

SECTION 10**PREAMBLE**

10A. PURPOSES: GENERAL. For the purpose of promoting the health, safety, morals, and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic, flood, and other dangers; for the purpose of providing adequate light and air; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; for the purpose of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; for the purpose of providing for the public health, comfort, and general welfare in living and working conditions; for the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for such uses; for the purpose of regulating and limiting the heights and bulk of buildings; and for the other purposes specified in Chapter 124 of the 1958 Revision of the Connecticut General Statutes, the following zoning regulations for the Town of Chester are and have been adopted pursuant to the provisions of the statutes of the State of Connecticut.

10B. PURPOSES: NONCONFORMITIES. It is hereby declared that nonconforming use, improvements and characteristics are incompatible with and detrimental to permitted uses, improvements and characteristics in the Districts in which they are located; they cause disruption of the comprehensive land use pattern of the Town; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage. It is a fundamental principle of zoning law that nonconformities are not to be expanded and that they should be abolished or reduced to conformity as quickly as the fair interests of the parties will permit. Except as otherwise expressly provided herein, this principle is declared to be the intent of these regulations. It is the further intent of these regulations that existing nonconformities shall not cause further departures from these regulations and therefore the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the grant of a variance in respect of any other property.

SECTION 20**DEFINITIONS**

20A. DEFINITIONS. As used in these Regulations, the following terms and words shall have the meanings hereinafter assigned to them. The word "shall" is always mandatory.

ACCESSORY DWELLING UNIT. A separate living unit created within an existing single family home. The accessory dwelling unit shall have separate kitchen and bathroom facilities and be accessible by a separate outside entrance.

ACCESSORY IMPROVEMENT. Any improvement which is attendant, subordinate and customarily incidental to the principal improvement on the same premises.

ACCESSORY USE. Any use which is attendant, subordinate and customarily incidental to the principal use of the same lot.

AGRICULTURE. Shall have the same meaning as that term is defined in Section 1-1 of the Connecticut General Statutes, revision of 1958, as the same may hereafter from time to time be amended

ALCOHOLIC BEVERAGE. Any spirituous and intoxicating liquor, as defined in the Connecticut General Statutes, revision of 1958, as the same may hereafter from time to time be amended

ART FACILITY. A building or group of buildings, under the auspices of one administrative body, providing any or any combination of the following art or art related facilities: classrooms, studios, rehearsal, performance, and/or exhibition spaces-, conservation and archival storage-, library, research center, administrative offices, studio/dwelling. ART in this context includes the visual arts, music, dance, theater, and literature.

ATTIC. The space between the ceiling beams of the top story and the roof joists.

AUTOMOBILE SERVICE STATION. A service station, filline, station, store, garage or other place of business for the sale of gasoline or other fuel products intended for use in the propelling of motor vehicles using combustion or other type engines, the sale, rental, or service and repair of gasoline or electric powered home garden and lawn equipment shall be considered a use which is customarily incidental to the use of an automobile service station.

BARN. A building used primarily to house livestock, or intended for such use, but not used for human habitation.

BED AND BREAKFAST. A family dwelling unit in which the resident owner grants or offers to grant for hire two or more individual sleeping accommodations with or without meals, intended primarily for the accommodation of transients for a period of less than fourteen (14) days to persons who are not members of the family of the resident owner

BOARDING HOUSE. A family dwelling unit in which the resident owner grants or offers to grant for hire two or more individual sleeping accommodations, with or without meals, for a period of not less than fourteen (14) consecutive days. Accommodations for periods of less than fourteen days shall be considered "transient accommodations."

BUILDING. Any improvement having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials. Any other improvement more than 8 feet high shall be considered as a building, including a solid fence or wall, but excluding trees, shrubs and utility transmission towers, or an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole; also considered as a building shall be anything located on, above, or beneath the water which is not primarily utilized or intended for navigation.

BUILDING AREA. The ground area enclosed by the walls of a building, together with the area of all porches and other roofed or walled portions of the building.

BUILDING CODE. The provisions of Chapter 354 of the Connecticut General Statutes (Rev. 1958) and any state or local regulations adopted pursuant thereto and in force in the Town, as the same may hereafter from time to time be amended.

BUILDING COVERAGE. The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

BUILDING LINE. A line parallel to a street at distance equal to the required set-back from the street line or at a greater distance when otherwise legally established by the Town or by private covenant.

CENTER LINE OF A ROADWAY. The line which may be drawn through all the points which are equidistant from the boundary lines of property on each side of the roadway.

CERTIFICATION. Certification means a signed, written approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

CLUB. An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose, whose facilities and activities are confined to the members thereof and their guests and are not extended to the general public; but such term does not include any such association or establishment organized or operated for profit or the chief activity of which is a service customarily carried on as a business enterprise.

COMMERCIAL CUTTING PLAN. A plan showing the applicant's property and abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the "Minimum Standards for Cutting Timber" set forth in Appendix A of this report (Gateway Standards).

COMMERCIAL CUTTING. Any cutting or removal of forest tree species which is not covered under the definition of noncommercial cutting.

COMMISSION. The Planning and Zoning Commission of the Town of Chester.

CONSERVATION AREA: Environmentally sensitive areas with characteristics such as wetlands, floodplains, unprotected elements of the natural landscape such as steep slopes, mature or productive forestland, potential contiguous open space or connective green belts, prime farmland, land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection, areas that have recreation value as recommended in the Recreation and/or Open Space Plan component of the Plan of Conservation and Development, wildlife habitats, and cultural features such as historic and archeological sites, and scenic views and vistas.

CONSERVATION SUBDIVISION: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a Conventional Subdivision, and the remaining land is dedicated to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

CONVALESCENT HOME. Also nursing home, rest home, convalescent hospital, special service nursing home, personal care home, residential care home, home for the aged, boarding home for the aged, and similar titles. Specific use as a hospital, clinic, diagnostic or treatment center is not acceptable. The facility must be constructed with the intent of complying with State regulations for the licensing of institutions.

CONVENTIONAL SUBDIVISION: A form of development that permits the division of land in the standard subdivision form provided by these Regulations for the Zoning District in which it is located, other than Planned Residential Development and Conservation Developments.

COUNTY SOIL AND WATER CONSERVATION DISTRICT. County Soil and Water Conservation District means the Connecticut River Coastal Conservation District (Middlesex County Soil and Water Conservation District) established under subsection (a) of Section 22a-315 of the CT General Statutes.

CUSTOMARY HOME OCCUPATION. Any occupation which commonly in Connecticut is recognized by substantial and long practice as one which has been carried on in a residence by the occupant thereof but not including:

- (1) An occupation which involves a substantial patronage visiting the premises, or frequent shipments by common carrier, in the purchase or sale of products;

- (2) An occupation which involves the preparation or sale of food or beverages on the premises except in furnishing board to occupants of the premises.

DETACHED ACCESSORY BUILDING. An accessory building which is not attached to the principal building by any covered porch, breezeway, or other roofed structure.

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

DISTRICT. A district established by the provisions of Section 30 of these Regulations as the same may hereafter from time to time be amended.

DISTURBED AREA. An area where the ground cover is or will be destroyed or removed, leaving the land subject to accelerated erosion.

DOG GROOMING FACILITY. Any place, other than a commercial dog kennel, maintained as a business where grooming of dogs is conducted.

DOG KENNEL. The business of keeping or breeding a pack or collection of dogs under one ownership for show, sport or sale.

DOG KENNEL, COMMERCIAL. The business of boarding and/or grooming dogs.

DOG TRAINING FACILITY. Any place, other than a dog kennel, maintained as a business where the training of dogs is conducted.

DRIVEWAY. A roadway used solely for access to one principal building by the occupants thereof and their guests and invitees, which roadway is located wholly upon the lot of the building which it serves.

DWELLING. A building used solely as a residence.

DWELLING, ONE FAMILY. A detached dwelling used by one family only.

DWELLING, TWO FAMILY. A detached dwelling used by two families only.

EARTH PRODUCTS. Any material geologically formed through natural processes and existing in the upper layer of the earth's surface including, but not limited to, soil, loam, peat, peat humus, peat moss, sand, gravel, stone, and all forms, compositions and mixtures thereof.

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

EROSION AND SEDIMENTATION CONTROL PLAN. A plan which sets forth measures to be undertaken for the control of erosions and sedimentation.

FAMILY. An individual dwelling alone or a group of individuals, dwelling together as a single housekeeping unit, provided that such group consists only of (a) any number of individuals related by blood, marriage or adoption, or (b) not more than 6 unrelated individuals. A group in which any one or more members do not use, in common with all other members, all kitchen and dining facilities shall not be considered as dwelling together as a single housekeeping unit.

FAMILY DWELLING UNIT. A physical area of a dwelling within which a family dwells separately from any other family.

FARM. Shall have the same meaning as that term is defined in Section 1-1 of the Connecticut General Statutes, as the same may hereafter from time to time be amended.

FOOD SERVICE SHOP. A place of business where meals prepared on the premises are offered to patrons for off-premises consumption.

GRADE. The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structures.

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.

HEIGHT. The vertical distance between a horizontal plane through the highest point of a building or structure, excluding chimneys, and lowest point of a building or structure which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

HOTEL. A building providing lodging for persons, with or without meals, and intended for the accommodation of transients and so designed that normal access and egress is controlled from a central point.

HOUSING FOR THE ELDERLY. A housing project specifically designed and developed for persons who are at least 55 years of age.

HUMAN OCCUPANCY. The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.

IMPROVEMENT. Any structural addition to, or other change in the condition of, land including the underground installation of utility lines.

INSPECTION. The periodic review of sediment and erosion control measures shown on the certified plan.

LAND. The earth surface including the ground thereunder and any wetland or watercourse.

LIFE CARE FACILITY. Is one that provides independent everyday living units primarily for persons 62 years of age or older that makes available personal care services on site. Such personal care services include dietary, security, transportation and health care services. All of such services are provided for a fee pursuant to written continuing care contract that covers the balance of a resident's life.

LIVESTOCK. Domestic animals (other than dogs, cats or poultry) kept for use or profit.

LOT. A plot or parcel of land occupied, or capable of being occupied, in conformity with these Regulations by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these Regulations. In the case of institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot. Buildings in a multiple dwelling project shall be considered as occupying the same lot.

LOT, CORNER. A lot at the intersection of, and abutting on two or more roadways (other than driveways) where the angle of intersection is not more than 135 degrees, or where the intersection is rounded by a curve having a radius of less than 100 feet.

LOT, THROUGH. A lot other than a corner lot which abuts two or more roadways which do not intersect at the lot.

LOT LINE. The established division line between lots or between a lot and a roadway, other than a driveway.

LOT LINE, FRONT. Any lot line between the lot and a roadway, other than a driveway, shall be considered a front lot line.

LOT LINE, REAR. Any lot line bounding the lot at the rear and approximately parallel to and at a maximum distance from the front lot line shall be considered a rear lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line shall be considered a side lot line. Where two lot lines extending from the front lot line intersect, both of such lot lines shall be considered side lot lines. In the case of a corner lot, all lot lines extending from the front lot line shall be considered side lot lines.

LOT, MINIMUM WIDTH OF. The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line and the lot lines adjacent thereto shall be considered as side lot lines.

LOT, REAR. A rear lot is a lot which does not have the minimum lot width measured at the front setback as prescribed by the Required Characteristics of the appropriate district.

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.

MARINA. Any waterfront business offering boat berths to transients for a fee.

MARINE FACILITY. A dock, wharf, slip, basin, or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing, or refueling of such vessels, together with any accessory buildings or other structures necessary for the operation of the foregoing.

MINIMUM AREA OF BUILDABLE LAND. A parcel of land that contains a contiguous number of square feet that meets all of the following criteria:

- A. such parcel shall be capable of containing within its boundaries a minimum lot rectangle as required in the underlying zone;
- B. Such parcel shall not include any land determined to be inland wetlands or tidal wetlands as defined by the Connecticut General Statutes or any land located in a Special Flood Hazard Area as identified on the latest Flood Insurance Rate Map for the area in which it is located or, that floods frequently as a result of tides, streams or other watercourses overflowing their banks, where frequent is identified as at least every two (2) years;
- C. No more than 15% of such parcel shall be comprised of topography exceeding a 20% slope in grade as measured in 40-foot increments throughout the parcel;
- D. Such parcel shall not include any land having ground water higher than 18 inches below the undisturbed ground surface as determined by mottling or seasonal high water, whichever is greater;
- E. Such parcel does not include any land where soil test holes indicate the presence of ledge rock located within 24 inches below the undisturbed ground surface; and
- F. A total of no more than 10% of such parcel shall be encumbered by easements including, but not limited to, easements for vehicular access, drainage and utilities.

MINIMUM LOT RECTANGLE. A hypothetical area of land in the shape of a rectangle of the dimensions required under these Regulations.

MOBILE HOME. Any portable dwelling or any vehicle or vehicular accessory used or designed to be used for human habitation and with or without its wheels, rollers, or skids in place.

MOTEL. A building or group of buildings providing lodging for persons intended primarily for the accommodation of transients having a private outside entrance for each room or suite of rooms and for each of which rooms or suites of rooms automobile parking space is provided on the premises.

MOTOR HOME. A totally self-contained vehicle propelled by its own means.

MULTIPLE DWELLING. A building which contains 3 or more family dwelling units; multiple dwelling does not include a college dormitory, convent, hospital, sanitarium, convalescent home, correctional institution, hotel, motel, boarding house, tourist establishment or tourist cabin or other building used as a place where sleeping accommodations are offered for a price to transient guests.

MULTIPLE DWELLING PROJECT. Two or more buildings on one lot containing, in the aggregate, 3 or more family dwelling units; multiple dwelling projects including row dwellings on one lot but do not include a college dormitory, convent, hospital, sanitarium, convalescent home, correctional institution, hotel, motel, boarding house, tourist establishment or tourist cabin or other building used as a place where sleeping accommodations are offered for a price to transient guests.

NONCOMMERCIAL CUTTING. The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting.

NONCONFORMING IMPROVEMEINT OR CHARACTERISTIC. Any improvement or characteristic of any land or improvement which does not conform to these Regulations but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto.

NONCONFORMING USE. Any use of land or improvement which is not a use permitted by these Regulations but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto.

PUBLIC PARKING GARAGE. A business of offering to the public spaces within a building on the premises of the use for the parking or storage of motor vehicles.

PUBLIC SERVICE COMPANY. Shall have the same meaning as that term is defined in Section 16-1 same may hereafter from of the Connecticut General Statutes; as the same may hereafter from time to time be amended.

REFUSE. Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

RESTAURANT. A place of business where selection of meals prepared on the premises and served to patrons at tables for on-premises on a regular daily basis (exclusive of holidays and one weekly day of rest). The term does not include a place where food or meals are offered for off-premises, automobile or curb service consumption; the service of alcoholic beverages to patrons seated at tables as an appurtenance of a meal, or while waiting to be seated for a meal, shall be considered a use which is customarily incidental to the use of restaurant. Neither a restaurant nor any other place where food is sold or served shall be considered an accessory use

to any use except that a restaurant for the exclusive use of the employees of a business on the same premises shall be considered an accessory use to such business.

ROADWAY. Any way for, and open to, vehicular travel including a public street, subdivision street, a private right-of-way or easement for private use or a driveway.

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

SERVICE. The term "service" and its derivatives when used to describe a type of business use or establishment shall mean a business which does not involve the manufacture or sale of any tangible article, product, or commodity unless such article, product or commodity is furnished incidentally in the course of providing a repair service or for the purpose of evidencing or documenting a service rendered.

SETBACK. The required open space between any improvement and a lot line. The distance prescribed for a setback is measured perpendicularly from each lot line as shown in the diagrams.

SIGN. Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public. For the purposes of these regulations, signs shall be considered to be improvements and shall be subject to all regulations applicable to improvements.

SIGN, ADVERTISING. A sign, the sole subject of which is the identity, quality, quantity, or other characteristic of the goods, products, or services sold, made or performed in a business or activity to which such a sign is accessory.

SIGN AREA. The area of a sign shall be the entire area of the signboard or the area encompassed by the frame of such sign. If letters are painted or affixed to a preexisting structure, the sign area shall be considered the aggregate character area of all such letters and designs used in the sign. The character area of a letter or design shall be determined by multiplying the maximum height by the maximum width of such letter or design.

SIGN, BUSINESS NAME. A sign, the sole subject of which is the name of the user or occupant of the use or improvement to which it is accessory and may also include an identification of the type of business or other activity to which it is accessory.

SIGN, RESIDENT NAME. A sign, the sole subject of which is the name of the user or occupant of the use or improvement to which it is accessory.

SITE PLAN. A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses and wetlands; any proposed modification or alteration of the

lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.

SOIL. Any unconsolidated mineral or organic material or any origin.

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 a narrative.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

STORY ABOVE GRADE. Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the finished surface of the floor next above is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (12) feet at any point.

STREET, PUBLIC. Any roadway which has been accepted by the Town or State for, and is open to, vehicular travel by the general public.

STREET, SUBDIVISION. Any roadway which is within a subdivision and is shown on a plan of subdivision approved by the Commission and which is for, and is open to, vehicular travel by the general public or by all residents of the subdivision.

STRUCTURE. Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, parking areas, curbing and fences which are less than eight (8) feet high, including anything located on, above or beneath the water which is not primarily utilized or intended for navigation.

TOTAL FLOOR AREA. The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has structural headroom of at least six (6) feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

TOWN. The Town of Chester.

TRANSIENT ACCOMMODATIONS. Overnight lodging for persons, with or without meals. (See Hotel, Motel, Bed and Breakfast.)

TRAVEL TRAILER. A totally self-contained vehicle drawn by a totally separate vehicle.

VEGETABLE STAND. A frame building not exceeding 200 square feet in area used for the sale of farm or garden produce raised on the same a premises on which such building is located or on other premises of the owner of the premises on which it is located.

WATERCOURSES. Those areas identified and defined in Section 22a-38 of the Connecticut General Statutes, as the same may hereafter from time to time be amended.

WETLANDS. Those areas identified and defined in Section 22a-32 and Section 22a-38 of the Connecticut General Statutes, as the same may hereafter from time to time be amended.

SECTION 30**DIVISION INTO DISTRICTS**

30A. DISTRICTS. The Town is hereby divided into the following named Districts as drawn on the zoning map on file in the office of the Chester Town Clerk which, with all explanatory matter thereon, shall be considered a part hereof:

- Residential District (R-2)
- Residential District (R-1)
- Residential District (R-1/2)
- Planned Residential District (PRD)
- Commercial District
- Controlled Development District (CDD)
- Waterfront Design District
- Research and Light Manufacturing District (RLM)
- Tidal Wetlands District

30A.1. GATEWAY CONSERVATION DISTRICT. In addition to the districts into which the Town is divided under Section 30A, there is hereby created and designated, as drawn on said zoning map, the Gateway Conservation District. The boundaries of such District are coterminous with the boundaries of so much of the area, within the territorial limits of the Town of Chester, as is designated as a Conservation Zone in Section 25-102c of the Connecticut General Statutes as the same may from time to time be amended. Said district designation is in addition to and superimposed upon those districts into which said area is divided under Section 30A. Except as otherwise provided therein, the uses permitted under Section 90 are permitted in addition to the uses permitted in the districts into which said area is divided under Section 30A., and the prohibitions, limitations and restrictions prescribed in Section 90 are in addition to the prohibitions, limitations and restrictions upon land use otherwise prescribed in these zoning regulations.

30B. DISTRICT BOUNDARIES. The following rules shall govern the determination of district boundaries:

30B.1. ROADWAYS, RAILROAD, WATERCOURSES. If opposite sides of a roadway, railroad or watercourses are in different districts, the center line of the roadway, railroad or watercourse shall be the district boundary;

30B.2. PROPERTY LINES. If a district boundary is stated by reference to a property line, the district boundary shall follow such property line as shown on the town tax assessor's maps at the effective date of such boundary;

30B.3. MEASURED LINES. Unless otherwise indicated, if a district boundary is stated by a measured distance from a roadway or railroad, such distance shall be measured perpendicularly

from that boundary of such roadway or railroad which is on the same side thereof as the direction in which such distance is to be measured;

30C. CONTENT OF DISTRICTS. Districts shall include all wetlands and watercourses as well as all dry ground, including roadways, lying within their boundaries.

SECTION 40**GENERAL PROHIBITIONS**

40A. USE. Except as expressly and specifically permitted by these regulations, no land or improvement thereon within the Town shall be used for any purpose.

40B. LOTS. Except as provided in 40B.1, no lot shall have an area or width or setback which is less in size than that required by these regulations. The area of every lot shall be such that no building or buildings thereon shall occupy, in the aggregate, a greater percentage of the lot area than that prescribed by these regulations.

40B.1. PREEXISTING SUBSTANDARD PARCELS. A parcel of land which has an area (determined in conformity with the rules prescribed in 40H for determining lot area) of not less than 1/3 of the lot area otherwise prescribed therefor in these regulations and a width of not less than 1/3 of the lot width otherwise prescribed therefor in these regulations or 50 feet, whichever is greater, shall not be required to conform to the lot area or lot width requirements of these regulations if such parcel of land, at the effective date of these regulations, abutted, and has continuously thereafter abutted, no other land simultaneously under the same ownership as such parcel of land. No such parcel of land, nor any building or other improvement thereon, shall be used for dwelling purposes or for any other human occupancy unless such parcel of land is of such size and location, and of such geologic and topographic character, that it can accommodate, without endangering or disturbing any wetland or watercourse, such building or other improvement, with off-street parking facilities required under these regulations, as well as any necessary onsite subsurface sewage disposal system, with required reserve area, and water supply system, both of which conform in design and function to the requirements of the State Health Code and regulations enacted by the State Department of Health thereunder, and to the requirements of any Town regulations pertaining thereto. Nothing in this section shall be construed to authorize the construction or use of a multifamily dwelling upon a parcel of land which does not conform to the Minimum Lot Area Per Family Dwelling Unit prescribed therefor in Section 61 of these regulations.

