Chapter 10 – Supplemental Regulations

The following regulations are supplemental to uses identified with an * listed in Chapters 5 and 6.

1001 AGRICULTURE

Preserving the Town's existing farms and encouraging new farming activities are strong goals of the Town. North Stonington's farms are central to the community's rural image and overall value by providing many obvious benefits such as providing tax revenue with little demand on Town services; providing wildlife habitats and tracts of open space, essential to maintaining the high quality of life enjoyed by Town residents; and by providing local produce, meat and dairy products year round. The purpose of these regulations is to clearly define agriculture and to **promote the economic and operational viability of existing agricultural operations while facilitating and promoting new operations.**

Agriculture is permitted in the R40, R60, R80 and I Zoning Districts as a principal use or in addition to any existing permitted principal use.

1001.1 Definitions

See Chapter 16 under "Agriculture" for various definitions relating to agriculture and farming. All such terms are considered agricultural uses and may require permits.

1001.2 Application Requirements

The following activities/uses require a Zoning Permit and/or Commission review:

- **A.** the establishment of a new agricultural principal use as defined in §1600;
- **B.** the expansion or modification of an existing farm/agricultural operation;
- **C.** Special Agricultural Buildings (see §1001.6);
- **D.** the excavation of farm ponds (see §1006);
- **E.** the construction of any new structures on a property;
- **F.** accessory uses and activities specifically identified in §§1001.3 (A – E); and
- **G.** any other use/activity specifically identified as requiring a permit.

1001.3 Accessory uses (Ag-tivities, tourism, retail). The following activities are considered to be accessory to an established agriculture operation. For accessory uses and activities that may currently or in the future involve outdoor events, retail sales, and/ or potential traffic-generating activities, a Zoning Permit and/or Commission review is required.

A. Agricultural Tourism. The opening to the public of a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. A Site Plan review (SPL) shall be required when agricultural tourism is to be conducted on any parcel six or more times in any calendar year, or when any agricultural tourism event may reasonably be expected to require parking on any single day for ten or more motor vehicles used by agricultural tourists. Otherwise, agricultural tourism requires only a Zoning Permit (ZP).

B. Ag-tivities. Events of limited duration on a farm that are incidental to agricultural uses, including (but not limited to) hayrides, corn mazes, festivals and other similar activities; on-farm sales such as farm stands and pick-your-own operations, retailing farm and farm-related products (farm store); recreational and/or competitive equine enterprises, and on-farm processing operations provided they comply with all applicable state and municipal health codes. A Site Plan review (SPL) shall be required

when Ag-tivities are to be conducted on any parcel six or more times in any calendar year, or when any Ag-tivities may reasonably be expected to require parking on any single day for ten or more motor vehicles used by visitors to the farm. Otherwise, Ag-tivities require only a Zoning Permit (ZP). Note: A temporary event permit may also be required from the Board of Selectmen.

C. Non-agriculturally Related Uses. Activities that are part of an agricultural operation's overall offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, fee-based outdoor recreation such as bird watching, snow-shoeing, and other passive recreational activities. A Site Plan review (SPL) shall be required when such uses may reasonably be expected to require parking for ten or more motor vehicles used by visitors to the farm. Otherwise, such uses require only a Zoning Permit (ZP).

Small Event Barns for (but not limited to) retreats, weddings, workshops, classes (i.e. yoga, canning, wool dying etc.) are permitted by SPL, but no outdoor events or amplified music are permitted and adequate parking must be available on site to accommodate all expected motor vehicles.

Event Barns to be used for large-scale events, or any events in which the use of amplified music is planned or anticipated, require a Special Permit. In order to satisfy the conditions of a Special Permit with respect to noise, the Commission may limit the number of events per year and/or prohibit the use of amplified music outdoors. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm is given written notice that the noise levels are causing a nuisance to nearby properties.

D. Farm-Brewery (SPL)

A Farm Brewery shall be considered to be accessory to an established agricultural operation if the farmer makes and sells beer (including hard cider) from ingredients primarily grown on the farm. A Farm Brewery is permitted wherever agriculture is permitted [Note: A "Brew Pub" would fall under Hospitality Uses, permitted in non-residential Zones per §602]. In addition to the requirements of Site Plan approval, the following additional regulations shall apply.

1. The brewery shall be considered a "Pilot" or "Nano" brewery if it has production capabilities of no more than 15,000 barrels a year. However, in the I Zoning District, the manufacturing of greater quantities of beer and full-scale distribution operations may also be permitted as part of Site Plan approval.

2. The brewery must be clearly subordinate to a primary residence that is owner-occupied (or that houses a full-time caretaker/manager)

3. Accessory uses to the Farm Brewery may include a test kitchen, tasting room, retail farm store selling local produce, value-added products, and sealed bottles or other sealed containers of beer produced on site for consumption off the premises. Accessory structures such as sheds and barns incidental to the brewery are also permitted.

4. Hours of operation for the tasting room and retail store shall be 12:00 p.m. to 8:00 p.m. (year-round, 7 days a week).

E. Seasonal Roadside Stand and Farm Stores (ZP)

1. Roadside stands are permitted in all districts and require a Zoning Permit if greater than 50 square feet. No roadside stand shall have a gross floor area greater than 200 square feet.

2. Farm Stores of any size require Site Plan approval.

F. General Requirements

1. Parking. Parking for all permitted agricultural accessory uses shall, to the maximum extent possible, be located in areas on the site where they will be the least visible from access roads and adjoining properties, but must allow for adequate sightlines for drivers traveling on the adjacent road and entering and exiting such spaces for such road. Setback requirements apply to all parking areas. Due consideration shall be given to the posted speed limit and other pertinent factors. The ZEO and/or Commission may require additional buffering to meet the intent of the parking and landscaping regulations.

2. Location and Noise. The location of outdoor events and activities associated with Agri-tourism and/or Ag-tivities on the farm shall take into consideration the current use of surrounding properties. The Commission and/or ZEO may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties.

If the proposed activity or agricultural use regularly employs the use of an amplified sound system, there shall be a sound-absorption plan in place that confirms compliance with the State of Connecticut DEEP noise standards (§22a-69-1 through §22a 69-7-4) as amended. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm is given written notice that the noise levels are causing a nuisance to nearby properties.

1001.4 Animals and Fowl

This §1001.4 is intended to promote, protect, and encourage keeping livestock in an appropriate and responsible manner within the Town. The keeping of animals, subject to the following limitations, is permitted in all Residential and Industrial Zoning Districts regardless of farm status.

A. Definitions:

Large Animals include but are not limited to a horses, ponies, donkies, cows, bison, and/or other similar animals whose mature weight exceed 400 pounds. Pigs shall be considered large animals regardless of their mature weight.

Medium Animals include but are not limited to sheep, goats, miniature horses, and/or animals whose mature weight is between 30 and 400 pounds.

Small Animals include but are not limited to fowl and/or animals whose mature weight is less than 30 pounds

B. The keeping of any one (1) large animal or three (3) of any medium animals (other than domestic cats or dogs) as defined in Subsection A above **or** the keeping of a flock

of more than ten (10) in the aggregate of any fowl, **or** ten (10) in the aggregate of any other small animal (other than domestic cats or dogs) as defined in Subsection A above, whose mature weight is less than 30 pounds, shall require a parcel of land containing no less than 40,000 square feet of contiguous area.

Except as provided in Subsection C, for each one (1) additional large animal OR three (3) additional medium animals, OR for each additional flock of fowl or group of ten (10) small animals, the parcel must contain an additional 20,000 square feet of contiguous area. Limits do not apply to un-weaned animals less than six months in age.

C. A flock of six (6) or fewer fowl **or** a group of any six (6) or fewer small animals, as defined in Subsection A above, may be kept on lots having less than 40,000 square feet of contiguous area (except that no roosters shall be permitted).

D. There is no limit on the number of animals that may be kept on farms having ten (10) acres or more, provided all other applicable provisions of these Regulations are met. For properties containing less than ten (10) acres**,** animal densities beyond those set forth in Subsection A above may be permitted if the additional animals will be housed solely indoors.

E. Animal Waste- Storage and Disposal Best Management Practices

1. The keeping of animals and fowl and all plans for the storage and disposal of their associated wastes, shall conform to all applicable local, state and federal health, air and water pollution regulations (Note: these may be available through the U.S. Department of Agriculture, Natural Resources Conservation Service, or the UCONN Cooperative Extension Service).

2. The living quarters of livestock, poultry, and similar animals, and the handling and disposal of solid and liquid wastes must not create a public health hazard or nuisance, or have an adverse effect on the environmental quality of the surrounding area and the community in general.

3. All animals shall be suitably and adequately confined or controlled at all times.

4. Animal-keeping areas shall not be permitted directly over land containing an on-site sewage disposal system.

5. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not be allowed to pollute surface or subsurface water supplies**.**

6. **Enforcement.** § **1001.4.D applies to the keeping of all animals permitted in §1001.4.** The ZEO shall have the power to determine Best Management Practices after consulting with appropriate State and/or Local Agencies.

1001.5 Signage

In addition to the signs allowed pursuant to §312 of these Regulations, a farm may have:

A. **Agricultural Sign.** One permanent free-standing or attached sign with an area no larger than 16 square feet per side, limited to two sides (no size limit applies to "signs" painted on a barn).

Agricultural signs must comply with all other applicable standards specified in § 312.

