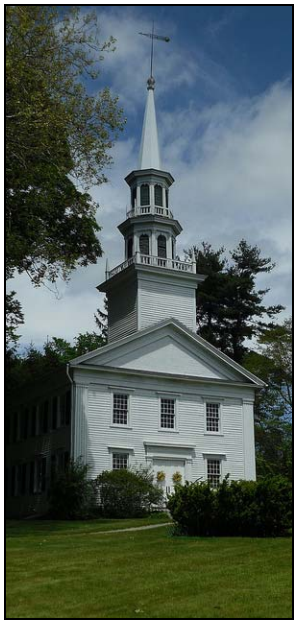
EASTON, CONNECTICUT

ZONING REGULATIONS



PLANNING & ZONING COMMISSION

Effective July 27, 2019

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1000 REGULATORY BASICS

1100 AUTHORITY

The Planning and Zoning Commission of the Town of Easton, Connecticut, in accordance with the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.), as amended, has adopted and established the following Zoning Regulations for the Town of Easton, Connecticut.

1200 PURPOSES

1210 STATUTORY PURPOSES

In accordance with CGS Section 8-2, these Regulations are adopted to:

1. Protect the public health, safety, convenience and property values;
2. Lessen congestion in the streets;
3. Secure safety from fire, panic, flood and other dangers;
4. Promote health and the general welfare;
5. Provide adequate light and air;
6. Prevent the overcrowding of land;
7. Avoid undue concentration of population; and
8. Facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1220 ADDITIONAL PURPOSES

In addition, these Regulations are intended:

1. To protect the quality of surface water and groundwater resources in the Town of Easton.
2. To guide the future growth and development of the Town in accordance with a comprehensive plan designed to promote the most beneficial and convenient relationship among the various uses within the Town considering the appropriateness of various existing uses in each area, the suitability of each area for such uses as indicated by existing conditions and the needs of all the residents of the Town.
3. To protect the character and the social and economic stability of all parts of the Town and to ensure that all development shall be orderly and beneficial.
4. To protect and conserve the value of land throughout the Town and the value of the buildings appropriate to the various zones established by these Regulations.
5. To bring about the gradual conformity of the uses of land and buildings throughout the Town to these Regulations and to minimize conflicts among the uses of the land and· buildings.

6. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Town having particular regard to the avoidance of congestion in the roads and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Town.
7. To aid in providing a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprises in building, development, investment; and other economic activity, relating to uses of land and buildings throughout the Town.
8. To assure development that is commensurate with the availability and capacity of public facilities and services thereby avoiding overtaxing of transportation, water, sewage disposal capacity, schools, parks and other public facilities.
9. To prevent the pollution of wetlands and watercourses; safeguard the water table and encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land and to preserve and protect the water supply for the entire region.
10. To safeguard and protect the tranquility and quality of life throughout the Town and to provide for the health, safety and general welfare of the residents of the Town of Easton.

1300 ZONING DISTRICTS

1310 ZONING MAP

1. In order to accomplish the purposes of these Regulations, the Town is divided into districts as enumerated within these Regulations and as shown on the most current Zoning Map adopted by the Commission. Such Zoning Map is hereby declared to be a part of these Regulations.

1320 INTERPRETATION OF DISTRICTS AND BOUNDARIES

1. The boundaries of the zoning districts shall be as shown on the most current Zoning Map adopted by the Commission.
2. Where so indicated on the Zoning Map, district boundary lines are intended to follow lot lines or center lines of streets, rights-of-way or water courses, or be parallel or perpendicular thereto at the distance indicated on the Zoning Map.
3. In the event that the Zoning Map is unclear as to the zoning designation of a property or portion thereof, the interpretation of the Zoning Map as to zone boundaries or dimensions shall be made by the Commission.
4. These Regulations shall apply to land under water as well as land above water.

1400 APPLICATION OF REGULATIONS

1410 CONFORMITY REQUIRED

1. No building, structure or land shall be used or occupied, in whole or in part, except in conformity with all applicable Sections of these Regulations.
2. No building, structure or premises or any part thereof shall be built, erected, moved or altered except in conformity with all applicable Sections of these Regulations.
3. No lot shall be reduced, divided, or created such that the area, width or other dimensions of the lot or any of its required yards or required open areas shall be less than prescribed by these Regulations.
4. A certificate of zoning compliance shall be required for all new construction and for any alteration of an existing structure or a change in use of the premises.

1420 PROHIBITED IF NOT PERMITTED

1. Any use or activity within a zoning district which is not explicitly permitted by these Regulations shall be deemed to be prohibited within such district.

1430 MINIMUM REQUIREMENT

1. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare unless the context clearly indicates that the provision is intended to be a maximum limitation.
2. In cases of uncertainty as to the proper application of any of the requirements of these Regulations to a particular lot because of its peculiar or irregular shape, the Commission shall determine how such Regulations shall be applied.

1440 RELATIONSHIP TO OTHER REGULATIONS

1. These Regulations are not intended to impair or interfere with:
   a. Any existing or future rules or regulations relating to the use of lots, buildings or structures; or
   b. Any easements, covenants or other agreement between parties.
2. Where these Regulations impose a greater restriction upon the use or height of buildings or structures, or require larger setbacks, yards, courts, or other open areas than are imposed or required by other rules, regulations, easements, covenants or agreements, the provisions of these Regulations shall control.
3. Compliance with these Regulations does not relive the applicant of the need to comply with other regulations which may be applicable.

1500 ENFORCEMENT

1510 Enforcement

1. The Commission is hereby designated as the official authority which shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations, and to take such other action as shall be necessary and proper to enforce these Regulations as provided by law. Any such remedial action shall be accomplished by the violator within 10 days of the date of such order.

2. The Commission may, in accordance with Town policies and procedures, appoint a Zoning Enforcement Officer, who shall be responsible to the Commission and act as its representative in the performance of such inspection duties in connection with the' enforcement of these Regulations as may be assigned to such Officer by the Commission.

3. No commission, board, agency, officer or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization for construction, reconstruction, alteration, enlargement, or moving of any building or structure or for any use of land or building that would not be in full compliance with the provisions of these Regulations, except as permitted by the Zoning Board of Appeals in accordance with Section 8700. Any such permit, license, certificate, or other authorization issued, granted or approved in violation of the provisions of these Regulations shall be null and void and of no effect without the necessity of any proceeding or revocation or nullification thereof.

1520 Penalties

1. Any person who shall violate any provision of these Regulations shall be subject to any applicable remedy and/or penalty prescribed by the General Statutes of the State of Connecticut, as amended.

2. The penalties prescribed in CGS Section 8-12, as amended, shall be applied to any person who:
   a. Having been served by the Zoning Enforcement Officer with an order to discontinue any such violation, fails to comply with such order within 10 days after such service; or,
   b. Having been served with a cease and desist order with respect to a violation involving unauthorized cutting of trees, grading of land or earthwork operations, fails to comply with such order immediately; or,
   c. Continues to violate any provision of these Regulations in the manner named in such order.

3. Penalties in accordance with the provisions of CGS Section 8-12, as amended, may apply to:
   a. The owner or agent of a building or premises where a violation of any provision of these Regulations has been committed or exists;
   b. The lessee or tenant of an entire building or an entire premises where such violation has been committed or exists;
   c. The owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; and/or
   d. The agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists.

1600 SEVERABILITY

If any section, part or provision of these Regulations shall be determined to be illegal or otherwise unenforceable by any court having jurisdiction with respect thereto, such determination shall have no effect upon the continued validity, effect and enforceability of the remaining portions of these Regulations which shall continue in full force and effect.

1700 EFFECTIVE DATE

These comprehensively revised and amended Zoning Regulations were adopted by the Planning and Zoning Commission pursuant to CGS Section 8-1 et seq. and became effective on July 27, 2019.

Zoning Regulations originally became effective in Easton on June 25, 1941.

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2000 WORDS AND TERMS

2100 BASIC USAGE

2110 RULES AND TERMS

2. In the construction, interpretation, application, use and enforcement of these Regulations, words or terms shall be construed to carry out the purposes of these Regulations.

3. In the construction, interpretation, application, use and enforcement of these Regulations, the rules, terms, and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

4. In the construction, interpretation, application, use and enforcement of these Regulations, words or terms not defined in this Section shall carry their customary meaning or shall be interpreted by the Commission after consulting one or more of the following:
   a. The Connecticut General Statutes, as amended.
   b. The State Building Code, as amended.
   c. The Town of Easton Code of Ordinances.
   d. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
   e. Black's Law Dictionary.
   f. A comprehensive general dictionary.

2120 BASIC RULES

In the construction, interpretation, application, use and enforcement of these Regulations, the following rules shall apply:

1. Words used in the singular include the plural, and the plural the singular.

2. Words used in the present tense include the future tense.

3. Words which are specifically masculine or feminine shall be interpreted as interchangeable.

4. The word "shall" is mandatory and not discretionary.

5. The word "may" is permissive.

6. Any official, agency, commission, board or department identified in these Regulations is that of the Town of Easton, unless otherwise specified.

7. Unless otherwise specified, all distances shall be measured horizontally.

2130 COMMON TERMS

In the construction, interpretation, application, use and enforcement of these Regulations, commonly used terms shall be interpreted as follows unless the natural construction of the wording indicated otherwise:

1. The phrase "these Regulations" refers to the entire Zoning Regulations of the Town of Easton.
2. The word "Section" refers to a Section of these Regulations (all paragraphs starting with the same numbers), unless otherwise specified.
3. The word "premise" or "premises" includes land and any buildings or structures thereon.
4. The word "building" includes the word "structure", and any part thereof.
5. The word "lot" includes the words "plot" and "parcel".
6. The phrase "used for" includes the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for", and vice versa.
7. The word "built" includes the words "erected", "constructed", "reconstructed", "altered", or "enlarged".
8. The word "person" or "applicant" includes any individual, firm, partnership, corporation, association, organization or other legal entity.
9. The words "zone", "zoning district", and "district" have the same meaning.