40B.2. MULTIPLE BUILDINGS. No building intended or used for a single principal use shall be built, placed or used on any land unless the required lot area is provided therefor, except that, in determining lot area required, all buildings, when under common ownership in contiguous premises, which are used exclusively for a single institutional or commercial use, shall be considered as a single building, and all buildings in a multiple dwelling project shall be considered as a single building.

40B.3. MULTIPLE USES. No building intended or used for two or more principal uses shall be built, placed or used on any land unless the required lot area is provided for each such principal use, except that, in determining required lot area, two or more principal commercial uses, in combination with not more than two dwelling units, within a single building used solely for such uses shall be considered a single use, and the individual dwelling units in a multiple dwelling shall be considered as a single principal use.

40B.4. WIDTH OF CERTAIN REAR LOTS. Anything in these regulations to the contrary notwithstanding, for the purpose of determining minimum lot width of a lot described in Sections 40G.1 or 40G.2, the building line shall be a line parallel to the lot line over which the driveway or roadway affording access to the lot enters the lot and at a distance from such lot line equal to the required setback therefrom.

40C. BUILDINGS. No building shall be built or placed in any location as to leave less than the prescribed space of the setbacks required for it in these regulations. No building shall be greater in height than that prescribed in these regulations.

40D. IMPROVEMENTS. No improvement shall be made except in conformity with these regulations.

40E. CHANGES. No changes shall be made in the use of any land or improvement, in the location of any improvement, or in the size or shape of any lot or improvement except in conformity with these regulations.

40F. SPECIAL EXCEPTIONS. Wherever a special exception shall have been granted by the Commission under these regulations authorizing a specified use of a parcel of land or improvement thereon, no use shall be made of such land or improvement, no other improvement shall be used, built or placed upon such land, and no change shall be made in the location of any such improvement or in the size or shape of any such parcel of land or improvement except as authorized by such special exception or by an amendment thereto.

40G. REQUIRED ACCESS. No building shall be used, built or placed on any lot unless such lot has access on an improved public street or an approved subdivision street as set forth in the Required Characteristics for the district in which the lot is located. As used in this section, access is intended to mean minimum lot width as measured at the front setback requirement for the appropriate district. Such access shall not, however, apply.

40G.1. EXCEPTION. (Certain Existing Lots) To any lot having at least 25 feet frontage on such a street if such lot was not, on October 1, 1979, and at no time thereafter, contiguous to, or a part of, any tract or parcel of land under the same ownership which had, including such lot, at least 50 feet frontage on such a street; or

40G.2. EXCEPTION. (Certain Lots With Access) To any lot served by a roadway, and having no frontage, or only such frontage as is afforded by the entrance of said roadway onto such lot, provided that:

- (A) such roadway provides unobstructed vehicular access for such lot to and from a public street or subdivision street or to and from another roadway conforming to all the requirements herein set forth;
- (B) such roadway either forms a part of such lot or is over a permanent and recorded easement of vehicular access in favor of such lot;

- (C) such roadway is not less than 25, nor more than 40 feet in width;
- (D) no portion of such roadway serves more than two other lots; and
- (E) no portion of such roadway laterally adjoins any other roadway or driveway.
- (F) The minimum area of such lot shall not be less than double that required for the zone in which such lot is located. In any case where a lot is located so as to include two different zones, the requirements of the zone with the greater area demands shall be met.

40H. LOT AREA. The following rules shall govern the determination of lot area:

40H.1. GENERAL. No land shall be included in computing the required lot area of more than one lot;

40H.2. STREETS. No part of a roadway (which term includes a private right-of-way, easement or other way for private use) other than a driveway shall be included in computing required lot area;

40H.3. WATER. Not more than 10 percent of the required lot area may be represented by wetlands and/or watercourses.

40I. SETBACKS. The following rules shall govern the determination of required setbacks:

40I.1. GENERAL. Except as otherwise prescribed in 40I.2, required setbacks shall be open and unobstructed to the sky, except for the ordinary projection, not exceeding two feet of window sills, belt-courses, cornices, eaves, chimneys and other architectural features of the building for which such setbacks are required and except for trees and shrubs. No land shall be included in computing the required setback or other open space for more than one building;

40I.2 ACCESSORY BUILDINGS. Except within a Gateway buffer area required under Section 90D.1 (Gateway Conservation District), detached accessory buildings, not more than 15 feet in height and not used for the housing of humans or animals, may be located in the required rear setback of the principal building to which they are accessory, but not less than five feet from any lot line, provided that such accessory buildings do not, in the aggregate, occupy more than 20 percent of the area of such rear setback (see diagram in center section);

40I.3 FRONT, REAR AND SIDE SETBACKS. Front, rear and side setbacks are measured perpendicularly from all points on front, rear and side lot lines respectively;

40I.4 CERTAIN REAR LOTS. Anything in these regulation to the contrary notwithstanding, for the purpose of determining the required setbacks for any lot described in Sections 40G.1 or 40G.2, all lot lines shall be considered side lot lines.

40.J. HEIGHT LIMITATION. The height of any improvement shall be measured vertically from the average ground level at the base to the highest feature of, or appurtenant to, the improvement. Church spires, industrial storage tanks, chimneys, radio or television towers and antennas may be erected to a reasonable and necessary height notwithstanding the applicable maximum height limitations prescribed in these regulations provided, however, that no radio or television tower or antenna shall exceed 15 feet in height above the highest point of the highest building on the lot or 15 feet in height above the highest point of ground elevation of the lot, whichever is the higher. Fences and freestanding walls shall not exceed eight feet in height.

40K. PROHIBITED USES. Although otherwise permitted under these regulations, nevertheless no building, structure or improvement shall be erected, used or maintained and no lot shall be used or maintained for any use, trade, or business or process which is obnoxious or offensive by reason of gas, odor, dust, smoke, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion or otherwise.

40L. LOTS PARTLY IN DIFFERENT DISTRICTS. Except for maximum building coverage, where portions of any lot are in different districts, the Commission may, by the grant of a special exception, except from the requirements of all but one of such districts a particular use or improvement upon such portion of the lot as is within 30 feet of the boundary of the district the requirements of which are to apply. Where portions of any lot are in different districts, the provisions of that district which prescribe the smallest percentage for maximum building coverage shall govern the entire lot.

40L.1. CONDITIONS OF SPECIAL EXCEPTION. The grant of a special exception excepting from the regulations a particular use or improvement upon a portion of a lot hereunder shall be subject to the conditions prescribed in or pursuant to Section 130.

40M. ACCESS AND PARKING. No use of any land or improvement thereon shall be commenced until the required off-street parking and truck loading facilities have been provided and completed in accordance with Section 110. The increase of any factor with reference to which off-street parking or truck loading spaces are prescribed in Section 110F without providing the number of spaces with access areas of the size and nature prescribed therefor in Section 110 is prohibited. No land shall be used for access to, or for parking in connection with a use which is not permitted in the district in which such land is located except that land in a commercial district may be used for access to a permitted use in a research and light manufacturing district and land in any district may be used for access to a use in a residential district.

40N. PATIOS. A patio, not to exceed 12 inches in height from the existing natural grade, shall not be considered a building or part of a building in determining maximum building coverage or in determining required setbacks under these regulations if such patio is unroofed by canvas or otherwise made without walls, parapets or other forms of enclosure (except for one wall of the building to which it is accessory and except for shrubs not exceeding three feet in height), and does not project into any setback to a point closer than 10 feet from any lot line.

40O. CORNER VISIBILITY. On a corner lot no wall, fence or other improvement shall be erected, and no hedge, shrub, tree or other growth shall be maintained between the building line and the street line as to create a traffic hazard by obstructing the view. On a corner lot in any residential district no fence, wall hedge, or other improvement or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 50 feet distant from the point of intersection measured along said street lines.

40P. SWIMMING POOLS. No swimming pool or artificial pond shall be located closer than 35 feet to any boundary of the lot upon which it is located as measured to the edge of such pool or pond.

40Q. ROADWAY SETBACK. The lateral paved or surfaced portion of any roadway (other than a public street) shall not be located closer than five feet to any side or rear lot line.

40R. ANIMALS. The keeping of animals other than household pets shall be permitted in any district subject to the following limitations:

40R.1. POULTRY AND RABBITS. No poultry or rabbits shall be kept on any premises unless the lot of such use has an area of not less than 10,000 square feet. All such animals must be kept in a building or other enclosure located in conformity with the setback requirements of the district in which such use is located and lot less than 50 feet from any dwelling in existence prior to the existence of such building or enclosure other than a dwelling on the lot of such use. Not more than 20 such animals may be kept on any premises at any one time unless the areas of the lot of such use is at least three acres.

40R.2 CERTAIN OTHER ANIMALS. No horse, pony, donkey, pig, sheep, goat, or cattle shall be kept on any premises unless the lot of such use has an area of not less than 40,000 square feet. Not more than one such animal shall be kept on any lot having an area exceeding 40,000 square feet unless the excess area over 40,000 square feet is equivalent to 20,000 square feet, or major fraction thereof, for each additional animal. Any shelter for such animal shall be located in conformity with the setback requirements of the district in which such use is located and not less than 100 feet from any dwelling in existence prior to the existence of such shelter other than a dwelling on the lot of such use.

40S. CERTAIN STRUCTURES. No tent, Quonset hut, or Nielsen hut shall be used, built or placed on any premises for dwelling purposes.

40T. SALE OF ALCOHOLIC BEVERAGE. (amended August 1, 1996) No building or premises, which prior to June 1, 1985, is not the site or location of a business where alcoholic beverages are sold or dispensed for consumption on the premises, or sold at retail for consumption off the premises shall be used and no building shall be erected or structurally altered which is arranged, intended or designed for the sale of dispensing of alcoholic beverages to be consumed on the premises or for the sale of alcoholic beverages to be consumed off the premises:

- (1) If any public entrance to such building or premises where alcoholic beverages are sold for consumption off the premises shall be within 1,000 foot radius from any public entrance to any other building or premises where alcoholic beverages are sold for consumption off the premises;
- (2) If any public entrance to such building or premises is within 500 feet of any part of any lot used or reserved to be used for the purpose of a public or private school, a church, a hospital, or a library.

40U. SOIL EROSION AND SEDIMENT CONTROL PLAN. Shall be submitted with any application for development when the disturbed area of such development totals, cumulatively, more than one-half acre. Only a single family dwelling unit that is not part of a subdivision of land shall be exempt from the submission of an erosion and sediment control plan. (See Section 55.)

SECTION 50**NONCONFORMING USES AND IMPROVEMENTS**

50A. NONCONFORMING USES AND IMPROVEMENTS. Except as otherwise expressly provided in these regulations, a nonconforming use of any land or improvement or a nonconforming characteristic of any land or improvement, which has not been changed to conformity with these regulations or otherwise terminated, may remain and be continued and shall not be required to conform to these regulations.

50A.1. CHANGE OF USE. Any other provision in these regulations to the contrary notwithstanding, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the Planning and Zoning Commission, by making findings in the specific case, and by the grant of a special exception, subject to the provisions of Section 120 and Section 50D.1 of these regulations, shall find that the proposed use is equally appropriate or more appropriate to the zoning district than the existing nonconforming use. In permitting such changes, the Commission may require appropriate conditions and safeguards in accordance with the provisions of the zoning regulations.

50B. CHANGE TO CONFORMITY. A nonconforming use of any land or improvement and a nonconforming characteristic of any land or improvement may be changed if the new or resulting use or characteristic conforms to these regulations, but once changed, such use shall not be then changed back to the original nonconforming use.

50C. CHANGE TO NONCONFORMITY.

50C.1. A nonconforming use of any land or improvement may not be changed to a different nonconforming use.

50C.2. A nonconforming characteristic of any land or improvement may not be changed to a different nonconforming characteristic nor increased in numerical magnitude.

50D. EXTENSION OR EXPANSION. No nonconforming use shall be enlarged, extended or expanded.

No nonconforming characteristic of any land or improvement shall be enlarged, extended or expanded.

No permitted use of any land or improvement having a nonconforming characteristic shall be enlarged, extended or expanded except in conformity with these regulations.

No permitted improvement having a nonconforming characteristic shall be enlarged, extended or expanded except in conformity with these regulations.

Any existing use with respect to which the size, number and nature of off-street parking and truck loading spaces prescribed for such use in Section 110 do not exist shall be considered a nonconforming use whether or not such use is permitted under these regulations in the district in which it is located. Any diminution in the number of existing spaces serving such use and any increase of any factor with reference to which off-street parking or truck loading spaces are prescribed in Section 110F shall be considered an enlargement or expansion of such nonconforming use.

Completing the enclosure of a previously roofed porch, without changing its size or shape, shall not be considered an extension or expansion of a nonconforming use or improvement.

50D.1. SPECIAL EXCEPTION: ENLARGEMENT OF BUILDING SPACE. When specifically authorized in the particular instance by a special exception granted by the commission subject to the conditions prescribed in or pursuant to Section 130, any building occupied by a nonconforming use may be enlarged, and the nonconforming use therein may be extended or expanded throughout the building as so enlarged, provided that no such special exception shall authorize any enlargement which would increase the building area by an amount greater than 50 percent of the building area of such building in existence on October 1, 1979, and further provided that the lot on which such building is situated and such enlargement shall conform to all applicable required characteristics prescribed in these regulations.

50E. TERMINATION. Except as provided in 50F., no use of any land or improvement having a nonconforming characteristic and no nonconforming use or characteristic of land or improvement shall be resumed or restored:

50E.1. CESSATION. If such use or characteristic has not existed for a period of one year from the date of cessation or from the effective date of the applicable regulation, whichever is later; or

50E.2. ABANDONMENT. If it is abandoned, unless such use conforms to these regulations or such use or characteristic has previously been authorized by the grant by the Zoning Board of Appeals of a variance varying the application of the pertinent regulations.

50F. CASUALTY. A nonconforming use or characteristic of an improvement which is damaged or destroyed by fire or other casualty to any extent may be restored or resumed provided:

50F.1. NOTICE. Written notice of intention to resume or restore is filed with the Zoning Compliance Officer within six months after such damage or destruction; and

50F.2. COMPLETION. Such resumption or restoration is made and completed within two years after such damage or destruction; and

50F.3. LIMITATION. Such resumption of use shall be confined to

the use in existence immediately prior to such damage or destruction and such restoration shall not increase the nonconformity of any nonconforming characteristic in existence immediately prior to such damage or destruction.

50F.4. REGISTRATION OF NONCONFORMING USE OF LAND OR STRUCTURE. Any nonconforming use of land or structures shall be registered in the Office of the Planning and Zoning Commission within one year after the adoption of this amendment. Such registration shall include the identification of the premises, a description of the nature and extent of the nonconforming use and, if necessary to description, a plot plan drawn to scale showing property lines, all structures and other pertinent information, and an affidavit by the owner as to the date since such nonconforming use has existed. Failure to so register shall place the burden of proof on the property owner that any alleged nonconforming use of land or structure legally existed at the time this regulation or any amendment thereto became effective.

50G. SUBDIVISION OF LOTS WITH NONCONFORMING IMPROVEMENTS. Whenever any land, upon which is located one or more nonconforming improvements, is subdivided for sale or rental, or lot lines of any such land are otherwise defined, the characteristics of all parcels resulting therefrom shall conform to these regulations.

50H. ACCESSORY USES. The provisions of this Section 50 shall not be construed to permit, and there shall not be permitted, accessory to a nonconforming use or improvement:

50H.1. SIGNS. Any sign;

50H.2. VEHICLES. The parking or storage of any commercial motor vehicles;

50H.3. BUILDING. The construction or use of any building for residence purposes;

50H.4. WASTE MATERIAL. The use of any land for the storage or keeping of any material described in Section 115, unless such use or improvement itself is a valid nonconforming one or conforms to these regulations: provided, however, that the service of alcoholic beverages to patrons seated at tables as an appurtenance of a meal or while waiting to be seated for a meal shall be considered a use which is customarily incidental to a nonconforming restaurant use.

50I. USES AND IMPROVEMENTS PERMITTED BY SPECIAL EXCEPTION. Any use of land or improvements and any improvement of a characteristic of land or improvement, which is permitted only when authorized by the grant of a special exception hereunder but which was legally and actually existing at the effective date of these regulations, or any pertinent amendment thereto, shall be deemed to be nonconforming unless and until a special exception is granted therefor hereunder.

SECTION 55**EROSION AND SEDIMENT CONTROL PLAN REGULATIONS**

55. EROSION AND SEDIMENT CONTROL PLAN REGULATIONS. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development totals, cumulatively, more than one-half acre. Only a single family dwelling that is not a part of a subdivision of land shall be exempt from the submission of a soil erosion and sediment control plan.

55A. TO BE ELIGIBLE FOR CERTIFICATION. A soil erosion and sediment control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Alternative principles, methods and practices may be used with prior approval of commission.

55B. Said Plan shall contain, but not limited to:

55B.1. A narrative describing:

- (a) the development;
- (b) the schedule for grading and construction activities, including:
 - 1. start and completion dates;
 - 2. sequence of grading and construction activities;
 - 3. sequence for installation and/or application of soil erosion and sediment control measures;
 - 4. sequence for final stabilization of the project site.
- (c) the design criteria for proposed soil erosion and sediment control measures;
- (d) the construction details for proposed soil erosion and sediment control measures;
- (e) the installation and/or application procedures for proposed soil erosion and sediment control measures;
- (f) the operations and maintenance program for proposed soil erosion and sediment control measures;

55B.2. A site plan map that is in compliance with Section 120C.4. of the Chester Zoning Regulations.

55B.3. Any other information deemed necessary and appropriate by the Commission or its designated agent.

55C. MINIMUM ACCEPTABLE STANDARDS.

55C.1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall 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 and/or sedimentation.

55C.2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

55D. CERTIFY/DENY; EROSION AND SEDIMENT CONTROL PLANS.

55D.1. The Planning and Zoning Commission shall certify a soil erosion and sediment control plan complies with the requirements and objectives of the regulation. When the soil erosion and sediment control plan fails to comply with these regulations, the Commission shall deny certification of the plan.

55D.2. When the Planning and Zoning Commission requires that a soil erosion and sediment control plan be submitted to the Soil and Water Conservation District, and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Comments from review agencies shall be submitted to the Planning and Zoning Commission as part of the application.

55E. CONDITIONS.

55E.1. The estimated cost of measures required to control soil erosion and sedimentation, and for site stabilization at any time during the construction phase may be covered in a performance bond, at the discretion of the Commission.

55E.2. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is: (a) certified by the Planning and Zoning Commission, and (b) the specified control measures, as outlined in the plan, are installed and functioning properly.

55E.3. The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

55F. INSPECTION. Shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained.

55G. ENFORCEMENT. Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Planning and Zoning Commission or its designated agent.

Failure to properly install and/or maintain any erosion and sediment control measure may result in the issuance of a stop work order until the problem is satisfactorily corrected.

SECTION 59

RESIDENTIAL CAMPING DISTRICT (RC)

59A. USES PERMITTED. In a Residential Camping District there shall be permitted:

59A.1 GENERAL PRINCIPAL USES. The following principal uses and buildings:

(a) No general principal uses shall be permitted.

59A.2 SPECIAL PRINCIPAL USES. The following special principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Planning and Zoning Commission subject to the conditions prescribed in or pursuant to Section 130 of the Zoning Regulations:

(a) Recreational Camp. Recreational camping shall include: living in “cabins” or other structures for temporary periods, conducting organized youth camping activities, including recreational activities, sports, water-based recreational activities, “arts and crafts”, team-building activities, outdoor pursuits, adventure-type activities, group activities, communal eating, and other activities associated with recreational camping, and shall include both over-night or day camping.

59A.3 ACCESSORY USES AND STRUCTURES.

Staff Housing (year round and seasonal), conferences, group programming, educational programming, instructional classes, skate park, community events, banquets, administrative buildings, signage.

^a Staff housing shall consist of: housing for year-round staff, housing for seasonal staff not involved in residing over-night with campers, housing for seasonal staff involved in residing over-night with campers.

^a Administrative buildings shall consist of: office and meeting space for administration of camping programs.

^a Conferences shall consist of: events bringing individuals to the facility for programs lasting from one to fourteen days. Programs may include both indoor and outdoor meetings or gatherings for instructional, retreat and team-building purposes.

- ^a Group programming shall consist of: recreational and/or educational activities, retreats and workshops for individuals, families, community-oriented organizations, businesses, schools, colleges and universities.
- ^a Educational programming shall consist of: programs run for or by the camp, schools, institutions or other organizations whose primary purpose is to provide education as opposed to recreation.
- ^a Instructional classes shall consist of: structured events given on one or more occasions to impart knowledge or skill.
- ^a Skate park shall consist of both camp-related and community-related use of a skate park in a supervised manner.
- ^a Community events shall consist of: gathering of civil or other community-oriented organizations or individuals, and shall include annual or other periodic gatherings and fund raising functions for the purpose of supporting the camp.
- ^a Banquets shall consist of functions designed to celebrate some specific occasion, and shall include both a ceremonial meal and accessory activities typically associated with banquets.
- ^a Signs, as set forth in Sections 111B, 111C and 111D of these Regulations.

59B. REQUIRED CHARACTERISTICS. The lot and the buildings involved in a special principal use in a Residential Camping District shall conform to the following characteristics:

- (a) Minimum Lot Acreage: 60 Acres. However, provided at least one parcel exceeds the required sixty (60) acres, additional parcels in excess of five (5) acres under common ownership that abut or are within a radius of 100 feet of the 60 acre parcel may be considered part of the same acreage for zoning purposes, provided each parcel meets all other requirements of this zoning district.
- (b) Minimum Lot Width: 300 feet.
- (c) Minimum Lot Rectangle: 300 feet by 300 feet.
- (d) Front Set Back: 10 Feet
- (e) Side and Rear Set Back: 5 Feet
- (f) Aggregate Maximum Building Coverage: 8% (In the event additional parcels are joined to the main parcel, as allowed in subsection (a), above, the coverage requirements shall be measured as to the aggregate set of parcels, not as to each lot individually.)
- (g) Maximum Building Height:
 - Habitable Structures: 35 Feet
 - Other Non-Habitable Structures: 55 Feet

Non-habitable structures shall include such objects as climbing walls, “alpine” towers, and equivalent objects designed for recreational use. All structures over 35 feet shall be equipped with safety equipment to insure that anyone utilizing such structure shall be properly secured against their uncontrolled descent, and to allow their descent even absent their own power, in the event of an emergency or injury.