B. **Seasonal Agricultural Sign.** One temporary free-standing or attached sign associated with a farm stand, seasonal farm stand, or agriculturally related use. Such signs shall not have an area larger than 16 square feet per side, with a maximum of two sides.

One seasonal agricultural sign per farm stand, seasonal farm stand, and/or agriculturally related use is allowed. One additional seasonal agricultural sign per every 300 feet of frontage on a public right-of-way on a farm parcel is also allowed. At no time, however, shall any farm have more than six seasonal agricultural signs. Seasonal agricultural signs shall meet all other applicable standards specified in §312.

1001.6 Specialized Agricultural Building

A. In deciding on any application for a Special Permit for a specialized agricultural building, the Commission shall seek to minimize the impact of any such use on nearby established residential, commercial, and institutional uses by requiring appropriate separation distances, buffers, and access route locations.

B. No such building or any associated waste storage or treatment area shall be located closer than 225 feet from a street centerline or closer than 300 feet from any other property line or from a watercourse, except that the distance to a property line may be reduced to 100 feet when the adjoining property is permanently preserved open space.

1002 SPECIAL PROVISIONS FOR CERTAIN RESIDENTIAL ACCESSORY USES

1002.1 ACCESSORY APARTMENTS

The construction and use of one accessory apartment associated with a single-family dwelling is permitted as follows:

A. General Provisions

1. Only one accessory apartment shall be allowed on any lot.

2. No accessory apartment shall be approved as an accessory to a duplex residential or multi-family residential use.

3. The property shall be and shall remain owner-occupied.

4. The floor area of the (residential) accessory apartment shall not exceed 35% of the total floor area of the primary dwelling unit (not including finished basements, decks or detached accessory structures) with an overall maximum of 1,200 square feet, except for primary dwellings with a floor area less than or equal to 1200sf, the residential accessory apartment *may* be increased to a maximum of 420sf.

5. A residential accessory apartment may occupy the total area of any one-story attached or detached garage, or the total area of the second story of any two-story attached or detached garage but shall not exceed 1,200 square feet in size.

6. The accessory apartment may be either attached or detached; however, the following additional criteria shall apply to attached accessory apartments.

a. The space devoted to the accessory apartment within the principal residence, or non-residential building in the case of a commercial caretaker apartment,

must contain a separate, above-grade, exterior entrance, which shall not be located on any wall facing any street.

b. The space devoted to the accessory apartment within a single-family dwelling or non-residential building must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the apartment from an interior doorway serving the remainder of the house (business), and vice versa.

c. At least one side of the accessory apartment shall be at or above grade, with any additional egress being at or above grade.

d. The accessory apartment shall have its own independent bathroom and kitchen facilities.

e. The minimum lot size shall be that of the underlying zone in which the property is located; i.e., even if the parcel is located within an overlay zone that allows smaller lot sizes, a lot with an accessory apartment must meet the larger lot-size requirements of the underlying zone.

f. The building, upon establishment of the accessory apartment, shall have any secondary entrance incorporated into the principal residence (or principal non-residential unit) to reflect the architectural style of a single-family unit (or existing non-residential unit for a commercial caretaker apartment).

B. Access and Parking

1. No additional curb cuts shall be created to serve the accessory apartment. Access from the public right-of-way shall serve both the principal dwelling unit and accessory apartment.

2. A total of at least four off-street parking spaces (which may include garage and driveway spaces) shall be provided on the lot. Such parking shall not be located in the required front, side, or rear yard setback.

1002.2 HOME OCCUPATION

A. Definition. Home occupations are defined as the use of a portion of a dwelling or out-building(s) for business purposes by the resident occupants when *clearly incidental and secondary to the residential use* of the dwelling. Uses such as hospitality, funeral homes, dancing schools, kennels, and animal hospitals are not considered incidental and accessory to a residential use and shall not be deemed a home occupation.

B. General Provisions

1. Activity associated with the home occupation shall not result in conditions or impacts inconsistent with, or detrimental to the residential character of, the premises and the neighborhood. There shall be no heavy manufacturing permitted.

2. The proposed use shall not create any objectionable noise, odor, vibration, or unsightly condition noticeable from any property line. The Commission may impose additional restrictions on the use if it determines, after a hearing for

which the owner of the home is given written notice that the noise levels are causing a nuisance to nearby properties.

3. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use.

4. No more than one non-resident shall be engaged in the activity (or parked) at the site.

5. No more than 20% of the floor area of the principal dwelling or garage shall be used for a home occupation, except that vehicles and equipment associated with the permitted home occupation may be parked or stored within the garage or a completely enclosed permanent accessory structure.

6. There shall be no outdoor storage of small equipment, parts or any other material related to the home occupation.

7. Large commercial vehicles or excavation-type equipment shall not be visible from any property line and must be registered and operational.

C. Commercial Services (off site) (e.g., Landscaping and Contractors)

1. There shall be no more than one non-resident vehicle parked on site.

2. No more than four trips shall be generated per day from the site.

3. There shall be no more than three vehicles in excess of 26,000 pounds of gross vehicle weight.

4. All vehicles and equipment, regardless of gross vehicle weight shall be registered and operational and shall be stored out of sight from all property lines.

5. Commercial services home occupations shall not be permitted on a parcel with a shared driveway.

1002.3 KENNEL

A. Hobby Kennels. No permit is required for a hobby kennel, but the best management practices described in subsection C below shall apply.

B. Commercial Kennels

1. A commercial kennel must have all licenses and permits required by state law, as, for example, by CGS §22-344, and must meet the following additional conditions.

a. The primary use of the property must be residential or agricultural. If the property contains a residence, the external architecture of the kennel shall be consistent with that of the residence.

b. The minimum lot area shall be ten acres for a commercial kennel.

c. Open exercise areas and buildings containing animals shall be a minimum of 100 feet from any property line.

d. The applicant must demonstrate how any adjacent or nearby properties that are zoned or used for residential purposes will be protected from the noise generated by the kennel. The Commission may impose additional

restrictions on the use if it determines, after a hearing for which the owner of the kennel is given written notice that the noise levels are causing a nuisance to nearby properties.

C. Best Management Practices. The user must install and maintain a system that will collect, store, and properly dispose of or treat all waste products generated by the kennel. Applicants for commercial kennels must submit plans for such facilities that conform to all applicable local, state and federal health, air and water pollution regulations.

1002.4 RECREATIONAL VEHICLES

A. A recreational vehicle may be parked or stored on a residential lot provided it is not used for living, sleeping, or housekeeping purposes; and, if it is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot.

B. Recreational Vehicles (RV), including Park Model RVs (PMRVs) are permitted in Recreational Campgrounds, and RV Parks. In Approved regular or Luxury RV Parks, the RV or PMRV may be owned by the RV Park and rented to guests or they may be brought in and used exclusively by their owners on a site rented or leased from the RV Park. RVs parked in an approved RV Park are intended for recreational use only and may not be permanently affixed to the property and may not be used as permanent residences.

1002.5 TEMPORARY MOBILE HOME/TRAILER (RESIDENTIAL USE)

A temporary mobile home/trailer, or other temporary residential unit may be used on a lot by the lot owner only during construction or repair of a dwelling (Building Permit must be issued for construction of dwelling), for a period not to exceed twelve months. A new application may be submitted for an extension not to exceed one additional year. Such temporary units must be removed from the lot within seven days of the issuance of a Certificate of Occupancy (CO) for the permanent dwelling. The maximum permit approval is limited to a two-year period and cannot be extended beyond two years.

1002.6 BED AND BREAKFAST ESTABLISHMENTS

A. Minimum lot size shall be two times that of the underlying zone.

B. The owner of the business must reside on the subject property.

C. The operation shall not alter the residential nature of the neighborhood and/or the character of the dwelling as a residence.

D. No more than eight bedrooms shall be used for overnight guests.

E. Occupancy by any one guest shall not exceed 14 consecutive nights.

F. A Special Permit shall be required if the B&B will host special events in excess of 15 guests. No such special event may exceed 50 guests. Any Special Permit issued for such events shall specify, and may limit and restrict, the date(s) and time(s) during which the events shall be permitted, as well as the specific locations and areas of the property to be used for such events.

1003 COMMERCIAL SERVICES

Commercial services may be provided either on the customer's site (e.g., landscaping, construction, excavation, custom building, painting, and plumbing) or on the provider's site (e.g., copy shops, self-service laundry, photo processing, appliance repair, pet grooming/training, and package and postal services). Commercial vehicles associated with any commercial service and stored on the property must be registered and operational (see additional regulations in §1002.2 if associated with a Home Occupation).

1004 COUNTRY INN

1004.1 Intent. To provide for the short term rental of no more than 20 guest rooms, with the serving of meals. It is the intent of this section to allow for these rentals while still keeping the rural character of the Town intact. The adaptive re-use of buildings with unique structural or historical characteristics, and/or site characteristics that lend themselves to a Country Inn setting, are encouraged.

In an R80 Zoning District, access to a Country Inn shall be only from a primary arterial, secondary arterial, or primary road, as listed in Appendix B.

1004.2 General Provisions

A. Country Inns shall be occupied by the owner or manager.

B. A Country Inn shall consist of no more than 20 guest rooms.

C. There shall be a maximum of four guests per room.

D. Maximum length of stay shall be 30 days. In order to assure compliance with this requirement, the owner/manager of the country inn shall maintain a guest book (electronic or otherwise) and make the "book" available to the Town, at the request of the ZEO, within ten days of written receipt of request. The guest book shall record the names of the individuals staying at the Country Inn and the length of stay.

