the three different plans have some variations, all plans focus on the preservation of important natural resources and on concentrating economic development along established transportation corridors with access to utilities.

A major strategy of this Plan is to continue to support economic vitality in the Village Center, located along State highway 302 between State Highway 53 and State Highway 58, with existing connections to water and sewer services. Additional economic growth is proposed for areas along Route 6, a well traveled State Highway. Both of these areas are identified as neighborhood conservation areas in the State Plan of Conservation and Development.

In addition, this Plan will provide maximum protection of community character, environmental quality, and water quality, and is consistent with the six growth management goals of the State Plan of Conservation.



## **Statewide Growth Management Principles**

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In accordance with State Statutes, the Bethel Plan of Conservation and Development has been evaluated for consistency with statewide growth management principles. The following recommended actions steps are examples of how the 2007 Bethel Plan of Conservation and Development is consistent with these growth management principles:

### **Principle 1: Redevelop and revitalize regional centers and areas of mixed-land uses with existing or planned physical infrastructure.**

Adopt Village District Regulations for Bethel's historic downtown commercial center on State Route 302 between State Route 53 and State Route 58.

Revise the Zoning Regulations to encourage a mix of active ground floor uses and upper story residential in the Village Center.

Develop a Route 6 Corridor Plan with a 20 year focus to ensure that future development and redevelopment is consistent with State and Regional planning and transportation management goals.

### **Principle 2: Expand housing opportunities and design choices to accommodate a variety of household types and needs.**

Allow and encourage multi-family housing in areas served by existing public water and sewer services.

Develop an affordable housing plan that requires all residential development to include either some affordable housing or payment of a fee-in-lieu.

Allow community septic systems in appropriate locations with approval of health officials in order to allow and encourage conservation subdivisions.

Collaborate with owners and managers of existing senior housing to provide additional housing units.

### **Principle 3: Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse.**

Maintain and enhance the strong mixed-use node in the Village Center, with activities that promote a strong sense of place.

Rezone the area around the Metro North Rail Station to support Transit-oriented development.

Consider allowing higher density residential development in areas served by or with access to transit.

**Principle 4: Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands.**

Connect existing open spaces along existing and proposed trails and stream corridors.

Collaborate with adjacent towns and interested non-profit organizations to complete the Ives Trail.

Establish a Conservation Commission.

Create conservation easements for Town-owned parks and open spaces.

Permanently protect significant portions of Terre Haute.

Develop portions of Bald Rock for passive recreation.

Encourage conservation subdivisions to preserve more contiguous open space.

**Principle 5: Protect environmental assets critical to public health and safety.**

Create local watershed protection regulations, including a water supply overlay zone.

Adopt aquifer protection regulations.

Educate the public about threats to and strategies available to protect water resources.

Implement the recommendations of the HVCEO Report, "Adopting a Water Supply Protection District Overlay Zone for Bethel."

Revise the definition of steep slopes and require a special permit for residential development on steep slopes.

Consider the comments of the DEP for projects located in areas designated as NDDB.

Encourage the use of native species and prohibit the use of invasive species.

Acquire lands around the Chestnut Ridge Reservoir.

Implement the recommendations of the October 2006 HVCEO watershed protection report.

Lower the threshold for consideration of core activities in wetlands, watercourses, and upland review areas.

**Principle 6: Integrate planning across all levels of government to address issues on a local, regional, and statewide basis.**

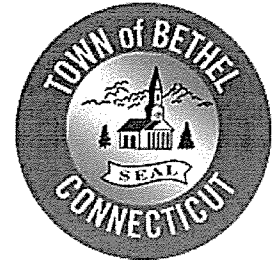
Continue to collaborate with Regional, State and Federal officials and policy makers.

Collaborate with Regional, State and Federal transportation officials to extend the Metro North Rail service to New Milford.

Implement the recommendations of the HVCEO report "Bethel, CT, Traffic Issues Report" to the maximum amount practicable.

Encourage HART to accommodate bikes on buses.

# IMPLEMENTATION



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## Overview

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Identification of implementation strategies and tasks is the main reason that the Town of Bethel, under the leadership of the Commission, prepared this Plan of Conservation and Development.

Implementation typically occurs in one of two main phases:

- strategies and tasks that are critical and easy to implement will be accomplished in a relatively short period of time; and
- strategies and tasks that are difficult, costly, require additional information or commitment from others will typically take more time.

The Commission is the steward of this Plan and has the primary responsibility of ensuring that the Plan's recommendations are implemented. The Commission, in coordination with other agencies and with the support of Staff, will implement many of the recommendations of this Plan through amendments to land use regulations, the review process, and other formal and informal actions.

Other recommendations will require the cooperation and action by other boards and commissions. However, if the Plan is to be successfully realized over time, it will be because it has served as a guide to all residents, applicants, agencies, and individuals, interested in the orderly growth of Bethel.

This chapter identifies the various tools that are available to implement the recommendations of this Plan, and provides a table which identifies policies, tasks, and implementing boards, and commissions. Strategies and tasks are delineated and short-term and long-term recommendations are prioritized. The tools to accomplish the recommended tasks include:

- use of the Plan;
- use of the Capital Improvement Program;
- establishment of a Plan Implementation Committee
- Annual Update Program;
- revisions to zoning and subdivision regulations;
- referral of municipal improvements;
- use of an Annual Update program;
- referral of municipal improvements; and
- inter-governmental cooperation.