2200 DEFINITIONS

ACCESSORY - *See "Principal vs Accessory".*

ACCESSORY APARTMENT - A separate living area, having its own kitchen, bath and living quarters, located within an existing principal building or added to· an existing principal building.

ACRE - 43,560 square feet.

Agriculture-Related Terms

AGRICULTURE – As defined in CGS Section 1-1 and to the extent permitted by these Regulations:

- Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
- The operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations;
- The production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
- Handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

FARM - A tract of land, the principal use of which is for agricultural purposes, including farm buildings and structures accessory thereto, truck gardening and the raising and keeping of livestock but excluding any facilities for the display, processing or sale of the products of the farm unless specifically allowed by these Regulations.

LIVESTOCK - Domestic animals such as horses, cows, goats and sheep.

NURSERY GARDEN - A facility where plants (such as trees and shrubs) are grown for transplanting, for use as stocks for budding and grafting, or for sale.

TRUCK GARDEN - A facility, other than a farm, where edible produce is grown for ultimate sale on-site or off-site to the public.

ALTERATION - As applied to a structure:

- A change or rearrangement in the structural parts;
- An enlargement or reduction whether horizontally or vertically; or
- The moving from one location or position to another on a lot.

ATTIC – *See "Story"*

BASEMENT –*See "Story" (also see Flood-related definitions in Section 4100)*

BOARD OF APPEALS - The Zoning Board of Appeals of the Town of Easton, Connecticut.

BUILDABLE AREA –The area of lot or parcel excluding the area of any wetlands or watercourses.

Buildings vs Structures

BUILDING - A structure having a roof supported by columns or walls used or intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, tangible personal property or other materials.

BUILDING, ACCESSORY - *See "Principal vs Accessory".*

BUILDING, PRINCIPAL - *See "Principal vs Accessory".*

BUILDING, NON-CONFORMING - *See "Non-Conforming Terms".*

STRUCTURE - Anything constructed, the use of which requires location on the ground, or attachment to something having location on the ground.

STRUCTURE, NON-CONFORMING - *See "Non-Conforming Terms".*

CELLAR – *See "Story".*

CGS - The General Statutes of the State of Connecticut, as amended.

CLUB - An association of persons, whether incorporated or unincorporated, which is a bona fide organization and which is the owner, lessee or occupant of premises operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, or any combination of these purposes.

COMMERCIAL VEHICLE - A vehicle or equipment regularly used to carry, deliver, handle or move goods in the conduct of a business, commerce, profession or trade.

Vehicles Or Equipment Generally Considered To Be Commercial Vehicles	Vehicles Or Equipment NOT Generally Considered To Be Commercial Vehicles
• Step vans, • Cargo vans, • Box trucks, • Flat bed or stake bed trucks, • Buses, • Semi-trailers, • Tractor trailers, • Dump trucks, • Wreckers, and • Trailers for commercial purposes.	• Vehicles used on a farm for activities associated with that farm which are not in violation of any other Town Regulation and/or Town Ordinance.
• Earth moving equipment, cement mixers, trenching and pipe laying equipment and other similar type of contractors/ construction/ site work equipment.	• Construction vehicles or equipment engaged in a bona fide construction project and parked at the construction site while construction is in progress.

COMMISSION - The Planning and Zoning Commission of the Town of Easton, Connecticut unless otherwise specified.

CONTIGUOUS - Sharing a common border.

Day Care-Related Terms

DAY CARE - A program of supplementary care or instruction provided, generally for remuneration, to people outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

CHILD DAY CARE - An establishment which offers or provides day care for children as provided in CGS Section 19a-77.

ADULT DAY CARE - An establishment which offers or provides day care for adults.

FAMILY DAY CARE HOME - An establishment which offers or provides day care for not more than six people, including the provider's own children or relatives, in a private family home.

GROUP DAY CARE HOME - An establishment which offers or provides day care for:

- Seven to twelve related or unrelated people, including the provider's own children or relatives, in a private family home, or
- That meets the definition of a family day care home except that it operates in a facility other than a private family home.

DAY CARE CENTER - An establishment which offers or provides day care:

- To more than twelve related or unrelated people, or
- Provides day care other than a family day care home or a group day care home.

DEEP – Connecticut Department of Energy and Environmental Protection.

DISTRICT - A zoning district established by the provisions of these Regulations.

DISTURBED AREA – In relation to erosion and sediment control, an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DRIVEWAY - A paved or gravel roadway providing or intended to provide vehicular access to a street.

DWELLING - A single detached building used by one family, which is the principal building on a lot constructed in conformance with the basic building code of the State of Connecticut but excluding trailers, mobile homes, or temporary structures.

EQUINE FACILITY - The boarding of horses on a property owned by an organization or institution or the boarding of five or more horses not the personal property of the owner of the premises.

EROSION - The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

EXCAVATION - The severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material.

EXTERIOR DIMENSIONS - Dimensions of any building which define the height, width and length of the building and the surface area of all exterior walls.

FAMILY - Any number of persons related by blood, marriage or adoption occupying one dwelling unit and residing and cooking together as a single housekeeping unit maintaining a common household and up to three additional unrelated persons.

FAMILY DAY CARE HOME - *See "Day Care Related Terms"*.

FARM - *See "Agriculture-Related Terms".*

Flood-Related Terms

Definitions of flood-related terms are located in Section 4100

FLOOR AREA - The sum of the gross horizontal areas of all floors contained within a structure, measured from the exterior face of outside walls.

FRONTAGE - *See "Lot Frontage".*

GENERAL STATUTES - The General Statutes of the State of Connecticut, as amended.

GRADING - Any excavating, stripping, cutting, grubbing, filling (including hydraulic fill) or stockpiling of earth, or any combination thereof, which results in a change of contour or elevation.

"**GRANDFATHERED"** - *See "Non-Conforming Related Terms"*.

GROUP DAY CARE HOME - *See "Day Care Related Terms"*.

HALF-STORY - *See "Story-Related Terms"*.

Home-Based Business And Related Terms

HOME-BASED BUSINESS – The use of a portion of a building on the same property as the residential dwelling for business purposes by a resident occupant.

HOME-BASED PROFESSIONAL OFFICE – A home-based business used as an office of a physician, dentist, psychologist, attorney, engineer, architect, landscape architect, teacher, artist, musician, sculptor, writer, photographer, real estate agent, insurance agent, accountant, veterinarian, and other professional persons.

KITCHEN - A room, place or space within a structure equipped for the preparation and/or cooking of food.

LIVESTOCK - *See "Agriculture Related Terms"*.

Lot

LOT - A plot or parcel of land occupied or capable of being occupied by one principal building and accessory buildings and structures.

LOT, NON-CONFORMING - *See "Non-Conforming Terms".*

Lot Types

LOT, CORNER - A lot at the intersection of and abutting on two or more streets.

LOT, FLAG - A lot located generally to the rear of another lot and served by an unobstructed accessway owned by the owner of the rear lot with such accessway having frontage on and providing access to a public street or highway.

LOT, INTERIOR - A lot having no frontage on any public street or highway but which has access to a public street or highway by means of an unobstructed *easement* for access and egress not less than twenty-five (25) feet nor more than fifty (50) feet wide and otherwise meets the requirements of these Regulations.

Lot Measurements

LOT AREA –The total area within the lot lines of a lot excluding the area of any accessway or easement providing access to a flag lot or interior lot.

LOT FRONTAGE - The distance between the boundaries of a lot measured along the property line(s) abutting the street.

MOTOR VEHICLE - Any passenger motor vehicle excluding campers, buses, trucks and any other vehicle whose primary function is other than transportation of people.

NON-CONFORMING - A situation where a lot, building, structure, or use does not conform to the dimensional or locational or other applicable provisions of these Regulations which existed at the time these Regulations were first adopted or which were permitted prior to an amendment to the Regulations that rendered such lot, building structure or use non-compliant with the Regulations.

NURSERY GARDEN - *See "Agriculture-Related Terms".*

PLACE OF WORSHIP - A structure used primarily for the conduct of religious services.

PREMISES - A lot together with any structures thereon.

Principal vs Accessory

PRINCIPAL BUILDING - The primary or predominant building or structure on a property or a building in which is conducted the primary or predominant use on the piece or parcel of land or on a contiguous parcel of land under the same ownership. Accessory buildings or structures connected by roofs or breezeways shall be considered part of the principal building. *See also "Accessory Building".*

ACCESSORY BUILDING - A building which is subordinate and customarily incidental to the principal building and use on the piece or parcel of land or on a contiguous parcel of land under the same ownership. Accessory buildings or structures connected by roofs or breezeways shall be considered part of the principal building. *See also "Principal Building".*

ACCESSORY STRUCTURE –A structure, the size and use of which is subordinate and customarily incidental to the principal structure and use on the piece or parcel of land or on a contiguous parcel of land under the same ownership.

PRINCIPAL USE - A primary or predominant use or activity of a lot, building, structure, or property. A property may have more than one principal use provided such use is in accordance with the requirements of these Regulations. *See also "Accessory Use".*

ACCESSORY USE - A use or activity on a property which is subordinate and customarily incidental to a principal use or activity on the same property or on a contiguous lot under the same ownership with the principal use. *See also "Principal Use".*

Parameters For Being "Accessory"

CUSTOMARY – Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual.

INCIDENTAL - Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else.

SUBORDINATE – Something inferior, smaller, fewer, and of less importance or impact or something placed in or occupying a lower class, rank, or position.