E. For *new* construction, complete bathrooms shall be provided at a rate of one per guest room.

F. Access to each guest room shall be via a main entrance or foyer within the residence. Except as provided in this subsection or as may be required by fire or building code, no guest room(s) shall have a separate exterior access. The Commission may allow other access points if it finds that such accesses will not detract from the overall character of the structure as a country inn and that the size and appearance of the facility will not impair the character of the neighborhood or the use of nearby properties.

G. Minimum lot size shall be three times that of the underlying zone.

H. Adequate on-site parking shall be provided.

I. No facilities shall be allowed for cooking in rooms, but meals may be served by the owner to guests.

J. Food service may be offered to the general public as an accessory use.

K. Review shall include but not be limited to appropriateness to the neighborhood, architectural character, and historic preservation. The proposed Site Plan shall, to the extent practicable, incorporate any structural, historical, or natural features that will enhance the unique characteristics of the site.

L. A Special Permit shall be required if the Country Inn intends to host special events, in excess of 20 guests. No such special event may exceed 100 guests. Any Special Permit issued for such events shall specify, and may limit and restrict, the date(s) and time(s) during which the events shall be permitted, as well as the specific locations and areas of the property to be used for such events.

1005 DAY CARE/NURSERY SCHOOL

A. Minimum lot size shall be three acres.

B. A single-family residence may coexist on the same lot or in the same building as the day care/nursery school.

C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting.

D. A minimum 25-foot buffer area must be established around the perimeter of the lot. No building, parking lot, driveway (except for the entrance of the driveway onto the street), play area, or any other use is permitted in this buffer area.

1006 EXCAVATION (Removal and Filling of Earth Materials)

1006.1 Purpose. The purpose of this section is to manage excavation or other removal or filling of earth materials (including, but not limited to, sand, gravel, clay, loam, peat, stone, including stone walls, etc.) so as to minimize environmental damage, disruption of traffic flow, potential disruption of drainage patterns, and disturbance of the surrounding neighborhood, and to ensure adequate restoration of the site for future use when the activity is completed. The mining of trap-rock and/or quarry- type stone as a principal use is prohibited.

1006.2 Applicability

A. No contours of any land in the Town of North Stonington shall be altered by the excavation, removal or relocation of earth, loam, topsoil, sand, gravel, clay, stone or minerals or by the depositing of any material, natural or otherwise, except as provided in this §1006.

B. Any person or persons carrying on excavating, filling or earth removal operations in conformance with a valid permit may continue such operations until the termination date of the permit.

C. Any person or persons carrying on excavating, filling or earth removal operations which, except for their status as a valid nonconforming use, would be invalid under these Regulations may continue such use only within the area that was manifestly reserved or dedicated to such use at the time the provisions of these Regulations requiring a permit for excavation became effective. Any excavation beyond such area shall require a permit in accordance with this §1006.

D. **Partial Exemptions.** The following activities are exempt from the Excavation Permit (EXP) requirements of these Regulations, but shall be allowed only after the approval and granting of a Land Disturbance Permit by the ZEO. Such permit is required regardless of intended use, except where the activity is for building construction and a Zoning Permit has been issued in conjunction with a Building Permit. Before approving a Land Disturbance Permit, the ZEO must be provided with sufficient information to demonstrate that the activity will have no detrimental effect on surrounding activities or land uses; will not result in harmful environmental effects, such as soil erosion, watercourse sedimentation, or dust contamination; and that the applicant will return the site to a stable, natural condition when the activity is complete.

1. Excavation operations or filling within the legal highway rights-of-way conducted by either the State of Connecticut or the Town.

2. Operations approved by the Commission as a part of an approved subdivision, Site Plan, Special Permit or Master Plan.

3. Municipal improvement projects.

4. Excavations or filling as a result of bona-fide landscaping, agricultural or construction operations, provided that no such activity results in the removal of more than 500 cubic yards of earth products or filling more than 500 cubic yards of earth products for each parcel per year beginning on the permit issuance date. An applicant may receive subsequent Land Disturbance Permits for the next year after the ZEO conducts an inspection of the property and issues a Certificate of Completion to verify that the activity was conducted in conformance with the Zoning Permit. This shall apply to all land disturbance activity in any district.

E. **Full Exemptions.** The following activities do not require any permit (neither Special Permit, EXP, Land Disturbance, nor Zoning Permit)

1. Filling, stockpiling, or storage of earthen materials on a property in any amount less than 100 cubic yards.

2. Excavations of farm ponds approved by the Inland Wetlands Commission, provided they do not exceed 120,000 square feet in surface area and that spoils are not removed from the premises.

1006.3 **Excavation Application.** Except as provided in § 1006.2, an Excavation Permit from the Commission shall be required for any excavation. An Excavation Permit shall be available only in the R40, R60, R80, and I Zoning Districts. Applications shall include information as required in § 1303 (Special Permits) of these Regulations as well as the information included below; however, the intent is to provide only the information relevant to the proposed Excavation Use and that is deemed necessary to determine compliance with these Regulations, and not to require duplicate information. Therefore, any information typically provided for Site Plan approval that is clearly not applicable to the excavation use shall not be required. The requirements set forth in subsection B below shall supersede any similar requirements for a standard Site Plan as set forth in §1303.2 of these Regulations.

A. **Location Map.** Minimum scale 1 inch = 200 feet, certified by a Connecticut licensed surveyor, showing the following:

1. topography of all land within 500 feet of the proposed excavation; two-foot contours shall be shown within 100 feet of the activity and ten-foot contours between 100 feet and 500 feet of such area;
2. existing land and water uses on the premises and within 500 feet of the premises, including sewage disposal features and water supplies to the extent these can be determined;
3. watercourses, wetlands, soil types and flood boundaries on and within 200 feet of the premises to the extent that these can be determined;
4. public and private roads providing access to the property;
5. all utilities and easements on the premises; and
6. boundaries and acreage of the premises.

B. Detailed Site Map. Minimum scale 1 inch = 100 feet, certified by a Connecticut licensed surveyor, showing:

1. topography at two-foot contour intervals: existing, any interim stages that would exist for 90 days or more, and final grades;
2. location of all proposed roads, utilities, structures, fixed equipment, processing areas;
3. wetlands and watercourses (flagged by a certified soil scientist);
4. delineation of areas of disturbance and of active operations and their acreage, showing any planned phasing;
5. typical cross-sections of the area to be excavated, showing both existing and proposed grades and bank faces;
6. locations of stockpiles, including stripped topsoil, overburden, and reserve stock materials;
7. a sediment-and-erosion-control plan for use throughout the duration of the operation; and
8. other information as requested by the Commission to determine compliance (e.g., how and where the trucks will be stored, parked and serviced, a review by the U.S. Natural Resources Conservation Service, etc.).

C. Other Information, provided in narrative form:

1. total amount of earth materials to be removed or placed, measured in cubic yards; where phasing is proposed, amounts should be given per phase;
2. plans for debris disposal;
3. estimate of the number and type of trucks and equipment to be kept and used on the site;
4. estimate of the number of loads per day and week leaving site;
5. proposed future use of the property following completion of operations;
6. boring data, prepared by an appropriate professional, taken to four feet beyond the depth of the proposed excavation, indicating the depths, compositions and type of earth materials, and the depth to water table; and

7. such other information as may be requested by the Commission to determine compliance.

D. **Restoration Plan.** Such plan to include:

1. final grades at two-foot contour intervals;

2. final drainage patterns and plans;

3. source and type of cover material to be used, to six-inch depth;

4. detailed specifications for plantings, including species, sowing rates/planting distances, and the timing of such re-vegetation; and

5. a schedule for such restoration through monitoring of re-vegetation over the first two years following final re-vegetation.

E. Surety Requirement

1. Before an EXP authorizing the activity provided for under this section is signed and delivered to the applicant, the applicant shall deliver to the Commission, or its delegated representative, a surety in an amount satisfactory to the Commission, and in form satisfactory to Town counsel, assuring the completion of all restoration activities and elements shown on the plan and provided for in the EXP.

2. The applicant shall provide an estimate of the costs of the proposed restoration, with a separate inflation factor for the estimated duration of the restoration. The Commission may refer such estimate to its own engineer for his or her own estimate of costs, and the amount of the final cost estimate as determined solely by the Commission shall be amount of the surety.

1006.4 General Considerations. Applications for all excavation permits shall be evaluated according to the following criteria, in addition to the criteria set forth in § 1302 (as applicable) of these Regulations.

A. Appropriateness of Location. The compatibility of the proposed activity with the Town's Plan of Conservation and Development; the compatibility of the proposed activity with current and potential uses of surrounding land; the impact of the activity on the use and quality of adjacent watercourses; and the creation of potential nuisances such as noise, traffic, odors, dust, visual blight, degradation of natural resources, erosion and sedimentation, and flooding.

B. Conformance. Whether, based upon information received from the appropriate officials or agencies having jurisdiction, the proposed activity would conform with building and health codes, wetlands regulations, and any applicable Town ordinances and regulations in addition to these Zoning Regulations.

C. Public Health and Safety. Accessibility by emergency vehicles, impact on Town roads and infrastructure, potential for groundwater contamination, increased fire hazards, and creation of hazardous grades.

D. Protection of Resources. Potential for detriment to historic, cultural, scenic or natural resources in the surrounding neighborhood and the Town as a whole.