Notwithstanding the requirements of the special exception or change of zone regulations, the Planning and Zoning Commission may waive the requirement that any parcel seeking to change to the Residential Camping District submit an A-2 Survey upon a 2/3rds vote of the Commission’s members voting.

Section 59: adopted by the Chester Planning and Zoning Commission on April 4, 2002. Effective date of the regulation to be May 1, 2002.

SECTION 60**RESIDENTIAL DISTRICTS R-2, R-1, AND R-1/2**

60A. USES PERMITTED. In any Residential District designated R-2, R- 1, or R- 1/2, there shall be permitted:

60A.1. GENERAL PRINCIPAL USES. The following principal uses and buildings:

- (A) One family dwellings;
- (B) Two family dwellings;
- (C) Customary home occupation carried on within an existing dwelling by a permanent resident thereof in which not more than three nonresidents of such dwelling are engaged, if such use is secondary in character and intensity to the use of the building as a dwelling and such activity does not noticeably change the apparent residential character of the premises, creates no objectionable noise, smell, smoke or radio or television interference or any other electromagnetic radiation noticeable off the premises, and is not dangerous by reason of fire or explosion hazard;
- (D) Roadside stands for the seasonal sale of farm produce and products raised on the same premises upon which such stand is located, provided that such stand does not exceed 200 square feet in area and is located not less than 20 feet from any lot line nor less than 50 feet from any roadway intersection; and
- (E) Agriculture and farms, provided that if any such use involves the sale of an agricultural or horticultural commodity to customers, the minimum lot area of such use shall be three acres.

60A.2. SPECIAL PRINCIPAL USES. . The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130:

- (A) Churches, day care centers, and schools but not including correctional institutions and institutions for the insane or intemperate;
- (B) Police stations, fire houses, and other municipal buildings;
- (C) The business and facilities of a public service company;
- (D) Parks and playgrounds;
- (E) Medical hospitals;
- (F) Convalescent homes;
- (G) Commercial dog kennels and veterinary hospitals, provided that the minimum lot area of any such use shall be seven (7) acres and that all animals shall be kept within a building or enclosure which is located not less than 150 feet from all lot lines;
- (H) Livery, boarding or riding stables, provided that the minimum lot area of any such use is seven (7) acres and that all animals are stabled in a building which is located not less than 150 feet from all lot lines;
- (I) Cemetery of a church or of a cemetery association having its principal office in the Town of Chester; and;
- (J) A dump, sanitary landfill or public waste processing facility operated by the Town of Chester;
- (K) Boarding houses and bed and breakfasts;
- (L) Life Care facility;
- (M) Housing for the elderly, in accordance with the provisions of Section 131;
- (N) Accessory dwelling unit within the principal residential structure or a detached accessory building, provided that the accessory building is 10 years old at the date of receipt of an application for an accessory dwelling unit within the accessory building, and that there is no expansion of the existing footprint of the accessory building except for minor architectural features, and further provided that the following specific standards, as well as the general standards of Section 120G, and the conditions of Section 130 are met prior to the issuance of a zoning permit:

- (1) One (1) accessory dwelling unit per principal residential structure not occupying more than 25 percent of the living area (excluding garages) of the principal structure and in no event shall the accessory dwelling unit be less than 450 square feet.
- (2) The principal residential structure must be on a lot having a minimum lot area of one (1) acre that conforms to the existing zoning requirements for the district where it is located. No increase in any non-conforming characteristic shall result from the addition to the premises of the accessory dwelling unit.
- (3) Access to the accessory dwelling unit shall not change the street side Exterior appearance of the principal structure.
- (4) Off-street parking shall be provided as required by Section 110F.1. No parking shall be allowed in the front yard setback area.
- (5) An applicant may request a waiver, in writing, as part of the Application, of the special exception information requirements of Section 120C., except for Section 120C.5, Sanitation Letter and Data.
- (O) Art Facility.

60A.3. ACCESSORY USES. Any accessory use or improvement, subject to the following provisions:

- (A) COMMERCIAL MOTOR VEHICLES (RESIDENCE USES). The parking and storage of any commercial motor vehicle accessory to a use described in subparagraphs (A) through (E) of 60A.1 is prohibited *unless*: (1) the number of such vehicles regularly parked or stored on the premises does not exceed one per family dwelling unit; (2) no such vehicles shall exceed three tons capacity; (3) each such vehicles is regularly used for transportation which is primarily of a personal rather than a business nature; and (4) any such vehicle is usually parked or stored indoors.
- (B) COMMERCIAL MOTOR VEHICLES (OTHER GENERAL PRINCIPAL USES) The parking or storing of any commercial motor vehicle accessory to a use described in subparagraph (F) of 60A.1 is prohibited unless: (1) the number of such vehicles regularly parked or stored on the premises does not exceed five; (2) no such vehicle shall exceed three tons capacity; (3) any such vehicle is regularly used for transportation; and, (4) the place of parking or storing any such vehicle is not less than 100 feet from any street line nor less than 50 feet from any other lot line.

- (C) COMMERCIAL MOTOR VEHICLES (SPECIAL PRINCIPAL USES) The parking or storing of any commercial motor vehicles accessory to a use described in 60A.2 is prohibited *except* as expressly authorized by the special exception authorizing such use.

- (D) BUILDINGS No building accessory to a use described in Section 60A.1 or 60A.2 shall be used for residence purposes unless the area of the lot upon which the principal use is located conforms to the minimum lot area required **for** all dwelling units thereon, including such accessory building and, in the case of a building accessory to a use described in 60A.2, only as expressly authorized by the special exception authorizing such use.

60B. REQUIRED CHARACTERISTICS . The lot and the buildings involved in any general or special principal use in a residential district shall conform to the following characteristics according the residential district in which it is located:

<u>Characteristic:</u>	<u>R-2</u>	<u>R-1</u>	<u>R- 1/2</u>
Min. area buildable land (sq.ft.)	30,000	25,000	20,000
Min. lot area (acres)	2	1	1/2
Min. lot area per family dwelling Unit (acres)	2	1	1/2
Min. lot width (feet)	200	150	125
Min. lot rectangle (feet)	150 x 300	125 x 200	125 x 125
Front set-back (feet)	40	30	20
Side set-back and rear Set-back (each) (feet)	40	30	20
Max. building coverage (%)	15%	20%	25%
Max. building height (feet)	35	35	35

Within the Connecticut River Gateway Conservation Zone maximum building coverage shall not exceed 10% in an R-2 zone or 15% in an R- 1 zone.

60B.1 REQUIRED CHARACTERISTICS-LIFE CARE FACILITY. The lot and buildings involved in a life care facility shall be governed by the required characteristics of a multiple dwelling project in Section 131B, except that the maximum residents per acre shall not exceed six persons.

SECTION 61**PLANNED RESIDENTIAL DISTRICT**

61A. USES PERMITTED. In a planned residential district there shall be permitted:

61A.1. GENERAL PRINCIPAL USES. The following principal uses and buildings:

- (A) Any general principal use permitted in a residential district as permitted therein under the provisions of Section 60.

61A.2. SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130:

- (A) Any special principal use and building permitted in an R-1 Residential District as permitted therein under the provisions of Section 60.

61A.3. ACCESSORY USES. Any accessory use or improvement permitted in an R-1 Residential District as permitted therein under the provisions of Section 60A.3; and

61A.4. MULTIPLE DWELLINGS AND MULTIPLE DWELLING PROJECTS. Multiple dwellings and multiple dwelling projects only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130 and subject to the conditions prescribed in Section 131.

61B. REQUIRED CHARACTERISTICS. Except in the case of a multiple dwelling or multiple dwelling project permitted by special exception under Section 61A.4, the lot and the buildings involved in any general or special principal use in a Planned Residential District shall conform to the required characteristics prescribed for and buildings in an R-1 Residential District under Section 60B.

SECTION 62

TIDAL WETLAND DISTRICT

62A. USES PERMITTED. In any Tidal Wetland District there shall be permitted:

62A.1. SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 120 and 130 of these regulations:

- (A) One family dwelling.
- (B) Low Intensity Agriculture such as salt haying that does not result in significant compaction of the plowing, grading or excavation.

62A.2. ACCESSORY USES. Any accessory use or improvement subject to the following provisions.

- (A) Customary Home Occupations as described in Section 60A.1.C.
- (B) Other accessory uses are limited to those which are attendant, subordinate and customarily incidental to the Principal Uses permitted in Section 62A.1 and for which a permit can be obtained from the Connecticut Department of Environmental Protection under the authority of Section 22a 30 of the General Statutes as amended.
- (C) All accessory uses are subject to the special exception provisions prescribed in Sections 120 and 130 of these regulations.

62B. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any permitted use in a Tidal Wetland District shall conform to the following characteristics:

<u>Characteristic:</u>	<u>TW</u>
Min. area buildable land (sq.ft.)	30,000
Min. Lot Area (acres)	2
Min. Lot Area Per Family Dwelling Unit (acres)	2
Min. Lot Width (feet)	200
Min. Lot Rectangle (feet)	150 x 300
Front Setback (feet)	40
Side Setbacks and Rear Setbacks, Each (feet)	40
Maximum Building Coverage (%)	15
Maximum Building Height (feet)	35

SECTION 63**CONSERVATION SUBDIVISION**

63A. CONSERVATION SUBDIVISION; PURPOSE: The Commission finds that certain parcels of land, because of their unique physical characteristics, may benefit from additional flexibility in the design of subdivisions. Such benefits may include: the creation of developments that identify and conserve natural resources and open space, economical road design and maintenance, diversity in lot size and reduction in road length.

63A.1. REQUIREMENTS FOR SUBMITTING A CONSERVATION SUBDIVISION PLAN.

Subdivisions containing four or more lots shall be required to submit both a Conventional Subdivision and a Conservation Subdivision layout for consideration at a regularly scheduled meeting of the Chester Planning and Zoning Commission. The Commission will have 35 days in which to make a determination on the type of subdivision most suitable for the developable land. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, nor shall the statement of any Commission member be deemed to be an indication of pre-judgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement.

63A.1.1 Submission of Preliminary Layouts. The purpose of the consideration of the Preliminary Layouts is to provide preliminary guidance to the Applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the Applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. Neither the applicant nor the Commission shall be in any way bound by any statement made during such Preliminary Layout consideration, nor shall the statement of any Commission member be deemed to be an indication of pre-judgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for Preliminary Layout consideration, other than for the approval in concept of either a Conservation or Conventional Subdivision submission. Referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission may be requested of the applicant.

63A.1.2 Technical Reports. The Applicant shall obtain from a licensed professional engineer or surveyor currently licensed in the State of Connecticut a written report or reports as to the general feasibility of the following: The proposed water supply, and the proposed drainage plan and sewage disposal in the area to be subdivided, and shall deliver said report(s) to the Commission. The Applicant shall demonstrate where the proposed development fits within the watershed, ie. regional, subregional, and local drainage basins. The applicant shall cause to be performed, at his expense, such tests as the appropriate Town officer or officers may request. The Commission may request such other report(s) as are deemed advisable.

63A.1.3 Check by Commission. At the time of the filing of a request for the consideration of the Preliminary Layouts, the Commission or its designee shall check such request and layouts and when the information contained in said request is substantially complete in accordance with this Section of these Regulations, the matter shall be placed on the agenda for a regular public meeting of the Commission. The applicant's agents shall certify that the information contained in the request and layouts is true and correct and meets the requirements of these Regulations and any other applicable town or state regulations. Whenever desirable, the Commission and/or its representative(s) may examine the site of the proposed subdivision with the applicant or his authorized representative(s), and the applicant, by making a request under this Section, shall be deemed to consent to such site examination.

63A.1.4 Consideration of the Preliminary Layouts. The Preliminary Layouts will be considered at a regular public meeting of the Commission at which it is on the agenda. The Commission shall have the right to determine the subdivision method (Conventional or Conservation) based on the information provided in the preliminary layouts provided by the applicant, observations from the site walk and from comments generated from other Commissions, Boards and Agencies.

63A.1.5 Notice of the Meeting of Commission. The Commission shall notify the applicant, prior to said meeting, of the date, time and place of the meeting of the Commission at which the Preliminary Layouts is to be considered and the applicant, or his fully authorized representative, should attend said meeting unless he has notified the Commission at least one day prior to said meeting of his inability to attend.

63A.1.6 Consideration of Preliminary Conservation Plan and use of the four step development process.

The applicant shall use the four step process to create the proposed Conservation Subdivision. This process shall be demonstrated with a site plan and detailed narrative. The design process identifies historical, cultural and natural resources, potential open space corridors, views and vistas, sensitive wildlife areas, Conservation Areas, and other areas that should not be adversely impacted by development.

Step One: Identifying Conservation Areas

The applicant shall identify on the plan Conservation Areas limited by regulatory jurisdiction such as wetland and floodplains; and Conservation Areas including those unprotected elements of the natural landscape such as steep slopes (20% or greater), mature or productive forestland, potential contiguous open space or connective green belts, prime farmland, land that protects critical or threatened species or communities of special concern as identified by the Department of Environmental Protection, areas that have recreation value as recommended in the Open Space Plan component of the Plan of Development; wildlife habitats, and cultural features such as historic and archeological sites; and scenic views and vistas. This phase will require the property boundary to be located, the wetland areas delineated, and the services of professionals such as a biologist and/or a landscape architect to determine the potential Conservation Area.

Step Two: Locating Developable House Sites

The second step involves locating approximate house sites on suitable soils outside of the Conservation Areas. Soil testing throughout the potential house site area in a grid of approximately 200 feet apart will give a general indication of the areas suitable for development.

Step Three: Aligning Streets and Driveways

The third step consists of tracing a logical alignment for the location of streets to serve the house sites. Street patterns shall be in harmony with the natural topography.

Step Four: Drawing in the Lot Lines

The final step is to draw in the lot lines.

63.A.2 FORMAL SUBMISSION

All applications for Conservation subdivisions shall comply with the Chester Subdivision Regulations including but not limited to; the application process, application content, design standards, bonding requirements and Open Space dedication.

63B. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any permitted use in a Conservation Subdivision shall conform to the following characteristics:

<u>Characteristic:</u>	<u>R2</u>	<u>R1</u>
Min. area buildable land (sq.ft.)	20,000	15,000
Min. Lot Area (acres)	1	1/2
Min. Lot Area Per Family Dwelling Unit (acres)	1	1/2
Min. Lot Width (feet)	125	100
Min. Lot Rectangle (feet)	125 x 150	100 x 125
Front Setback (feet)	*20	*20
Side Setbacks and Rear Setbacks, Each (feet)	*20	*20
Maximum Building Coverage (%)	20	20
Maximum Building Height (feet)	35	35

* Minimum setback within the Conservation Subdivision, setbacks abutting property not within the Conservation Subdivision remain as shown in Sec. 60B.

SECTION 70**COMMERCIAL DISTRICT**

70A. USES PERMITTED. In any commercial district there shall be permitted:

70A. 1. GENERAL PRINCIPAL USES. The following principal uses and buildings:

- (A) Professions, and the business offices of any manufacturing or wholesale commodity or service business;
- (B) Retail stores or shops selling commodities including the sale of packaged alcoholic beverages;
- (C) Barber shops, beauty shops, shoe repair shops, cleaning or laundry service shops; and,

70A.2. SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130:

- (A) Theaters for indoor motion picture projection or dramatic or musical productions;
- (B) Hotels or motels, provided that the lot area is equivalent to not less than 4,000 square feet for each guest sleeping room;
- (C) Automobile service stations;
- (D) Public parking garages and public parking lots;
- (E) Automobile sales businesses;
- (F) Bed and Breakfast;
- (G) Restaurants;

- (H) Food Service Shops;
- (I) Any retail commodity or service business not specified in Section 70A.1.

70A.3. ACCESSORY USES. Any accessory use or improvement subjects to the following provisions:

- (A) Buildings- No building accessory to a use described in Section 70A.1., or 70A.2., shall be used for residence purposes unless the area of the lot upon which the principal use is located conforms to the minimum lot area required for all dwelling units thereon, including such accessory building and, in the case of a building accessory to a use described in 70A.2., only as expressly authorized by the special exception authorizing such use.

70B. LANDSCAPING. All lots used in a commercial district designated C-1 shall provide a strip of land not less than six (6) feet wide, adjacent to and extending for the length of the roadway line, which strip shall be kept in lawn or otherwise suitably landscaped. Such strip may be traversed by not more than two driveways, and one additional driveway for each 200 feet of frontage of the lot in excess of 300 feet. Not more than 25 percent of all parking provided shall be located between the principal building and the roadway. The balance of parking provided shall be located in an area either behind the building or screened from the view of the roadway, except at entrances to and exits from the parking area. Such screening shall consist of either evergreen vegetation or an opaque fence between four and five feet high.

70C. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any general or special use in a commercial district shall conform to the following characteristics:

<u>Characteristic:</u>	<u>Commercial District</u>
Min. area buildable land (sq.ft.)	20,000
Min, Lot Area (Acres)	1/2
Min. Lot Area per Family Dwelling Unit (Acres)	1/2
Mm. Lot Width (Feet)	100
Min. Lot Rectangle (Feet)	100 x 150
Front Setback (Feet)	30
Side and Rear Setbacks (each)(Feet)	30
Maximum Building Coverage (%)	35
Maximum Building Height (Feet)	35

SECTION 71**WATERFRONT DESIGN DISTRICT**

71A. USES PERMITTED. In any Waterfront Design District there shall be permitted:

71A.1. SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130:

- (A) Offices of naval architects, yacht brokers, marine surveyors, marine insurance brokers, marine contractors, marine laboratories, marine engineering companies and other like marine service businesses;
- (B) Sail lofts, ship chandleries, bait and tackle shops, agencies for the sale of boats, marine engines, marine equipment and fuel and lubricants for marine use;
- (C) Yard or facilities consisting of wharves, docks, slips, basins and other appropriate appurtenances for building, fabricating, repairing, servicing or storing boats having a length overall not exceeding (65) feet except that this section shall not preclude transient vessels in excess of sixty-five (65) feet from using docks, wharves, slips, basins and other appropriate appurtenances while in the water;"
- (D) Marinas:
- (E) Yacht clubs.

71A.2. ACCESSORY USES. Any accessory use or improvement but not including the storage, sale or dispensing of fuels or lubricants except for boats and not including any sign or building except in conformity with the following provisions;

- (A) Signs - No sign shall be permitted accessory to a use described in Section 71A.1. except as expressly authorized by the special exception authorizing such use; and
- (B) Buildings - No building accessory to a use described in Section 71A.1. shall be used for residence purposes unless the area of the lot upon which the special principal use is located conforms to the minimum required for all dwelling units thereon.

71B. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any special principal use in a Waterfront Design District shall conform to the following characteristics:

<u>Characteristic:</u>	<u>WD</u> -
Max. Bldg. Coverage	10%
Min. area buildable land (sq.ft.)	30,000
Min. Lot Area (acres)	2
Min. Lot Area Per Family Dwelling Unit (acres)	2
Min. Lot Width (ft.)	200
Min. Lot Rectangle (ft.)	15 x 300
Front Setback (ft.)	40
Side Setbacks and Rear Setbacks each (ft.)	40
Max. Bldg. Coverage (%)	20
Max. Bldg. Height (ft.)	35

SECTION 72**CONTROLLED DEVELOPMENT DISTRICT**

72A. USES PERMITTED. In any Controlled Development District there shall be permitted:

SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130:

- (A) Business and professional offices, medical clinics, hospitals;
- (B) Research laboratories;
- (C) Manufacturing, processing or assembling facilities subject to the provisions of Section 80;
- (D) Institutional buildings, public facilities;
- (E) Financial, professional or personal services;
- (F) Gas or filling stations or auto repair or service shops only when part of a larger shopping center complex; and subject to the following additional requirements:

72A.1. BUFFER. There shall be a distance buffer of at least 100 feet between any proposed nonresidential building and the nearest existing residence. A parking lot may extend to within 150 feet of an existing residence.

72A.2. SCREENING. Screening in the form of natural or planted growth, over 15 feet in height, which is by its density capable of satisfactorily obscuring the nonresidential use from surrounding residential properties or fencing as approved by the Commission, shall be provided for the purpose of obscuring the sight, sound and illumination of any use.

72A.3. LANDSCAPING. General landscaping for the development shall be provided, either by retention of existing growth or new plantings, to provide auxiliary screening for the proposed use, aid in air purification and sound absorption and to generally promote an aesthetic development.

72B. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any use in a Controlled Development District shall conform to the following characteristics:

<u>Characteristic:</u>	<u>Controlled Development District</u>
Min. area buildable land (sq.ft.)	30,000
Min. Lot Area (acre)	3
Front Setback (ft.)	60
Side and Rear Setbacks Each (ft.)	60
Max. Bldg. Coverage (%)	25
Max. Bldg. Height (ft.)	35

SECTION 80**RESEARCH AND LIGHT MANUFACTURING DISTRICT**

80A. USES PERMITTED. In a Research and Light Manufacturing District there shall be permitted:

80A.2. SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130 and, in the case of a use described in Subparagraph (B) below, subject also to the conditions prescribed in Section 80B:

- (A) Research and development of the manufacturing, processing, storage or assembling of commodities, goods or products.
- (B) Airports.
- (C) Professional and business offices

80B. CONDITIONS OF SPECIAL EXCEPTIONS. The grant of a special exception authorizing any use or improvement described in 80A.2 shall be subject to the following condition:

80B.1. GENERAL No land or building shall be used in a Research and Light Manufacturing District for any purpose which fails to meet the following criteria:

- (A) The use shall not be one which is hazardous by reason of the risk of fire or explosion;
- (B) The use shall emit no offensive odors perceptible from any property line of the lot on which the operation is located and shall emit no noxious, toxic or corrosive fumes, gases, waste or refuse material or liquids, and shall not have a detrimental effect upon the community or neighboring premises by reason of the emission of dust, noise, vibration, radio or television interference or any other electromagnetic radiation;
- (C) No exterior lighting shall shine on adjacent properties or towards any street in such a manner as to create a nuisance;
- (D) All materials, supplies, and equipment shall be stored within a building, in accordance with Fire Prevention Standards of the National Fire Protection Association or shall be screened from view from all streets and abutting properties.