PROFESSIONAL OFFICE: *See "Home-Based Business And Related Terms".*

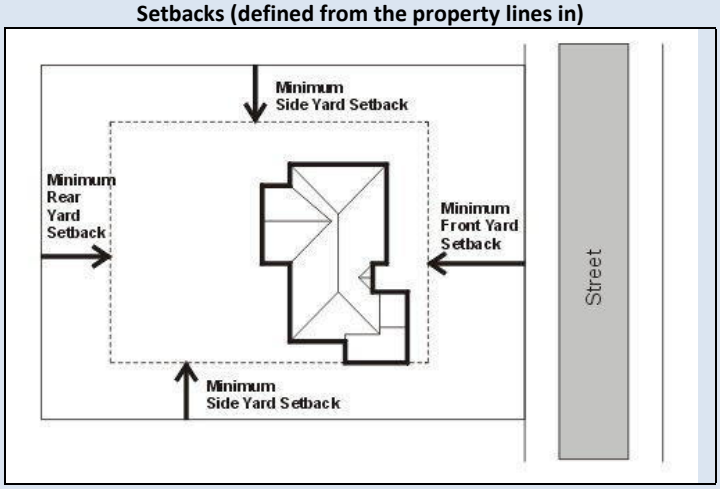
SEDIMENT - Solid material, either mineral or organic that is in suspension or has been moved from its site of origin by erosion.

Setbacks Versus Yards

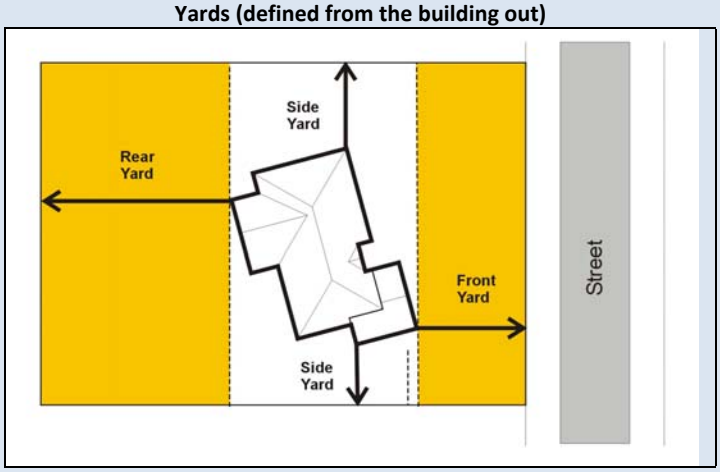
SETBACK LINE - On any lot, a line parallel to the street or to one of the sides or rear boundary lines at a distance that provides the required front, side, or rear yard.

YARD - The area between the principal structure and a lot line. Any measurement shall be taken at right angle from the lot line to the nearest point of the structure.

Setbacks (defined from the property lines in)



Yards (defined from the building out)



SF – Square foot or square feet.

Sign-Related Terms

SIGN - Any device for visual communication, whether located outdoors or within a structure in such manner that it is visible outdoors, which is arranged or intended to convey a graphic message to the general public in written, pictorial or symbolic form, or in a combination of these forms.

As used in these Regulations the term includes all message displaying and advertising devices which are freestanding, attached to buildings, mounted on trees or poles, portable, vehicle mounted, hanging or suspended from a cable, mounted on fences or structures, painted on or otherwise attached to walls or abutments, displayed in windows, projected electrically or contrived in any other manner to attract attention to a message. Examples of signs include: posters, name plaques, advertising bills, product symbols, commercial streamers or pennants, display cases, identification signs, and directional signs.

The term "sign", however, does not include:

- Traffic signals, safety markers and signs essential for traffic control or public safety erected by public authorities;
- The flag, banner, or insignia of the United States, of the State of Connecticut, or of any civic, patriotic, charitable, religious, fraternal or similar public service organization; or
- Civic, religious or private displays such as seasonal decorations, balloons, decorative banners, crèches, menorahs and other religious symbols, postal boxes and address number plaques.
- Political/candidate signs, provided that such signs are erected fewer that ninety (90) days prior to the election to which they apply and removed within fifteen (15) days after the election to which they apply.

SIMILAR USE - A use which the Commission shall find to be similar to a permitted use.

SOIL - Any unconsolidated mineral or organic material of whatever origin.

STATE - The State of Connecticut.

Story-Related Terms

STORY - That portion of the building which is between the surface of a floor and the surface of the next floor above or, in the absence of a floor above, the next ceiling above except that:

- A basement *shall* be considered a story but a cellar *shall not* be considered a story, and
- An attic *shall* be considered a story if the floor area of any finished or habitable space exceeds 50 percent of the gross floor area of the story directly below (see "half-story").

ATTIC –That part of a building that is immediately below and wholly or partially within the roof framing (see "half-story").

BASEMENT – A portion of a building located partially below grade and where 50 percent or more of the floor-to-ceiling height is above the average finished grade at the perimeter walls. *(also see flood-related definitions in Section 4100)*

CELLAR – A portion of a building located wholly or partially below grade and where 50 percent or more of the floor-to-ceiling height is below the average finished grade at the perimeter walls.

HALF-STORY –An attic where the floor area of any finished or habitable space is 50 percent or less of the gross floor area of the story directly below.

Story Chart

	Considered A Story	**Not Considered A Story**
Below the Roof	When the amount of finished or habitable floor space is greater than 50 percent of the gross floor area of the story directly below.	When the amount of finished or habitable floor space is 50 percent or less of the gross floor area of the story directly below.
Other Level	Considered a story	
Below Grade	When ***more than*** 50 percent of the floor-to-ceiling height is ***above*** the average finished grade at the perimeter walls.	When 50 percent or more of the floor-to-ceiling height is ***below*** the average finished grade at the perimeter walls.

STREET - A road, highway, lane, avenue, boulevard, or any other public or private way, or a way opened to the public or private use, which provides a principal means of access to a lot. "Street" shall be deemed to include the entire width of the right-of-way but shall not include private driveways and private rights-of-way.

STRUCTURE - *See "Buildings vs Structures".*

TOPSOIL - Earth materials, including loam, which are arable and constitute the surface layer of earth material.

TOWN - The Town of Easton, Connecticut.

TOWN CLERK - The Town Clerk of the Town of Easton, Connecticut.

TRUCK GARDEN - *See "Agriculture-Related Terms".*

USE - The specific purpose or activity for which a building, structure or lot is intended.

USE, ACCESSORY - *See "Principal vs Accessory".*

USE, PRINCIPAL - *See "Principal vs Accessory".*

USE, TEMPORARY - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

WATERCOURSE - As defined in CGS Section 22a-38.

> *"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, ….*
>
> *Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation …*

WETLAND - As defined in CGS Section 22a-38.

> *"Wetlands" means land, including submerged land, ... which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture …*

YARD - *See "Setbacks versus Yards".*

ZONING ENFORCEMENT OFFICER (ZEO) - The Zoning Enforcement Officer of the Town of Easton, Connecticut.

ZONING MAP - The latest officially adopted Zoning Map of the Town of Easton, Connecticut.

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3000 RESIDENCE DISTRICTS

3100 PURPOSE

The Residence districts are intended to guide residential development in accordance with soil types, terrain, and other environmental considerations and with due consideration for the character of the community and protection of the public water supply watershed areas that exist in Easton.

3200 PERMITTED PRINCIPAL STRUCTURES AND USES

3210 Conservation-Related Uses

1.	**Open Space** - Open space land, watershed land, and similar conservation lands.	No Zoning Permit Required
2.	**Conservation Development** – Conservation development in accordance with Section 5900.	Special Permit (Commission)

3220 Agricultural- Related Uses

1.	**Agriculture** - Agriculture, farming, nursery gardening and truck gardening as a principal use in accordance with CGS Section 19a-341 and in accordance with generally accepted agricultural practices as determined by the Connecticut Department of Agriculture.	No Zoning Permit Required
2.	**Equine Facility** – Operation of an equine facility as defined in these Regulations as a principal use provided that: a. Such operation shall be conducted in accordance with CGS Section 19a-341 and in accordance with generally accepted agricultural practices as determined by the Connecticut Department of Agriculture. b. No covered riding ring shall be erected within 100 feet of any property boundary. c. No stable, riding ring or paddock shall be erected within 40 feet of any property boundary. d. Adequate off-street parking shall be provided. e. Fencing or other suitable enclosure shall be provided as determined by the Commission.	Special Permit (Commission)

3230 Residential-Related Uses

1.	**Dwelling** - Single family dwelling, not to exceed one dwelling per lot.	Zoning Permit (Staff)
2.	**Flag/Interior Lot** - A flag lot or an interior lot subject to the provisions of Section 5400.	Special Permit (Commission)

3240 Institutional-Related Uses

1.	**Places of Worship** - Places of worship and accessory uses thereto subject to the provisions of Section 5700.	Special Permit (Commission)
2.	**Public Schools** - Public school and related facilities.	Special Permit (Commission)
3.	**Private Schools** - Private school provided that: a. It delivers a comprehensive curriculum of studies considered by the Commission to be appropriate for a residential district. b. The site contains at least ten (10) acres unless the site provides adequate buffer yards or separation to adjacent uses. c. The use is subject to the provisions of Section 5700.	Special Permit (Commission)
4.	**Museum / Gallery** - Museum or art gallery subject to the provisions of Section 5700.	Special Permit (Commission)
5.	**Cemetery** - Cemetery located on at least 10 acres.	Special Permit (Commission)
6.	**Municipal Uses** - Municipal uses including municipal recreation facilities, firehouse, police station, public library, or other municipal facilities. The Commission may, by separate Special Permit, modify the setback requirements of these Regulations for such municipal use(s) subject to the following provisions: a. The Commission shall find that: i. The public health and safety of the community requires that additions or changes must be made in the facility to enable it to continue to function effectively to serve public need, ii. Such additions or changes cannot be made in any manner which would conform with the setback requirements of these regulations, and iii. The reduction in the setback requirements is the minimum necessary to allow the facility to continue to meet its public service obligation. b. Specific measures shall be required for effective protection of all nearby residential areas from the effects of lighting, noise, dust, traffic or activity which might emanate from the site, and such measures may include required berms, fences or walls, dense screening, and appropriate limitations on the scope of operations as necessary.	Special Permit (Commission)