## Updating Tools

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- holding annual public informational meetings to summarize the Plan recommendations and receive feedback from the community;
- holding workshop sessions for local boards, commission and other interested persons to discuss Plan strategies and suggest alternative language;
- revising Plan sections as appropriate; and
- re-adopting the Plan whenever there are minor text or map changes; or when the PZC wants to reaffirm the existing policies of the Plan.

## Use of the Plan

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Using the Plan as a basis for land use decisions by the Commission (PZC) will help accomplish the Plan's stated goals and objectives. All land use proposals should be measured and evaluated in terms of the Plan and its various elements.

The Plan is not a static document that can only be amended every ten years. It is becoming increasingly more difficult to anticipate change during a ten year time frame. If dramatic change alters a premise on which recommended strategies are based, or creates unanticipated issues, the PZC can make interim amendments to this Plan to address these changes. In doing so, the Commission and other agencies can continue to make decisions that are consistent with an up-to-date Plan of Conservation and Development, regardless of what the future brings.

### Plan Implementation Committee

Many communities establish a Plan Implementation Committee (PIC) to oversee implementation of the Plan's recommendations, which is an effective way to implement the Plan. The PIC could use implementation schedules (proposed below) to guide the ongoing implementation and assessment of specific elements of the Plan.

The Town's various boards and commission should be represented on the PIC to help prioritize, coordinate, and refine implementation of the Plan. The PIC would meet three to four times a year to establish priorities and guide implementation of the Plan's recommendations. In addition, the Committee could assess the status of specific recommendations, establish new priorities, and suggest new implementation techniques.

### Annual Update Program

A Plan that is only updated once every ten years can be silent on emerging issues, trends, and current policy objectives, which could lead to conflicts in land use decisions or missed opportunities. When a Plan is considered strictly as a reference document rather than a working document, its effectiveness in guiding the community can diminish over time. Bethel, with the assistance of the Plan Implementation Committee, should consider reviewing the Plan with the following schedule:

Conservation Themes	Development Themes	Infrastructure Themes
2008	2009	2010
2011	2012	2013
2014	2015	2016

Each review and update extends the Plan's ten-year life, until a comprehensive update is needed. Tools that the PZC and the PIC can use to ensure that the broader community is involved in the updating process are identified in the sidebar.

## **Other Implementing Actions**

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### **Updating Land Use Regulations**

Many of the recommendations in the Plan can be implemented by the PZC through regulation amendments, application reviews, and other means. The Town's land use regulations, which are mostly contained in the Zoning Regulations and the Subdivision Regulations, provide specific criteria for land development at the time of application. As a result, these regulations are important tools to implement the Plan as long as the regulations are consistent with the recommendations of this Plan.

The Town should maintain its maps, inventories, and recommendations and update these as well as the Town's land use regulations as appropriate. If maps and/or inventories are updated, this Plan should be updated to incorporate any additional adopted inventories, policies, or recommendations.

As the Commission undertakes a comprehensive review of the Zoning Regulations, Zoning Map, and Subdivision Regulations it should make revisions to achieve the policy objectives identified in this Plan.

### **Capital Improvement Program**

The Capital Improvements Program, or CIP, is a tool for planning major capital expenditures of a municipality so that local needs can be identified and prioritized within local fiscal constraints.

This Plan contains several proposals whose implementation may require the expenditure of Town funds. The Plan recommends that these and other items be included in the Town's CIP and that funding for these necessary and desired projects be included in the Capital Budget.

### **Referral of Municipal Projects**

Section 8-24 of the Connecticut General Statutes requires that municipal improvements (as defined in the Statutes) be referred to the PZC for a report before any local action is taken. A proposal disapproved by the Commission can only be implemented after a two-thirds vote in favor of the proposal by the Board of Selectmen. All local boards and agencies should be notified of Section 8-24 and its mandatory nature so that proposals can be considered and prepared in a timely fashion in compliance with this requirement.

### **Inter-Governmental Cooperation**

Bethel can continue to work with other towns in the region, the Housatonic Valley Council of Governments, the many agencies of the State of Connecticut, and other governmental entities to explore opportunities where common interests coincide. It is recommended that increased consideration be given to the Region's role in preserving natural resources, agriculture, establishing greenways and trail systems, preserving open space areas, and enhancing village areas. The Town and its Boards and Commissions should continue to work with, coordinate and collaborate with HVCEO and its member municipalities.

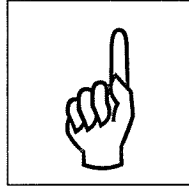
## Implementers

BHA - Bethel Housing Authority  
BHD – Bethel Health Department  
BOE - Board of Education  
BOF – Board of Finance  
BOS - Board of Selectmen  
CIT– Citizens of Bethel  
CoC – Chamber of Commerce  
CC – Conservation Commission  
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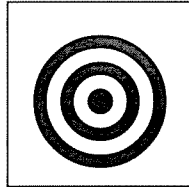
## Table of Implementation

Implementation of this Plan will be a gradual and continual process. While some recommendations can be carried out in a relatively short period of time, others may only be realized towards the end of the planning period or beyond. Future, since some recommendations may involve additional study or a commitment of fiscal resources, their implementation may take place over several years or occur in stages.