1006.5 Permit Standards. The following are minimum standards to be applied to permits for excavation and filling of earth materials.

A. **Site Size.** No excavation operation shall encompass more than five acres of active operations at any one time. Operations of more than five acres must be phased, with a comprehensive plan for phasing and restoration submitted and approved as part of the application.

B. **Buffer**. No feature of the operation shall take place within 20 feet of the property boundary, any watercourse, or any public road, except that excavation may occur to the property line when the finished grade will be the same as the grade of the adjoining property along the property line. Native vegetation shall be maintained on this buffer. If such vegetation is inadequate for screening, the Commission may impose additional screening requirements. Clearly visible boundary markers shall be maintained throughout the operation. The boundaries of excavation of any farm pond shall be wholly within the building setback line of the relevant lot.

C. **Access Road.** A non-erodible, dustless access road shall be provided for a distance of 100 feet from any public road. Such road shall have a functioning anti-tracking surface for a distance of 50 feet from the road.

D. **Traffic Issues.**

1. Truck access shall be so arranged to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.

2. Truck loads shall be covered with an approved device and shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.

3. At the point of truck access on a Town road, there shall be an adequate sight line clearance in all directions.

4. The applicants shall be responsible for cleaning and repairing any state, city, Town or private roads that have been damaged, or upon which earth materials have been deposited, because of the activities of the applicant or his agent.

5. The applicant shall provide, at its expense, all necessary special police or traffic control measures deemed necessary by the Commission.

E. **Building, Structures, Machinery and Equipment.** No structures or fixed machinery or equipment shall be stored within 100 feet of any residential property line. No processing equipment, such as a screener and/or grader, shall be located within 1,000 feet of any residential structure. Stone-crushing equipment shall not be located within 1,000 feet of an existing residence on any other lot or within 1,000 feet of a residential district boundary.

F. **Material Processing.** On-site screening, sifting, washing, crushing or other processing of earth materials may be permitted by the Commission by Special Permit, provided:

1. the lot is five acres or larger in size;

2. the applicant has demonstrated that on-site processing of earth materials will result in a reduction of site-generated truck traffic;

3. any such processing activity is located per § 1006.8E above;

4. such activity is limited to on-site earth materials only and there shall be no importation or exportation of materials from the site except as specifically approved by the Commission; and

5. all processing equipment shall use noise reduction or mitigating materials or procedures and engine muffler systems. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the noise levels are causing a nuisance to nearby properties.

G. Blasting. Any proposed blasting shall be performed in conformance with all applicable State and Federal Laws. There shall be no blasting permitted within 150 feet of any occupied dwelling, unless the Commission is provided with a report from a licensed professional engineer indicating that such blasting can be conducted without damage to such dwelling.

H. Phased Operations. Work on a subsequent phase shall not commence prior to reclamation of the previous phase according to the approved plan and approval of such reclamation by the Commission. Prior to commencement of activity on any subsequent phase, the surety shall be adjusted to ensure performance of that phase. The surety shall not be fully released for any phase until that phase has been completed.

I. Operating hours. Earth-moving activities, including the loading and movement of trucks on Town roads or State highways, shall be conducted only between 7:00 a.m. and 7:00 p.m. in the I District and between 8:00 a.m. and 5:00 p.m. in all other districts, and shall not be permitted on legal holidays and Sundays. Operating hours for processing shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. No activities generating noise that is perceptible outside of the premises shall be allowed during any other hours. Municipal operations shall be exempt from these hours.

J. Erosion and Sedimentation. Erosion by wind and water shall be controlled at all stages of operation throughout the disturbed area. Provision for proper drainage shall be made for the duration of the operation to prevent erosion of slopes, stream scour, and sedimentation, both on and off site, at all times.

K. Separating Distance from Water Table. Unless otherwise provided within these Regulations, no excavation shall remove earth materials within four feet of the spring high water table. This distance shall be maintained throughout the excavation.

L. Impact on Wetlands, Watercourses, and Drainage. No excavation or filling shall be allowed that will cause standing water to accumulate except as required for approved retention and detention basins.

M. Topsoil and Overburden Stockpiling. All topsoil, defined herein as A and B horizons, shall be stripped from the operation area and stockpiled for use in restoration of the site. No topsoil shall be removed from the site. Topsoil and overburden stockpiles shall be maintained separately and such locations shall be shown on the site map.

N. Dust. Measures shall be taken to minimize dust blowing onto neighboring properties from any part of the excavation or filling operation.

O. **Safety.** A permanent gate must be maintained at all access ways to the site. Fencing of hazardous areas may be required for protection of pedestrian or vehicular traffic.

P. **Fencing**. During the period of activity, barricades, fencing, and gates shall be erected as deemed necessary by the Commission and/or ZEO to ensure public safety.

1006.9 Restoration Standards

A. **Final Grades.** Within 30 days of the depletion of an area of one acre or more, final grading shall occur, with such grades no steeper than three feet horizontal to one foot vertical rise.

B. **Final Surface Treatment**. All stockpiled topsoil (A and B horizons, as defined by the U.S.D.A. Natural Resources Conservation Service) shall be spread evenly over the surface of the disturbed area. Minimum depth of topsoil shall be six inches.

C. **Re-vegetation**. A re-vegetation plan shall be provided that will produce permanent, maintenance-free vegetation cover. Species selected shall be those most appropriate to site conditions. The submitted plan shall include a chronology of re-vegetation that includes proper documentation to the Town regarding seeding/planting sources and quantities, chronology of installation, and inspection and maintenance until permanent stabilization is achieved. Any area inactive for more than 12 months shall be graded and re-vegetated.

D. **Debris Disposal.** Debris such as boulders and stumps shall be disposed of without causing environmental degradation or visual blight. Plans for disposal shall be a part of the application.

1006.10 **Completion of Operations**. If no renewal request has been received, the request has been denied, the operation has been abandoned for more than 12 months, or the permit has been revoked, the Commission may, following a hearing, act to declare the operation complete. Upon such action, site restoration shall commence. Final grading and re-vegetation shall be completed within 180 days. An As-built Plan, showing final grading and depth to groundwater, as prepared and certified by a professional engineer, shall be submitted.

1006.11 **Permit Duration.** An Excavation Permit shall be valid for no more than three years from the date of approval.

1006.12 **Permit Renewal**. An application for renewal of the excavation/fill permit must be received at least 60 days prior to expiration of the permit. The renewal application shall contain information as required in these Regulations and shall show the nature and extent of excavation/filling and restoration work that has been completed. No permit shall be renewed if it is determined that there are substantial, outstanding violations of any condition of the permit for which the renewal is sought. Renewals may not be granted in more than three-year increments. The Commission may require that a professionally prepared certification of compliance of the operation with the approved plan be submitted as a part of the renewal application. The surety amount may be adjusted by the Commission, based on an itemized cost estimate of permit compliance and site restoration submitted by the applicant and reviewed by Town staff, as a condition of approval of a permit renewal.

1006.13 Conformance, Inspection, and Revocation

A. Conformance with Permit. Premises shall be excavated, filled or graded only in conformity with the permit as approved by the Commission. Any deviation from the plan shall be cause for the Commission to revoke the permit.

B. Right of Inspection. As necessary for inspection purposes, any authorized agent of the Commission shall have the right of access to all operations for which excavation or fill permits have been issued or applied for.

C. Compliance Hearing. If there are reasonable grounds for the Commission to find that any of the conditions of this § 1006 have been or are being violated, the Commission may at any time:

1. halt the excavation or filling operation until it receives an updated site plan map, including contours and cross sections, completed by and certified by an engineer or land surveyor licensed to practice in the State of Connecticut; and

2. call a hearing upon five days' notice to the holder of an excavation or fill permit.

D. Findings and Revocation. If the Commission finds, based on a site inspection, an updated site plan, or a hearing, that there is or has been a violation of the permit, the Commission may immediately revoke such excavation or fill permit and order operations suspended.

1007 FARM WINERY

Access to a farm winery shall be only from a primary arterial, secondary arterial or primary road, as listed in Appendix B of these Regulations.

1007.1 General Requirements: A farm winery shall be permitted only on a farm consisting of at least ten acres, with at least five acres dedicated to vineyards, or to the growing of other fruits used on site for creating wine, and only if it meets all State permit requirements for such facilities (including, but not limited to, § 30-16(5) of the Connecticut General Statutes).

1007.2 A farm winery permit issued pursuant hereto shall authorize the permittee:

A. to sell wine in bulk from the premises where the wine is manufactured pursuant to such permit;

B. to sell wine manufactured on the farm winery premises to a retailer in original sealed containers of not more than 18 gallons per container;

C. to offer free samples of such wine to visitors and prospective retail customers for tasting and consumption on the premises;

D. to sell at retail from the premises sealed bottles or other sealed containers of such wine for consumption off the premises; and

E. to sell at retail from the premises wine by the glass and bottle to visitors for consumption on the premises. No farm winery permitted hereunder may sell any such wine not manufactured in such winery.

1007.3 Appropriately scaled special events may be considered as an accessory use to a farm winery.

1007.4 The farm winery permittee shall produce within the state an average crop of fruit equal to not less than 25% of the fruit used in the manufacture of the farm winery permittee's wine.

1008 FARM WINERY RESTAURANT

1008.1 Intent. To allow the sale and service of food prepared and consumed at a farm winery, as well as the accommodation of special group events, such as weddings, to be held at a farm winery. Such activities must be incidental to the farm winery use.