3250 Other Principal Uses

1.	**Non-Conforming Uses** – Non-conforming uses as defined in these Regulations to the extent existing as of the date of adoption.	No Zoning Permit Required
2.	**Special Temporary Uses** – Special social, cultural, civic, recreational, or educational uses including art shows, musical concerts, theatrical productions, antique shows, firemen carnivals, patriotic exercises, memorials, and other events conducted by the Town of Easton, the Volunteer Fire Department, the Emergency Medical Service, or other Town-affiliated organization.	No Zoning Permit Required
3.	**Special Temporary Uses** – Special social, cultural, civic, recreational, or educational uses including art shows, musical concerts, theatrical productions, antique shows, firemen carnivals, patriotic exercises, memorials, and other events conducted by a non-profit organization for a calendar year when in accordance with the following: a. The duration and nature of the event shall be fully described in the application. b. A sketch plan may be used to illustrate the proposed configuration. c. Adequate off street parking shall be provided. d. The proposed location will safely accommodate the traffic flow for the event. e. Any requirements of the Health Code shall be complied with. f. The proposed use and any structures proposed will be compatible with the proposed location. g. The Zoning Enforcement Official may refer any such application or renewal request to the Commission.	Zoning Permit (Staff)
4.	**Private Recreation Facility**- Private recreation facility provided that: a. The site contains sufficient acreage to accommodate the proposed activities and provides adequate buffer yards or separation to adjacent uses. b. The activities to be conducted at the private recreation facility have been approved by the Commission. c. The use is subject to the provisions of Section 5700.	Special Permit (Commission)
5.	**Utility Facility** – Utility facility such as: a. Water treatment facility or water supply facility. b. Public utility transmission line or pipeline. c. Public utility substation, pump station or compressor station.· d. Telecommunication facilities as a principal use subject to the provisions of Section 7200.	Special Permit (Commission)
6.	**Country Inn / Spa / Wellness Facility** – A country inn, spa, and/or wellness facility subject to the provisions of Section 5330.	Special Permit (Commission)
7.	**Other Uses** - Other uses which the Commission finds are similar to one or more of the uses permitted in Section 3200.	Special Permit (Commission)

3300 PERMITTED ACCESSORY USES

3310 Parking

1.	**Parking** - Off-street parking facilities of non-commercial vehicles for the use of the occupants of the premises and their guests, subject to the provisions of Section 6200.	No Zoning Permit Required
2.	**Commercial Vehicle Storage** -– Storage of one (1) commercial vehicle provided that any such vehicle shall not be stored in a required yard setback unless parked in the driveway.	No Zoning Permit Required
3.	**Commercial Vehicle Storage** -– Storage of more than one (1) commercial vehicle or any construction equipment provided that any such vehicle: a. Shall only be stored in a side or rear yard, b. Shall not be stored in a required yard setback unless parked in the driveway. c. Shall be visually screened to the satisfaction of the Zoning Enforcement Official from the street and abutting properties by location, topography, berms, landscaping, plantings, walls, and/or fencing.	Zoning Permit (Staff)
4.	**Commercial Vehicle Storage** -– Storage of more than one (1) commercial vehicle or any construction equipment if not in accordance with Section 3310.3.	Special Permit (Commission)
5.	**Recreational Vehicle Storage** -– Storage of boats, campers, and similar recreational vehicles provided that: a. Any such vehicle shall only be stored in a side or rear yard and shall not be stored in a required yard setback. b. Any such vehicle shall be visually screened from the street and abutting properties by location, topography, berms, landscaping, plantings, walls, and/or fencing.	No Zoning Permit Required
6.	**Recreational Vehicle Storage** - Storage of boats, campers, or similar recreational vehicles if not conducted in accordance with Section 3310.5.	Special Permit (Commission)

3320 Residential

1.	**Rooming House** - The keeping of roomers or boarders subject to the provisions of Section 5310.	No Zoning Permit Required
2.	**Accessory Apartment** - An accessory apartment within or attached to the principal dwelling subject to the provisions of Section 5200.	Zoning Permit (Staff)

3330 Keeping Of Animals

1.	**Keeping of Pets** - Keeping of up to four (4) domestic pets (not counting pets less than six months old which are offspring of other pets on the premises).	No Zoning Permit Required
2.	**Keeping of Pets** - Keeping of up to ten (10) domestic pets (not counting pets less than six months old which are offspring of other pets on the premises).	Zoning Permit (Staff)
3.	**Keeping of Animals** - Keeping of chickens, horses and livestock and other animals on a farm or accessory to a residence when in accordance with CGS Section 19a-341 and in accordance with generally accepted agricultural practices as determined by the Connecticut Department of Agriculture.	No Zoning Permit Required

3340 Agriculture

1.	**Agriculture** - Agriculture, farming, nursery gardening and truck gardening as an accessory use in accordance with CGS Section 19a-341 and in accordance with generally accepted agricultural practices as determined by the Connecticut Department of Agriculture.	No Zoning Permit Required
2.	**Agriculture-Related Activities** – Agriculture-related activities as provided in Section 5600 of the Regulations when accessory to an existing farm and/or forest operation operated on the same premises.	Approval Type Varies
3.	**Equine Facility –** Operation of an equine facility as defined in these Regulations as an accessory use provided that: a. Such operation shall be conducted in accordance with CGS Section 19a-341 and in accordance with generally accepted agricultural practices as determined by the Connecticut Department of Agriculture. b. No covered riding ring shall be erected within 100 feet of any property boundary. c. No stable, riding ring or paddock shall be erected within 40 feet of any property boundary. d. Off-street parking shall be provided in accordance with Section 6200. e. Fencing or other suitable enclosure shall be provided as determined by the Zoning Enforcement Official. f. The Zoning Enforcement Official may accept an aerial photograph or hand drawn map depicting the location of the proposed activities if such facilities are located at least twice the minimum yard setback or other required separation from any property line.	Special Permit (Commission)
4.	**Supplemental Space** - The rental, lease, or use of space in a farm building or buildings on an active farm, not exceeding 400 square feet in aggregate floor area per acre of land, for office, research, or other similar use provided: a. Such supplemental space is located on an active farm of at least twenty-five (25) acres in one or more contiguous parcels. b. Such farm building shall not be subdivided or separated from the farm parcel. c. Employment in the supplemental space shall not exceed four (4) employees per 1,000 square feet of gross floor area of the building(s). d. Off-street parking shall be provided in accordance with Section 6200.	Special Permit (Commission)

3350 Home-Based Business

1.	**Day Care** - Family day care home by a resident occupant in accordance with Section 5800.	No Zoning Permit Required
2.	**Day Care** - Group day care home by a resident occupant in accordance with Section 5800.	Site Plan Approval (Commission)
3.	**Home Office** – Use of space within a dwelling for an office provided there are no non-resident employees and no client or customer visits.	No Zoning Permit Required
4.	**Minor Home-Based Business** - Minor home-based business(es) provided that: a. Any such home-based business is conducted only by resident occupants entirely within the dwelling with no more than one (1) non-resident employee on the premises at any one time. b. The floor area devoted to all such home-based business(es) shall not exceed 25 percent of the dwelling or 600 square feet, whichever is the more restrictive requirement. c. Any such home-based business is operated in accordance with the provisions of Section 5100. d. The Zoning Enforcement Official may refer any such application to the Commission.	Zoning Permit (Staff)
5.	**Home-Based Professional Office** - One professional office conducted as a home-based business entirely within the dwelling by a resident occupant of the dwelling with not more than one non-resident employee, whether full or part time, on the premises at any one time provided that: a. The floor area devoted to the professional office(s) shall not exceed 25 percent of the dwelling or 600 square feet, whichever is the more restrictive requirement. b. Parking for employees and clients shall be provided in accordance with Section 6200. c. Any such professional office is operated in accordance with the requirements of Section 5100. d. The Zoning Enforcement Official may refer any such application to the Commission.	Zoning Permit (Staff)
6.	**Major Home-Based Business** - A home-based business or a home-based professional office conducted by resident occupants which: a. In the case of a home-based business, involves two or more non-resident employees on the premises at any one time, b. In the case of a home-based professional office, involves more than one non-resident employee on the premises at any one time, c. Will not be conducted entirely within the dwelling, d. Occupies more than 25 percent of the dwelling or more than 600 square feet of floor area, or e. Will not be operated in accordance with the provisions of Section 5100.	Special Permit (Commission)
7.	**Bed and Breakfast** - Operation of a bed and breakfast or other home-based lodging facility in accordance with the provisions of Section 5320.	Special Permit (Commission)

3360 Other Accessory Uses

1.	**Typical Accessory Uses** - Uses and activities subordinate and customarily incidental to a permitted use provided such uses and activities are conducted in accordance with these Regulations.	No Zoning Permit Required
2.	**Tag Sale** - A tag sale provided that: a. The tag sale may be conducted only by a resident of the premises where the sale is taking place. b. There shall be no more than one tag sale per year on the premises. c. The duration of any tag sale shall not exceed three days. d. Only articles owned by the residents of the premises may be sold at the sale.	No Zoning Permit Required
3.	**Day Care** - Day care center accessory to an established institutional use such as a church or private school in accordance with Section 5800.	Special Permit (Commission)
4.	**Other Uses** - Other uses accessory to an active farm as approved by the Commission.	Special Permit (Commission)