80B.2. BUILDINGS. No new building shall be used, built or placed, and no existing building shall be enlarged by greater than 50 percent of its floor area, and no existing building shall be used, in a Research and Light Manufacturing District except in conformity with the following conditions:

- (A) LANDSCAPING. Before commencing any use of such building or enlargement, landscape planting, including trees, shrubs, and grass or ground cover, shall be provided and permanently maintained by the owner in the area required for setback from property and street lines and specifically:
- (1) All lots used in a Research and Light Manufacturing District shall provide a strip of land not less than six feet wide, adjacent to and extending for the length of the street line, which strip shall be put in lawn or otherwise suitably landscaped and planted. Such strip may be traversed by not more than two driveways, and one additional driveway for each 200 feet of frontage of the lot in excess of 300 feet. Not more than 60 percent of the area of the required setback from the street shall be used for driveways or for parking, and the balance shall be put in lawn or suitably landscaped and planted and shall at all times during use of such building or enlargement be maintained in good appearance. Parking in the required setback from the street shall be for passenger vehicles only, and no portion of the required setback shall be used for storage or for any purpose except as herein provided;
 - (2) Any tree of more than 10 inches caliper (diameter) measured a yard above the ground shall be shown on plot plans and, unless otherwise permitted by the Commission upon written request, shall be maintained unless it hampers utilities, structures, or reasonable working room during construction;
 - (3) All other existing natural growth shall be preserved and maintained where practical;
 - (4) Where a property adjoins a residential district on the side or rear, a "green belt" shall be planted and maintained at 30 feet in depth, including conifers planted in no fewer than two rows no further than 15 feet apart, with trees planted not more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than two inch caliper at the time of planting;
 - (5) The Commission may require more extensive plantings, or more mature plantings, if unusual conditions demand more extensive screening and noise abatement. The Commission may, upon written request of the owner of the premises, waive the requirement of the planting of conifers under (4) above where existing natural growth to be preserved and

maintained affords, in the opinion of the Commission, suitable screening no less effective than would be afforded by the prescribed conifers; and

(6) Whenever the owner or occupant desires to commence the permitted use of such building or enlargement before providing the landscape planting prescribed hereunder, the Commission may extend the time to a date following commencement of such use, but not exceed six months, upon application by such owner or occupant, if, in the opinion of the Commission, provision of such landscape planting cannot be made before commencing such use solely because normal seasonal or abnormal unseasonable weather and soil conditions present unreasonable risk of planting failure;

(B) STORAGE AREAS. Storage areas for materials, supplies, and products shall not be located in the front of the building and before commencing any such use of such building or enlargement, all such areas shall be screened by planting, landscaping or fencing; and

(C) LOADING AND UNLOADING AREAS. Before commencing any use of such building or enlargement areas used for loading and unloading shall be screened from adjacent streets and properties by planting, landscaping or fencing.

80C. CONDITIONS NOT APPLICABLE IN THE CASE OF EXISTING BUILDINGS. Any building existing on October 1, 1979, which was previously designed, built or used for a use permitted in a Research and Light Manufacturing District may be used for such use without compliance with the conditions specified in Section 80B.

80D. ACCESSORY USES. Any accessory use or improvement, including the dwelling of a guard, caretaker or superintendent, shall be subject to the following provisions:

80E. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any use in a Research and Light Manufacturing District shall conform to the following characteristics:

<u>Characteristic:</u>	<u>RLM</u>
Min. area buildable land (sq.ft.)	25,000
Minimum Lot Area (acres)	1
Minimum Lot Area Per Family Dwelling Unit (acres)	1
Minimum Lot Width (ft.)	150
Minimum Lot Rectangle (ft.)	125 x 200
Front Setback (ft.)	50
Side and Rear Setbacks Each (ft.)	40
Maximum Building Coverage (%)	25
Maximum Building Height (ft.)	35

SECTION 90**GATEWAY CONSERVATION DISTRICT**

90A. USES PERMITTED. Except as prohibited in Section 90B and subject to the limitations and restrictions hereinafter prescribed, the same uses and improvements as are permitted under these regulations in each of those other districts into which the Town is divided under Section 30A. shall be permitted in each such district within the Gateway Conservation District.

90B. GENERAL PROHIBITIONS. Anything to the contrary in these regulations notwithstanding no land or improvement thereon within a Gateway Conservation District shall be used for:

90B.1. DUMP. A dump, sanitary landfill or public waste processing facility operated by the Town;

90B.2. REMOVAL OF EARTH PRODUCTS. The removal of earth products except:

- (A) To the extent necessary in the excavation for the foundation of any building or swimming pool and in land grading incidental to the construction of any such building or of access ways and parking facilities serving the same, and
- (B) for use on other parts of the same lot or adjoining lot under the same ownership if the quantity removed does not exceed in the aggregate 100 cubic yards;

90B.3. CUTTING OR REMOVAL OF FOREST TREES SPECIES. The cutting or removal of forest tree species except noncommercial cutting as defined in Section 20A.

90C. EROSION AND SEDIMENTATION CONTROL. No special exception shall be granted under Section 120 authorizing any improvement or any enlargement, extension or expansion of any improvement within the Gateway Conservation District unless the Commission shall have found that the plan of development meets the following criteria:

- (1) The plan of development shall so integrate the improvements to be made with the topography and soils of the premises as to create the least erosion potential;
- (2) All natural vegetation shall be retained and protected except that which must necessarily be removed to carry out the plan of development;
- (3) The area of land exposed by removal of natural vegetation at any one time during the course of development shall be kept to the minimum necessary to carry out the plan of development;
- (4) When land is exposed during the course of development, such exposure shall be kept to the shortest possible duration;

- (5) Whenever the Commission shall deem it necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development;
- (6) Sediment basins (debris basins, desilting basins or silt traps) as required by the Commission shall be installed and maintained to remove sediment from runoff waters from land undergoing development;
- 7) Provision satisfactory to the Commission shall be made to accommodate effectively the increased runoff caused by change in soil and surface conditions during and after development; and
- (8) The permanent final vegetation and improvements shall be installed as soon as practical in the course of development.

90D. GATEWAY BUFFER AREA. Anything to the contrary in these regulations notwithstanding, no building or other improvement shall be located within 100 feet, measured in a horizontal plane, of any point of the mean high water line of the Connecticut River.

90D.1. EXCEPTION. A marine facility or any accessory improvement which is not intended for human occupancy may be located within such Gateway Buffer Area when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 130.

90E. RESIDENTIAL STRUCTURES IN THE GATEWAY CONSERVATION DISTRICT. A Special Permit is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of 4000 square feet, in accordance with Section 120 of the Chester Zoning Regulations. The following standards and criteria shall apply to such special permit reviews:

90E.1 PURPOSE. To assure that large scale residential structures and significant site modifications located within the Gateway Conservation District will not cause deterioration of the natural and traditional river scene.

(A) EXCEPTION. A Special Permit shall *not* be required for residential structures over 4000 square feet in total area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground at an elevation at least 35 feet above ground elevation of the proposed structure.

(B) SUBMISSION. In addition to other town requirements for special permit applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on

existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

(C) SPECIAL PERMIT CRITERIA.

- (1) Proposed site development shall maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.
- (2) Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
- (3) Structures located above the crest of hillsides facing the river shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural coordination.
- (4) Vertical architectural elements shall not be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
- (5) Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
- (6) Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape are preferred.
- (7) Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation District.
- (8) Development shall be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during development and the length of exposure should be kept to shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which is compatible with existing vegetation.

- (9) Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided and contours should be curved to blend with the natural slope.

(D) FINDINGS

- (1) Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- (2) Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- (3) The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material to buffer mass of the building from the river or its tributaries in the Gateway Conservation District.
- (4) The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.

90F. BUILDING HEIGHT WITHIN THE GATEWAY CONSERVATION District. No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height of thirty-five (35) feet; However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten (10) percent of the building footprint and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit by the Town authority having jurisdiction, provided that the architectural features will not have a significant visual impact on the river scene.

90G. CUTTING OF TIMBER

90.G.1 REQUIRED VEGETATED BUFFER

There shall be no cutting of vegetation within a strip of land extending 50 feet in horizontal distance inland from the high tide line, as defined in Section 22a-359c of the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this section.

- (A) There shall be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation under three feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches

on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.

- (B) There shall be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees shall be made by the zoning enforcement officer, or a letter stating the necessity of such action submitted to the zoning officer by a public or consulting forester.
- (C) In no event shall an opening be cleared for development, including but not limited to surface grading, stormwater drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.
- (D) A footpath not to exceed five feet in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
- (E) Stairs or similar structures may be allowed with a permit from the zoning enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five feet in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- (F) A vegetated buffer shall not be required for areas within the Gateway Conservation District which have been mapped and designated by the Planning and Zoning Commission as “developed areas”. In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the river scene.]

90G.2 NON-COMMERCIAL CUTTING. A non-commercial cutting plan shall be submitted as part of the supporting documentation filed with a required site plan or special permit or as one of the required exhibits to be submitted for land subdivision approval.

90G.3 COMMERCIAL CUTTING. Each town shall designate a regulatory authority to issue permits for the cutting of timber and no commercial cutting of timber shall occur in the absence of the issuance of such a permit. After submission of a commercial cutting plan to said regulatory authority, a permit shall be granted if it is found to be consistent with the minimum standards set forth in *Appendix A*.

90H. Anything to the contrary in these regulations notwithstanding, no activity shall be permitted within Gateway Conservation District as established by the Connecticut River Gateway Commission except in conformity with the regulations enacted by that authority when in any instance such regulations hold greater restraints than these regulations.

90I. Within the Gateway Conservation District no building permit shall be issued in connection with any multifamily project or permitted nonresidential use in any district unless a site plan shall have been submitted to and approved by the town authority having jurisdiction.

SECTION 91

COASTAL SITE PLAN REVIEW REQUIREMENTS

91A. GENERAL. All buildings, uses, and structures fully or partially within the coastal boundary as defined by Section 22a 94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of Chester on file with the town clerk shall be subject to the coastal site plan review requirements and procedures in Sections 22a 105 through 22a 109 of the Connecticut General Statutes and requirements of Sections 120 and 130, special exceptions of the Chester Zoning Regulations.

91B. COASTAL SITE PLAN REVIEW EXEMPTIONS.

91B.1. Pursuant to Section 22a 109(b) of the Connecticut General Statutes the following activities are exempt from coastal site plan review requirements.

- (A) Gardening, grazing and the harvesting of crops;
- (B) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;
- (C) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings;
- (D) Construction of the following new or modification of the following existing on premise structures; fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a 93(7) of the Connecticut General Statutes or restrict access along the public beach;

- (E) Construction of an individual single family residential structure except in or within one hundred feet of the following coastal resource areas as defined by Section 22a 93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;
- (F) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- (G) Interior modifications to buildings;

91B.2. The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans, plans and applications:

- (A) Site plans submitted to the Zoning Commission in accordance with Section 22a 109 of the Connecticut General Statutes;
- (B) Applications for a special permit submitted to the Planning and Zoning Commission in accordance with Section 82 of the Connecticut General Statutes and Section 120 of these regulations;
- (C) Applications for a variance submitted to the Zoning Board of Appeals in accordance with Subdivision (3) of Section 86 of the Connecticut General Statutes and Section 140 of these regulations;
- (D) A referral of a proposed municipal project to the Planning Commission in accordance with Section 824 of the Connecticut General Statutes.

91C. APPLICATION REQUIREMENTS. Except as exempt in Section (A) above all applications for zoning permits, special permits (or special exceptions), variances, subdivisions, municipal improvements, or planned unit developments within the coastal boundary, shall file with the appropriate board or commission a coastal site plan and application on such form as prescribed by the Commission. Pursuant to Sections 22a 105 and 22a 106 of the Connecticut General Statutes, a coastal site plan shall include the following information: a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project locations, design, timing, and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project, and a description of proposed methods to mitigate adverse effects on coastal resources. In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of Section 22a 92 of the Connecticut General Statutes.

91D. COMMISSION ACTION.

91D.1. In addition to reviewing coastal site plans for compliance with any other applicable standards, requirements, or criteria set forth by these regulations, the Commission shall review coastal site plans for compliance with the following criteria established in Section 22a 106 of the Connecticut General Statutes:

- (A) Consistency of the proposed activity with the applicable coastal policies in Section 22a 92 of the Connecticut General Statutes;
- (B) The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Section 22a 93(15) of the Connecticut General Statutes;
- (C) The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in Section 22a 93(17) of the Connecticut General Statutes; and
- (D) The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.

91D.2. The Commission of jurisdiction shall approve, modify, condition, or deny the coastal site plan for the proposed activity on the basis of the criteria listed in Section 22a 106 of the Connecticut General Statutes to ensure that the proposed activity is consistent with the coastal policies in Section 22a 92 of the Connecticut General Statutes and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.

91D.3. Pursuant to Section 22a 106 of the Connecticut General Statutes, the Commission of jurisdiction shall state in writing the findings and reasons for its action with respect to any coastal site plan approved, conditioned, modified or denied. Further, in approving any coastal site plan, the Commission of jurisdiction shall make a written finding that (1) The proposed activity with any conditions or modifications imposed by the Commission is consistent with the coastal policies in Section 22a 92 of the Connecticut General Statutes, (2) that the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water dependent development activities, and (3) that the potential adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities with any conditions or modifications imposed by the Commission are acceptable.

91E. VIOLATIONS. In accordance with Section 22a 108 of the Connecticut General Statutes any activity undertaken within the coastal boundary without the required coastal site plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section.

SECTION 100**FLOOD PLAIN REGULATIONS**100A. SPECIAL FLOOD HAZARD AREA REGULATIONS.

100A. PURPOSE. It is the purpose of this regulation to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

100A.2. OBJECTIVES. The objectives of this regulation are:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (E) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas, and;
- (F) To insure that potential home buyers are notified that the property is in a flood area.

100A.3 BASIS. The basis for establishing the Special Flood Hazard Area is the Federal Insurance Administration's scientific and engineering report, entitled, "The Flood Insurance Study for the Town of Chester, Connecticut, Middlesex County", dated, February 2, 1990, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, as amended or revised.

100B. DEFINITIONS. For the purpose of this section, certain terms words and phrases shall, whenever used in this section only, have the meanings defined as follows:

- (A) Base Flood: The 100 year flood; the flood having a one percent chance of being equaled or exceeded in any given year.
- (A.1) Basement: Means any area of the building having its floor subgrade (below ground level) on all sides.
- (B) Development: Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area, or storage of equipment or materials.
- (C) Flood Boundary and Floodway Map: An official map of the Town of Chester on which the Federal Insurance Administration has delineated the 100 year, 500 year and floodway boundaries.
- (D) Flood Insurance Rate Map. An official map of the town of Chester on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the Town, as well as base flood elevations at selected locations.
- (E) Flood Insurance Study. The official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.
- (F) 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.
- (G) Lowest Floor: Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

- (H) Special Flood Hazard Area: An area shown as an overlay on the zoning map of the Town of Chester which contains the land in the flood plain within the Town subject to a one percent or greater chance of flooding in any given year. The Special Flood Hazard Area includes all Flood Insurance Zones A and A I-A30 as designated on the Flood Insurance Rate Map.
- (I) Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the 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.
- (J) Structure: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- (K) Substantial Improvement: Any repair, reconstruction, or improvement of a structure taking place within a 10 year period, the cost of which equals or exceeds 50 percent of the market value of the structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. 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 either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (L) Manufactured Home: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached 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.
- (M) New Construction: Means structures for which the start of construction" commenced on or after the effective date of the floodplain management

regulations adopted by a community and includes any subsequent improvements to such structures.

- (N) Recreational Vehicle: Means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (O) Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

100C. GENERAL PROVISIONS.

110C.1. Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drug operations shall be prohibited in the Special Flood Hazard Area, except in conformance with these regulations.

100C.2. All new construction, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

100C.3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, 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.

100C 4. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

100C.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

100C.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

100C.7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

100C.8. New construction and substantial improvement of residential structure shall thelowest floor, including basement, elevated to or above base flood elevation.

100C.9. New construction and substantial improvement of 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 flood proofed 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; and (c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

100C.10. In unnumbered A Zones, shown on the Flood Insurance Rate Map, in the absence of FIA base flood elevation data, other available data shall be considered as the basis for elevating residential structures to or above base flood level, and flood proofing or elevating nonresidential structures to or above the base flood level, and for enforcing the floodway requirements of Section 100C.15.

100C.11. A building permit, zoning permit, site plan approval and/or special exception shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the zoning regulations with the zoning enforcement officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed, and to review the proposed development to assure that all other State and Federal permits are obtained.

100C.12. Land in a special flood hazard area, or land which the Director of Health certifies is unfit for human habitation for health reasons shall not be built upon unless the building permit has the written approval of the Director of Health.

100C.13. Adjacent communities and the Connecticut Department of Environmental Protection shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be sent to the Federal Insurance Administration. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

100C.14. Use of land, construction or other activities permitted within this section shall be subject to approval by all applicable Federal or State agencies.

100C.15. Structures, as defined within this section, shall be prohibited within the floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (A) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (B) All new construction and substantial improvements in the floodway shall comply with the flood hazard reduction provisions noted in this section.

100C.16. Mobile homes and trailers used for living quarters shall be prohibited in Special Flood Hazard Areas.

100C.17. Any manufactured home, including a recreational vehicle placed on site for 180 consecutive days or longer or substantially improved shall be elevated so that the lowest floor is above the base flood elevation. Manufactured homes, including a recreational vehicle placed on site for 180 consecutive days or longer, 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 floatation, 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.

100C.18. For all new construction and substantial improvements, fully enclosed areas below the lowest floor in areas other than a basement that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

100D. SPECIAL FLOOD HAZARD AREA MAPPING.

For the purpose of administering Special Flood Hazard Area Regulations, a shaded overlay containing the Special Flood Hazard Areas has been placed over the zoning map of the Town of Chester. In these overlay areas, uses which are permitted in the designated zoning districts are allowed subject to the granting of a building permit, site plan approval and/or special permit depending on which permit process, or processes, must be followed.

100E. SPECIAL FLOOD HAZARD AREA SITE PLAN REQUIREMENTS.

All applications for building permits, zoning permits, site plan approval or special permits in Special Flood Hazard Areas shall include, in addition to the customary site development plan requirements, the following information:

- (A) Base flood elevations;
- (B) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

- (C) Elevation in relation mean sea level to which any structure has been flood proofed;
- (D) Certification a registered professional engineer or architect that the flood proofing methods of any nonresidential structure meet the flood proofing criteria in Section 100C.9; and
- (E) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- (F) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

100F. RECORDS.

The building inspector shall obtain and maintain records of elevations and flood proofing levels for all new or substantially improved structures located within the Special flood Hazard Area, and whether or not such structures contain a basement.

100G. NONCONFORMING USES AND STRUCTURES.

Any use or structure not complying with the foregoing, and existing in a Special Flood Hazard Area at the effective date of these regulations shall be subject to the provisions for nonconforming uses in Section 20.

100H. VARIANCES.

- (A) Floodway Prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (B) Insurance Notice. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$ 25.00 for \$ 100.00 of insurance coverage.
- (C) Variance Records. The Commission shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

100I. SPECIAL PROVISIONS. SUBDIVISION STANDARDS.

- (A) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

- (B) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (C) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (D) All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and,
- (E) Base flood elevation data shall be provided for all subdivision proposals and other proposed developments which are greater than five acres or fifty lots, whichever ever occurs first, and are located in A, AE, AH, or A1-30 zones.

SECTION 110

OFF-STREET PARKING AND TRUCK LOADING SPACE

110A. GENERAL. To serve every use of land or improvement thereon, there shall be provided permanent and conveniently available spaces for off-street parking of motor vehicles and areas affording uncongested and safe access between such spaces and a street. To serve hospitals, institutions, hotels, retail, wholesale and industrial buildings, there also shall be provided permanent and conveniently available space for loading and unloading of trucks and areas affording uncongested and safe access between such spaces and a street. No use of any land or improvement thereon, shall be commenced until required off-street parking and truck loading space has been completed in accordance with this Section 110.

110B. LOCATION. Such parking or loading facilities shall be located on the same premises as the use which they serve, except that the Commission may, by grant of a special exception, approve their location elsewhere. On any premises, parking facilities, including access thereto, shall be not less than five feet from the front lot line or less than five feet from any side or rear lot line.

110B.1. CONDITIONS OF SPECIAL EXCEPTION. The grant of a special exception approving an alternate location for parking or loading facilities hereunder shall be subject to the conditions prescribed in or pursuant to Section 130.

110C. NATURE. Such parking or loading facilities may be enclosed within a building or may be open. All spaces for parking, loading and access, except in single family residence lots, shall be graded, surfaced, drained and adequately lighted and suitably maintained in the manner and to the extent necessary to avoid dust, erosion, and excessive discharge of collected surface water onto streets or adjacent property. The spaces and access areas shall be so arranged as to afford clearly safe and convenient maneuvering room, entrances and exits in light of the

volume and frequency of expected parking, loading and unloading. The access areas shall be so connected to a street as to avoid unsafe driving conditions and traffic congestion.

110D. OPERATION AND MAINTENANCE. Such parking or loading facilities shall remain in existence so long as the use which they serve exists and shall at all times be exclusively reserved for, and available to, the persons occupying or visiting the land or improvement, the use of which such facilities are provided to serve.

