

structures, and uses in all zones within the Town of Somers. No permit shall be issued for a building, structure, or use under these Regulations if the Commission determines that such building, structure, or use would not comply with these standards. If the Commission determines that any building, structure, or use established after the effective date of these Regulations is or has been in violation of these standards, the Commission may issue any order or seek any remedy or penalty provided by state or municipal law for the violation of Zoning Regulations.

Section 2.07.02 General Standards

SOMERS

a. No treated or untreated sewage, hazardous or industrial materials or wastes, or other waste or refuse shall be discharged into any watercourse or wetlands. All methods of sewage and waste treatment and disposal shall comply with regulations of the State of Connecticut and the Town of Somers for maximum protection of groundwater. No effluent shall contain acids, oils, dust, toxic metals, corrosive or other toxic substances, grease or phosphates, in solution or suspension, which would create odors, or which would discolor, poison, or otherwise pollute a watercourse, wetlands, or groundwater.

b. No operation or activity shall be carried on which would produce heat perceptible from any property line of the lot on which the operation is located.

c. No vibration shall be transmitted outside the property where it originates.

d. No mining, extracting, filling, or soil-stripping operations shall be allowed except as provided in Section 3.03.

e. No construction, excavation, or other use of land shall be allowed which is unreasonably or unnecessarily destructive to sites having historical or archaeological significance.

 Section 2.07.03 Noise Standards

a. Definitions The following definitions are applicable to the Noise Standards set forth in Section 2.07.03:

Background Noise: Noise which exists at a point as a result of the combination of distant sources, individually indistinguishable.

Construction: The assembly, erection, substantial repair, alteration, demolition, or site preparation for or of public or private rights-of-way, buildings or other structures, utilities, or property.

Daytime Hours: The hours between 7:00am and 9:00pm, Monday through Saturday, and the hours between 9:00am and 9:00pm on Sunday.

Decibel: A unit or measurement of the sound level.

Emergency: Any occurrence or set of circumstances which involves actual or imminent physical trauma or property damage and which demands immediate action.

Emitter: The zone from which the sound is created or sent, or the person or thing creating the sound.

Excessive Noise: Any sound, the intensity of which exceeds the standards set forth in Section 2.07.03(b) of these Regulations.

Impulse Noise: Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Mobile Source: Non-stationary sources of sound, including, but not limited to, moving aircraft, automobiles, trucks, and boats.

Motor Vehicle: A vehicle as defined in subdivision (30) of Section 14-1, Connecticut General Statutes, as amended.

Nighttime Hours: All hours not listed as being "daytime hours".

Receptor: The zone in which sound is received, or the person or thing receiving the sound.

Sound: A transmission of energy through solid, liquid, or gaseous media in the form of vibrations which cause alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

Sound Level: A frequency-weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

Sound Level Meter: An instrument used to measure sound levels. A sound level meter shall conform, at a minimum, to the American National Standards Institute's operational specifications for Sound Level Meters S1.4-1971 (Type S2A).

Sound Pressure Level: A number equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty micronewtons (0.00002 newton) per square meter. The number is expressed in decibels (dB).

b. Standards No sound shall be emitted beyond the boundaries of the lot or parcel on which such sound originates which exceeds the sound levels specified below:

<u>EMITTER</u>	<u>RECEPTOR</u>			
	<u>Industrial</u>	<u>Commercial And Retail Trade</u>	<u>Residential And All Other Zones: Daytime Hours</u>	<u>Residential And All Other Zones: Nighttime Hours</u>
Industrial	70 dBA	66 dBA	61 dBA	51 dBA
Commercial And Retail Trade	62 dBA	62 dBA	55 dBA	45 dBA
Residential And All Other Zones	62 dBA	55 dBA	55 dBA	45 dBA

c. High Background Noise Levels And Impulse Noise

1. In those individual cases where the background noise caused by sources not subject to these Regulations exceeds the standards contained herein, a source shall be considered to cause excessive noise only if the sound emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to the provisions of these Regulations shall emit sound in excess of 80 dBA at any time; and provided that this Section does not decrease the permissible levels of other sections of this ordinance.

2. No impulse noise shall be caused or allowed in excess of 80 dB peak sound pressure level during nighttime hours in any Residential Zone.

3. The emission of impulse noise shall not be caused or allowed in excess of 100 dB peak sound pressure level at any time in any zone.

d. Exclusions These standards shall not apply to unamplified sounds emitted by or related to the human voice, natural phenomena, or wild or domestic animals; bells or chimes from a clock in any building or from a school or church; a public emergency sound signal; and sounds created by farming equipment or farming activity, any emergency, and snow removal.

e. Exemptions The following shall be exempt from the provisions of Section 2.07.03 subject to the conditions noted:

1. Noise created by the operation of property maintenance equipment during daytime hours.

2. Noise generated by any construction equipment operated during daytime hours.

3. Noise created by any recreational activities which are sanctioned by the Town, including, but not limited to, parades, sporting events, concerts, fireworks displays, and local public celebrations.

4. Noise created by blasting, provided that the blasting is conducted between 8:00am and 5:00pm local time and provided that a permit for such blasting has been obtained from appropriate state authorities and the Zoning Commission.

5. Noise created by refuse and solid waste collection and disposal, provided that such activity is conducted between 8:00am and 6:00pm.

6. Noise created by a fire alarm or intrusion alarm.

7. Noise created by public facility maintenance during daytime hours and snow plowing whenever necessary.

8. Noise created by church bells.

f. Noise Level Measurement Procedures For the purpose of determining sound levels as set forth in these standards, the following guidelines shall be applicable:

1. A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.

2. Instruments used to determine sound level measurements shall be sound level meters as defined under Section 2.07.03a.

3. The following steps shall be taken when preparing to take sound level measurements:

a. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

b. Measurements to determine compliance with these standards shall be taken at a point that is located about one (1) foot beyond the boundary line of the lot or parcel on which the sound is emitted and within the lot or parcel on which the sound is received.

Section 2.08 PROTECTION OF HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANT SITES

If during the course of any construction, excavation, removal, or filling activities any sites or materials are discovered which appear to have been made, used, or handled by persons, or which otherwise suggest the past use of habitation of the site, and which may reasonable be suspected of having historical or archaeological significance, such discovery shall be immediately reported to the Commission. The Commission may order a suspension of all or any portion of the activities for a period not to exceed four (4) months for the purpose of allowing further investigation of any such discovery.

If within such four-month period the Commission determines that the site has historical or archaeological significance, the Commission may revoke any existing permit or site plan pertaining to the property. If the Commission does revoke any permit or site plan pursuant to this Section, it shall, within ten (10) days after revocation, issue an amended permit and, if a site plan was involved, approve a modified site plan which will allow the work specified in the original permit and/or site plan to proceed subject only to such restrictions or conditions as the Commission may reasonably deem necessary to protect the historical or archaeological value of the site.

Section 2.09 PROHIBITED USES

The following buildings, structures, and uses are prohibited in all zoning districts:

a. The production, use, storage, or disposal of hazardous materials or wastes, except as these Regulations may specifically allow. The use or storage of reasonable amounts of such materials as determined by the Commission, when clearly incidental to the principal use of a building, structure, or land shall be exempt from this Regulation.

b. The following uses involving commercial processing or incineration of animal and vegetable products: breweries and distilleries; slaughterhouses; stock yards; fat rendering; soap manufacturing; glue manufacturing; tanneries; paper manufacturing; wool scouring and cleaning; cotton textile sizing, scouring, bleaching, dyeing, and similar operations; paint and varnish manufacturing; and creosote and creosote products manufacturing.