3400 PERMITTED ACCESSORY STRUCTURES

3410 Accessory Structures

1.	**Minor Accessory Structure** - Garden house, tool house, playhouse or other accessory structure customarily incident to a permitted principal use of the premises provided such structure(s) shall not exceed 200 square feet in total floor area, shall not be placed on a permanent foundation, and shall not be operated for profit or used as a residence. (also see Section 3620.5)	No Zoning Permit Required
2.	**Major Accessory Structure** - Garden house, tool house, playhouse, hoophouse, or other accessory structure customarily incident to a permitted principal use of the premises when totaling more than 200 square feet in floor area or if on a permanent foundation provided such structure shall not be used as a residence.	Zoning Permit (Staff)
3.	**Solar Panels** - Solar panels when mounted flush to a roof surface.	Zoning Permit (Staff)
4.	**Solar Panels** - Solar panels when not mounted flush to a roof surface.	Special Permit (Commission)
5.	**Emergency Generator** – Emergency generator which, notwithstanding any other provisions of these Regulations, may be located not less than 40 feet from the property line provided it is not located within the front yard unless fully screened or enclosed.	Zoning Permit (Staff)

3420 Fences / Walls

1.	**Fences / Walls** – Fence, wall, or fence/wall combination in accordance with Section 6700.	See Section 6700

3430 Recreational Structures

1.	**Swimming Pool** - Swimming pool provided that: a. All in-ground swimming pools shall be fenced in accordance with the Building Code. b. Swimming pools shall be set at least 50 feet from the front property line and at least 40 feet from any other property line. c. Access to all above ground swimming pools shall be protected by a gate normally kept closed. d. No pool shall be artificially illuminated unless such illumination shall have been approved by the Commission.	Zoning Permit (Staff)
2.	**Recreational Court** - Tennis court(s) and/or similar recreation courts and facilities provided that: a. All recreation courts shall be set at least 50 feet from the edge of the road right-of-way and at least 40 feet from any other property line. b. No recreational court or facility shall be artificially illuminated unless such illuminations shall have been approved by the Commission.	Zoning Permit (Staff)

3440 Agriculture

1.	**Accessory Farm Structure** - A structure customarily incident to the operation of a farm provided such structure shall not be used as a residence unless specifically authorized by the Commission by Special Permit.	Zoning Permit (Staff)
2.	**Minor Farm Stand** - A farm stand provided that: a. Such farm stand shall be located on the same property as where a majority of the items offered for sale are grown. b. The farm stand shall not exceed 200 square feet in floor area except that a farm stand within an existing building shall not be limited as to floor area. c. The farm stand shall not be built on a permanent foundation. d. The farm stand shall be located at least 20 feet back from the edge of the roadway pavement and any abutting property lines. e. The farm stand shall provide a safe parking area for cars in an area with safe access and egress and adequate sight lines for approaching traffic and exiting traffic.	No Zoning Permit Required
3.	**Major Farm Stand** - A new or expanded farm stand built on a permanent foundation provided that: a. Such farm stand shall comply with the other applicable provisions of Section 3440.2, and b. Such farm stand shall comply with the minimum yard setbacks for the zoning district.	Zoning Permit (Staff)
4.	**Farm Store** - A farm store provided that: a. Such farm store shall be accessory to, and on the same property as, a farm of at least twenty-five (25) acres in area. b. A substantial proportion of all items offered for sale shall be raised on the premises by the residents thereof and the balance shall be of a character native to Connecticut, c. The farm store shall comply with the minimum yard setback requirements for the zone. d. The farm store shall provide the parking spaces as required by Section 6220 for a retail store except that the Commission may also require the applicant provide additional safety measures at the operator's expense, including but not limited to the employment at owner/operator's expense of a qualified traffic control officer at specified times, and the installation of caution signs or other warning devices on the public street, such signs and devices being approved for use by the Town or State, as may be applicable.	Special Permit (Commission)

3450 Residential

1.	**Caretaker Cottage –** A detached building providing separate living quarters provided that: a. The property shall contain at least 10 acres. b. There shall be a residential dwelling on the property that the detached building is accessory to. c. The caretaker cottage shall be solely for the housing of persons who are employed on the premises in positions customarily relating to the permitted principal use of the premises and may include that person's family. d. The occupant of the principal residence shall file with the Commission by January 31st of each year such evidence as may reasonably be required to substantiate the employment of the occupant(s) of the accessory building by the occupant of the principal residence. e. Nothing in this Section shall be construed to permit the use of an accessory building for any residential purpose other than stated above.	Special Permit (Commission)

3460 Other

1.	**Windmill** - Windmill accessory to a permitted use provided that: a. There shall be no more than one such device per property. b. No windmill structure shall exceed 80 feet in height to the turbine rotor. c. No windmill structure shall be located in a front yard except that, for a principal building set far back from the street, the windmill structure may be located between the principal building and the street provided it shall be in the rear half of the property. d. No windmill structure shall be located closer than 80 feet to a property line unless specifically approved by the Commission. e. The Commission may consider anticipated noise generation and its effect on surrounding properties.	Special Permit (Commission)
2.	**Utility Facility** - Telecommunications facilities as an accessory use subject to the provisions of Section 7200.	Special Permit (Commission)

3500 AREA AND DIMENSIONAL STANDARDS

For area and dimensional standards in a Conservation Development, see Section 5900 of these Regulations.

3510 Lot Area And Shape Requirements

	Residence A	Residence B
Minimum Lot Area	40,000 square feet	3.0 acres (130,680 square feet)
Minimum Buildable Area	34,000 square feet	2.0 acres (87,120 square feet)
Lot Shape	A square measuring 150 feet on each side shall fit within the lot lines	A rectangle measuring 150 feet by 175 feet shall fit within the lot lines

See Section 3600 for possible exceptions.

3520 Lot Frontage Requirements

	Both Residence A and Residence B
Minimum Frontage on a public street or highway	
• **Unless otherwise indicated below**	200 feet minimum
• **Corner lots**	200 feet minimum on at least one of the intersecting roads
• **Flag lots**	25 feet minimum / 50 feet maximum
• **Interior lots and lots on common ownership accessways**	n/a

See Section 3600 for possible exceptions.

3530 Yard Setback Requirements

	Both Residence A and Residence B
Minimum Front Yard Setback	50 feet from front property line 75 feet from the centerline of any street
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	40 feet

See Section 3600 for possible exceptions.

3540 Building Height Limitations

	Both Residence A and Residence B
Maximum Building Height	
• **Stories**	Two-and-a-half (2.5) stories
• **Feet**	35 feet above the highest elevation where the foundation meets grade.
Attic Limitations	For the purposes of these Regulations, an attic in a residential dwelling may contain finished or habitable space and may be equipped with heat, plumbing and electricity provided that: 1. The amount of finished or habitable floor space shall not be greater than 50 percent of the gross floor area of the story directly below. 2. The finished residential attic space shall not be used for an accessory apartment. 3. Any habitable space in the attic shall be provided with two means of egress acceptable to the Building Official which will be usable in the event of an emergency.

See Section 3600 for possible exceptions.

3600 DIMENSIONAL EXCEPTIONS

3610 POSSIBLE EXCEPTIONS TO LOT REQUIREMENTS

1. (none at this time)

3620 EXCEPTIONS TO SETBACK REQUIREMENTS

1. **Normal Appurtenances** - The front, side and rear yards may be occupied by normal appurtenances substantially at ground level including but not limited to driveways, access bridges, terraces; mailboxes, or driveway light posts.

2. **Architectural Features** - Eaves, pilasters, columns, belt-courses, sills, cornices, or similar architectural features may project up to one foot into a required yard setback.

3. **Fences and Walls** - Fences and walls taller than eight feet (8') in height shall comply with required yard setbacks but fences and walls shorter than eight feet (8') in height may be erected within any front, side or rear yard provided the fence, wall, or fence/wall combination is in conformity with the following standards:
   a. The fence, wall, or fence/wall combination is not taller than six (6) feet in height as "fence/wall height" is defined in the Regulations.
   b. The fence, wall, or fence/wall combination is more than six (6) feet in height but not taller than eight (8) feet in height as "fence/wall height" is defined in the Regulations and the solid mass of any fencing is not over 25% of the face area of the fence (such as wire netting or widely-spaced rails) and allows the free passage of light and air.
   c. The Commission has, by Site Plan approval and determination of need, authorized:
      i. A solid-screen fence, wall, or fence/wall combination up to eight (8) feet in height where essential to protect the privacy or values of an adjacent residential property or neighborhood; or
      ii. A retaining wall or fence necessary for safety, prevention of erosion, or other public purpose.

4. **Handicapped Access** - Entry stairs and access ramps for the handicapped may extend up to five feet into any required yard setback.

5. **Minor Accessory Structure** – In the Residence A District only, an accessory structure other than an emergency generator (such as a shed, swing set, underground propane tank, etc.) may be located not less than 20 feet from a side and/or rear lot line provided:
   a. The accessory structure is not located in the front yard, and
   b. The accessory structure is not more than 200 square feet in area or more than one story in height.

3630 EXCEPTIONS TO HEIGHT LIMITATION

1. Cupolas, steeples, spires, chimneys, antennas, weather vanes and similar appurtenances shall not be counted toward height provided that:
   a. Such appurtenances shall not exceed more than five percent (5%) of the building footprint unless specifically approved by the Commission.
   b. No such appurtenance shall exceed 50 feet in height above ground.

2. Unless otherwise specifically approved by the Commission, any public or institutional building may, subject to Special Permit, rise to a height not exceeding forty (40) feet provided such building is at least fifty (50) feet from the nearest property boundary.

3640 OTHER DIMENSIONAL EXCEPTIONS

1. (none at this time)

4000 OTHER DISTRICTS

4100 FLOODPLAIN OVERLAY DISTRICT

4110 PURPOSE AND INTENT

The Floodplain Overlay District is designed to:

- Promote the public health, safety, and welfare by minimizing public and private losses due to flood conditions in specific areas known as the 100-year flood plain.
- Gain greater protection from flooding.
- Keep federal Flood Insurance available in the Town of Easton at reasonable costs.