110E. MULTIPLE USES: JOINT FACILITIES. A single parking facility may serve more than one use provided that the aggregate number of spaces shall be the sum of that required for each use, except that the Commission may, by grant of a special exception, approve a lesser number of spaces but not less than the minimum number required for that use requiring the greatest number of spaces.

110E.1. CONDITIONS OF SPECIAL EXCEPTIONS. The grant of a special exception approving a lesser number of parking spaces hereunder shall be subject to the conditions prescribed in or pursuant to Section 130.

110F. PARKING SPACES REQUIRED. Parking facilities serving the following uses shall afford parking spaces as indicated below.

Where the number of car spaces is based on square footage of building area, the building area shall be computed as the gross area of all usable floors in the building.

Where two or more different principal or accessory uses are located on the same premises, the parking requirements for the different uses shall be computed separately and cumulatively. The following are typical but not exclusive examples of multiple uses: a bowling alley with a restaurant; a marina with recreational facilities.

Where the number of car spaces is determined by the number of employees, that number shall be periodically determined by the maximum number working on the premises at any one time. The number of employees reported on the most recent quarterly report to the State Labor Department shall be considered prima-facie evidence of the number of employees under this section.

Where computation of required parking spaces results in a fraction of a car space, the required number of spaces shall be increased to the next whole number of spaces.

110F.1. ONE AND TWO FAMILY DWELLINGS. Two car spaces per family dwelling unit.

110F.2. HOTELS, MOTELS, AND BOARDING HOUSES. One car space per bedroom.

110F.3. MULTIPLE DWELLINGS (as covered in Section 131). One and one half car spaces per family dwelling unit.

110F.4. BUSINESS AND PROFESSIONAL OFFICES (other than medical or dental), BANK AND LENDING INSTITUTIONS. One car space per employee plus one car space per 600 square feet of building area.

110F.5. RETAIL SALES. One car space per employee plus one car space per 600 square feet of building area plus one truck loading space for each 20,000 square feet of floor area or fraction thereof.

110F.6. WAREHOUSES, WHOLESALE DISTRIBUTORS, TESTING, CLEANING, SERVICING OF MATERIALS OR PRODUCTS, PRINTING SERVICE ESTABLISHMENT. One car space plus one car space per employee plus one truck loading space per 20,000 square feet of building area or fraction thereof.

110F.7. CUSTOMARY HOME OCCUPATIONS. One car space plus one car space for each employee.

110F.8. MEDICAL AND DENTAL PROFESSIONAL OFFICES. Three car spaces per doctor plus one car space per employee or staff member.

110F.9. EMERGENCY MEDICAL FACILITIES. Five car spaces per doctor on duty, plus one car space per employee.

110F.10. HOSPITALS. One car space per doctor, staff member or employee on duty, plus one car space per inpatient bed.

110F.11. CONVALESCENT HOMES, REST HOMES, NURSING HOMES, EXTENDED CARE FACILITIES. One car space per employee or staff member plus one car space per four patient beds.

110F.12. ANIMAL HOSPITALS, KENNELS. Two car spaces per doctor plus two car spaces per employee.

110F.13. CONTRACTOR OR CONSTRUCTION SHOPS, OFFICES OR YARDS; PUBLIC UTILITIES, MOTOR VEHICLE SALES. One car space per employee.

110F.14. MARINAS, BOAT YARDS. One car space per employee plus one car space per two boat slips, dock spaces or moorings.

110F.15. BUILDING MATERIAL SALES. One car space per employee plus one car space per 300 square feet of sales area plus one truck loading space for each 20,000 square feet of building area or fraction thereof.

110F.16. PRODUCTION OR PROCESSING OF MATERIALS OR GOODS OR MANUFACTURING OF PRODUCTS. One car space per employee plus one truck loading space for each 20,000 square feet of building area or fraction thereof.

- 110F.17. RESTAURANTS. One car space per three customer seats.
- 110F.18. CLUBS, INCLUDING YACHT CLUBS. One car space per four legal occupants (per Fire Safety Code, State of Connecticut) plus one car space per bedroom.
- 110F.19. POST OFFICES. One car space per employee plus one car space per 600 square feet of building area plus two truck loading spaces.
- 110F.20. COMMERCIAL GREENHOUSES AND NURSERIES. Two car spaces plus one car space per employee plus one truck loading space.
- 110F.21. CAR WASHING ESTABLISHMENTS. One car space per employee plus 10 car spaces per bay.
- 110F.22. AUTOMOBILE SERVICE STATIONS. One car space per employee plus four car spaces per bay.
- 110F.23. BOWLING ALLEYS. One car space per employee plus three car spaces per alley.
- 110F.24. THEATERS, MEETING HALLS, AUDITORIUMS. One car space per four seats.
- 110F.25. BEAUTY SHOPS, BARBER SHOPS, OTHER PERSONAL SERVICE ESTABLISHMENTS. Two car spaces per employee.
- 110F.26. SELF SERVICE LAUNDRIES AND CLEANERS. One car space per employee plus one car space per each two washing, drying or cleaning machines.
- 110F.27. FUNERAL HOMES. 30 car spaces.
- 110F.28. ELEMENTARY SCHOOLS. One car space per employee plus safe and convenient space for discharging and picking up passengers from automobiles and school buses.
- 110F.29. JUNIOR HIGH SCHOOLS. One car space per employee or one car space per three auditorium seats, whichever is greater, plus safe and convenient space for pick up and discharge of passengers from automobiles and school buses.
- 110F.30. HIGH SCHOOLS. One car space per employee plus one car space per each 10 students or one car space per three auditorium seats, whichever is greater, plus safe and convenient space for pick up and discharge of passengers from automobiles and school buses.
- 110F.31. TECHNICAL, TRADE OR CRAFT SCHOOLS. One car space per employee plus one car space per each two legal occupants (per Fire Safety Code, State of Connecticut).
- 110F.32. CHURCHES, SYNAGOGUES. One car space for each four seats in principal worship area.

110F.33. PUBLIC LIBRARIES, PUBLIC MUSEUMS, PUBLIC ART GALLERIES. Eight car spaces plus one car space per 800 square feet of building area.

110F.34. RECREATIONAL FACILITIES NOT OTHERWISE SPECIFIED. One car per each three legal occupants.

110G. CONFIGURATION OF PARKING SPACES AND AREAS.

110G.1. Each car space shall be a minimum of nine feet wide and 20 feet in length and shall be so arranged in relation to other car spaces as to provide easy and convenient access.

110G.2. Truck loading space shall be located only at the side or rear of buildings and shall be not less than 10 feet in width and not less than 60 feet in length and shall have a minimum height clearance of 14 feet, six inches.

110G.3. Each plot plan submitted with an application for a zoning permit shall clearly show all required parking facilities, and for every use except residential uses shall show truck loading spaces, curbs and curb cuts, lighting, landscaping, surface material, drainage, grades and elevations. The Commission may require that such plot plan be designed and prepared by a registered professional engineer licensed to practice in Connecticut.

110H. PORTION OF REQUIRED PARKING AREA HELD IN RESERVE. The Commission may determine that the total number of parking spaces required by this section will not be immediately required by a particular use and may therefore further determine that up to 50 percent of the required parking area may be kept in reserve. It must then be planted and maintained rather than surfaced for parking until such time as the Commission may determine that the additional parking area is required. At -such time as the Commission shall inform the applicant in writing by certified mail that additional parking area is to be completed, as authorized in the approved application, the area shall be completed within 60 days of dispatch of such notification.

No above ground improvement shall be constructed or placed upon such reserve parking area.

110I. PARKING FOR THE PHYSICALLY HANDICAPPED. Every off street parking facility constructed or enlarged after October 1, 1979, and every such facility serving a use which is commenced after said date shall have at least the number of level parking spaces and other appurtenances thereto prescribed in Section 2107.0 of the Building Code, as the same may from time to time hereafter be amended. Such parking spaces shall not be located so that the physically handicapped persons are compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators. The parking spaces to be provided hereunder for the physically handicapped may be counted toward the total number of spaces prescribed in Section 110F. The identifying signs prescribed for such spaces shall be permitted in addition to the signs accessory to such as otherwise permitted under these regulations.

SECTION 111**SIGNS**

111A. **PURPOSE.** The purpose of these sign regulations is to provide specific and enforceable signage standards for the appropriate and effective use of signs as a means of identification, direction, and reasonable commercial and cultural promotion consistent with permitted land uses and the valuable aesthetic and historic qualities of the Town of Chester, while avoiding inappropriate signs that would be hazardous or detrimental to the public health, safety, and welfare.

111A.1. **PERMITS.** Signs, which are expressly permitted, *unless permitted as of right by these regulations*, shall require a permit, issued by the Zoning Compliance Officer, prior to being constructed, erected, placed, displayed, structurally altered, enlarged, moved, or replaced. All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Planning and Zoning Commission with the approval of a site plan or a special exception.

111A.2. **PROHIBITIONS.** Signs, which are not expressly permitted by these regulations, are prohibited.

111A.3. **ENFORCEMENT.** The Zoning Compliance Officer shall issue written orders for the removal of any sign that is not located, constructed, sized, illuminated, or maintained in accordance with the provisions of these regulations. The provisions of Section 150D shall apply.

111A.4. **LOCATIONS.** All signs, *except as hereinafter provided*, shall identify, advertise, or give publicity or notice only with respect to a use of land, buildings, or other structures actually in being on the lot where the sign is located. When such use shall have been discontinued for a continuous period of six months, all signs pertaining thereto shall be removed or otherwise eliminated.

111A.5. **CONSTRUCTION.** Every sign shall be constructed in a permanent manner, shall consist of long lasting materials, and shall be assembled and permanently affixed in such a fashion that it shall not be ordinarily affected by weather. Signs shall not be painted directly on any building, fence, utility pole, rock, tree, or other similar object.

111A.6 **MEASUREMENT.** Any sign may be double faced, and when a sign is attached to the ground only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the most outermost edges or points of the sign.

111A.7. MOTION AND ILLUMINATION. All signs shall be non-animated, nonflashing, and may be illuminated only by exterior incandescent or fluorescent lamps so directed that they do not glare into the street or into any adjoining property; however, internally illuminated signs with dark backgrounds and light letters or with raised channel letters may be permitted by the Commission in specific districts after review of the specific sign and a finding that it would be compatible with the immediate area. Such interior illumination shall be limited to 15% of the total sign area.

111A.8. OBSTRUCTIONS. No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, or to obstruct any door, window, ventilation system, fire escape or exit, or to cause any other hazard to the public health and safety.

111 A.9. PROJECTING AND HANGING SIGNS. Signs which project or hang over a sidewalk or walk-way shall project no more than four (4) feet and must allow seven (7) vertical feet clearance from the ground. Signs which project or hang over a driveway, roadway, or parking area shall project no more than four (4) feet and shall allow ten (10) vertical feet clearance from the ground.

111A.10. AWNING SIGNS. Awning signs shall be permitted in commercial districts and waterfront design districts; however, the area of said sign shall be computed as part of the total sign area of the subject building and lot.

111A.11. FREE STANDING SIGNS. Free standing signs shall be placed no closer than five (5) feet to any front lot line and no closer to any side lot line than the required side yard setback for the district in which the sign is located.

111A.12. SANDWICH SIGNS. Sandwich signs and other signs not affixed either to a building or to the ground in a permanent manner shall be prohibited.

111B. GENERALLY PERMITTED SIGNS. Subject to the general limitations prescribed in 111A., the following signs shall be permitted as accessory uses in any district.

111B.1. PUBLIC SIGNS. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public official in the performance of a public duty, such as safety signs, memorial plaques, or signs of a historical interest.

111B.2. INTEGRAL SIGNS. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like, when carved into or made of stone, wood, bronze, aluminum, or other permanent materials, and made an integral part of the construction.

111B.3. PRIVATE TRAFFIC DIRECTIONAL SIGNS. Signs directing traffic onto premises or within a premise, not to exceed three (3) square feet in area per sign. Horizontal directional signs, on and flush with paved areas, are exempt from these standards.

111B.4. RESTRICTIVE SIGNS. One (1) sign per 15,000 square feet of land bearing notification of restriction on trespassing, hunting, fishing, or dumping upon the premises on which it is located.

111B.5. TEMPORARY SIGNS. One (1) sign per activity, provided said sign shall not exceed six (6) square feet in area, and shall be removed in a timely fashion following the activity. Free standing temporary signs shall be placed no closer than five (5) feet to any front lot line and no closer to any side lot line than the required side setback for the district in which the sign is located.

SALE OR RENT. One (1) sign, offering for sale, rent, or lease, the premises upon which it is located. Such sign shall be removed within one (1) week after the transaction is completed, or the offer is withdrawn.

CONSTRUCTION. One (1) sign, pertaining to a renovation, painting or construction activity on the premises upon which it is located. Such sign shall be removed with one (1) week after the activity is completed.

GARAGE OR TAG SALE. One (1) sign, advertising a sale to be held within three (3) days following the erection of such sign, of personal property and effects which are owned by the owner or tenant of the premises and used for residential or domestic household purposes. Such sign shall be removed upon completion of the advertised event.

111C. SIGNS PERMITTED OFF PREMISES. Subject to the general limitations prescribed in 111A.1 through 111A.9., the following signs may be located on premises other than the same premises as the use or improvement to which they are accessory. No zoning permit shall be required to authorize the erection of any such sign.

111C.1. CHURCH AND CHARITY SPONSORED EVENTS. Temporary signs giving notice of a concert, dance, rummage sale, bazaar, auction or other event, open to the general public, and sponsored by a public school, volunteer fire department, ambulance association or by any organization exempt from Federal Income Tax under the provisions of Section 501 C (3) of the Internal Revenue Code which is organized and operated exclusively for religious or charitable purposes.

111C.2. OTHER SPONSORED EVENTS. Temporary signs, not located in a Residential District or Planned Residential District, giving notice of a concert, dance, rummage sale, bazaar, auction or other event, open to the general public, if the purpose of the event is to raise funds to be used exclusively for charitable purposes.

111C.3. FUND RAISING PROGRESS SIGNS. Temporary signs erected and maintained by any organization exempt from Federal income tax under the provisions of Section 5010(3) of the Internal Revenue Code which is organized exclusively for religious or charitable purposes, if the purpose of the sign is solely to notify the public of current progress being made in a fund drive carried on by such organization.

111C.4. POLITICAL SIGNS. Temporary signs erected and maintained by a political committee in connection with a political campaign for the nomination or election of a candidate or candidates to public office.

111C.5. GOVERNMENTAL SIGNS. Temporary and permanent signs erected and maintained by the Town or any agency thereof pursuant to the performance of a governmental function.

111C.6. CIVIC AND FRATERNAL ORGANIZATIONS AND CHURCHES. Permanent signs erected and maintained by a church or civic or fraternal organization exempt from Federal income tax under the provisions of Section 501(C) of the Internal Revenue Code for the purpose of notifying the public of the presence in the Town of such church or organization.

111C.7. PREEXISTING SIGNS. Any permanent sign lawfully existing in place on October 1, 1979, provided that in the case of a sign not described in 111C.1 through 111C.6, written notice is given to the Zoning Compliance Officer on or before January 1, 1980, specifying the location of such sign and the name and address of the owner thereof. No zoning permit shall be required to authorize the erection of a sign described in Section 111C.1 through 111C.5, but a zoning permit shall be required to authorize the erection of all other signs.

111D. SIGNS PERMITTED BY DISTRICT.

111D.1 RESIDENTIAL DISTRICTS. RI/2, R-1, R-2. GENERAL PRINCIPAL USES. One (1) identifying resident name sign, per family dwelling unit, not to exceed two (2) square feet in area, nor six (6) feet in height. Customary home occupations may also state the occupation or profession on the sign. For roadside stands, agriculture and farms, two (2) business signs, each sign not to exceed twelve (12) square feet in area.

SPECIAL PRINCIPAL USES. Signs allowed as part of the special exception authorizing such use, provided any sign does not exceed an area of twelve (12) square feet and a height of six (6) feet, unless specified otherwise by the Commission.

111D.2. PLANNED RESIDENTIAL DISTRICT. GENERAL PRINCIPAL USES/RESIDENTIAL. Any sign permitted therein under the provisions of Section 111D.1, Residential Districts, R-1/2, R-1, R-2. SPECIAL PRINCIPAL USES. Signs allowed as part of the special exception authorizing such use, provided any sign shall not exceed an area of twelve (12) square feet and a height of six (6) feet, unless specified otherwise by the Commission.

111D.3. COMMERCIAL DISTRICTS, C-1 AND C-2. GENERAL PRINCIPAL USES/RESIDENTIAL. Any sign permitted therein under the provisions of Section 111D.1, Residential Districts, R-1/2, R-1, R-2, General Principal Uses. GENERAL PRINCIPAL USES, OTHER. Two business name signs, together not exceeding twentyfour (24) square feet in area, and each sign not more than twelve (12) feet in height; one advertising sign not to exceed eighteen (18) square feet in area; and one (1) multibusiness name sign, each name sign not to exceed two (2) square feet in area, the total sign area not to exceed eighteen (18) square feet. No advertising sign shall be detached from the building except by the authorization of a special

exception granted by the Commission. SPECIAL PRINCIPAL USES. Signs allowed as part of the special exception authorizing such use.

111D.4. ALL OTHER ZONING DISTRICTS. SIGNS/RESIDENCE USES. One (1) identifying resident name sign per family dwelling unit, not to exceed (2) square feet in area, nor six (6) feet in height. Customary home occupations may also state the occupation or profession on the sign. SIGNS/SPECIAL PRINCIPAL USES. Signs allowed as part of the special exception authorizing such use.

SECTION 113**MOBILE HOMES**

113A. INTRODUCTION. In regulating mobile homes under this Section 113, the Commission intends to exercise not only the authority conferred upon it by Section 7-148 of the Connecticut General Statutes, but also the authority conferred upon it by Section 8-2 of the Connecticut General Statutes. Accordingly, if, and to the extent that, Section 7-148, as the same may from time to time be amended, does not authorize the regulation of mobile homes, as defined in these regulations, it is the purpose and intention of the Commission to regulate mobile homes as so defined hereunder pursuant to the powers and authority conferred upon it by Section B-2, as the same may from time to time be amended.

113B. GENERAL RESTRICTIONS. Pursuant to the provisions of Section 7-148 of the Connecticut General Statutes and the Zoning Enabling Act, no mobile home shall be used or placed upon premises in any District except:

113B.1. PARKED OR STORED. When parked or stored on premises of the owner thereof and not there used for human habitation or other purpose if: (1) the number of such mobile homes on said premises does not exceed one, and (2) such mobile home is parked or stored indoors or in the most inconspicuous location practicable on said premises as viewed from the street;

113B.2. CONSTRUCTION OFFICE. When used as a temporary office in connection with the prosecution of a construction operation upon the same premises where such mobile home is located;

113B.3. MANUFACTURER'S INVENTORY. When parked or stored on premises of the owner, as inventory or awaiting delivery to customers in the ordinary course of a regular business of manufacturing or selling mobile homes;

113B.4. GUESTS. When parked by a guest at the private residence of a host if: (1) such mobile home is so parked without charge, and (2) such mobile home does not remain so parked for more than a period of four weeks in any one calendar year; or

113B.5. TEMPORARY USE DURING CONSTRUCTION OF HOME. When used, after notification to the Zoning Compliance Officer, as a temporary dwelling on premises of the owner thereof during construction of such owner's permanent dwelling upon the same premises, provided that such mobile home shall not remain upon said premises for more than six months from the time that it is first placed thereon; and provided such mobile home shall be connected to a water supply and sewage disposal system approved by the Town Director of Health in conformity with the requirements of the State Health Code and regulations enacted by the State Department of Health thereunder and to the requirements of any Town regulations pertaining thereto.

SECTION 114**REMOVAL OF EARTH PRODUCTS**

114A. INTRODUCTION. In regulating the excavation and removal of earth materials and earth products under this Section 114, the Commission intends to exercise not only the authority conferred upon it by Section 7-148 of the Connecticut General Statutes, but also the authority conferred upon it by Section 8-2 of the Connecticut General Statutes. Accordingly, if, and to the extent that, Section 7-148, as the same may from time to time be amended, does not authorize the regulation of excavation and removal of a given earth material or earth product, it is the purpose and intention of the Commission to regulate the excavation and removal of the same hereunder pursuant to the powers and authority conferred upon it by Section 8-2, as the same may from time to time be amended.

114B. GENERAL RESTRICTIONS. Pursuant to the provisions of Section 7-148 of the Connecticut General Statutes and the Zoning Enabling Act, no earth products shall be removed from any land except as hereinafter permitted.

114C. PERMITTED REMOVAL. Earth products may be removed.

114C.1. CONSTRUCTION. To the extent necessary in the excavation for the foundation of any building or swimming pool and in land grading incidental to the construction of any such building or of access ways and parking facilities.

114C.2. USE ON SAME LOT. For use on other parts of the same lot or adjoining lot under the same ownership if the quantity removed does not exceed in the aggregate 100 cubic yards.

114C.3. NON-INDIGENOUS. For any purpose when the earth products removed are not indigenous to the premises from which they are removed and are in a manufactured or processed form; or

114C.4. SPECIAL REMOVAL. For any purpose when such removal is authorized in the particular instance by a special exception granted by the Commission pursuant to Section 114D.

114D. CONDITIONS OF SPECIAL EXCEPTION. The grant of a special exception authorizing a use described in 114C.4. shall be subject to the following conditions.

114D.1. DRAINAGE. Provision shall be made for proper drainage of surface or other waters without adversely affecting any other property, and the excavation and removal shall not result in the creation of any sharp potholes, depressions, soil erosion or drainage or sewerage problems.

114D.2. SLOPES. No bank shall exceed a slope of one foot of vertical rise in three feet of horizontal distance.

114D.3. BOUNDARY LINES. Unless otherwise expressly permitted by the Commission by the terms of the special exception, no removal shall take place within 50 feet of a property or roadway line if the area after removal is at a lower elevation than the adjoining land.