1008.2 Definition. A farm winery restaurant shall be a use incidental, complementary, and secondary to a farm winery permitted by, or legally existing prior to, the adoption of § 1007 of these Regulations. A farm winery restaurant shall be conducted in a permanent building in which hot and cold food can be prepared and served to members of the public seated indoors and/or on a patio area adjoining the building. A farm winery restaurant shall accommodate a maximum of 100 persons seated or standing indoors and 100 persons seated or standing outdoors on a patio area at any one time (for a total of 200 persons seated or standing).

A farm winery restaurant may also conduct special events, such as dinners, luncheons, weddings, corporate parties and/or teas, provided that the service of food and/or wine at such special events shall occur solely on the indoor and/or outdoor seating area described herein. The restaurant (both the indoors and the patio portion) shall be closed to the general public while any such special event is going on.

1008.3 General Provisions

A. The farm winery restaurant must be located on a single parcel of land on which the farm winery is also located, and the parcel must be a minimum of 25 acres.

B. The maximum hours of operation of a farm winery restaurant shall be 10:00 a.m. to 10:30 p.m.

C. No more than three special events may be held per week.

D. The structure in which food is prepared and served shall not exceed 2,500 square feet, including space for entrances, egress, storage, and cooking facilities. The associated outdoor patio space shall not exceed an additional 1,200 square feet. Any such patio shall be designed as an integral part of the indoor restaurant space and it shall be consistent in appearance with the indoor structures and facilities. Such a patio may have an overhead covering, such as an awning, provided the covering is shown as part of the permit application approved by the Commission.

E. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.

F. There shall be one parking space per two restaurant seats, in addition to such other spaces as may be required for the principal uses.

G. Sound systems to be used at special outdoor or indoor events shall comply with the State of Connecticut DEEP noise standards with regard to maximum decibel output (55db daytime/45db night time). The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm winery

restaurant is given written notice that the noise levels are causing a nuisance to nearby properties.

H. Outdoor events and activities shall take place at a minimum of two hundred feet from any property line. There shall be an appropriate buffer strip that screens any such activity from the adjacent properties.

1009 GOLF COURSE DEVELOPMENT

1009.1 The purpose of this § 1009 is to provide for the development of well-planned and environmentally sensitive, public and private golf courses and related accessory uses that:

A. are designed, constructed and operated to be in harmony with North Stonington's rural character and residential neighborhoods;

B. preserve and protect North Stonington's historic resources, such as historic sites, stonewalls and abandoned roadways;

C. protect natural resources such as prominent geological features, scenic views, wetlands, watercourses, aquifers, and important habitat including wildlife species of critical federal, state and/or regional concern;

D. provide local recreational opportunities; and

E. contribute to the economic development of the Town.

1009.2 Customary Accessory Uses may be constructed as part of the Golf Course Development property provided they are designed, maintained, and operated in accordance with these Regulations; and provided the Golf Course Development property also contains at least one fully constructed and fully operational 18-hole golf course that is a minimum of 6,800 yards and par 70 as measured by the Professional Golf Association (PGA). The following accessory uses are permitted:

A. A clubhouse that may include:

1. a restaurant and/or snack bar with sale of alcoholic beverages;

2. a pro shop with retail sales of items associated with the recreational activities of the Golf Course Development;

3. a health facility, other than a massage establishment, for use by golf course patrons, that may include health therapy programs, cardiovascular and strength training equipment, and sport conditioning facilities;

B. a driving range, and

D. golf villas, provided that they are used only to accommodate members of the Golf Course Development property and their guests. Guest villas must be located and constructed so as to be buffered from adjacent lots containing single-family residential homes.

1009.3 Land Requirements. The Golf Course Development property shall comply with the following requirements.

A. Property Size. The minimum contiguous acreage of a Golf Course Development property shall be 200 acres for each 18-hole golf course. The acreage shall be

considered to be contiguous even if separated by a public road (i.e., public roads may pass through a Golf Course Development property).

B. **Clearing.** Clearing for golf course greens, fairways, and roughs, and vista pruning over wetland resource areas and tees shall not exceed sixty-five percent of the Golf Course Development property. Total clearing on the property shall not exceed 75% of the parcel.

C. **Impervious Surface.** Total impervious surfaces shall not exceed 10% percent of the land area of the Golf Course Development property.

1009.4 **Environmental Management Report.** An Environmental Management Report (EMR) prepared, signed and sealed by a Connecticut Licensed Landscape Architect and Connecticut Licensed Civil Engineer, shall be submitted as part of the application for a Golf Course Development. This report shall address the Golf Course Development property and the surrounding land characteristics that influence and are influenced by the site on which the development would be built. The EMR shall describe the planning and design process, construction methods, and management of the entire Golf Course Development property. The EMR shall define specific planned actions to be taken by the applicant to achieve the purposes of these Regulations.

The EMR shall be published in three separate volumes. They are *Site Assessment*, *Site Development*, and *Site Management*.

A. **Site Assessment.** The applicant shall employ appropriate professionals to prepare a detailed site assessment of the Golf Course Development property and regional systems that impact the property. The following studies, at a minimum, shall be conducted and reported as *Volume 1* of the Environmental Management Report.

1. **Slope Analysis; Soils Analysis; Wetlands and Watercourses Resources; Vegetation Inventory; and Wildlife and Habitat Inventory** with specific reference to endangered and threatened species and species of special concern; for use by the Inland Wetlands and Watercourses Commission.

2. **Public and Private Utilities Inventory; Cultural and Historic Resources Inventory; Delineation of Special Site Features** such as prominent ledge outcroppings, stone walls and stands of or individual specimen trees; and **View sheds** to and from the Golf Course Development property.

3. **Traffic Analysis** that includes existing and future traffic volumes, area traffic accident history, existing geometric conditions at the facility entrance, and improvements necessary to provide for safe access onto and off of any public road. Such analysis shall reference the Highway Access Management Plan if one exists.

B. **Site Development.** The applicant shall employ appropriate professionals to prepare plans and performance standards for the Golf Course Development that are in sufficient detail for the Commission to determine that the development will comply with these Regulations. In addition to the requirements of Site Plan and Special Permit, the following documents, at a minimum, shall be submitted as *Volume 2* of the Environmental Management Report.

1. **Unbuilt Environment Plan** that includes a map or aerial photograph of the Golf Course Development property showing its pre-development condition without

leaves, at sufficient resolution or graphically enhanced to reveal significant features such as existing structures, foundations, stone walls, prominent trees, ledge outcroppings, watercourses, roads and trails. Pre-development groundwater and surface water monitoring shall include analysis for the same elements that will be monitored post-development. Both existing and proposed property boundary lines and infrastructure shall be shown on this plan.

2. **Overall Development Master Plan** at a scale of one inch equals one hundred feet that defines all phases and future intentions proposed for the Golf Course Development property. This plan shall show the proposed golf course routing, specifically delineating where and how any prominent features shown on the Unbuilt Environment Plan will be removed, altered or mitigated.
3. **Phasing Plan** that describes the various phases of the project and their schedule.
4. **Construction Sequencing Plan** that includes a timeline showing the entire construction schedules.
5. **Integrated Turf Management Plan** for all golf course and grounds maintenance including specific lists of chemical usage and organically derived products, and the protocol for regular review of their use to minimize adverse environmental impacts.
6. **Water Budget/Management Plan** for all groundwater withdrawal needs on the Golf Course Development property. This shall include the submission of all information provided to the Connecticut Department of Energy and Environmental Protection, including any application for a Water Diversion Permit for the site.
   - **a.** Identification of the quantities of potable water to be used for clubhouse facilities, maintenance facilities and any other outbuildings using water; and identification of the source of such potable water.
   - **b.** Description of irrigation water requirements under normal precipitation conditions and under drought conditions, and identification of the sources of the irrigation water supply.
   - **c.** Identification of proposed locations of water wells and ponds, lakes or watercourses to be modified or developed for use as the potable water and/or irrigation supplies.
   - **d.** A comprehensive water budget analysis to demonstrate the quantitative impact on aquifers, wells, watercourses and other surface water bodies.
   - **e.** Plan for addressing potential adverse effects of drawdown on neighboring wells.
   - **f.** The relationship of the irrigation plan to the Stormwater Management Plan where on-site ponds or lakes are to be used or created as part of the irrigation water supply.

C. Site Management. The following documents, at a minimum, shall be submitted as *Volume 3* of the Environmental Management Report.

1. **Groundwater Quality Monitoring Plan** shall propose locations of monitoring wells and other testing stations, the testing frequency and the protocol for testing, including tests for specific chemicals that are used on the Golf Course Development property.

2. **Action plans** for meeting the planning goal for nitrogen/nitrate loading of five ppm for the entire Golf Course Development and actions to be taken by the applicant if water quality goals are not met.

3. **Surface Water Quality Monitoring Plan** shall propose the location and protocol of instrument testing of water levels and water quality on all wetlands and watercourses located immediately down-gradient of the Golf Course Development and of the grounds maintenance activities described in the Integrated Turf Management Plan.

4. **Habitat/Vegetation Enhancement Monitoring Plan** shall propose the specific task commitments, frequency of site visits and action activities, such as biodiversity monitoring, to meet permitted goals and/or conditions.

1010 HOSPITAL

Hospitals are subject to the following additional conditions:

A. all ingress and egress from such site shall have direct access to a state or federal highway, or Town-owned road; and

B. where any off-street parking, ambulance, or delivery areas that abut any residential district, screening shall be provided as per §§1103 and 1104.