The tables that follow summarize the recommendations of this Plan. Recommendations have been categorized either as a strategy or as a specific task.



A strategy is a long—term policy that does not readily lend itself to a specific schedule or measurement.



A task is a specific action that can typically be scheduled and measured.

A list of abbreviations used for the implementers is in the sidebar.

The Plan’s recommended Action Steps are organized into tables to be used by the Planning and Zoning Commission (and an Implementation Committee if one is established). These strategies and tasks will be used to develop work programs to address the goals of this Plan. These action steps have been summarized. For details on any specific action, refer to the appropriate text in this Plan

### How to Use the Table

Policies guide actions, so each policy is followed by the specific actions or tasks which will help implement the policy.

The column labeled “Who” refers to the organizations which will be needed to implement the tasks. Generally, the organization with the primary responsibility is listed first, with supporting organizations following in alphabetic order. The letter codes for each organization is in the sidebar. This list is not meant to be exhaustive or exclusive. Any individual or organization that can assist in the implementation of the policies, strategies and tasks in this Plan is encouraged to do so.

The column labeled “Priority” identifies the relative importance of the particular task. The Commission identified each task with a High, Medium or Low priority.

The column labeled “Done” provides a check box () for tasks, which can be checked () once the task is completed.



# CONSERVATION ACTIONS

## Protect Natural Resources



### Preserve Land Based Resources

	Action Step	Who	Priority	Done
⊙	1. Revise the definition of steep slope.	PZC	Medium	<input type="checkbox"/>
☝	2. Consider a special permit for residential development on steep slopes; but do not allow the outright removal of steep slopes or hillsides.	PZC	Medium	<input type="checkbox"/>
⊙	3. Require replacement of mature trees lost during the development process.	PZC	Medium	<input type="checkbox"/>
⊙	4. Require topographic mapping at two-foot contours.	PZC	Medium	<input type="checkbox"/>
⊙	5. Add a definition in the Zoning Regulations for buildable land, excluding steep slopes, floodplains, floodways and wetlands.	PZC	High	<input type="checkbox"/>



### Protect Habitat Resources















	Action Step	Who	Priority	Done
☝	1. Consider DEP's comments during application review.	PZC	Medium	<input type="checkbox"/>
⊙	2. Require all applications within the NDDP to be reviewed by DEP	PZC	Medium	<input type="checkbox"/>
⊙	3. Require the use of native species in landscaping plans.	PZC	Medium	<input type="checkbox"/>
☝	4. Prohibit the introduction of invasive species.	PZC	High	<input type="checkbox"/>



### Protect Trees

	Action Step	Who	Priority	Done
⊙	1. Revise the tree ordinance to discourage clearcutting and to include definitions for tree harvesting, clearcutting, land disturbance and caliper.	PZC	Medium	<input type="checkbox"/>
⊙	2. Integrate tree protection measures into soil erosion and sedimentation regulations.	PZC	High	<input type="checkbox"/>
⊙	3. Require replacement of mature trees.	PZC	Medium	<input type="checkbox"/>
⊙	4. Encourage the use of Elm and Chestnut trees.	PZC	Medium	<input type="checkbox"/>

## Protect Water Resources

Implementers	Action Step	Who	Priority	Done
BHA - Bethel Housing Authority BHD – Bethel Health Department BOE - Board of Education BOF – Board of Finance BOS - Board of Selectmen CIT– Citizens of Bethel CoC – Chamber of Commerce CC – Conservation Commission DPW – Department of Public Works EDC – Economic Development Commission FM- Fire Marshall HC – Historic Commission HVCEO – Housatonic Council of Elected Officials IWC – Inland Wetland Commission LUO – Land Use Office MNR – Metro-North Railroad PRC – Parks and Recreation Commission PZC – Planning & Zoning Commission PVT – Private Entities (corporate, individuals and non-profits) PSBC – Public Site & Building Committee PUC – Public Utility Commission STATE – State Agencies TC – Town Counsel r	 1. Continue to implement the NPDES program components.	PZC	High	
	 2. Adopt aquifer protection regulations.	PZC	High	<input type="checkbox"/>
	 3. Revise the Zoning Regulations for consistency with State and Federal standards.	PZC	High	<input type="checkbox"/>
	 4. Protect areas identified as high groundwater through the IWC regulations.	PZC	High	<input type="checkbox"/>
	 5. Assess the need for a septic management program and if warranted, develop and fund the program.	PZC	Medium	<input type="checkbox"/>
	 6. Evaluate the threats to groundwater from underground storage tanks (UST) and if warranted, adopt an ordinance prohibiting the installation of new USTs and requiring the removal of existing USTs.	PZC	Medium	<input type="checkbox"/>
	 7. Limit the amount of impervious surfaces through performance standards that encourage the use of roof leaders, rain gardens and other measures that limit run-off and promote infiltration.	PZC	Medium	<input type="checkbox"/>
	 8. Consider acquiring lands around the Chestnut Ridge Reservoir.	PZC	Medium	<input type="checkbox"/>
	 9. Implement the recommendations of the October 2006 HVCEO watershed protection report, including adopting a water supply overlay zone.	IWC, PZC	High	<input type="checkbox"/>
	 10. Use ongoing water resource assessments to guide revisions to land use regulations.	PZC	Medium	<input type="checkbox"/>
	 11. Adopt a no-net-loss of wetlands policy.	IWC, PZC	Medium	<input type="checkbox"/>
	 12. Lower the threshold of disturbance, for consideration of core activities in wetlands, watercourses and upland review areas.	IWC, PZC	Medium	<input type="checkbox"/>
	 13. Identify significant wetlands, and all wetlands in undeveloped areas within recharge areas.	IWC, PZC	Medium	<input type="checkbox"/>
	 14. Establish a no-net-loss of vernal pool policy.	IWC, PZC	Medium	<input type="checkbox"/>