4120 APPLICABILITY

1. These regulations shall apply to all special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Easton. These documents, with any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation.

2. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

3. The special flood hazard areas include any area shown on the FIRM as Zone A or Zone AE, including areas designated as a floodway on a FIRM. Special flood hazard areas are determined by utilizing the base flood elevation (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and must be verified with the BFEs published in the FIS for a specific location.

4130 GENERAL

1. No structure or land shall hereafter be constructed, located, extended, converted or altered in the 100-year flood plain without full compliance with the terms of these regulations and other applicable regulations.

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

3. The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Easton or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Easton, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Easton.

4140 FLOOD-RELATED DEFINITIONS

Where the following words and terms are used in this Section of the Regulations, the definitions below shall take precedence over any other definitions.

BASE FLOOD - A flood (100 year storm) which has a one percent (1%) or greater chance of occurring in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation of the crest of the base flood (100-year flood). This elevation is stated as its height in relation to mean sea level, based on North American Vertical Datum (NA VD) of 1988, expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING - *See the definition for Structure*.

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date, September 30, 1983, of the floodplain management ordinance adopted by the Town of Easton.

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

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

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation/runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100 ¬year floodplain) and the insurance risk premium zones applicable to a community.

FLOOD INSURANCE STUDY (FIS) - The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PLAIN, 100 YEAR - All land area, including structures thereon, which is subject to a one percent chance of flooding in any given year. Said areas are generally described on the Flood Insurance Rate Maps and Flood Insurance Study prepared for the Federal Emergency Management Agency.

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

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

HISTORIC STRUCTURE - Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (l) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement).

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

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE - The value of the structure shall be determined by the appraised value of the structure, using the cost approach to value method, prior to the start of the initial repair or improvement, or in case of damage, the value of the structure prior to the damage occurring.

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

NEW CONSTRUCTION - Structures for which the -Start of Construction - commenced on or after September 30,1983, the effective date of Easton Flood Plain Regulations.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, September 30, 1983, of the floodplain management regulation adopted by the Town of Easton.

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

START OF CONSTRUCTION (**includes SUBSTANTIAL IMPROVEMENT**)-The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, the installation of streets and walkways, excavation for basement footings, piers or the installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SPECIAL FLOOD HAZARD AREA - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zones A and AE on the Flood Insurance Rate Map.

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

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

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alterations or improvements in a structure, taking place within a period of ten years or less, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure as determined by the cost approach to value method. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, -Substantial Improvement - is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

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

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

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

4150 PERMIT REQUIREMENTS AND ADMINISTRATION

1. No use shall be permitted which would substantially increase the flood hazard in any upstream or downstream area, or would overload the available storm drainage system.

2. No fill or structure shall be placed within the mean annual flood lines (annual flood plain) of any stream in the town of Easton, unless consistent with these regulations and also as shown on a plan approved under the town's Subdivision Regulations and Inland Wetland Regulations.

3. In addition, the following requirements govern all land lying within the 100-year flood plain, and also within any channel encroachment lines established by the Connecticut Department of Energy and Environmental Protection.
   a. No development activity, including but not limited to the construction, reconstruction, movement or enlargement of buildings and the placement of fill or other flood flow obstructions, shall be undertaken except in accordance with a Special Permit from the Planning and Zoning Commission in accordance with Section 8400 of these regulations.
   b. No Special Permit shall be issued unless the Commission is satisfied that:
      i. Permits required from Federal, State or Town agencies exercising jurisdiction over the project have been obtained;
      ii. All requirements of these regulations have been met;
      iii. The permitted project is properly designed and will not increase flood hazards; and
      iv. Improved watercourses and other constructed work will be properly maintained so that flood capacity will not be diminished in the future, and such maintenance is identified on the site plan as a binding condition of the permit.

c. Application for a Special Permit under this section shall include:
   i. A site plan prepared and certified by a Connecticut· registered professional engineer or licensed land surveyor which shows all lot lines and adjacent owners, accurate topography at five (5) foot or smaller contour intervals, accurate boundaries and elevations of the 100-year flood plain, the floodway boundaries, stream channel encroachment lines (if any), existing and proposed structures, accurate lowest floor elevations and flood-proofing elevations of all structures referenced to National Geodetic Vertical Datum of 1988, existing and proposed utilities and roads.
   ii. Proof that notice of the proposal has been received by all abutting property owners and other owners within the 100 year flood plain where located less than 500 feet from the site, and, where a watercourse, flooding or encroachment line will be affected, that notice has been received by adjacent municipalities (if any), by the Connecticut Department of Energy Environmental Protection - Inland Water Resources Division and by the Federal Emergency Management Agency.
   iii. All engineer's certifications as required by this Section.
d. In the administration of this Section, the Planning and Zoning Commission shall perform the following duties, among others:
   i. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source wherever this data has not been provided by the Federal Emergency Management Agency.
   ii. Make the necessary interpretation where needed as to the exact location of boundaries of the 100-year flood plain. The actual boundary of the 100-year flood plain is subject to determination by an accurate topographic survey in each case. Because no permit may be issued in violation of the regulatory map, the Commission may choose not to utilize that survey data which, in the Commission's opinion, indicates a significant discrepancy between the field conditions and the mapped flood plain. In such case, the Commission shall only utilize that data after it has been processed by FEMA as a letter of map revision and made an official part of the Flood Insurance Rate Map. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article .
   iii. Obtain and maintain all records and certifications required under this Section including as-built lowest floor elevations and flood-proofing levels, flood-proofing certifications and all certifications required by Section 4160.9.
   iv. Should data be requested and/or provided in Zone A areas, adopt a regulatory floodway based on the principle that the floodway shall convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

4160 SPECIAL FLOOD REGULATIONS AND STANDARDS

All development within the 100 year floodplain must conform to the following standards:

1. Residential dwellings and manufactured homes as defined herein are not permitted, except as provided in Sections 4160.5, 4160.8, and 4160.9 below.

2. Non-residential and accessory structures are not permitted except as provided in Sections 4160.6 through 4160.9 below.

3. The following uses are prohibited: fences, walls and other structures creating potential barriers to flood flow (except flood-control dams and spillways); storage of hazardous substances, including oil, gasoline, explosives, and unsecured buoyant materials such as timber, boats and wood products; waste dumps, cemeteries; landfills or causeway except as provided in Sections 4160.8 and 4160.9 below.

4. Necessary roads, driveways, culverts and bridges are permitted if sufficient conduit or channel capacity is provided to accommodate the 100-year flood plus 2 feet of vertical freeboard clearance (see Sections 4160.9 below).

5. Any residential building and or manufactured home, as defined herein, must be placed on compacted clean fill to a height of one foot above the 100-year flood elevation surrounding the foundation of the structure at least 5 feet on all sides. All floors, basements, and mechanical equipment areas shall be at least 2 feet above said flood elevation. This includes any manufactured home located within the town of Easton, including a manufactured home which has incurred substantial damage as a result of a flood. Each manufactured home shall be securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes shall be installed using methods and practices which minimize flood damage with adequate access and drainage provided. Recreational vehicles placed on a site for 180 days or longer must meet the elevation and anchoring requirements listed above. Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Non-residential structures such as those devoted to institutional, commercial, office or industrial use shall be designed to safely withstand the hydraulic effects of a 100-year flood. The areas of the structure below the level of the 100-year flood shall be made water tight with walls substantially impermeable to the passage of water and shall be constructed of components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Essential utilities (electric, telephone, water, sewers) shall be installed above the 100-year flood elevation or specifically protected by flood resistant enclosures. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction. The plans for the construction shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this sub-section.

7. Accessory structures shall be anchored and reinforced to prevent flotation, collapse and lateral movement including the effects of buoyancy. They shall be designed to preclude finished living space and to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls by providing a minimum of two openings (the bottom of which shall be no higher than one foot above grade) which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

8. All new construction and substantial improvements shall be:
   a. Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;
   b. Constructed with materials and utility equipment resistant to flood damage;
   c. Constructed by methods and practices that minimize flood damage; and
   d. Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities elevated at least two (2) feet above the 100 year flood elevation.

9. Located within Special Flood Hazard Areas are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.

10. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

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

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5000 USE-RELATED PROVISIONS

5100 HOME-BASED BUSINESSES

Any minor home-based business and any home-based professional office shall comply with the following standards:

1. The use shall be located in the same building in which the resident occupant resides.

2. Parking area or areas shall be of sufficient size for the home-based business(es) and shall:
   a. Be suitably screened with evergreen planting, walls or fences, or combinations thereof, and
   b. Have entrance and exit drives designed and located so as to minimize traffic hazards.

3. Any commercial vehicles used in connection with the home-based business shall comply with Section 3310.

4. The use shall have no adverse effect upon the neighborhood in which the use is to be conducted.

5. There shall be no mechanical or structural fabrication or assembly of any products or items except that which is incidental to the performing of a permitted service.

6. There shall be no outside storage or other evidence of the use unless screened to the satisfaction of the Zoning Enforcement Official from the street and adjacent property.

7. The use shall not create any noise, odor or unsightly condition noticeable beyond the boundaries of the premises on which the use is conducted.

8. There shall be no display or advertising except a small nameplate not exceeding 2 square feet in area may be displayed.

9. No products shall be sold on the premises unless specifically approved by the Commission and any such products shall be made or grown on the premises except for the sale of items which are incidental to the providing of a permitted service.

Agricultural uses and activities are not regulated as home-based businesses and are addressed separately throughout the Regulations.

5200 ACCESSORY APARTMENTS

5210 PURPOSE AND INTENT

The purpose of this section is to provide housing opportunities for people who may need it by allowing the establishment of housing units within or attached to existing housing units.

5220 STANDARDS

One (1) accessory dwelling unit within or attached to the main dwelling unit on a parcel provided that it conforms to all of the following requirements:

1. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit and an annual affidavit shall be filed by January 31 of each year attesting to such occupancy.