1011 HOTEL

These Regulations are intended to establish large, high-quality, temporary accommodations for the traveling public that are compatible with the natural appearance and rural character of North Stonington, and that are located and operated to minimize their impact on local traffic, the environment, and community services and utilities; and to ensure that surrounding property values are maintained. The nature of activities associated with hotels such as the accommodation of large numbers of guests for sleeping, eating, and entertainment; and their frequent late arrival and early departure dictates that requirements be imposed to ensure that guests' needs, safety, and welfare are met and that the impact of the activities on surrounding properties is minimized.

1011.1 General Requirements. Hotel use shall be subject to the following standards:

A. the minimum size of the use shall be 80 units; and

B. no structures or parking shall be located within the required side or required rear setback areas; and required side and rear setback areas shall contain only landscaping, required buffers, permitted signs, driveways, and sidewalks.

1011.2 Unit Size. Units shall have either (1) a minimum unit floor area of 325 square feet per unit, or (2) a mix of 50% units having a minimum floor area of 275 square feet each and 50% units having a minimum floor area of 375 square feet.

1011.3 Occupancy. The duration of stay of any guest in a hotel shall be not more than 30 consecutive days. In no case shall a hotel unit be used as a permanent residence.

1011.4 Accessory Uses. If a site is used for a hotel, the site and all structures on the site shall be limited to accessory uses incidental to the operation of the hotel. All accessory uses for the hotel shall be of the same general appearance and character, shall be planned as an integral part of, and shall be located on the same site with the hotel. Such accessory uses shall be limited to the following:

A. one apartment with kitchen facilities for accommodation by the hotel manager or caretaker;

B. restaurants and other hospitality uses for serving hotel guests and the general public;

C. theaters, auditoriums, convention centers, ballrooms, exhibition halls, conference suites, or other similar facilities serving hotel guests and the general public;

D. recreation and health facilities for use by hotel guests;

E. retail shops and service establishments that are supportive of, but supplemental to, the principal hotel use;

F. an outdoor patio, terrace, veranda, gallery, portico, or similar structure for leisure use by patrons for the consumption of food or drink;

G. a lobby or lobbies, registration desk, manager's office, and public or patron accommodation facilities; and

H. off-street parking lot or parking garage for the use of hotel guests, patrons, and employees.

1011.5 **Accessory Use Access.** All normal access to hotel accessory uses, except recreation and banquet facilities, shall be from within the hotel through a lobby or foyer.

1012 MEMBERSHIP CLUB

1012.1 **MEMBERSHIP CLUB (FIREARMS):** This §1012.1 deals with membership clubs that focus on sporting activities and allow the use or handling of firearms on the premises in connection with such activities. **General Provisions:**

A. The membership club must be a registered or incorporated non-profit establishment (under CGS §501(c) (7)).

B. The minimum acreage required for a membership club (firearms) shall be 100 acres.

C. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. Any and all non-members shall be accompanied by a regular member at all times.

D. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of, the membership club; except that overnight camping may be permitted for members.

E. Food service may be provided to members and their guests. Alcoholic beverages may not be sold for consumption on the premises.

F. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the noise levels are causing a nuisance to nearby properties.

G. Accessory Uses: Accessory uses to a membership club (firearms) include, but are not limited to, the following:

a. hunting;
b. fishing;
c. overnight camping (e.g., tent camping);
d. hiking and nature walks;

e. keeping of game birds;
f. organized shooting and archery competitions;
g. safety courses and training events;
h. special events such as club dinners, holiday parties, fundraisers, and field day events that may include basic food service; and/or
i. gun ranges, provided the club submits satisfactory evidence to the Commission that such ranges may be used safely and that sufficient measures will be used to protect all nearby properties from danger and harm.

1012.2 MEMBERSHIP CLUB (NO-FIREARMS) This §1013 deals with membership clubs other than those described in §1012 (i.e. Elks Club, VFW). **General Provisions**

A. The minimum acreage required for a membership club (no-firearms) shall be that of the underlying zone.

B. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. Any and all non-members shall be accompanied by a regular member at all times.

C. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of the membership club (no-firearms).

D. Food service may be provided to members and their guests. The sale of alcoholic beverages to be consumed on the premises is permitted in conjunction with normal food service operations only.

E. Accessory Uses: Accessory uses to a membership club (no-firearms) include, but are not limited to, special events such as club dinners, banquets, fundraisers, community events and picnics.

1013 MICRO-ASSISTED LIVING FACILITY (MALF)

1013.1 General Provisions:

A. Micro-Assisted Living Facilities shall be permitted by Special Permit in all Residential Zones on parcels with approved access from a primary road (as listed in Appendix B), and in existing single-family or duplex residents in the EDD or RC Zone.

B. Minimum Lot Size shall be 80,000 sf.

C. Maximum Number of Residents shall be 16.

D. The Special Permit application shall be accompanied by a Site Plan except that where an existing residence is proposed to be converted to a MALF, and a Certified A-2 Survey prepared after 1996 exists on the land records, Applicants may submit a detailed Plot Plan drawn to scale showing compliance with the following provisions of the Zoning Regulations and those provided in this Section 1013, and need not submit any of the additional information or materials noted in the "Site Plan Check Sheet" found in Appendix D of these Regulations, except as may be needed for the Commission to evaluate the Special Permit criteria:

1. §1103 (Landscaping)
2. §1104 (Parking)

3. §1105 (Access Management) except that existing gravel driveways are permitted provided they meet the width and maximum grade requirements and have a surface capable of H20 loading.
4. §1106 (Refuse Storage)
5. §1110 (Outdoor Illumination)
6. §1111(SE&SC) and §1112 (Stormwater Management) as applicable

The Commission may require the submission of additional materials or information from the "Site Plan Check Sheet" if it finds that the application materials provided are inadequate to evaluate the application or if the proposed Special Permit use may require modifications to the previously approved Site Plan or Recorded Approved As-built Plan for a residence.

E. Facilities must be fully compliant with applicable Building, Health, and Fire Codes (as amended) and must be fully handicapped accessible (including elevators if greater than 1 story).

F. Residents shall be capable of self-preservation.

G. Applicants must provide documentation of adequate water supply and septic system to accommodate the proposed number of residents.

H. The proposed facility must be fully accessible to all emergency vehicles. Adequate turn-out areas or circular driveways shall be provided.

I. Applicants shall show compliance with the Special Permit Criteria provided in §1303.4

1014 MOBILE HOMES

1014.1 Mobile Home Locations. No mobile home shall be moved, whether on the same lot or elsewhere in the Town of North Stonington, except to achieve greater conformity with these Regulations. Except as provided in §1014.3, mobile homes brought into the Town of North Stonington shall be parked or stored only in an approved mobile home park. **Note:** Construction trailers/offices as part of an approved Site Plan (non-residential use) and temporary mobile homes/trailers/units to be used during the construction of a residence are not considered mobile homes for the purposes of this §1014.

1014.2 Mobile Home Attachments. No permanent additions of any kind, other than decks and porches, shall be built onto (permanently attached) or become part of a mobile home, nor shall the mobile home be attached permanently to the ground.

1014.3 Mobile Home Wheels. The wheels of a mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach to prevent movement of the springs while the mobile home is parked and occupied.

1014.4 Mobile Home Occupancy during Construction of Dwelling. A permit to occupy a mobile home may be approved by the Zoning Enforcement Officer for one year under the following conditions:

A. such permit shall be issued to the owner of a parcel on which his or her private dwelling is to be constructed, altered, or reconstructed;

B. the mobile home shall not be moved onto the property until a Building Permit has been issued for such building construction and proof of contractual commitment has been

established with the ZEO; except that when the mobile home is to be used as a temporary residence in place of a dwelling that was destroyed or declared uninhabitable, such Building Permit and proof of contractual commitment shall not be required and the ZEO may approve immediate installation and occupancy of the mobile home. In either case, all other parts of §1014.3 shall apply;

C. before occupancy, the mobile home shall be connected to the permanent water supply and sewage disposal system that will serve the completed dwelling;

D. such permit may be issued for not more than one year, and may be renewed only provided the foundation, first floor, and first floor walls and ceilings of the permanent home shall have been constructed before the renewal is granted. The renewal of such permit shall be for a period not to exceed one year;

E. the Plot Plan filed with the application for the dwelling Building Permit shall show, in addition to information required for building construction, the proposed location of the mobile home, water supply, and sewage disposal system, and such Plot Plan shall become a part of the application for a permit; and

F. the mobile home shall not be occupied after the permanent dwelling is occupied, and the failure to remove the mobile home from the premises within 60 days after occupancy of the dwelling shall be considered a violation of these Regulations.

1014.5 Mobile Home Replacement

A. Conditions for Replacement. The owner of a permitted mobile home shall be entitled to replace the same, provided that the location of the replacement mobile home does not increase any non-conformity with respect to the bulk requirements of the underlying zoning district. The applicant must apply for a Zoning Permit and prove that the existing mobile home sought to be replaced was upon the lot and occupied as a dwelling on May 21, 1964.

B. Expiration of Permit for Replacement. Any permit for mobile home replacement granted under the provisions of this §1014.5 shall expire and terminate 90 days following its issuance if the replacement is not installed.

C. Removal of Original Mobile Home. An existing mobile home must be removed from the lot on which it was placed within seven days of the placement of the replacement mobile home.