🎯	15. Contract a vernal pool specialist to inventory vernal pools.	BOS, PZC	Medium	<input type="checkbox"/>
🎯	16. Require that any development within a 750-foot radius of any identified vernal pool meet specific performance standards.	PZC	Medium	<input type="checkbox"/>
👉	17. Consider limiting development within floodplains and floodways.	PZC, IWC	Medium	<input type="checkbox"/>
🎯	18. Establish buffers along streams and limit development within the buffer particularly along streams classified as B or better.	PZC, IWC	Medium	<input type="checkbox"/>
👉	19. Educate the public about the threats to and strategies available to protect water resources through mailings, flyers and distribution of the water resource recommendations of this Plan.	PZC, BOS	High	<input type="checkbox"/>

## Protect Open Space

### 👉 Realize the Open Space Vision

	Action Step	Who	Priority	Done
👉	1. Connect open spaces along trails and stream corridors with acquisitions and easements.	PZC, CC	High	<input type="checkbox"/>
👉	2. Monitor open space acquisitions focusing acquisition strategies in areas identified on the Open Space Plan as highest priority.	PZC, CC	High	<input type="checkbox"/>
👉	3. Collaborate with adjacent towns and interested non-profit organizations to complete the Ives Trail.	PZC, BOS, CIT, CC, PVT	Medium	<input type="checkbox"/>
🎯	4. Connect Bethel trails to the Ives Trails.	PZC, PVT	Medium	<input type="checkbox"/>
🎯	5. Permanently protect significant portions of Terre Haute, particularly the western portions.	BOS, CIT	High	<input type="checkbox"/>
🎯	6. Create development guidelines for undeveloped lands in the Francis J. Clarke Industrial Park.	PZC	High	<input type="checkbox"/>
🎯	7. Prepare a management plan for Bald Rock that includes recreational opportunities.	CC	Medium	<input type="checkbox"/>
🎯	8. Acquire adjacent lands to improve access to Bald Rock.	BOS	Medium	<input type="checkbox"/>

**Implementers**

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**Create a Conservation Commission**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
🎯	1. Establish a Conservation Commission	BOS, PZC	High	<input type="checkbox"/>
🎯	2. Create conservation easements for Town-owned parks	PZC, BOS, CC	High	<input type="checkbox"/>
👉	3. Consider a Park Zoning District.	PZC	Medium	<input type="checkbox"/>
👉	4. Consider easements across or at the edge of cemeteries as part of the Town’s trail system.	PZC, CC	Medium	<input type="checkbox"/>
👉	5. Pursue right-of-first-refusal for significant parcels of privately owned land.	BOS	High	<input type="checkbox"/>
🎯	6. Identify and define the parameters of stream buffers.	PZC, IWC	Medium	<input type="checkbox"/>



**Acquire Open Space**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
👉	1. Collaborate with appropriate partners.	BOS, CIT	High	<input type="checkbox"/>
👉	2. Encourage philanthropy of Bethel residents and property owners to increase land donations to the open space plan.		High	<input type="checkbox"/>
👉	3. Develop funding strategies for open space land acquisition.	PZC, CC	High	<input type="checkbox"/>
👉	4. Apply for state aid, using this Plan as a tool.	BOS	High	<input type="checkbox"/>
🎯	5. Create a land acquisition fund with small percentage of the mill rate (1/4 of one percent) and through bonding.	BOS	High	<input type="checkbox"/>
🎯	6. Increase the open space requirement of subdivided lands.	PZC	High	<input type="checkbox"/>
👉	7. Encourage conservation residential development.	PZC	Medium	<input type="checkbox"/>
👉	8. Promote the benefits of PA 490.	PZC, BOS	Medium	<input type="checkbox"/>

## Protect Historic Resources



### Identify Historic Resources

	Action Step	Who	Priority	Done
	1. Publicize events and programs for historic preservation in collaboration with the Bethel Library, The Historical Society and the Board of Selectmen.	BOS, HS, LIB	Medium	<input type="checkbox"/>
	2. Complete and maintain the historic resources inventory.	BOS, HS	High	<input type="checkbox"/>
	3. Apply for State assistance to complete the inventory.	BOS, HS	High	<input type="checkbox"/>
	4. Consider creating a local registry of historic places.	BOS, HS	Medium	<input type="checkbox"/>