2. The area devoted to the accessory dwelling unit shall not exceed:
   a. Forty percent (40%) of the area of the principal dwelling (exclusive of garage, attic, and basement) in the Residence A District.
   b. Thirty percent (30%) of the area of the principal dwelling (exclusive of garage, attic, and basement) in the Residence B District.
   c. 1,500 square feet in any zoning district.

3. The accessory dwelling unit shall not contain more than two bedrooms.

4. Utility services for the accessory dwelling unit shall not be configured separately from those for the principal dwelling unit.

5. The accessory dwelling unit shall be accessible from the principal dwelling by an operable door along a common wall so that the apartment can be integrated back into the principal dwelling in the future.

6. The accessory dwelling unit shall not be located in an attic or story below the first floor (a cellar or a basement) unless substantial portions of the walls of the accessory apartment are above grade and it is determined that that the accessory apartment, as configured, has sufficient light, ventilation and a direct entrance to the outside planned or in place, so as to permit use as a separate living unit.

7. The lot shall conform to the minimum lot area requirement for the district.

8. The principal dwelling unit and the accessory dwelling unit shall comply with the building code and health and safety regulations.

9. Upon establishment of the accessory dwelling unit, the building shall:
   a. Maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of a single-family residence and no exterior evidence of the accessory apartment use (e.g. ·outside stairs, doors, fire escapes, etc.) shall be visible from the street;
   b. Have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit; and
   c. Share access from the public right-of-way and parking facilities shall serve both the principal and accessory units.

5300 LODGING FACILITIES

5310 ROOMERS AND BOARDERS

The keeping of roomers or boarders (people, other than family members, who are furnished with sleeping arrangements for remuneration) shall only be permitted subject to the following conditions:

1. The leasing of rooms and taking of boarders shall only be conducted by the owner who shall reside on the property.

2. Roomers and boarders must be accommodated within the principal building and shall not be provided with any separate kitchen facilities.

3. No more than 3 roomers or boarders may be accommodated on any lot and off-street parking of one space for each such roomer or boarder must be provided for motor vehicles belonging to such roomers or boarders.

4. Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, motels, inns, taverns or roadhouses or other places of public accommodation.

5320 BED & BREAKFAST

Operation of a bed and breakfast or other home-based lodging facility shall only be permitted subject to the following:

1. The bed and breakfast facility shall only be conducted by the owner who shall reside on the property.

2. The property shall contain at least 3 acres of land.

3. All lodging rooms shall be accessed from inside the principal structure.

4. In addition to the requirements as set forth in Section 6200, parking shall be provided so that there shall be no fewer than one (1) off-street parking space for each bedroom available for use.

5. Food service, which is not limited to breakfast, shall be limited by the maximum occupancy of the bed and breakfast.

6. Approval of the Special Permit shall consider the adequacy of the water supply and sewage disposal systems and compliance with the Health Code, the Fire Code and Building Code.

5330 COUNTRY INN / SPA / WELLNESS FACILITY

A country inn, spa and/or wellness facility which may include lodging and related facilities compatible in size, scale and appearance with the rural residential character of Easton may be permitted in a residential zone upon the granting of a Special Permit by the Commission subject to the following requirements:

1. When approved by the Commission as part of the Special Permit, the country inn, spa and/or wellness facility use may include:
   a. A restaurant,
   b. Conference facilities,
   c. Recreational facilities, and
   d. Similar uses contributing to the comfort, convenience or necessity of the guests of the country inn, spa and/or wellness facility.

2. When approved by the Commission as part of the Special Permit, such related uses may also be available on a limited basis to the general public provided that:
   a. The application clearly defines and limits the size and scale of general public use, and
   b. The Commission determines that the additional facilities and activity associated with the public use portion of the country inn, spa and/or wellness facility use meets all the other requirements of these Regulations.

3. **Access** - In terms of access, the Commission:
   a. Shall determine that the projected traffic from the proposed use(s) can be safely accommodated by the roadway system, and
   b. May require the applicant to submit a traffic and access analysis, prepared by a licensed traffic engineer addressing the safety and adequacy of the roadway system for patrons and deliveries, including road grade, pavement width, sight lines, bridges and any other conditions affecting safe vehicular access to the site.

4. Building Location:
   a. No building or other major structure other than an accessory building for storage purposes may be located within 100 feet of any property line.
   b. These minimum requirements may be increased by the Commission where it determines a greater setback is needed in consideration of the proximity of surrounding residences and the adequacy of the landscape or visual screen between the proposed use and surrounding uses.

5. **Compatibility Standards**:
   a. The appearance of buildings and structures on the lot shall be compatible with the residential character of the neighborhood and of Easton.
   b. Where a building, building addition or changes to the site are proposed and such any such change is visible from the road or a neighboring property, the Commission may require the applicant to submit an architectural and/or landscape rendering showing how the proposed development meets this standard.

6. **Off-Street Parking**.
   a. Parking and loading shall be provided in accordance with Section 6200 of these Regulations.
   b. When a proposed country inn, spa and/or wellness facility includes a restaurant or other activities open to the public or in other cases where it is deemed necessary, the Commission may require the applicant provide a parking analysis prepared by a traffic engineer.
   c. All parking shall be screened from view from the surrounding residences.
   d. Parking shall be located to the rear or side of the country inn, spa and/or wellness facility, wherever possible.
   e. Unless modified by the Commission, no parking space for the country inn, spa and/or wellness facility shall be located within 50 feet of side or rear property lines.
   f. No parking shall be permitted within the minimum setback area from the street.

7. **Noise**.
   a. The application shall identify any proposed outdoor functions or other activity associated with the country inn, spa and/or wellness facility use(s).
   b. Any such activity not so identified in the application and approved by the Commission shall be prohibited.
   c. The Commission reserves the right to attach conditions to the Special Permit where it determines that, in consideration of the particular location and activity, such conditions are necessary to avoid excessive noise levels and disturbance to the residential neighborhood.

8. **Lighting** – Any exterior lighting shall be in accordance with Section 6300 of these Regulations.

9. **Signs** - Any sign shall be in accordance with Section 6100 of these Regulations.

10. **Utility Services**: Adequate water supply and sewage disposal systems shall be provided.

5400 FLAG LOTS / INTERIOR LOTS

1. A flag lot or an interior lot which conforms in all respects to these regulations except for its lack of street frontage, shall be deemed a conforming lot with respect to these regulations and may be issued permits in the same manner as a lot which meets the frontage requirements of these regulations.

2. A new flag lot or interior lot may be allowed by the Commission by Special Permit provided that:
   a. The parent parcel or tract of land is capable in all respects of division or subdivision into one additional lot except that it lacks suitable area or frontage or terrain to accommodate a conforming accessway for such additional lot as determined by the Planning and Zoning Commission,
   b. The driveway and/or accessway to the flag lot or interior lot shall meet the requirements of Section 5500 and be approved by the Commission for safe access to the lot and for protection of the environment of the site.

3. All flag lots and interior lots shall be governed by the following conditions:
   a. A flag lot or interior lot shall comply with all requirements of the Zoning Regulations (including, but not limited to, lot shape and minimum front, rear, and side yard requirements) for the District in which such lot is located except that such lot shall not have to comply with the lot frontage requirement.
   b. Each interior lot or flag lot shall be served by an accessway providing access to a public street and:
      i. Such accessway shall be not less than twenty-five (25) feet nor greater than sixty five (65) feet wide at all points.
      ii. The accessway shall be a graveled or paved driveway which satisfies the requirements of Section 5500.
   c. The Commission may consider an easement to be the accessway.

4. With regard to flag lots:
   a. Each flag lot shall include an accessway in the same ownership as the lot, suitable for a driveway and utilities, which extends to and provides the lot with frontage on a public street or highway, as required by this Section.
   b. No flag lot accessway shall be located within 300 feet of another flag lot accessway, except that the Commission may permit not more than two (2) flag lot accessways, in one location, to adjoin for the purpose of a shared or common driveway as provided in Section 5500.

5500 DRIVEWAYS

5510 PURPOSE AND INTENT

This Section of the Regulations is intended to regulate the establishment of driveways on all lots, including interior or flag lots, in the interest of safety, aesthetics, and the proper disposal of storm water. These requirements shall be satisfied prior to the issuance of a Certificate of Zoning Compliance.

5520 STANDARDS FOR ALL DRIVEWAYS

1. Location

a. When a lot has frontage on two (2) streets, the driveway shall be located on the street having lower traffic volume unless the applicant can demonstrate a compelling safety, environmental, or topographical reason why that is not feasible or desirable.

b. Driveways shall be located to preserve existing trees having a diameter of 24 inches or greater and located within twenty (20) feet of the edge of the road right-of-way, and construction activities shall be conducted in a manner that protects such trees from damage due to filling, excavating, or other site work.

c. Sight lines acceptable to the Town Engineer (including any input from the Police Chief) or his/her designee shall be provided and maintained.

d. No driveway, no common driveway, and no driveway off a common driveway shall create an unsafe condition as determined by the Police Chief or his/her designee.

2. Width And Grade

a. Driveways shall be at least ten (10) feet wide except that driveways more than 200 feet in length shall be at least twelve (12) feet wide.

b. In all cases, the turning radius at the centerline of any curve shall be no less than thirty-seven (37) feet.

c. The owner shall maintain said driveway width and turning radius areas free of obstructions.

d. In terms of driveway grade:

i. The maximum driveway gradient within 20 feet of the edge of the travelway of the intersecting street shall not exceed five (5) percent.

ii. On any other driveway segment, the gradient shall not exceed twelve (12) percent; provided, however, that the Commission may, after considering site grading and safety factors, allow a gradient of up to fifteen (15) percent for one segment up to fifty (50) feet long.

iii. No curve shall be allowed in any segment where the gradient exceeds twelve (12) percent.