D. Septic System Approval. The applicant must obtain written confirmation from the Town Health Office that the on-site sewage disposal system has been inspected and final hook-up of the mobile home to the system is authorized.

1015 PUBLIC UTILITY SUBSTATION

A public utility substation or telephone equipment building located in any Residential Zoning District shall conform to the following special standards.

A. Any building in connection with the use shall have a design that is in harmony with residential architecture in the neighborhood.

B. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees, or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street.

C. There shall not be any rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or offices.

1016 RECREATIONAL CAMPGROUND

1016.1 Design. The design of any recreational campground shall conform to the following standards:

A. The campground shall be located on a well-drained site that is properly graded to ensure drainage and freedom from stagnant pools of water.

B. Each recreational vehicle space shall be at least 1,000 square feet and the total number of spaces shall not exceed 15 per acre of campground. No campground shall be permitted on a site of less than 25 acres.

C. All recreational vehicle spaces shall abut a driveway not less than 12 feet wide for one-way traffic or less than 25 feet wide for two-way traffic. No RV or tent space shall be closer than 30 feet to any property or street line bounding the campground, or less than 100 feet from any existing residence. Spaces and driveways shall be identified by a letter, number, or combination thereof.

D. Under no conditions shall anyone be permitted to park in a roadway or driveway. These must be kept open for use by emergency vehicles.

E. Except as provided elsewhere, there shall be a minimum 25-foot buffer strip between the recreational campground and property boundary. The strip shall contain a screen of shrubbery or trees not less than four feet above the ground level at the time of occupancy and shall thereafter be suitably and neatly maintained. The screen shall consist of at least 50% evergreens to maintain a dense screen at all seasons of the year. There shall be a fence on the property line between the campground and any highway, street, or abutting property.

1016.2 Recreational facilities shall be provided in recreational campgrounds in accordance with the following standards:

A. A minimum of 500 square feet per recreational vehicle space shall be developed for recreational or playground uses. Mechanical outdoor amusement rides are expressly prohibited.

B. Playgrounds shall be protected from main highways and parking areas.

C. Recreational facilities shall be designed and maintained to promote maximum safety for the users, adjacent property owners, and the general public.

D. A responsible attendant or caretaker shall be in charge at all times to keep the recreational campground, including facilities and equipment in a clean, orderly, and sanitary condition.

E. Recreational campgrounds **shall** provide the following supporting facilities:

1. Sanitary facilities, consisting of flush toilets, lavatories, and showers with hot and cold running water shall be provided at all recreational campgrounds in numbers specified by the State Public Health Code.

2. Each recreational campground shall have a lobby or office with a registration clerk.

3. Off-street parking spaces shall be provided for visitors and employees. Minimum parking spaces shall be six for any campground, plus one additional parking space for every 25 recreational vehicle spaces or fraction thereof.

4. Campgrounds accommodating recreational vehicles with holding tanks shall provide facilities for the dumping and disposal of wastes from such holding tanks in accordance with the State Public Health Code.

F. Recreational campgrounds **may** provide the following additional supporting facilities:

1. A recreational campground may maintain a store and coin-operated laundry for the convenience of its campers. Free access to any such facility shall be provided for delivery trucks.

2. Ice, soft drinks, candy, and similar concessions may be provided.

1016.3 Occupancy Limitations

A. Main Season. A recreational campground may accommodate travel, vacation, and recreational camping equipment and vehicles for any length of time during the period from May 15th to October 15th in any calendar year.

B. Off Season. From October 16th in any calendar year to May 14th of the following calendar year, recreational campgrounds may accommodate travel, vacation, and recreational camping equipment and vehicles for a period of no more than 30 days per registered visitor, in a designated portion of the recreational campground that will remain accessible by emergency vehicles during the winter months. Recreational camping vehicles and equipment may be stored, unoccupied, at an approved recreational campground for the off season.

C. Other Limitations. Occupancy at the campground shall not be construed as qualification for residency in the Town of North Stonington and no recreational campground may accommodate or rent space to anyone for more than 180 days in any calendar year.

1017 RECREATIONAL FACILITY, INDOOR AND/OR OUTDOOR

A. All applications for either an Indoor or Outdoor Commercial Recreational Use shall include a **Use Management Plan** describing steps taken to ensure that all commercial recreational uses are designed to prevent any glare from night lighting into residential areas, and that the hours of operation for potentially noisy uses are limited so as to not disrupt any abutting or nearby residential areas.

B. All applications for Indoor and/or Outdoor Recreational Facilities shall include a Comprehensive Traffic Study that demonstrates that the proposed use(s) would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public and existing residential properties.

C. Per §1302.2(G), the Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. Minimum Lot size for an Indoor and/or Outdoor Recreational Facility shall be that of the underlying Zoning District.

E. Required buffer areas along property boundaries between an Indoor and/or Outdoor Recreational Facility and an abutting Residential Zoning District shall be increased to 50 feet. This distance may be increased but **cannot** be reduced even if the recreational use is part of a Master Plan approval (per §902).

1018 RECREATIONAL VEHICLES PARK, LUXURY

A. Applications for a Luxury RV Park must conform to the provisions of Recreational Campground found in §1016 except that the following additional Accessory Uses customarily found at a Luxury RV Park may be permitted:

1. One (1) spa and/or fitness center
2. One (1) Clubhouse not to exceed 5,000sf for movies or events (provided there is no amplified music at events).
3. Community fire pit(s)
4. Indoor and Outdoor Sports Facilities such as tennis and basketball courts
5. Recreational Activities such as a Putting Green, Bocce Court, Disc Golf, etc.
5. Indoor or Outdoor Swimming Pool and Hot Tubs
6. Hospitality Uses not to exceed 5,000sf
7. On-site Retail
8. The Commission may consider other amenities not listed in this Subsection if shown to be customary and accessory to a Luxury RV Park.

B. The Buffer provisions outlined in Section 1016.1E (Recreational Campgrounds) shall apply except that the required buffer strip between permitted accessory uses listed in Subsection A above and any property line abutting a Residential Zoning District shall be a minimum of 50 feet. This minimum buffer strip width cannot be reduced even if the Luxury RV Park is part of a Master Plan approval (per Section 902)

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1020 VETERINARY OR ANIMAL HOSPITAL

Veterinary or animal hospitals are subject to the following standards:

A. The minimum lot area shall be as required for the underlying district in Commercial and Industrial Zoning Districts. In Residential Zoning Districts, minimum lot area shall be that required for the underlying Zone or 60,000 square feet, whichever is greater.

B. All activities shall be conducted either within an enclosed building that shall be sufficiently soundproof, or in such other manner as not to create a nuisance to adjoining property owners or the general public. Any open areas for animals shall be a minimum of 100 feet from any property line. The Commission may impose additional restrictions on the use if it determines,

after a hearing for which the owner of the facility is given written notice that the noise levels are causing a nuisance to nearby properties.

C. There shall be no boarding except as required for medical treatment. Said boarding shall be accessory to the principal veterinary outpatient use.

D. The applicant shall provide plans describing the design, installation, and maintenance of a system that will collect, store, and subsequently dispose of or treat all waste products other than domestic sewage. All plans for the storage and disposal of wastes shall conform to all applicable local, state and federal health, air and water pollution regulations so as to not create a public health hazard or nuisance, or have an adverse effect on the environmental quality of the surrounding area and the community in general.

1021 WIND AND SOLAR ENERGY FACILITIES

1021.1 Solar Energy Facility Standards

A. Lighting and Signage

1. Lighting. Lighting of the solar energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be designed to minimize glare on abutting properties and shall be directed downward with full cut-off fixtures to reduce light pollution.

2. Advertising. Solar energy facilities shall not be used for displaying any advertising.

B. Utility Connections. Utility connections from the solar energy facility shall be located underground when feasible. Applicants who wish to use above-ground interconnections must demonstrate why underground utilities are infeasible (e.g., due to soil conditions, shape, or topography of the site or to specific requirements of the utility provider).

C. Safety. The applicant shall provide a copy of a project narrative/summary and Site Plan to the local emergency services entity, as designated by the Commission. The applicant shall cooperate with any request of such local emergency service entity(ies) to develop an emergency response plan.

D. Clearing of Vegetation. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the solar energy facility or is otherwise required by applicable laws, regulations and ordinances.

E. Unauthorized Access. Solar energy panels or other structures that are part of a solar energy facility shall be designed to prevent unauthorized access. The Commission may require fencing to ensure public safety.

F. Monitoring and Maintenance. The solar energy facility shall be maintained in a neat, clean operating condition. All maintenance shall be performed in a timely manner. Maintenance shall include, but not be limited to, structural repairs and integrity of security measures. Reasonable site access shall be maintained for review by authorized officials, such as, but not limited to, the Fire Chief, and for emergency medical services.

1021.2 Small-Scale Wind Energy Facility (System) Standards

This §1021.2 shall apply to wind energy conversion systems that (1) consist of a horizontal access or vertical access wind turbine, a stationary tower, control or conversion electronics, and associated accessory structures; (2) are intended primarily to reduce on-site consumption of utility power; and (3) have a rated capacity of not more than 60kW. Such systems do not include utility-scale wind facilities, where the primary use is electrical generation to be sold on the wholesale electricity market.