### Support Local Preservation Efforts

	Action Step	Who	Priority	Done
	1. Encourage sensitive stewardship programs and reward outstanding efforts.	PZC, BOS, HS	High	<input type="checkbox"/>
	2. Continue to use the Demolition Delay provisions with increased public notice.	BOS, HS, PZC	Medium	<input type="checkbox"/>
	3. Consider establishing Local Historic Districts.	PZC	Medium	<input type="checkbox"/>
	4. Revise the Zoning Regulations to include adaptive reuse strategies.	PZC	High	<input type="checkbox"/>
	5. Use Village District regulations for historic protection.	PZC	Medium	<input type="checkbox"/>

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**Protect Community Character**



**Encourage Community Spirit**

	Action Step	Who	Priority	Done
	1. Promote unique Bethel events.	BOS, CIT	High	
	2. Regularly recognize volunteer efforts.	BOS	High	
	3. Work with applicants to protect scenic resources.	PZC	High	
	4. Adopt and maintain the scenic resources component of the Community Character Plan.	PZC	High	<input type="checkbox"/>



**Protect Scenic Resources**

	Action Step	Who	Priority	Done
	1. Consider adopting a Scenic Roads ordinance.	PZC, BOS	Medium	<input type="checkbox"/>



**Support Bethel’s Agricultural Character**

	Action Step	Who	Priority	Done
	1. Promote the benefits of PA 490.	PZC, BOS	Medium	
	2. Encourage use of the Connecticut Farmland Preservation Program.	PZC, BOS	Medium	
	3. Collaborate with appropriate partners to protect farmland.	BOS, PVT	High	
	4. Support the local farmer’s market.	CIT	High	
	5. Provide flexibility in the Zoning Regulations for agricultural uses.	PZC	High	<input type="checkbox"/>



**Protect Stone Walls, Foundations and Bridges**

	Action Step	Who	Priority	Done
	1. Maintain the historic stone bridges.	DPW	High	
	2. Consider a historic stone walls and foundations ordinance.	BOS, PZC	Medium	<input type="checkbox"/>
	3. Create and fund a line item for maintenance of historic bridges.	BOS	Medium	<input type="checkbox"/>

# DEVELOPMENT ACTIONS

## Enhancing Community Structure



### Support Enhancing Elements

	Action Step	Who	Priority	Done
	1. Maintain and enhance the strong, mixed use node in the Village Center.	EDC	High	<input checked="" type="checkbox"/>
	2. Support cluster and campus development that includes design considerations.	PZC	Medium	<input checked="" type="checkbox"/>
	3. Promote greenways, blueways and other linear elements.	PZC	High	<input checked="" type="checkbox"/>
	4. Maintain the gateways.	PZC, DPW	Medium	<input checked="" type="checkbox"/>
	5. Avoid sprawling development patterns in areas without public infrastructure.	PZC, PVT	High	<input checked="" type="checkbox"/>
	6. Manage conflicts between roads, railways and adjacent land uses.	BOS, HVCEO, STATE, MNR	High	<input checked="" type="checkbox"/>
	7. Create design plans for gateways		Medium	<input type="checkbox"/>



### Enhance the Village Center

	Action Step	Who	Priority	Done
	1. Continue streetscape improvements throughout the Village Center.	BOS	High	<input checked="" type="checkbox"/>
	2. Maintain sidewalks and street furniture.	DPW	High	<input checked="" type="checkbox"/>
	3. Support public-private partnerships with the Chamber of Commerce and the Economic Development Commission.	BOS, CoC, EDC	High	<input checked="" type="checkbox"/>
	4. Develop integrated parking strategies for the Village Center.	PZC	High	<input type="checkbox"/>
	5. Identify more open and green spaces for the Village Center.	PZC, CC, CIT, PVT	Medium	<input type="checkbox"/>
	6. Consider structured parking with open spaces, gardens and innovative stormwater management techniques at the former train station.	PZC, HS, BOS	Medium	<input type="checkbox"/>
	7. Preserve the historic train station.	HS, BOS	Medium	<input type="checkbox"/>

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**Encourage Quality Design**

Action Step	Who	Priority	Done
1. Encourage the use of sustainable building practices such as siting development appropriately in relation to natural light.	PZC	Medium	<input type="checkbox"/>
2. Establish a design review process.	PZC	High	<input type="checkbox"/>
3. Create appropriate design guidelines and/or criteria for design designated districts.	PZC	High	<input type="checkbox"/>
4. Consider form-based codes in design designated districts.	PZC	Medium	<input type="checkbox"/>
5. Adopt Village District Regulations	PZC	High	<input type="checkbox"/>
6. Institutionalize architectural review for the Village District.	PZC, BOS	High	<input type="checkbox"/>
7. Develop a unified sign design for all Town-owned and managed properties.	PZC, BOS	High	<input type="checkbox"/>
8. Develop “wayfinding” signs and maps.	BOS	Medium	<input type="checkbox"/>

**Economic Development**



**Reorganize the EDC**

Action Step	Who	Priority	Done
1. Expand the mission of the EDC.	BOS, EDC	High	<input type="checkbox"/>
2. Provide staffing support to the EDC.	BOS, EDC	High	<input type="checkbox"/>
3. Consider hiring a full-time Economic Development Director.	BOS, EDC	High	<input type="checkbox"/>