114D.4. COVER. At the conclusion of the removal operation, or of any substantial portion thereof, the whole area where the removal takes place shall, unless it is put to cultivation, be covered with not less than four inches of topsoil measured after compaction, and shall be seeded with grass, permanent pasture mixture or other fast growing vegetation, repeated as necessary until the area is stabilized.

114D.5. TRUCK ACCESS. Truck access to the excavation shall be so arranged as to minimize the danger to traffic and nuisance to premises in the general neighborhood.

114D.6. PROCESSING. There shall be no processing of excavated materials on the premises except with a simple bar screen to remove oversize aggregates and used only for loading of trucks.

114D.7. FENCING. Fencing or barricades shall be erected as necessary to protect pedestrians and vehicles.

114D.8. BOND. The bond or bonds required by the Commission pursuant to 114E. shall be posted and maintained in effect until conclusion of the removal operation and all conditions prescribed herein or pursuant hereto have been fulfilled; and

114D.9. GENERAL. Such other reasonable conditions as the Commission may deem necessary or appropriate to impose for the purpose of preventing or diminishing any adverse effect of such use upon the health, safety or welfare of the community, any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use and any impairment of the suitability, usefulness or value of premises involved in such use and in the general neighborhood of such use for the uses prescribed therefor under these regulations and predominantly existing therein.

114E. BONDS. The Commission shall require that one or more performance bonds be posted with the Treasurer of the Town to guarantee completion of all work necessary to fulfill all conditions prescribed in or pursuant to 114D. in connection with the grant of a special exception. It may require that a single comprehensive bond be posted to guarantee fulfillment of all such conditions or it may require that several separate bonds be posted to guarantee completion of separable components of any such conditions. Such bond or bonds, in which the applicant shall be the principal and the surety shall be a bonding company licensed to do business in Connecticut, shall be given in such amount or amounts as the Commission shall prescribe. The Commission may in its discretion accept a cash bond or bonds. A single comprehensive bond, posted to guarantee completion of a separable component of any such conditions, shall remain in effect until completion of such component. The posting and maintenance of a bond or bonds required by the Commission hereunder shall themselves be conditions of the use permitted under 114C.4. No removal shall be commenced unless and until the bond or bonds required hereunder have been posted.

114F. PREEXISTING REMOVAL OPERATIONS. The use of land for the removal of earth products shall not be considered a nonconforming use and any removal operation which was being carried on at the effective date of these regulations shall not be continued except when authorized in the particular instance by a special exception granted by the Commission hereunder.

SECTION 115**WASTE MATERIAL**

115A. GENERAL. Any other provision in these regulations to the contrary notwithstanding, no land in any district shall be used for the storage or keeping of waste or scrap material, debris, motor vehicles which are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar material except:

115A.1. BUSINESS OPERATION. When stored or kept on premises of the owner in connection with the operation of a commercial, duly licensed motor vehicle repair business in a district in which such use is permitted;

115A.2. CONSTRUCTION OPERATION. When stored or kept temporarily in connection with the prosecution of a construction operation upon the same premises where such material is stored or kept;

115A.3. INSIDE STORAGE. When stored or kept within a completely enclosed building;

115A.4. UNREGISTERED MOTOR VEHICLES. Except as provided in Sections 115A; 115A.1; and 115A.3; not more than one unregistered motor vehicle shall be parked on any property, and said vehicle shall not at any time be in a state of major disassembly or disrepair, nor shall it be in the process of being stripped or dismantled;

115A.5. DUMP. When kept or stored as part of the operation by the town, of a dump, sanitary landfill or waste processing facility; or

115A.6. ANTIQUES. Antique household furniture, china, glassware or silver when displayed on premises of a dealer as inventory or awaiting delivery to customers in the ordinary course of a regular business of refurbishing or selling such antiques.

SECTION 116**COMMERCIAL WIRELESS TELECOMMUNICATIONS SITES****116A. BACKGROUND AND PURPOSE**

Recent advances in wireless communications technology have resulted in a new generation of telecommunications services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers, and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Chester regulate these wireless communication stem facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the town of Chester and these efforts are expected to include requests to construct new communication towers.

The intent of this proposed regulation is to update the Town of Chester's zoning regulations to comply with the Telecommunications Act of 1996 and provide for the establishment and or expansion of cellular telephone, mobile radio and personal communication systems vdd-iiin the Town of Chester while protecting neighborhoods and mirlimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community,

Encourage providers to co-locate their facilities on a single site;

Site facilities below visually prominent ridge lines;

Minimize the location of facilities in visually sensitive areas;

Encourage creative design measures to camouflage facilities;

Protect historic and residential areas from potential adverse impacts of communication towers;

Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;

Provide for the need of the Town of Chester:

- (a) public health and safety

- (b) telecommunication facilities for Chester's citizens, and Chester's business and industrial sector,

116B. DEFINITIONS. For the Purpose of applying the provisions of this section the terms below shall be defined as follows:

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

CO-LOCATION means locating wireless communication facilities from more than one provider on a single structure or tower.

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

COMMERCIAL WIRELESS TELECOMMUNICATIONS SITE means a facility operated by a licensed commercial wireless telecommunication service provider which consists of the equipment and structures involved in receiving and transmitting electromagnetic waves associated with wireless telecommunication services.

HEIGHT OF TOWER means a distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances.

TOWER means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) mono-pole.

116C. LOCATION PREFERENCES. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed in paragraphs 116C.1. through 116C.6 below, in order of preference.

116C. 1. On existing or approved towers.

116C.2. On existing structures such as buildings, water towers and utility poles where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

116C.3. On new towers less than 75 feet in height located in commercial or industrial zones.

116C.4. On new towers 75 feet or greater in height located in commercial and industrial zones.

116C.5. On new towers less than 75 feet in height located in residential zones.

116C.6. On new towers 75 feet or greater in height located in residential zones.

116C.7. In all cases, the least desirable area for tower construction is the Connecticut River Gateway District.

116D. USES ALLOWED ONLY BY SPECIAL EXCEPTION. All applications to develop a wireless telecommunications site pursuant to this section shall be subject to the specific requirements listed in Subsections 116G. and 116H., in addition to the standards provided in Sections 120 et. seq. And 130 et. seq. Of these regulations. Section 120 et. seq. And 130 et. seq. Of these regulations shall also apply to application procedures, hearing and notice requirements.

116D.1. SPECIAL PROVISION RELATING TO COMMERCIAL WIRELESS TELECOMMUNICATIONS SITE. When allowed by special exception granted by the Planning and Zoning Commission under the provisions of Section 116; Section 120 and Section 130, any one or more Special Principal Uses or any one or more General Principal Uses may be combined on the same lot with a commercial wireless telecommunications site, whether in the same or different buildings thereon, whether or not Section 40B.2. or 40B.3. otherwise provides. Lot area requirements for commercial wireless telecommunications sites shall be determined by the provisions of Section 116F. et. seq.

116E. SITE PLAN REQUIREMENTS. All proposals to develop a commercial wireless telecommunication site as a special exception use shall be subject to the site plan requirements listed in Sections 120 et seq. And 130 et. seq. Of these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

116E.1. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

116E.2. Details of all proposed antenna and mounting equipment including size and color.

116E.3. Elevations of all proposed shielding and details of materials including color.

116E.4. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.

116E.5. A report from an independent licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection G. of this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.

116E.6. All applications shall include proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

116E.7. Each applicant shall submit a detailed site justification report, including a description of the narrowing process that eliminated other potential sites as well as a map depicting the extent of the provider's planned coverage within the Town of Chester, approved locations of all other telecommunications sites in Chester, or adjoining towns which provide coverage within Chester including the applicant's location and the location of the site and service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunications site.

116E.8. A design drawing including cross section and elevation of each proposed tower. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

116E.9. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

116F. HEIGHT AND AREA REQUIREMENTS.

116F.1. Property Size. Commercial wireless telecommunications sites containing a freestanding tower shall be determined by setbacks, and fall zone requirements provided in these regulations.

116F.2. Height. The maximum height of a tower proposed under this regulation shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average elevation of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

The maximum height of any antenna mounted to the side of, or atop, any existing structure shall be 15 feet above the highest point of such structure.

The maximum height of any roof top mounted equipment, building, or box shall be 15 feet.

116F.3. Setbacks.

- (A) All freestanding mono-pole towers shall comply with the following minimum property line setbacks:

- (1) Front Yard or Side Yard Along a Street - A distance of equal to 1/4 of the height of the tower or the setback required for the underlying zone, whichever is greater.
- (2) Side or Rear Yards - In residential zones, 75 feet for towers equal to or less than 75 feet in height and for towers in excess of 75 feet a distance equal to 3/4 in height of the tower.

In nonresidential zones, 25 feet for towers less than 75 feet in height and 50 feet for towers equal to or greater than 75 feet. However, where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.

- (B) All other freestanding towers shall be located a minimum distance from any property line at least 100 feet or a distance equal to the height of the tower, whichever is greater.

116G. GENERAL REQUIREMENTS

116G.1 No commercial wireless telecommunication site shall be located within 500 feet of a playground or school primarily attended by persons under 18 years of age.

116G.2. No commercial wireless telecommunications site shall be located within 200 feet of a residence.

116G.3. No tower exceeding 75 feet in height shall be located within 1,000 feet of the boundary of an approved historic district.

116G.4. No proposed tower shall be located within 2,000 feet of another existing or approved tower unless such distance is otherwise reduced by the Commission.

116G.5. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.

116G.6. Towers may not be used to exhibit any sign or other advertising.

116G.7. Towers not requiring special FAA painting or markings shall be painted a non contrasting blue, gray, or black, or trimmed in such manner as to blend with the surroundings as required by the Commission.

116G.8. All towers shall be a mono-pole design unless otherwise approved by the Commission. A mono-pole tower shall be designed to collapse upon itself.

116G.9. The Commission may require that mono-poles be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part.

116G.10. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design and height as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

116G.11. Each tower site must be served by a driveway with parking for at least one vehicle. Driveway design and location must be approved by the Commission.

116G.12. Antennas or equipment buildings/ boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.

116G.13. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.

116G.14. Dish antennas shall not exceed 6 feet in diameter, and panel antennas shall not exceed 5 feet in height unless otherwise approved by the Commission.

116G.15. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

116G.16. All utilities proposed to serve a commercial wireless telecommunications site shall be installed underground unless otherwise approved by the Commission.

116G.17. All generators installed in conjunction with any commercial wireless telecommunications site shall comply with all State and local noise regulations.

116G.18. All equipment buildings or boxes accompanying any free standing antenna or tower shall be screened and fenced as required by the Commission.

116G.19. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited.

116G.20. All applications for commercial wireless telecommunication towers over 50 feet in height shall be accompanied by a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees to meet reasonable terms and conditions for shared use.

116G.21. In all cases in which the Commission feels that a peer review of the applicant's service areas, tower sharing, or other technical issues is warranted, the applicant may be required to submit an appropriate bond as surety for the cost of the peer review.

116.G.22. Application for any wireless telecommunication site shall be made by a license carrier only. The applicant is required to submit FCC licensing information and any additional information communicated to the FCC regarding the operations of the site to the Commission.

116H. FACTORS UPON WHICH SPECIAL EXCEPTION DECISIONS OF THE COMMISSION SHALL BE BASED. In passing upon applications for commercial wireless telecommunication sites, the Commission, in addition to the standards found in Sections 120 et. seq. And 130 et. seq. of these regulations, shall also find:

116H.1. In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the National Historic Register or within an approved historic district that such proposal will preserve the historic and/or architectural character of the landscape or any structure.

116H.2. In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference 1 or 2 location the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically or legally feasible. The supplied documentation should evaluate the following factors:

- (A) The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.
- (B) The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost.
- (C) The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.
- (D) Any restriction or limitation imposed by the FCC.

116H.3. In the case where an application is filed for a preference 5 or 6 location the applicant, in addition to conforming with paragraph 2, of the subsection, as adequately described the efforts and measures taken to pursue preference 3 and 4 locations and why such locations were not technologically, legally, or economically feasible.

116I. ABANDONMENT. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12 month period. Upon removal the property shall be restored to its previous appearance and where appropriate re-vegetated to blend with the

surrounding area. The Commission may require that an appropriate bond be submitted as surety.

116J. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect pursuant to the special permit requirements listed in Sections 120 et. seq. and 130 et. seq. of these regulations.

*effective date of this section 116
November 1, 1998.

SECTION 120**SPECIAL EXCEPTIONS PROCEDURE**

120A. WHO MAY APPLY. An application for a special exception under these regulations may be made by:

120A.1. OWNER. The owner, or all the joint owners of the premises to which such application relates;

120A.2. PURCHASER. The purchaser, or all the purchasers, under a written contract to purchase the premises provided that the written consent to the grant of such special exception of the owner, or all the joint owners of the premises accompanies the application; or

120A.3. LESSEE. The owner, or all the joint owners of a leasehold interest in the premises under a written lease provided that the written consent to the grant of such special exception of the owner, or all the joint owners of the premises accompanies the application.

120B. SUBMISSION OF APPLICATION. A complete application shall consist of the application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Twelve (12) copies of the complete application shall be delivered to the Zoning Compliance Officer for transmittal to the Commission at its next regularly scheduled meeting. The date of receipt of such application shall be deemed to be the earlier of (a) the date of such next regularly scheduled meeting, or (b) the thirty fifth (35th) day following the date it was delivered to the Zoning Compliance Officer.

120C. SUPPORTING INFORMATION. Each application form shall contain or be accompanied by, in writing:

120C.1. DESCRIPTION OF PREMISES. A description, by metes and bounds or courses and distances, of the land to which such application relates;

120C.2. LIST OF NEIGHBORING OWNERS. A list, keyed to an appropriate map, of the names and addresses of the record owners of land abutting, and directly across the street from the land to which such application relates;

120C.3. DESCRIPTION OF PROPOSED USE. A complete and comprehensive statement describing the proposed use and all improvements relating thereto;

120C.4. SITE DEVELOPMENT PLAN. A Site Development Plan showing the following information:

- (A) The names and addresses of the owner or owners of the premises of the proposed use and the name and address of the applicant if different from the owner;

- (B) Date, scale, north point, town and state;
- (C) The layout, location and boundaries of any proposed roadways;
- (D) All existing and proposed survey monuments;
- (E) Any municipal boundary lines and zoning district boundary lines, including a notation of the municipalities and zoning districts involved;
- (F) A notation of the general nature, and the layout, location and dimensions of all land within the premises of the proposed use burdened by any existing real estate covenants, restrictions, rights-of-way and easements of any nature;
- (G) All existing, and any proposed relocation of, watercourses, whether intermittent or continuous flowing, the location and dimensions of all areas reserved or to be reserved for the protection of watercourses, wetlands, flood plains or other land subject to potential flooding;
- (H) A notation of the total area of the premises of the proposed use;
- (I) A computation of the ratio of total building area of all existing and proposed buildings to the maximum prescribed building area;
- (J) The location, including setback distances, of all existing and proposed buildings and structures;
- (K) The dimensions, including height, of all existing and proposed buildings and structures;
- (L) The location and width of the pavement or surfacing of any proposed roadway or parking facility;
- (M) The location of any existing and proposed storm drains, catchbasins, manholes, ditches, watercourses, headwalls, sidewalks, gutters, curbs and other structures and improvements; and existing and proposed water mains, sanitary sewers and related facilities;
- (N) The location and dimensions of all existing and proposed roadways, sidewalks, park facilities, open spaces, playgrounds or other recreational areas, including the nature and extent of any proposed disturbance of vegetation and/or soil cover;
- (O) The location of the percolation tests and observation pits referred to in the data prescribed in 120C.5; and location proposed for any water supply well site and the location and dimensions of the areas suitable for leaching fields for any

existing or proposed onsite sewage disposal system and the reserve areas for future fields;

- (P) All existing and proposed contours at intervals not exceeding five feet based on field or aerial survey and using U.S.G.S. vertical datum; the benchmark used for the field or aerial survey shall be noted on the plan;
- (Q) The location of the boundaries, as shown on the official Inland Wetlands and Watercourses Map of the Town, of any and all wetlands or watercourses upon, and within 75 feet outside the boundaries of the premises of the proposed use;
- (R) The boundaries and classification codes of soil types under the National Cooperative Soil Survey of the Soil Conservation Services, the U.S. Department of Agriculture; and
- (S) The limits of any areas proposed for regrading by excavation or filling; and the limits of any areas proposed to be reserved and protected from excavation or filling;
- (T) An erosion and sedimentation control plan which meets the minimum requirements set forth in the "Erosion and Sediment Control Handbook" published by the Soil Conservation Service shall be submitted. Such erosion and sediment control measures may be referred by the Commission to the Middlesex County Soil Conservation District for their technical review and advisory opinion. In submitting the erosion and sediment control measures, the applicant shall also address the following criteria:
 - (a) The development plan shall be fitted as close as is practical to the topography and soils so as to create the least erosion potential.
 - (b) Wherever possible, natural vegetation should be retained and protected.
 - (c) The smallest practical area of land should be exposed at any one time during development and that exposure shall be kept to the shortest time period.
 - (d) Where deemed necessary by the Commission, temporary vegetation and/or mulching will be used to protect areas exposed during development.
 - (e) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Computations for runoff shall be in accordance with methods described in "Technical Release No. 55, Urban Hydrology, Engineering Division, Soil Conservation Service, U.S.D.A., January 1975, as amended."

- (f) Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from runoff waters and from and undergoing development.
- (g) The permanent final vegetation, plantings and seeding or sodding, shall be installed as soon as is practical. in the development process.

The applicant shall file with the Commission a performance bond in such amount as the Commission deems sufficient to cover the cost of such erosion and sedimentation control measures and to safeguard the Town from undue expense in the future maintenance of such measures.

Surety bonds executed by a surety company are not acceptable.

Cash bonds in the form of a certified check are acceptable as are savings account bonds. Savings account bonds shall be accompanied by:

- (a) A savings account passbook or
- (b) A savings withdrawal slip in the amount of the bond properly endorsed and made payable to the Town of Chester and
- (c) A letter from the bank acknowledging the account has been assigned to the Town of Chester.

120C.5. SANITATION LETTER AND DATA. Except when the use to which such application relates does not involve any existing or proposed buildings to be used for human occupancy or when any such buildings are to be served by a municipal sewer system or by a mechanical, chemical or other device approved by the Connecticut Department of Health which does not involve subsurface disposal of septic effluent: a letter from the Town Director of Health or the Town Sanitarian stating that the premises to which such application relates is satisfactory for a private onsite subsurface sewage disposal and water supply system, together with, in writing, all of the observation data and results obtained of all of the percolation tests made for the purpose of determining the suitability of soil conditions for subsurface sewage disposal, including a description of the methods of making such tests and of obtaining such data as prescribed by the State Health Code (the location of all percolation tests and observation pits shall be accurately shown on the Site Development Plan referred to in 120C.4. above);

120C.6. MULTIPLE DWELLINGS AND MULTIPLE DWELLING PROJECTS. Whenever such application relates to a use authorized pursuant to 61A.4. of these regulations, in addition to the information prescribed in 120C.4., the Site Development Plan shall show or be accompanied by:

- (A) All and the same information required to be shown upon a final subdivision plan under Section 2.3 of the Chester Subdivision Regulations (with the

exception of the statement prescribed in Section 2.3.3.n of said regulations) shall be shown on the required Site Development Plan;

- (B) Complete plan profiles for all proposed streets, utilities, special structures, and other improvements to be dedicated to the Town in the manner and containing the information prescribed in Section 2.3.4 of the Chester Subdivision Regulations;
- (C) Principal wooded areas and the approximate location of any large isolated trees;
- (D) Any ledge outcrops and existing stone walls; and
- (E) Spot elevations on both existing and proposed roadways to indicate grading of roadways;

120C.7. NONCOMMERCIAL CUTTING OF TIMBER. Whenever such application relates to premises located wholly or partially within the Gateway Conservation District: a plan describing the existing mix of forest tree species and their approximate height, age, and density; and a complete description of the cutting or removal activities to be undertaken in preparing the site for any proposed improvement;

120C.8. WAIVER. An applicant may request a waiver of the requirement herein to furnish any one or more of the items of information prescribed in Subparagraphs (P), (Q), (R) or (S) of Section 120C.4. Such request shall be made in writing as part of the application and the Site Development Plan may be submitted as if such request will be granted. The Commission shall act upon such request within twenty-one (21) days after receipt of the application and shall send written notice of its decision to the applicant. In deciding any such request, the Commission shall consider whether or not the submission of the information prescribed by the items for which waiver is requested is reasonably necessary or appropriate to a proper disposition of the application. An application with respect to which a waiver is requested hereunder, although previously incomplete, shall be deemed complete upon the grant of a waiver of all items for which such waiver is requested. In the event of denial of any such request as to one or more of the items for which a waiver is requested, a complete application shall not be considered to have been received by the Commission until all items for which waiver was denied shall have been submitted in the form and manner herein prescribed.,

120C.9. SUPPLEMENTAL INFORMATION. The Commission may, at any time within thirty-five (35) days after the receipt of any application hereunder, determine that additional information is reasonably necessary or appropriate to a proper disposition of the application, and shall then notify the applicant in writing of the specific additional information required. Such additional information may, for example, include a sanitation report prepared by a licensed professional engineer where the application indicates that proposed or existing buildings upon the premises to which such application relates are to be used for human occupancy, and that the premises, or portions thereof, have severe subsurface absorption limitations. If the applicant shall elect to furnish such additional information, the applicant shall file with the Commission a written consent to the extension, for an additional period of sixty-

five (65) days, of the period within which the Commission is required to act upon the application under the Connecticut General Statutes and Section 120I. hereof. If the applicant shall decline or fail to furnish such additional information, the Commission shall proceed to a determination upon the application under these regulations.