A. Special Application Requirements. Special Permit applications for Small-scale Wind Energy Facilities shall include a Plot Plan (in place of required Site Plan of the subject property), drawn to a scale of not less than one inch equals 40 feet horizontal on sheets 24 inches x 36 inches in size. The Plot Plan shall be drawn upon a drawing base that uses the existing Town GIS data for the information required in the application check sheet in Appendix C. The application shall include profile drawings showing the tower and all appurtenances, minimum and maximum height above the ground of turbine blade tips, footings, and guy wires or other structural supports. The applicant shall provide a report containing a description of the tower with technical supporting documentation establishing its structural integrity and need for accessory structures.

B. Limitation of Structures. In all Zoning Districts, a maximum of one turbine and one tower is permitted per three acres of land.

C. Facility Height. The height above natural grade of the wind turbine hub plus the distance to the tip of the longest attached blade shall not exceed 100 feet. The height of the blade shall not be less than 15 feet from the ground.

D. Appearance. The tower and accessory structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and built environment.

E. Setbacks. A fall circle with a radius equal to 1.1 times the Small-scale Wind Energy Facility (System) height shall be provided within the parcel upon which the tower is located. The distance may be increased by the Commission if it finds that special local conditions require an additional setback for public safety, protection of neighborhood character or aesthetics, or other reasons. Guy wire anchors and accessory facilities may extend no closer to property lines than the minimum Zoning District setback requirements for accessory structures.

F. Wetlands and watercourses. Small-scale Wind Energy Facilities (Systems) shall not be located within any inland wetlands and watercourses, tidal wetlands, or coastal resources as defined in Title 22a of the Connecticut General Statutes.

G. Noise. Small-scale Wind Energy Facilities (Systems) shall not exceed noise and vibration standards as set forth in the State of Connecticut DEEP Noise Standards. The applicant shall submit any available information regarding the noise generated by the proposed facility. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the noise levels are causing a nuisance to nearby properties.

H. **Signs**. Advertising signage, communication devices, cellular dishes or the like shall not be attached to a tower.

I. **FAA Requirements and Lighting**. Small-scale Wind Energy Facilities (Systems) shall comply with applicable FAA regulations (e.g., 14 CFR Part 77, entitled "Objects Affecting Navigable Airspace"). Towers shall not be artificially lighted unless required by the FAA. If lighting is required, the Commission shall review available lighting alternatives and approve a design that will cause the least disturbance to surrounding views.

J. **Fencing**. The Commission may require fencing to ensure public safety.

1021.3 Large-Scale Wind Energy Facility Standards

This §1021.3 shall apply to all wind energy systems that do not meet the criteria set forth in §1021.2 for Small-scale Wind Energy Facility (System).

A. **Facility Height** (as measured from natural grade to the top of the tower plus distance to tip of the longest blade). Wind Energy Facilities shall be no higher than 400 feet unless the applicant demonstrates that such height reflects current industry standards for a similarly sited Wind Energy Facility.

B. **Setbacks.** Wind turbines shall be set back from any abutting property line a distance no less than a distance equal to 1.1 times the Wind Energy Facility height (see §1021.3.A). The distance may be increased by the Commission if it finds that special local conditions require an additional setback for public safety, protection of neighborhood character or aesthetics, or other reasons.

C. **Color and Finish**. The turbine and tower colors must be reasonably designed to blend with the surrounding environment.

D. **Lighting and Signage**

1. **Lighting.** Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the Wind Energy Facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
2. **Advertising.** Wind turbines shall not be used for displaying any advertising.

E. **Utility Connections.** Utility connections from the Wind Energy Facility shall be located underground when feasible. Applicants who wish to use above-ground interconnections must demonstrate why underground utilities are infeasible (e.g., due to soil conditions, shape, or topography of the site or to specific requirements of the utility provider).

F. **Support Towers.** Monopole towers are the preferred type of support for Wind Energy Facilities.

G. **Emergency Services.** The applicant shall provide a copy of the project summary and Site Plan to the local emergency services entity, as designated by the Commission. The applicant shall cooperate with any request of such local emergency service entity(ies) to develop an emergency response plan.

H. **Shadow/Flicker.** Wind Energy Facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant shall provide a shadow flicker and blade glint model for any proposed Wind Energy Facility.

I. **Noise.** Audible sound from a Wind Energy Facility shall not exceed 50 dBA as measured at the property line of any abutter. Methods for measuring and reporting acoustic emissions from wind turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1-1989 titled *Procedures for the Measurement and reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.*

1. The applicant shall provide a noise study that includes baseline and pre-construction ambient noise levels, as well as the potential noise of the facility, including low frequency, audible and inaudible, infrasound, and any other noise.

2. The applicant shall have the burden to prove that the noise generated by the facility will not have adverse impacts on persons or property reasonably likely to be affected by the property. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the noise levels are causing a nuisance to nearby properties.

J. **Land Clearing.** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Wind Energy Facility or as otherwise required by applicable laws, regulations, and ordinances.

K. **Unauthorized Access.** Wind turbines or other structures that are part of a Wind Energy Facility shall be designed to prevent unauthorized access. The Commission may require fencing to ensure public safety.

L. **Ice Throw Calculations.** The applicant shall submit a report from a professional engineer that calculates the maximum distance that the ice from the turbine blades could be thrown. The basis for the calculation and all assumptions must be disclosed.

M. **Avian and Wildlife Impact**. The applicant shall conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

N. **Electromagnetic Interference**

1. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

2. No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

O. **Monitoring and Maintenance.** The applicant shall maintain the Wind Energy Facility in good condition. All maintenance shall be performed in a timely manner.

Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

P. **Additional Site Plan Information.** In addition to any information needed to satisfy the requirements for Site Plan or Special Permit approval, an application for approval of a Wind Energy Facility must include the following information:

1. **Location Map.** Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning District designation for the subject parcel should be included; however, a copy of a zoning map with the parcel identified is acceptable.

2. **Area Plan.** A 200 scale plan of the proposed Wind Energy Facility site, with contour intervals of no more than ten feet, showing the following:

   a. property lines for the site parcel and adjacent parcels within 300 feet;

   b. outline of all existing buildings, including purpose (e.g., residence, garage) on the site parcel and on all other parcels within 2,000 feet of the site; include distances from the Wind Energy Facility to each building shown;

   c. location of all roads, public and private on the site and on all parcels within 500 feet of the site, and proposed roads or driveways, either temporary or permanent;

   d. existing areas of tree cover, including average height of trees, on the site and on all parcels within 500 feet of the site;

   e. proposed location and design of the Wind Energy Facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.;

   f. location of viewpoints referenced below in § 1021.3.P.3;

   g. location of wildlife protection areas within 2,500 feet of proposed Wind Energy Facility; and

   h. the area that could potentially be impacted by ice or blade throw.

3. **Visualizations.** The Commission shall select a minimum of four sight lines, including from the nearest building with a view of the Wind Energy Facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two-mile radius of the Wind Energy Facility. View representations shall have the following characteristics:

   a. all shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the Wind Energy Facility (e.g., superimpositions of the Wind Energy Facility onto photographs of existing views);

   b. all shall include existing, and proposed, buildings or tree coverage; and

c. all shall include a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

1022 WIRELESS COMMUNICATIONS TOWERS, ANTENNAS AND FACILITIES

1022.1 Intent. These regulations are specifically intended to:

A. maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of towers needed to serve the community;

B. encourage providers to co-locate their facilities on a single tower;

C. locate facilities below visually prominent ridge lines;

D. minimize the location of facilities in visually sensitive areas;

E. encourage creative design measures to camouflage facilities;

F. protect historic and residential areas from potential adverse impacts of communication towers; and

G. avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

1022.2 Siting Preferences. The locations for siting the equipment involved in or associated with wireless telecommunication services are listed below in order of preference.

A. On existing structures such as buildings, water towers and utility poles.

B. On existing or approved towers.

C. On new towers less than 60 feet in height located in Commercial or Industrial Zoning Districts.

D. On new towers less than 60 feet in height located in Residential Zoning Districts.

E. On new towers 60 feet or greater in height located in Commercial and Industrial Zoning Districts.

F. On new towers 60 feet or greater in height located in Residential Zoning Districts.

1022.3 Area and Height Requirements

A. Lot Size. Sites used for a freestanding tower shall comply with the minimum lot-size requirements for the Zoning District in which they are located.

B. Height. No tower, including the antenna and all other appurtenances, shall exceed 200 feet in height above ground level. The maximum height of any rooftop-mounted equipment building or box shall be 15 feet above the roof surface.

C. Setbacks. All freestanding monopole towers shall be set back at least one foot from any property line for each foot of vertical height.

1022.4 General Requirements

A. No Wireless Telecommunication Facility shall be located within 200 feet of an existing or proposed residence.

B. No lights shall be mounted on proposed towers unless otherwise required by the FAA.

C. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or grey.

D. Towers may not be used to exhibit any signage or other advertising.

E. 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 between 50 feet and 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

F. 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.

G. No proposed Wireless Telecommunication Facility shall be designed, located or operated as to interfere with existing or proposed public safety communications.

H. The design of all Wireless Telecommunication Facilities shall comply with the standards promulgated by the Federal Communications Commission for non-ionizing electromagnetic emissions.

I. All utilities proposed to serve a Wireless Telecommunication Facility shall be installed underground unless the Commission determines that such installation would be infeasible or extraordinarily costly in comparison with other alternatives.

J. All generators installed in conjunction with any Wireless Telecommunication Facility shall comply with State and local noise regulations. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the noise levels are causing a nuisance to nearby properties.