**Attract and Retain Business**





Action Step	Who	Priority	Done
1. Identify appropriate businesses types for Bethel.	EDC	Medium	<input type="checkbox"/>
2. Identify appropriate locations for appropriate businesses.	PZC, EDC	Medium	<input type="checkbox"/>
3. Identify incentives for industrial businesses located over public water supply resources to relocate.	PZC, BOS, EDC	High	<input type="checkbox"/>
4. Identify support services for new businesses.	EDC, BOS	High	<input type="checkbox"/>
5. Recruit appropriate businesses.	EDC	Medium	<input type="checkbox"/>



## Create Transit-Oriented Development

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
⊙	1. Identify appropriate locations for Transit-oriented development (TOD).	PZC	High	<input type="checkbox"/>
⊙	2. Work with property owners to identify and assemble appropriate parcels for TOD.	PZC, EDC	High	<input type="checkbox"/>
⊙	3. Rezone the areas around the Metro North Rail Station to support TOD.	PZC	High	<input type="checkbox"/>
⊙	4. Encourage Metro-North Railroad to build a west side platform at the train station.	PZC, BOS, HVCEO	High	<input type="checkbox"/>
⊙	5. Consider similar regulations for transit-supportive development with lower densities than allowed in a TOD.	PZC	Medium	<input type="checkbox"/>

## Support Local Businesses

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
	1. Promote synchronistic businesses such as restaurants adjacent to the Bethel cinema.	EDC, PZC	High	
	2. Hold street fairs in conjunction with film festival events.	BOS, EDC, CoC	High	
	3. Encourage public-private partnerships	EDC, CoC	High	
	4. Assist small business owners identify and make use of state and national programs	EDC	High	
⊙	5. Work with the Bethel Cinema and adjacent properties to identify shared parking solutions.	PZC, CoC	Medium	<input type="checkbox"/>
⊙	6. Consider developing historic-theme activities for tourists such as maple-sugaring operations.	BOS, PVT, CoC	Medium	<input type="checkbox"/>
⊙	7. Consider developing recreational opportunities on Town-owned lands.	BOS	Medium	<input type="checkbox"/>
⊙	8. Revise the Zoning Regulations for the Village Center to encourage mixed use buildings with active ground floor uses and upper story residential.	PZC	High	<input type="checkbox"/>
⊙	9. Complete and implement the Route 6 Corridor Plan.	PZC	High	<input type="checkbox"/>
⊙	10. When revising the Zoning Regulations, ensure regulations relative to home businesses are consistent with today's global economy.	PZC	Medium	<input type="checkbox"/>

**Implementers**

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**Modify Residential Development Patterns**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
	1. Protect residential neighborhoods threatened by replacement housing that is out of proportion to lot size.	PZC	High	<input type="checkbox"/>
	2. Modify the conservation subdivisions regulations.	PZC	Medium	<input type="checkbox"/>
	3. Establish density standards for the R-40 and R-80 Districts.	PAC	Medium	<input type="checkbox"/>
	4. Consider community septic systems for conservation subdivisions.	PZC, IWC, BHD	Medium	<input type="checkbox"/>
	5. Consider floor area ratios.	PZC	Medium	<input type="checkbox"/>
	6. Consider revising the coverage, bulk and dimensional standards.	PZC	Medium	<input type="checkbox"/>



**Encourage Housing Diversity**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
	1. Allow multi-family in areas with sufficient water, sewer and access to transit and services.	PZC	High	<input type="checkbox"/>
	2. Monitor accessory housing units to ensure that they are producing affordable housing.	PZC, BHA	High	<input type="checkbox"/>
	3. Consider increased residential densities in the Village Center.	PZC	High	<input type="checkbox"/>
	4. Consider residential as part of mixed-use developments along Route 6.	PZC	High	<input type="checkbox"/>
	5. Consider allowing live-work spaces in additional areas of Town.	PZC	High	<input type="checkbox"/>
	6. Consider requiring evidence of safety compliance for conversions of single-family to multi-family housing units.	PZC, FM, LUO	Medium	<input type="checkbox"/>
	7. Collaborate with owners and managers of existing senior housing to provide additional housing units.	PZC, BHA	Medium	<input type="checkbox"/>
	8. Identify appropriate areas of town for senior housing.	PZC, BHA	High	<input type="checkbox"/>
	9. Develop an affordable housing plan that requires all residential development to include some affordable housing or payment of a fee-in-lieu to support the development of affordable housing.	PZC	High	<input type="checkbox"/>
	10. Consider developing an affordable housing partnerships.	BOS	High	<input type="checkbox"/>
	11. Work with elected State officials to consider affordable rental housing in the State accepted affordable housing calculations.	LUS, BOS, TC	Medium	<input type="checkbox"/>

# INFRASTRUCTURE ACTIONS



## Maintain the Educational Facilities

	Action Step	Who	Priority	Done
	1. Maintain adequate land and facilities for potential expansion of the school-aged population.	BOS, BOE	Medium	<input type="checkbox"/>