120D. MAPS AND DRAWINGS. All information required under Section 120C. above concerning distances, areas, grades, contours and other existing or proposed geophysical and topographical information shall be shown on a map or maps prepared by a registered land surveyor. All information concerning the design and construction of proposed improvements shall be shown on a drawing or drawings prepared or approved by a licensed professional engineer, provided, however, that information relating to structural factors concerning aesthetic design may be shown on a drawing or drawings prepared or approved by a registered architect.

120E. REFERRAL (GATEWAY CONSERVATION DISTRICT). Whenever an application is made to the Commission for a special exception for a use or improvement located wholly or partially within the Gateway Conservation District, such application shall be referred to the Middlesex County Soil and Water Conservation District for a report upon the applicant's proposed erosion and sedimentation controls under the criteria specified in Section 90C. at least sixty (60) days prior to the date assigned for a public hearing to be held thereon. The full report of the Middlesex County Soil and Water Conservation District regarding such application shall be publicly read at, and incorporated into the records of, the public hearing held thereon.

120F. PUBLIC HEARING. The Commission shall hold a public hearing on each application for a special exception. A copy of such application shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing. 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 Town, at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days, not less than ten (10) days, and the last not less than two (2) days before the hearing. Such notice shall fairly and sufficiently apprise those who may be interested in the proceeding of the nature and character of the matter proposed in order that intelligent preparation for the hearing may be made. Advisory notice shall be sent in writing to all abutting property owners. Such hearing shall be held within sixty-five (65) days after the date of receipt of the application unless such period shall have been extended with the written consent of the applicant. The applicant may consent to one or more extensions of any period required for commencing a public hearing, completing a public hearing or rendering a decision, provided the total extension of all such periods shall not be for longer than 65 days as specified under the Connecticut General Statutes.

120G. STANDARDS. Whenever an application for a special exception is made to the Commission under these regulations, the Commission shall, in deciding such application, consider, and make appropriate findings relating to the following criteria in the light of the nature, location, size, intensity, and other structural and functional characteristics of the proposed use and the buildings and other improvements associated with it:

120G.1. NEIGHBORING PREMISES. The probable effect of such use upon the enjoyment, usefulness and value of premises in the general neighborhood thereof and the degree and character of noticeable noise, odor, smoke, fumes, vibration, illumination or radio or television interference produced thereby;

120G.2. TRAFFIC. The probable effect of such use upon the pattern, flow, intensity or character of traffic in the streets and the degree of traffic congestion produced thereby; and

120G.3. CROWDING. The degree of population concentration and building density resulting from such use and the availability of existing provisions for fire and police protection, transportation, water, sewage, schools, parks or other public requirements.

120H. RECORD. The Commission shall call in a competent stenographer to take the evidence, or shall cause the evidence to be recorded by a sound recording device in each hearing upon an application for a special exception. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. Upon request of any person interested in the proceeding made within ninety (90) days following the Commission's decision, the Commission shall furnish to such person copies of a transcript of the hearing or hearings upon payment of the cost of such copies and of all, or such portion as the Chairman of the Commission may determine, of the cost of such transcript. All testimony given, or statements made at a public hearing may, if so required by the Commission, be given or made under oath.

120I. DECISION. The Commission shall grant an application for a special exception hereunder if it finds that the nature, location, size, intensity, and other structural and functional characteristics of the proposed use, and the buildings and other improvements associated with it, conform to all of the conditions prescribed therefor in these regulations. The Commission shall deny an application for a special exception hereunder if:

120I.1. It is unable, for lack of information, to determine whether or not the nature, location, size, intensity, and other structural and functional characteristics of the proposed use, and the buildings and other improvements associated with it, conform to all of said conditions.; or

120I.2. It finds that any aspect or element of the proposed use, and the buildings and other improvements associated with it, does not conform to any of said conditions.

The concurring vote of a majority of the members of the Commission shall be necessary to grant any application for a special exception hereunder. The vote upon an application of any member of the Commission who is not present at the public hearing or all hearings thereon shall not be counted. The Commission shall decide an application for a special exception hereunder within sixty-five (65) days after the first public hearing thereon unless such period shall have been extended with the written consent of the applicant. Whenever the Commission grants an application for a special exception, the Commission's decision shall become effective at such time as is specified by the Commission or, if not specified, upon recordation of a copy of the Commission's Memorandum of Decision, referred to in Section 120N., on the Chester Land Records. The grant of a special exception hereunder shall not constitute, nor relieve the

applicant from seeking, any other license, permit or approval required to implement any aspect of the proposed use or improvement approved including, but not limited to, a permit to conduct a “regulated activity” from the Chester Inland Wetlands and Watercourses Commission as required in the Chester Inland Wetlands and Watercourses regulations.

120J. NOTIFICATION OF DECISION. A legal notice of the decision of the Commission upon each special exception application shall be published in a newspaper having a substantial circulation in the municipality within fifteen (15) days after such decision has been rendered. A copy of the text of said legal notice shall be filed in the office of the Chester Town Clerk prior to the effective date of the decision to which it relates and a copy thereof shall also be dispatched, by certified mail, to the applicant or his attorney or agent of record within fifteen (15) days after the date the decision is rendered. Such legal notice shall be a simple statement that such application was granted or denied together with the date of such action.

120K. AMENDMENT OF SPECIAL EXCEPTION. The Commission may, upon application therefore, grant an amendment to any special exception previously granted subject to and in accordance with the provisions of these regulations authorizing the grant of the original special exception. No such amendment shall authorize any use or improvement except in conformity with these regulations as in effect on the effective date of such amendment.

120L. TERMINATION OF SPECIAL EXCEPTION. Except as provided in 120M., the authorization of any special exception shall terminate:

120L.1. APPLICATION. By order of the Commission issued upon application therefore by an applicant described in 120A.;

120L.2. CESSATION. If the use or improvement authorized thereby shall not have actually existed for a period of one year from the date of cessation or from the effective date of the grant of such special exception, whichever is later;

120L.3. ABANDONMENT. If the use or improvement authorized thereby is abandoned; and

120L.4. TERMS OF GRANT. Upon the happening of any event or the expiration of any period of time prescribed by terms of the grant of such special exception.

120M. CASUALTY. The authorization of a special exception shall not terminate pursuant to 120L.2. if the pertinent use or improvement ceases by reason of fire or other casualty, provided that:

120M.1. NOTICE. Notice of intention to resume or restore such use or improvement is filed with the Zoning Compliance officer within six months after cessation; and

120M.2. COMPLETION. Such resumption or restoration is made and completed within two years after cessation.

120N. MEMORANDUM OF DECISION. The Commission's decision upon each application for a special exception shall be embodied in a writing which shall be entitled "Memorandum of Decision." Each Memorandum of Decision granting a special exception shall:

- (1) Specify the name of the record owner or owners of the premises with respect to which it is granted;
- (2) Describe the premises by metes and bounds or courses and distances, with respect to which it is granted;
- (3) Describe in detail the particular use and improvements authorized; and
- (4) Specify any conditions, other than those prescribed in these regulations imposed by the Commission.

Each Memorandum of Decision shall contain the reasons for the Commission's decision, shall be signed by the Chairman or Secretary of the Commission and shall become a permanent record of the Commission. A copy of the Memorandum of Decision shall be dispatched by certified mail to the applicant or his attorney or agent of record. No special exception granted shall become effective until a copy of the Memorandum of Decision shall have been recorded in the Chester Land Records.

120O. REAPPLICATION. A special exception shall not be granted hereunder to any applicant if a previous application by him for a special exception to authorize substantially the same use has been denied on its merits after a public hearing within three years prior to the date of submission of his new application.

120P. FILING FEE. The Commission shall require payment of filing fee of such amount as it may determine for the processing of applications, publication of notices of hearing and decision, and inspection of the proposed site and improvements.

SECTION 121**ZONING PERMITS**

121A. PERMIT REQUIRED. Whether or not a special exception or a variance has been granted therefore, the issuance of a zoning permit shall be required before:

121A.1. NEW IMPROVEMENTS. Commencement of construction, placement, relocation or installation of any improvements, other than an accessory improvement which is neither a building nor a sign;

121A.2. CHANGES IN IMPROVEMENTS. Commencement of enlargement or exterior alternation of any improvement other than an accessory improvement which is neither a building nor a sign;

121A.3. USES. Commencement of any new nonresidential use of premises including commencement of any continuing nonresidential, nonconforming use by a new owner or occupant;

121A.4. INCREASES IN OFF-STREET PARKING AND TRUCK LOADING SPACE FACTORS. Any increase, with respect to an existing use, of any factor with reference to which off-street parking or truck loading spaces are prescribed in Section 110F.; and

121A.5. DIMINUTION IN OFF-STREET PARKING AND TRUCK LOADING SPACES. Any diminution in the size or number of off-street parking spaces or truck loading space serving any existing use.

The term "improvement" as used herein includes a swimming pool and any tennis or other surface outdoor recreational court facility exceeding 10 square feet in area. Nothing herein shall be construed to require a zoning permit for ordinary repairs and maintenance of any existing improvement.

121B. WHO MAY APPLY. An application for a zoning permit may be made by:

121B.1. OWNER. The owner, or all the joint owners of the premises to which such application relates;

121B.2. PURCHASER. The purchaser, or all the purchasers, under a written contract to purchase the premises provided that a written consent to the grant of such zoning permit of the owner, or all the joint owners of the premises accompanies the application; or

121B.3. LESSEE. The owner, or all the joint owners of a leasehold interest in the premises under a written lease provided that the written consent to the grant of such zoning permit of the owner or all the joint owners of the premises accompanies the application.

121C. SUBMISSION OF APPLICATION. A complete application shall consist of the application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Each application form and accompanying documents and statements shall be delivered to the Zoning Compliance Officer. The date of receipt by him of a complete application shall be deemed to be the date of submission of such application.

121D. SUPPORTING INFORMATION. Each application form shall contain or be accompanied by, in writing:

- (1) A site plan showing the tax map lot number or numbers of the land to which such application relates; and
- (2) A complete and comprehensive statement describing the improvement or change and the use made or to be made thereof.

Whenever the Zoning Compliance Officer shall deem it reasonably necessary or appropriate to a proper disposition of any application, he may require the applicant to submit any one or more of the items of information described in 120C.1. through 120C.7., or other information, in such form as he may prescribe, including a report issued by an attorney admitted to practice law in Connecticut describing the state of the title to the land to which such application relates.

121D.1. GATEWAY CONSERVATION DISTRICT. Whenever such application relates to premises, located wholly or partially within the Gateway Conservation District, a plan of development setting forth proposed erosion and sedimentation controls under the criteria specified in Section 90C. may be required.

121D.2. INLANDS WETLANDS AND WATERCOURSES. Whenever such application relates to premises upon which, or within 75 feet outside of any boundary of which there is located any wetland or watercourse, the site plan shall show the location of the boundaries of any such wetland, and the location of any such watercourse, (as shown on the official Inland Wetlands and Watercourses Map of the Town) including the distance of any existing or proposed improvement upon said premises from such wetland boundary or watercourse.

121E. DETERMINATION. The Zoning Compliance Officer shall grant the application and issue a zoning permit if he finds that the proposed improvement or change, and the land upon which it is to be situated, complies with all the pertinent requirements of these regulations, including any special exception or variance granted therefor. He shall deny the application if he:

- (1) is unable, for lack of information, to determine whether or not the proposed improvement or change, and the land upon which it is to be situated, complies with all such pertinent requirements;
- (2) finds that the proposed improvement or change, or the land upon which it is to be situated, does not comply with all such pertinent requirements;

- (3) finds that the land upon which a proposed building is to be situated is within a subdivision, as that term is defined in Section 8-18 of the Connecticut General Statutes as the same may hereafter from time to time be amended, which has not previously been duly approved by the Commission; or
- (4) finds that the proposed use or improvement is or involves a "regulated activity" as that term is defined by the Chester Inland Wetlands and Watercourses Commission as required in said regulations.

121F. TIME FOR DECISION: NOTICE OF DENIAL. The Zoning Compliance Officer shall grant or deny an application for a zoning permit within thirty (30) days after receipt by him of such application, except that said period may be extended with the consent of the applicant. If such application shall have been neither granted or denied within such period, it shall be considered to have been denied upon the expiration thereof. In the event of denial, other than by expiration of the period for decision, the Zoning Compliance Officer shall issue, with in five (5) days after his decision, written notice of denial to the applicant either personally or be certified mail. Each zoning permit granted shall be embodied in a writing which shall:

- (1) specify the name of the record owner or owners of the premises with respect to which it is granted;
- (2) specify the tax map lot number or numbers of said premises; and
- (3) describe in detail the particular improvement or change authorized. Said writing shall be signed by the Zoning Compliance Officer.

121G. EXPIRATION OF PERMIT. A zoning permit shall expire one year following its issuance if construction shall not have been commenced within said period and shall expire two years following its issuance if construction shall not have been completed within said period. A new permit shall be required to complete construction begun under a permit which as expired.

121H. FEE. The Commission shall require payment of a fee of such amount as it may determine for the processing of applications and inspection of the proposed site and improvements.

SECTION 123**AMENDMENTS OF REGULATIONS AND DISTRICT BOUNDARIES**

123A. GENERAL. These regulations and the district boundaries established may, from time to time, be amended, changed or repealed by the Commission in accordance with the provisions of the Zoning Enabling Act.

123B. PETITION FOR CHANGE. Any person may petition the Commission requesting a change in these regulations or the boundaries of the districts. A complete petition shall consist of the petition form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Twelve (12) copies of the complete petition shall be delivered to the Zoning Compliance Officer for transmittal to the Commission at its next regularly scheduled meeting. The date of receipt of such petition shall be deemed to be the earlier of: (a) the date of such next regularly scheduled meeting, or (b) the thirty-fifth (35th) day following the date it was delivered to the Zoning Compliance Officer.

123C. SUPPORTING INFORMATION. Each petition form shall contain or be accompanied by, in writing:

- (1) A full text of any proposed change in these regulations clearly indicating existing provisions to be repealed and new provisions to be enacted;
- (2) A map clearly showing, and a complete written description of, any proposed change in district boundaries, including a precise description by metes and bounds or courses and distances of the location of the new boundary to be established and a list, keyed to said map, of the names and addresses of the record owners of land within, and within 500 feet outside, the area to be affected by such boundary change; and
- (3) A complete and comprehensive statement of the reasons for any proposed change, including any special interest the petitioner may have in such change.

Said map required hereby shall be prepared at a scale of 100 feet to 1 inch unless otherwise prescribed by the Commission. Whenever the Commission shall deem it reasonably necessary or appropriate to a proper disposition of any petition, it may require the petitioner to submit, at or prior to the public hearing thereon, any other information in such form as it may prescribe.

123D. FILING FEE. The Commission shall require payment of a filing fee of such amount as it may determine for the processing of petitions and publication of notices of hearing and decision.

SECTION 130**CONDITIONS OF SPECIAL EXCEPTIONS**

130A. GENERAL. The Zoning commission may approve a Special Exception use, in a district where such use is listed, in accordance with the conditions specified in Section 130. The requirements in Section 130 are in addition to all other requirements applicable in the district in which the Special Exception use is to be located.

130A.1. STATEMENT OF PURPOSE. These Zoning Regulations are based upon the division of the community into zoning districts in which the use of land and buildings and the bulk and locations of buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which because of their unique characteristics, cannot be classified or regulated so as to be uniformly permitted in a particular zoning district without careful evaluation of the suitability for such uses in the particular locations proposed. Such uses shall be treated individually as Special Exceptions. Special Exceptions shall also be used to control the intensity of uses by controlling the bulk of structures and the related on-site and off-site traffic impact that may be generated by a particular use. A Special Exception shall be approved by the Commission only after it finds that the Special Exception would be in accord with the public health, safety, convenience, and welfare; after taking into account the location and nature of the proposed use, including its size and configuration, the proposed scale and arrangement of structures and other site features; drives, parking and landscaped areas, and proximity of existing dwellings and other structures.

130A.2. FINDINGS. A Special Exception shall not be granted by the Zoning Commission until it has found that the proposed activity would be in accord with the requirements of these regulations. It shall be the responsibility of the applicant, at the time of application for a Special Exception to provide plans and reports which demonstrate the proposed development's conformance with the conditions herein stated. Schedules, plans, and reports submitted in support of an application may be made additional conditions and stipulations of approval of a Special Exception.

130A.3. SITE PLAN. The site plan, arrangement of buildings and other improvements, including landscaping, storm drainage, sanitary facilities, outdoor illumination, and vehicular parking facilities, shall be of such character as to harmonize with the neighborhood and accomplish a transition in character between premises of dissimilar uses and improvements.

130A.4. ARCHITECTURAL DESIGN. The architectural design of buildings and signs, including the budding materials, and exterior elevations, shall be of such character as to harmonize with the neighborhood and accomplish a transition in character between premises of dissimilar uses and improvements.

130A.5 COMPLIANCE WITH THE PLAN OF DEVELOPMENT. The proposed use of the subject site must be consistent with the purpose and intent of the Plan of Development for the Town of Chester.

130A.6 CHARACTER OF THE NEIGHBORHOOD. The proposed use, location, character, size and height of any building or structure, and the extent of all site improvements proposed in connection with a Special Exception use shall be compatible with the existing development, use, and character of adjacent property, and shall not adversely affect the usefulness and value of property in the aeneral neighborhood in which the Special Exception use is to be established.

130A.7. LANDSCAPNG AND BUFFERS. The site on which the proposed use is to be located will be suitably landscaped to protect the neighborhood and adjacent property in a manner which is compatible with. the character of the neighborhood.

130A.8 TRAFFIC. The streets serving the proposed use shall be adequate to carry all prospective traffic provision shall be made for entering and leaving the site in such a manner that no undue hazard or undue traffic congestion shall be created, adequate off-street parking shall be provided.

130A.9. PUBLIC SAFETY. The Site Development Plan shall provide for adequate access, operation, and earess of all emergency equipment and services.

130A.10. ON-SITE SEWAGE DISPOSAL SYSTEM. Wherein connection with the proposed use, any existing or proposed building is to be used for human occupancy, such use or building shall either be served by a municipal sewage system or the lot of such proposed use shall be of such shape, size, location and of such geologic and topographic character as to accommodate, without endangering or disturbing any wetland or Watercourse, all proposed buildings and improvements, with setbacks and off-street parking facilities required hereunder, as well as any necessary on-site subsurface sewage disposal system, with required reserve area, and a water supply system both of which systems shall conform in design and function to the requirements of the State Health Code and regulations enacted by the State Department of Health thereunder, and to the requirements of any applicable Town sanitary regulations pertaining thereto.

130A.11. GATEWAY CONSERVATION DISTRICT. Where such application relates to premises wholly or partially within the Gateway Conservation District, the proposed use and improvements shall be consistent with the purposes of Public Act 74-103, as the same may from time to time hereafter be amended, for promoting and protecting the "Conservation Zone" described therein and shall not detract from the natural or traditional river way scene.

130A.12. OTHER CONDITIONS. Such other conditions as the Commission may deem necessary or appropriate to impose for the purpose of preventing or diminishing (a) any adverse effect of the Special Exception use upon the health, safety, and welfare of the community, (b) any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such Special Exception use, any impairment of the suitability of such Special Exception use of the general principal uses pemitted in the district under these regulations and predominately existing therein.

SECTION 131**CONDITIONS OF MULTIPLE DWELLING AND MULTIPLE DWELLING****PROJECT SPECIAL EXCEPTIONS**

131A. GENERAL. In addition to the conditions prescribed in Section 130., the conditions subject to which a special exception shall be granted for a multiple dwelling or multiple dwelling project under Section 61A.4. are as follows, and each Site Development Plan shall conform to the following standards and requirements in all respects. The examples shown under the following standards are specific minimum requirements which must be fulfilled to constitute conformity with the prescribed standard. However, conformity with such minimum requirements shall not necessarily constitute conformity with the prescribed standard.

131A.1. GENERAL PLANNING AND DESIGN. The general layout and design of the Site Development Plan shall, to the maximum possible extent, avoid large scale changes in existing land contours watercourse locations and other natural features of the terrain and landscape. Proposed building sites, roadway layouts and related work shall blend harmoniously with such existing natural features and shall preserve and utilize geologic and topographic terrain variations to afford diversity and natural beauty among building sites and their environs.

- (A) EXAMPLES. A plan shall not be considered to meet the standard prescribed in Section 131A.1. unless the layout and design:
- (a) avoids cuts and fills and tree removal which increase the potential for soil erosion by wind or water or which endanger or disturb existing water resources;
 - (b) avoids relocation of existing watercourses;
 - (c) avoids filling or excavation of, or encroachment upon, any streambelt designed on the streambelt map, wetlands watercourses, flood plains and other land subject to potential flooding;
 - (d) avoids removal of large isolated trees and substantial portions of desirable woodlands or other vegetation; and
 - (e) except where unavoidable to allow specific site regrading or road construction, provides for preservation of all wetlands and watercourses in their natural state and provides for the protection thereof by land use controls appropriate to prevent excavation, filling or other encroachment.

131A.2. INTEGRATION WITH SURROUNDING USES AND AVAILABLE MUNICIPAL FACILITIES. The size, layout, location and design of the Site Development Plan, including the road system, shall be: in harmony with the municipal plan of development; compatible with the existing neighboring land uses and with reasonably expected future surrounding community development; and coordinated with the capacity and adequacy of existing municipal services and facilities,

- (A) **EXAMPLES.** A plan shall not be considered to meet the standard prescribed in Section 131A.2. unless the plan:
- (a) provides for the connection of any proposed road system only with improved and surfaced public streets wherever such system intersects with such streets;
 - (b) provides for the connection of the road system with at least one public street within the Town;
 - (c) provides for a buffer area or other protective measure or measures, wherever the plan area adjoins premises used or usable for purposes dissimilar to the uses for which the plan is proposed, effective to prevent or diminish any undue annoyance of the residents or occupants of the plan area and/or the adjoining premises and to screen residential properties from unsightly views; and
 - (d) provides for the installation of all necessary and appropriate connection and distribution facilities for utilization to serve all dwellings within the plan area of any municipal sewer system and/or any public water supply system if existing service facilities with which connection can be made to such system are within 250 feet of any boundary of the plan area.

131A.3. BUILDING SITES. Building sites shall be arranged and located in such a manner as: to create and preserve individual unique characteristics in each; to maximize the environmental privacy of each; to provide each with safe and convenient vehicular access directly, or indirectly over proposed roadways, to and from an existing public street; and to avoid the use of land unsuitable for occupancy by reason of soil character, ground water table, shallow depth to ledge rock, steep slopes, proximity to existing wetlands or watercourses or other physical characteristics.

- (A) **EXAMPLES.** A plan shall not be considered to meet the standard prescribed in Section 131A.3. unless the premises to be used for building sites:
- (a) are of such size and location, and of such geologic and topographic character that each can be used for building purposes and human occupancy without endangering the health or safety of the occupants of such site, the occupants of other sites within or without the plan area, or the general public;

- (b) are planned so as to make best use of the natural terrain, to preserve substantial trees, woodlands, wetlands, watercourses and other natural features and so as to be capable of use without extensive regrading or vegetation removal which would increase the potential for soil erosion or water sedimentation removal or which would adversely affect the ability of the lot to accommodate necessary on-site subsurface sewage disposal and/or water supply facilities;
- (c) are of such size and location, and of such geologic and topographic character, that each can accommodate, without endangering or disturbing any wetland or watercourse, a permitted principal building, with off-street parking facilities required under these regulations, as well as any necessary on-site subsurface sewage disposal system, with required reserve area, and water supply system, both of which conform in design and function to the requirements of the State Health Code and regulations enacted by the State Department of Health thereunder, and to the requirements of any town regulations pertaining thereto; and
- (d) is of such a character that the soil absorption facility of any subsurface sewage disposal system serving the site shall not be located:
 - (1) in any soil of a type specified in Appendix "A" to these regulations regardless of the slope; nor
 - (2) in any soil of a type specified in Appendix "B" to these regulations if the slope of such soil exceeds 15 percent unless effective corrective measures are proposed such as: the avoidance of bedrock, provision of extra large absorption area, the terracing or reduction of steep slopes, the lowering of the ground water table, the installation of a mechanical or chemical effluent disposal device approved by the Connecticut Department of Health or by other means or facility which will safely and effectively dispose of effluent in accordance with the requirements of the State Health Code.

131A.4. ROADS AND RELATED IMPROVEMENTS. All proposed roads and all proposed drainage facilities shall conform in all respects to the design and construction standards and criteria prescribed in the Chester Subdivision Regulations for such roads and improvements in subdivisions, with the exception of roads within a development of Housing for the Elderly. Furthermore, the layout, location and function of proposed roadways shall be such as to minimize the amount of land to be used for roadways; to provide for safe and convenient circulation for both present and reasonably predictable traffic flow; and to provide for safe and convenient intersection of proposed roadways or road systems with existing public streets.

Roads within a development for Housing for the Elderly shall meet the standards of Section 5.5.7c of the Chester Subdivision Regulations, light residential street construction, and all pertinent subsequent sections related thereto, with the following modifications:

- (a) the pavement width required shall be a minimum of twenty (20) feet;
- (b) wherever practical, storm water runoff shall be in sheet flow fashion and directed to roadside swales;
- (c) the Commission shall have the authority to modify specific standards of this section based on specific recommendations for a particular project received from its consulting Engineer.

131A.5. EROSION AND SEDIMENTATION CONTROL. Each plan shall include appropriate and effective measures to control erosion and sedimentation both during and after completion of the work. Such measures shall conform with the recommendations and standards of the Middlesex County Soil and Water Conservation District.

(A) EXAMPLES. A plan shall not be considered to meet the standard prescribed in Section 131A.5. unless the erosion and sedimentation control measures include the following:

- (a) stripping of vegetation, regrading or other development shall be done in a way that will minimize erosion;
- (b) proposed work shall reduce cut-fill operations to a minimum and insure conformity with topography as to create the least erosion potential;
- (c) wherever feasible, natural vegetation shall be retained, protected and supplemented;
- (d) the disturbed area and the duration of exposure shall be kept to a practical minimum;
- (e) disturbed soils shall be stabilized as quickly as practicable, but in no case should disturbed soils remain unstabilized for more than two months. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during the work;
- (f) the permanent or final vegetation and structural erosion control measures shall be installed as soon as practical in the development, but not later than one month after completion of final grading, which period may be extended with the Commission's approval for not more than six months to avoid an unreasonable risk of planting failure because of normal seasonal, or abnormal unseasonal, weather and soil conditions;

- (g) sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized;
- (h) cut and fill earth slopes shall not be steeper than two horizontal to one vertical unless stabilized by a retaining wall or cribbing;
- (i) adequate provision shall be made to prevent surface water from damaging the cut face of excavation or the sloping surfaces of fills;
- (j) cuts and fills shall not endanger adjoining property;
- (k) fill shall be placed and compacted so as to minimize sliding or erosion of the soil
- (l) fills shall not encroach on natural watercourses or constructed channels;
- (m) grading shall not be done in such a way as to divert water onto the property of another landowner without the express written consent of that landowner;
- (n) during grading operations, necessary measures for dust control shall be exercised; and
- (o) construction equipment shall not be allowed to cross live watercourses except by means of bridges or culverts.

131A.6. SHADE TREES AND UTILITIES. The plan shall conform to the following requirements:

- (A) STREET TREES. Street trees shall be planted approximately 50 feet apart on both sides of any roadway, subject to variations made necessary by driveways, roadway corners and walks; such trees shall not be located within three feet of the edge of the pavement except where trees may interfere with utility poles and wires. Trees to be planted shall be subject to the approval of the Commission. Existing trees along the proposed roadway which conform to these requirements may be substituted for new trees at the discretion of the Commission.
- (B) UNDERGROUND UTILITY LINES. New electric and telephone wire shall be installed underground unless the Commission determines, based on a written report submitted by the applicant, that such underground installation is inappropriate or unfeasible for all or a part of the plan. In making such determination, the Commission shall take into account: (1) the type of service existing in the area adjacent to the plan area, (2) topographic and construction conditions, and (3) the size of the plan. Wherever possible, such underground utilities shall not be located under the road pavement.

- (C) EASEMENTS. Perpetual and permanent easements, running with the land and burdening and the premises in perpetuity, for access to, and use of, land for a roadway and associated work shall be granted or obtained and shown on the site Development Plan, with adequate survey information, so that the land subject to easement may be accurately located by field survey, as necessary or appropriate.
- (a) for access to bridges and culverts with construction and maintenance equipment;
 - (b) for storm water pipes, water mains and sanitary sewers and appurtenances, which easements shall not be less than 20 feet in width;
 - (c) easements for grading, maintaining and repairing roadway slopes;
 - (d) sight easements across corners of lots at intersections to assure safe line of sight on the roadway; and
 - (e) easements at least 10 feet in width for pedestrian ways to parks, playgrounds, schools and other public or semipublic places where the road system does not conform to a convenient pattern of pedestrian circulation.

131A.7. DEDICATION OF OPEN SPACE. Parks, playgrounds, tennis courts, swimming pools, open spaces and other supporting recreational facilities to serve the residents may be reserved for the exclusive use and enjoyment of all present and future owners and occupants of the multifamily dwelling or multifamily dwelling project; otherwise they shall be open for the use and enjoyment of the general public. Each such area or facility shall be of such a nature and character that each can be safely and conveniently reached and used for the purpose or purposes to which it is dedicated.

- (A) DEDICATION. Permanent dedication of each such area or facility shall be accomplished either by: (1) conveyance of the fee interest therein to the Town, (2) creation of a conservation restriction in favor of the Town, (3) conveyance of the fee interest to an exempt organization approved by the Commission, (4) creation of a conservation restriction in favor of an exempt organization approved by the Commission, (5) conveyance of the fee interest to a Connecticut non-stock corporation of which all owners of dwelling units within the multifamily dwelling or multifamily dwelling project are members, or (6) any other method which accomplishes permanent dedication in accordance with requirements set forth in Subsection 131A.7 (G).
- (B) CONVEYANCE OF FEE TO TOWN. Where dedication of such open space is to be made by conveyance of the fee interest therein to the Town, such conveyance shall be by a warranty deed which shall contain a restrictive covenant or covenants, running with the land and burdening the premises in

perpetuity, prohibiting the use of the premises for any purpose other than one or more of the open space uses prescribed in Section 131A.7. Good and marketable title to the premises, free of all encumbrances or defects, shall be conveyed to the Town before any premises within the plan area is offered for sale or lease or used for building development.

- (C) CONSERVATION RESTRICTION IN FAVOR OF TOWN. Where dedication of such open space is to be accomplished by the creation therein of a conservation restriction in favor of the Town, such conservation restriction shall be created by a conveyance or instrument of declaration, running with the land and burdening the premises, which shall contain a prohibition or prohibitions against any use thereof other than for one or more of the open space purposes referred to in Section 131A.7. The owner may retain the fee interest in the premises and all incidents of ownership therein not inconsistent with the accomplishment of the purposes for which such premises are dedicated. The right to construct any structure, sign, fence or other improvement thereon, to alter the contours thereof or to remove flora or earth products therefrom are hereby declared inconsistent therewith. Indefeasible rights under such conservation restriction shall be vested in the town before any premises within the plan area is offered for sale or lease or for building development.
- (D) CONVEYANCE OF FEE TO EXEMPT ORGANIZATION. Where dedication of any such open space is to be accomplished by conveyance of the fee interest therein to an exempt organization approved by the Commission, such conveyance shall be by a warranty deed which shall contain a restrictive covenant or covenants, running with the land and burdening the premises in perpetuity, prohibiting the use of the premises for any purpose other than one or more of the open space uses prescribed in Section 131A.7. Good and marketable title to the premises, free of all encumbrances or defects, shall be conveyed to the exempt organization before any premises of the plan area is offered for sale or lease or for building development.
- (E) CREATION OF CONSERVATION RESTRICTION IN FAVOR OF EXEMPT ORGANIZATION. Where dedication of such open space is to be accomplished by the creation therein of a conservation restriction in favor of an exempt organization, such conservation restriction shall be created by a conveyance or instrument of declaration, running with the land and burdening the premises, which shall contain a prohibition or prohibitions against any use thereof other than for one or more of the open space purposes referred to in Section 131A.7. The owner may retain the fee interest in the premises and all incidents of ownership therein not inconsistent with the accomplishment of the purposes for which such premises are dedicated. The right to construct any structure, sign, fence or other improvement thereon, to alter the contours thereof or to remove flora or earth products therefrom are hereby declared Inconsistent

therewith. Indefeasible rights under such conservation restriction shall be vested in such exempt organization before any premises within the plan area is offered for sale or lease or for building development.

- (F) CONVEYANCE OF FEE TO CONNECTICUT NON-STOCK CORPORATION. Where dedication of such open space is to be accomplished by conveyance of the fee interest therein to a Connecticut non-stock corporation, said corporation shall be a membership corporation in which membership of all of the owners or lessees of real estate, present and future, within the plan area shall be mandatory. Conveyance of such interest shall be by a warranty deed which shall contain a restrictive covenant or covenants, running with the land and burdening the premises in perpetuity, prohibiting the use of the premises for any purpose other than one or more of the open space uses prescribed in Section 131A.7. Conveyance of good marketable title to the premises, free of all encumbrances and defects, to said corporation may be deferred until premises within the plan area equal to 75 percent of the total number of premises within the plan area have been sold, or used for building development, provided that dedication of such open space is accomplished on an interim basis by a method referred to in Subsection 131A.7.(G) before any premises within the plan area is offered for sale or for building development.
- (G) OTHER METHOD. Where dedication of such open space is to be accomplished by a method other than those specified in Subsections (B) through (F) above, such method shall involve the creation and recordation on the Town Land Records of a covenant and/or restriction, running with the land and burdening the premises in perpetuity, prohibiting the use of the premises for any purpose other than one or more of the open space uses prescribed in Section 131A.7. All elements of the method of dedication shall be subject to the approval of the Commission. Such instrument shall be created and recorded before any premises within the plan area is offered for sale or lease or for building development.
- (H) GENERAL. When any method of dedication, other than the method specified in Subsection (B) (Deed To Town) or Subsection (C) (Conservation Restriction in Favor of Town), of such open space is used, the deed, declaration or other instrument imposing the covenants and/or restrictions hereinbefore prescribed shall also provide:
- (a) that all such covenants and/or restrictions shall be binding upon and inure to the benefit of all present and future owners and occupants of the real estate within the plan area;
 - (b) that such covenants and/or restrictions shall not be affected by any change in the zoning or other land use regulations;

- (c) that such covenants and/or restrictions may be enforced by each present and future owner of real estate within the plan area and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief;
 - (d) that insurance protection, in such amount and with such insurance company or companies as shall be satisfactory to the Chief Executive Officer of the Town, shall be maintained against the risk of liability for personal injury or property damage arising upon or by reason of the use of such open space area;
 - (e) that the rights and duties created by such covenants and/or restrictions shall not in any way be modified or amended without the prior written approval of the Chief Executive Officer of the Town then in office and the Chairman of the Commission then in office authorized by resolution of such Commission, and
 - (f) that if at any time maintenance, preservation and/or use of such open space area shall not comply with or fulfill the provisions of such covenants and/or restrictions, the Town may, at its election, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess, against the owners of land within the plan area, either jointly or severally, all costs incurred by the Town for such purposes.
- (I) DEEDS. When any method of dedication of any such open space is used under which it is not to be open for the use and enjoyment of the general public, each instrument of conveyance of a part of the plan area shall contain a grant of a permanent and perpetual easement, running with the land, of use of all dedicated areas within the plan area in a manner consistent with the nature and purpose of such dedication.

131B. REQUIRED CHARACTERISTICS. The lot and the buildings involved in any multiple dwelling or multiple dwelling project shall conform to the following characteristics:

<u>Characteristic:</u>	<u>PRD</u>
Minimum area of buildable land per building (sq.ft.)	30,000
Minimum Lot Area (acres)	5
Maximum number of family dwelling units per acre	4
Maximum bedrooms per acre	5
Maximum bedrooms per unit	2
Maximum units per building	10
Maximum persons per bedroom	2
Minimum floor area of each family dwelling unit (sq. ft.)	500
Maximum overall linear dimensions of a multiple family dwelling (linear feet)	125

Maximum building coverage by multiple family dwellings	10
Maximum building coverage (%)	15
Maximum building height,of multiple family dwellings (ft.)	35
Minimum distance between multiple family dwellings (ft.)	40
Front setback (ft.)	40
Side and rear setbacks, each (ft.)	40

131C. A lot and buildings involved in any multiple housing for the elderly shall conform to the characteristics of Secion 131B, except:

- (a) the minimum separating distance between buildings shall be 20 feet, and;
- (b) if public water and/or public sewers are available on site, the allowable maximum number of bedrooms per acre may be increased to twelve (12).

SECTION 140**ZONING BOARD OF APPEALS**

140A. COMPOSITION. In accordance with the provisions of the Zoning Enabling Act, the Zoning Board of Appeals shall consist of five regular and three alternate members.

140B. CHAIRMAN. The Board shall, by vote of its regular members only, elect a Chairman from among its regular members. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

140C. MEETINGS. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine, and, except when lawfully in executive session, shall be open to the public.

140D. MINUTES, VOTING. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions.

140E. RULES. The Board shall adopt rules, not inconsistent with the Zoning Enabling Act or these regulations, governing the procedure for its meetings, hearings and other official actions as it shall deem necessary or appropriate.

140F. RECORDS. Each rule and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.

140G. POWERS AND DUTIES. The Zoning Board of Appeals shall have the following powers and duties:

140G.1. APPEALS. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Compliance Officer; and

140G.2. APPLICATION FOR VARIANCE. To determine and vary the application of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values 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 such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

140H. CERTAIN PROCEDURAL PROVISIONS. Whenever an application for the grant of a variance is joined with an appeal from any order, requirement or decision of the Zoning Compliance Officer, the Board shall first decide the issues presented by such appeal.

Whenever the Board decides to grant a variance, it shall, in stating upon its records the reason for such decision:

140H.1. SPECIAL CIRCUMSTANCES. Describe specifically in detail the conditions especially affecting the premises to which the variance relates but which do not affect generally the District in which such premises are situated and which are the result of the application of these regulations to circumstances beyond the control of the applicant; and

140H.2. PARTICULAR VARIATIONS. State the particular respect or respects in which the premises contravene the provisions of these regulations which are varied in their application.

Written notice of each hearing, and a complete copy of each application, upon any appeal from any order, requirement or decision of the Zoning Compliance officer and upon any application for a variance shall be mailed or delivered, at least 10 days before such hearing, to the Zoning Compliance Officer who shall be entitled to appear and be represented by counsel. Written notice of each decision of the Board shall be mailed or delivered, not later than the date such notice is published in a newspaper pursuant to the Zoning Enabling Act, to the Zoning Compliance Officer. No variance shall be effective until a copy thereof, certified by the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, including the regulation which is varied in its application, and stating the name of the owner of record, is recorded in the Chester Land Records.

140H.3. COASTAL SITE PLAN REVIEW. Except as exempted in Section 91.1.(a) of these regulations, all applications for zoning variances within the coastal boundary, as delineated on the Coastal Boundary Map for the Town of Chester on file with the Town Clerk, shall file with the appropriate board or commission a coastal site plan and application on such form as prescribed by the commission.

140I. CONDITIONS, SAFEGUARDS AND STIPULATIONS. Whenever the Board decides to grant a variance, it shall be authorized to attach to the grant of such variance such conditions, safeguards and stipulations as it may deem necessary or appropriate to prevent or diminish any adverse effect of the use or characteristic of land or improvement authorized thereby upon the health, safety and welfare of the community, any undue annoyance or disturbance of the occupants of premises in the general neighborhood or such use or characteristic, and any impairment of the suitability, usefulness or value of premises in the general neighborhood of such use or characteristic for the uses permitted in the District thereof under these regulations and predominantly existing therein.

140J. TERMINATION OF VARIANCE. Except as provided in 140K, the authorization of a variance shall terminate:

140J.1. CESSATION. If the use or improvement so authorized shall not have actually existed for, a period of one year from the date of cessation or from the effective date of the grant of such variance, whichever is later;

140J.2. ABANDONMENT. If the use or improvement so authorized is abandoned or is intentionally changed to conformity with these regulations (without regard to such variance); or

140J.3. TERMS OF GRANT. Upon the happening of any event of the expiration of any period of time prescribed by the terms of grant of such variance.

140.K. CASUALTY. The authorization of a variance shall not terminate pursuant to 140J.1. if the pertinent use or characteristic ceases by reason of fire or other casualty, provided that:

140K.1. NOTICE. Notice of intention to resume or restore such use or characteristic is filed with the Zoning Compliance Officer within six months after such cessation; and

140K.2. COMPLETION. Such resumption or restoration is made and completed within two years after cessation.

SECTION 150**ENFORCEMENT**

150A. ZONING COMPLIANCE OFFICER. These regulations shall be enforced by the Zoning Compliance Officer who shall be appointed by and serve at the pleasure of the Commission. In the absence or during the incapacity of the person so appointed, the Chairman of the Commission may act as, and shall have all of the powers and duties of, the Zoning Compliance Officer.

150B. AUTHORITY. The Zoning Compliance Officer shall have all such authority as is prescribed by the Zoning Enabling Act and as can otherwise by law be conferred upon such official to enforce the Zoning Enabling Act and these regulations. In addition, he shall review and decide all applications for zoning permits made pursuant to these regulations. He may, in his discretion, take an appeal from any decision of the Zoning Board of Appeals in the manner prescribed therefor by the Zoning Enabling Act, and may withhold the granting of any zoning permit in connection with any use or improvement involved in such decision of the Board pending final judgment or other disposition of the appeal.

150C. ENFORCEMENT OF SPECIAL EXCEPTIONS AND VARIANCES GRANTED. Within 15 days following the grant of any variance, the granting authority shall deliver to the Zoning Compliance Officer a copy of the writing embodying such variance. The Zoning Compliance Officer shall keep each such writing, together with an appropriate index by location of the premises affected, and shall enforce the provisions of such variance and of all special exceptions granted by the Commission, including any conditions imposed, as in the case of these regulations themselves.

150D. CIVIL PENALTY: VIOLATION OF ORDER TO DISCONTINUE. Any person who, having been served with an order to discontinue a violation of any provision of these regulations, fails to comply with such order within 10 days after such service, or, when the violation involves grading of land or the removal of earth, fails to comply with such order immediately, or continues to violate any provision of these regulations specified in such order shall be subject to a civil penalty of \$250.00.

150E. CRIMINAL PENALTY. The owner or agent of any building or premises where a violation of any provision of these regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than \$10.00 nor more than \$100.00 for each day that such violation continues; but if the offense is wilful, the person convicted thereof shall be fined not less than \$100.00 nor more than \$250.00 for each day that such violation continues, or imprisoned not more than 10 days for each day such violation continues, or both.

SECTION 160**MISCELLANEOUS**

160A. SEPARABILITY. If a court of competent jurisdiction finds any provision of these regulations to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to the particular provision which is expressly held to be invalid or ineffective and all other provisions of these regulations shall continue to be separately and fully effective.

160B. APPLICABILITY. If a court of competent jurisdiction finds the application of any provision of these regulations to any use, land or improvement to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provision to other persons, property or situations shall not be affected.

160C. ENACTING CLAUSE: TITLE AND REPEAL The Commission acting under the authority of the Zoning Enabling Act hereby adopts and enacts these regulations as the "Chester Zoning Regulations (Revision of 1984)." The provisions of the Chester Zoning Regulations, revised December 1, 1976, and any amendments thereto, so far as they are the same as in these regulations, are to be deemed continued and not as new enactments. Any and all provisions of said regulations and amendments thereto which are inconsistent with the provisions of these regulations are hereby repealed, but this shall not affect any violation thereof already existing or any penalty incurred and the same may be prosecuted as if these regulations had not been adopted.