## Increasing Recreational Opportunities

	Action Step	Who	Priority	Done
	1. Develop recreational infrastructure on Town-owned properties.	BOS, PRC	High	<input type="checkbox"/>
	2. Determine how best to meet the recreational needs of seniors and teens.	BOS, PRC	Medium	<input type="checkbox"/>
	3. Consider development of a multi-use recreational facility with programs for seniors and teens, and a swimming pool.	BOS, PRC	High	<input type="checkbox"/>



## Support the Town's Public Safety Services

	Action Step	Who	Priority	Done
	1. Complete the South Street Fire House expansion project.	BOS, PSBC	High	<input type="checkbox"/>
	2. Consider options for ensuring full-time coverage by emergency responders.	BOS, PSBC	Medium	<input type="checkbox"/>
	3. Identify an appropriate location for construction of a new Police Department facility.	BOS, PSBC	High	<input type="checkbox"/>
	4. Identify funding sources for construction of a new Police Department facility.	BOS, PSBC, BOF	High	<input type="checkbox"/>
	5. Construct a new Police Department facility.	BOS, PSBC	High	<input type="checkbox"/>

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**Improve the Municipal Center**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
☉	1. Complete Municipal Center renovations.	BOS	Medium	<input type="checkbox"/>
☉	2. Consider conducting a needs assessment of the Municipal Center.	BOS	Medium	<input type="checkbox"/>
☉	3. Expand the capabilities of the Town's networked computer system.	BOS	High	<input type="checkbox"/>
☉	4. Consider acquisition of joint permitting software for all departments.	BOS, LUS, DPW, PRC, PUC, BOF	High	<input type="checkbox"/>
☉	5. Fund computer upgrades linking all departments with a GIS program.	BOS, BOF	High	<input type="checkbox"/>



**Support the Public Works Department**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
☉	1. Consider adjustment or renovations to the Town Garage to ensure adequate space for all equipment and personnel.	BOS	High	<input type="checkbox"/>



**Support the Library**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
☉	1. Complete the library renovation and provide signage for all library related parking.	BOS	Medium	<input type="checkbox"/>





**Improve the Town's Road Networks**

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
☉	1. Continue to maintain the Town's highways and road network.	BOS, DPW	High	
☉	2. Adequately staff the Highway Department.	BOS, DPW	High	
☉	3. Maintain bridges and continue to make bridge improvements.	BOS, DPW	High	
☉	4. Implement the recommendations of the HVCEO report "Bethel, CT, Traffic Issues Report".	BOS, DPW	High	<input type="checkbox"/>
☉	5. Continue collaborative efforts with Regional, State and Federal Transportation officials and policy makers to resolve conflicts between local roads and Interstate 84.	BOS, DPW	High	<input type="checkbox"/>

⊙	6. Request a roundabout feasibility study and then submit the study to the CT DOT Project Development Unit with an application for funding.	BOS, DPW	High	<input type="checkbox"/>
⊙	7. Request updates to the 1997 Access Management Plan for Route 6.	PZC	High	<input type="checkbox"/>
⊙	8. Request realignment of the Route 6/Hawleyville/Benedict Road intersection and of the Route 6/Sand Hill intersection.	BOS, DPW	High	<input type="checkbox"/>
⊙	9. Adopt a scenic roads ordinance.	PZC, BOS	High	<input type="checkbox"/>
⊙	10. Revise the draft "Design and Construction Standards" manual removing all references to fees and revising road standards to encourage narrower, scenic roads.	PZC, DPW, BOS	High	<input type="checkbox"/>
⊙	11. Once revisions have been made, adopt the manual. Request that the revised manual replace the Road Ordinance, identifying the Town Engineer as the administrator.	PZC, BOS, DPW	High	<input type="checkbox"/>
⊙	12. Ensure that all revisions to the manual are subject to the Commission's approval.	BOS, PZC	High	<input type="checkbox"/>
⊙	13. Actively pursue options for resolving the road/railroad conflict on Route 53 near the Francis J. Clarke Industrial Park.	HVCEO, BOS	Medium	<input type="checkbox"/>
⊙	14. Consider hiring a transportation engineer with wetlands expertise to identify a potential route from Henry Street to Route 53.	BOS, DPW	Medium	<input type="checkbox"/>
⊙	15. Consider incentives to relocate businesses out of the historic industrial areas and then rezone to a mixed-use district, supported by transit.	EDC, BOS, PZC	High	<input type="checkbox"/>

## Support Transportation Options

	Action Step	Who	Priority	Done
	1. Encourage increased service to the New Haven line, especially to Bethel.	HVCEO, BOS	High	
	2. Consider the needs of pedestrians and bicyclists in all transportation projects.	PZC	High	<input type="checkbox"/>
⊙	3. Collaborate with Regional, State and Federal transportation officials to extend the rail service to New Milford.	HVCEO, BOS	Medium	<input type="checkbox"/>
⊙	4. Develop additional parking capacity at the Train Station.	HVCEO, BOS	High	<input type="checkbox"/>
⊙	5. Advocate for a Danbury North Railroad Station near the northwest corner of the Town of Bethel.	HVCEO, BOS	Medium	<input type="checkbox"/>

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- 6. Consider development of a west side train platform with additional parking and facilities for pedestrians and bicyclists. HVCEO, BOS Medium
- 7. Encourage increased frequency and coverage of HART bus services in Bethel. HVCEO, BOS Medium
- 8. Encourage HART to provide bus shelters in Bethel. HVCEO, BOS Medium
- 9. Consider a trackless trolley route between Stony Hill and the Village Center. BOS, DPW, BOF Medium
- 10. Include a fee-in-lieu of sidewalks in the Subdivision Regulations where appropriate. PZC Medium
- 11. Develop and fund a sidewalk improvement plan (SIP) for ongoing maintenance of sidewalks and pedestrian infrastructure. BOS, DPW High
- 12. Collaborate with bicycle advocates to develop additional bicycle infrastructure in Bethel. BOS, DPW, PVT High
- 13. Collaborate with Cannondale to develop more bicycle friendly trails and bicycle infrastructure. BOS, DPW High
- 14. Encourage HART to accommodate bikes on buses. HVCEO Medium
- 15. Identify potential park-and-ride lots for bicyclists and carpoolers. HVCEO Medium

**Protect Public Water Supplies**

- | Action Step   | Who           | Priority | Done                     |
|---|---------------|----------|--------------------------|
| 1. Create local watershed protection regulations, including a water supply overlay zone.              | PZC, BOS, PUC | High     | <input type="checkbox"/> |
| 2. Implement the recommendations of the "Adopting a Water Supply Protection Overlay Zone for Bethel." | PZC, BOS, PUC | High     | <input type="checkbox"/> |

**Ensure Adequate Sanitary Sewer Services**

- | Action Step   | Who           | Priority | Done                     |
|---|---------------|----------|--------------------------|
| 1. Update the sewer service area limits.  | PUC, DPW, BHD | High     | <input type="checkbox"/> |
| 2. Consider requesting an adjustment to the inter-municipal agreement with Danbury to shift capacity from the northern area to the southern area. | PUC, BOS      | High     | <input type="checkbox"/> |
| 3. Develop a system to monitor redevelopment and build-out within the sewer service area.   | PUC, DPW      | High     | <input type="checkbox"/> |

- |   |  |             |        |                          |
|---|--|-------------|--------|--------------------------|
| ④ | 4. Evaluate and upgrade, if necessary, the flow meters at the Payne Road Meter Chamber and the Berkshire Pump Station. | PUC,<br>DPW | High   | <input type="checkbox"/> |
| ④ | 5. Evaluate options for upgrading or replacing the Plumtrees Road Pump Station.  | PUC,<br>DPW | Medium | <input type="checkbox"/> |



### Manage Stormwater

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
④	1. Investigate the possibility of creating a stormwater utility.	BOS, DPW	Medium	<input type="checkbox"/>
④	2. Consider adopting a zero increase in runoff policy.	PZC, DPW	Medium	<input type="checkbox"/>
④	3. Revise the Zoning Regulations for compliance with the CT DEP Stormwater Management Plan and the CT Stormwater Manual, 2004 as amended.	PZC	High	<input type="checkbox"/>
④	4. Adopt the "Design and Construction Standards" manual for guidance on storm drainage improvements.	PZC, BOS	High	<input type="checkbox"/>



### Protect Wired Services

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
👆	1. Continue to seek opportunities to place wired utilities underground.	BOS	High	<input type="checkbox"/>
👆	2. Continue to work with utility companies who seek to improve the reliability of their systems by undertaking tree trimming projects.	BOS, DPW	High	<input type="checkbox"/>



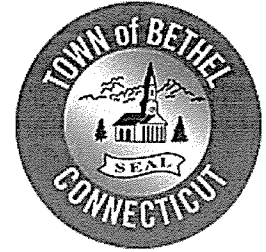
### Improve Wireless Services

	<b>Action Step</b>	<b>Who</b>	<b>Priority</b>	<b>Done</b>
④	1. Continue to ensure that the Zoning Regulations relative to telecommunication towers are consistent with State law and Federal legislation.	PZC	Medium	<input type="checkbox"/>
④	2. Collaborate with local businesses and Wi-Fi providers to create a Wi-Fi Hot spot in Bethel's Village Center.	EDC, CoC, BOS	High	<input type="checkbox"/>

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# CONCLUSION



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As stated in the Introduction, a Plan of Conservation and Development is a statement of a community's vision for its future. This vision, along with the goals, policies and tasks required to implement that vision, reflect the Community's assessment and desired physical layout over the next ten years. While the Plan is a strategic document and should be used as a guide for policy makers and implementers, the policies and recommendations of the Plan identify specific actions and strategies which have been determined to be in the best interests of the community. This document, if used regularly and referred to frequently, will increase the capacity of the Town of Bethel to develop in conformance with an accepted and compelling vision for the future.

The residents of Bethel have demonstrated their commitment to preserving the character and vitality of the community by their active participation in the preparation of this Plan. Strong volunteer efforts provide the Town with leadership, which will be necessary to accomplish many of the strategies and recommended tasks of this Plan. This leadership and the accompanying community spirit will serve the Town well as it implements this Plan of Conservation and Development.

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**Planimetrics**

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