3. Construction

a. That segment of a driveway which extends from the paved surface of a street to the front property line of any lot or parcel shall be constructed as required under the applicable Town ordinance.

b. Entrance gate posts, pillars or arches must be located and constructed so as not to impede the entrance of any of the Town's fire apparatus (a minimum 15 foot setback and 14 foot opening).

c. Each driveway serving a dwelling shall be designed and constructed to handle large vehicles, including emergency apparatus.

d. At all points, including bridges and curves, the driveway must be capable of supporting an H-20 wheel loading.

e. In the construction of all driveways, regardless of length, due consideration shall be given to the need for safety barriers for safe travel along embankments and steep slopes. '

4. Storm Water Drainage

a. Driveways shall be constructed in a manner that will not discharge storm water onto a Town street.
b. Discharge of storm water to a Town storm drainage system is allowed only with prior approval of the Commission.

5530 STANDARDS FOR COMMON DRIVEWAYS SERVING 2-4 LOTS

A common driveway designed to serve up to four (4) single-family residential lots may be authorized by the Commission in accordance with the following standards:

1. A common driveway designed to serve up to two (2) single-family residential lots shall be located within a mutually-shared perpetual easement coincident with any lot accessways, or within an accessway held in perpetual undivided common ownership by the aforesaid two lots.

2. A common driveway designed to provide access-from a street to three (3) or more lots shall be located only within an accessway held in perpetual undivided common ownership appurtenant to the titles of each of the benefiting lots.

3. The common driveway plan shall be approved by the Commission.

4. The design plan for the common driveway shall show essential details of property lines, easement lines, proposed travelway, existing and adjusted land contours, proposed storm drainage, individual driveway access to the common driveway, general locations of utilities and other features to be constructed, including curbs, walls and guide rails where required, proposed planting including appropriate trees and buffer planting, sight-lines at the driveway intersection with the public road, and shall bear the seal of a Connecticut-registered professional engineer.

5. The common driveway length shall be as determined appropriate in each case by the Commission.

6. Every shared easement or common ownership accessway shall be not less than fifty (50) nor more than sixty-five (65) feet in width, exclusive of any required turnaround at its terminus.

7. Where the principal means of access to a lot is by an adjoining common ownership accessway, over a continuous accessway boundary of at least twenty-five (25) feet, the lot's frontage requirements shall be deemed to be met in the same manner as for a "flag lot'.

8. Every access easement and every common ownership accessway shall be capable in its layout and character of terrain of providing for safe access to each benefiting lot without adverse environmental impact, and its layout and design plan shall require the specific approval of the Planning and Zoning Commission.

9. The common driveway travelway shall be constructed in accordance with the standard road specifications of the Town of Easton (for sub-base, base, wearing surface, drainage and other construction details), except as provided below:
   a. Minimum travelway width shall be sixteen (16) feet plus two (2) feet of graded and grassed shoulder at each side. The Commission may reduce or waive the requirement for graded shoulders for short distances along the travelway to the extent necessary to minimize impact on wetlands, steep slopes, desirable natural features, or to an adjacent residential lot.
   b. Maximum travelway grade for the first twenty-five (25) feet from the edge of the travelway shall be five percent (5%), thereafter transitioning to a maximum gradient of twelve percent (12%).
   c. A "hammerhead" or "T" configuration of turnaround, suitable in design to accommodate safe turning movements for large service vehicles and fire apparatus; at maximum 4% gradient, shall be provided at the terminus of any common driveway serving three (3) or more lots.
   d. Unless otherwise approved by the Commission, all utility lines for power and communication shall be placed-underground at the side of the travelway.
   e. Curbing shall not ordinarily be required, except where determined necessary by the Commission on advice of the Town Engineer.
   f. Banksides adjacent to the travelway shall be landscaped to preserve scenic features and provide for shade trees as determined appropriate by the Commission.
   g. Each individual driveway entrance shall be clearly posted at its intersection with the common driveway with an address-number sign designed for night-time visibility to assist in emergency identification and access.

10. All other geometric, design and drainage standards shall be as prescribed by Section 5500.

5540 STANDARDS FOR COMMON DRIVEWAYS SERVING 5-6 LOTS

A common driveway designed to serve up to six (6) single-family residential lots may be authorized by the Commission in accordance with the following standards:

1. The common driveway plan shall comply with the standards in Section 5500 except that the minimum width of the common driveway travelway serving five or six lots shall be sixteen (16) feet plus two (2) feet of constructed, graded and grassed travelway base on each side.

2. If the common driveway is proposed to serve five (5) lots, at least one (1) lot shall have the road frontage on a public street specified by Section 3400.

3. If the common driveway is proposed to serve six (6) lots, at least two (2) lots shall have the road frontage on a public street specified by Section 3400.

4. No single-lot driveway entrance from either a common driveway or a public street, shall be located within 150 feet of the intersection of a common driveway and a public street.

5. The Commission may, in its determination, limit any lot to access only from the common driveway on which it abuts.

5550 COMMON DRIVEWAY AGREEMENTS

1. The plan approved by the Commission shall reference all pertinent easement and maintenance covenant documents, and shall be filed, along with such documents, following Commission approval, in the Town Land Records.

2. The common driveway plan shall include a perpetual easement and enforceable maintenance covenant which incorporates the full extent of the common driveway and shall require approval by the Planning and Zoning Commission.

3. The easement shall grant full rights of access for all legal purposes, including utility installations, to each of the sharing lots.

4. The maintenance covenant shall obligate each benefiting lot owner to pay a specified pro rata share of all work required to maintain the common driveway at all times in a safe and properly functional condition, and shall further obligate the owners to contract for specified services which at a minimum will guarantee prompt clearance of snow and ice, trimming of overhanging tree branches, removal of debris and objects tending to impede safe travel, and essential periodic repairs (such as repaving, maintenance of drainage systems, guard rail replacement, mowing, regrading of banksides, and other necessary work).

5. The maintenance covenant shall provide appropriate legal remedies which may be applied by any lot owner(s) paying for work required under the covenant against any non-paying or delinquent lot owner(s), and shall provide that the Town may take enforcement action against any lot owner jointly and severally in the event that driveway conditions are found by the Commission or its agent to constitute a hazard to Town or other emergency services such as fire, police or medical response. The following text shall be incorporated within each common driveway maintenance covenant:

   "The undersigned parties to this covenant, owners of lots (insert lot identification here) as shown on (insert title and date of map), duly filed in the Easton Town Land Records as Map (insert Town Clerk map reference here), their heirs, successors and assigns, hereby jointly and severally assume full maintenance responsibility and liability for the condition of all improvements shown on (insert title of common driveway plan), as more particularly described in the Long-term Maintenance Program attached hereto as Exhibit A, and hereby agree to indemnify and to hold harmless the Town of Easton from any and all claims whatsoever which may arise from the condition of said improvements on the said common driveway irrespective of their cause."

5600 AGRICULTURE-RELATED ACTIVITIES

5610 MINOR NON-AGRICULTURAL USES

1. Any working farm or any agricultural, horticultural or agri-business operation may complement their agricultural activities by any or all of the following subject to the parameters provided in this Section:
   a. Pick-your-own operations or similar on-farm processing operations.
   b. Events of limited duration that are open to the public, including (but not limited to) hayrides, corn mazes, festivals, and other similar activities provided such activities comply with all applicable state and municipal codes.
   c. Outdoor recreation activities such as bird watching, snowshoeing, and/or other passive recreational activities.

2. The following activities shall only be conducted in accordance with the following hierarchy:

a. Events conducted on thirty (30) or fewer days per calendar year	No Zoning Permit Required
b. Events conducted on more than thirty (30) days per calendar year	Zoning Permit (Staff)

3. It shall be the responsibility of the owner to provide adequate off-street parking for the event, provide safe and adequate access and egress, and to manage traffic flow as may be necessary.

4. Notwithstanding any other requirements of these Regulations with regard to Zoning Permits or plan requirements, any application for an agricultural-related activity under Section 5610 shall, at a minimum, include a letter describing the proposed activities and an aerial photograph or hand drawn map depicting the location of the proposed activities (there shall be no requirement for a plot plan or site plan drawn to scale by a licensed land surveyor, civil engineer. or architect provided the aerial photograph or hand drawn map provides adequate information for a full evaluation of the request).

5. The Zoning Enforcement Officer or staff may forward any Zoning Permit application to the Commission for action and the Commission may require the submission of additional information or may deny the permit request if the proposed activity will not be appropriate for the proposed location.

5620 MAJOR NON-AGRICULTURAL USES

1. Major non-agricultural uses including (but not limited to) retreats, weddings, workshops, education, training, and classes in accordance with the following hierarchy:

Events Per Year	Provided there is no amplified sound outdoors	If there will be amplified sound outdoors
1	No Zoning Permit Required	Special Permit (Commission)
2	No Zoning Permit Required	Special Permit (Commission)
3	Zoning Permit (Staff)	Special Permit (Commission)
4	Zoning Permit (Staff)	Special Permit (Commission)
5+	Special Permit (Commission)	Special Permit (Commission)

2. Notwithstanding any other requirements of these Regulations with regard to Zoning Permits or plan requirements, any application for a major agricultural-related activity under Section 5620 shall, at a minimum, include a letter describing the proposed activities and an aerial photograph or hand drawn map depicting the location of the proposed activities (there shall be no requirement for a plot plan or site plan drawn to scale by a licensed land surveyor, civil engineer. or architect provided the aerial photograph or hand drawn map provides adequate information for a full evaluation of the request).

3. The Zoning Enforcement Officer or staff may forward any Zoning Permit application to the Commission for action and the Commission may require the submission of additional information or may deny the permit request if the proposed activity will not be appropriate for the proposed location.

5630 FARM WINERY / BREWERY / DISTILLERY

A farm winery, brewery, distillery and/or similar operation accessory to an agricultural operation occupying a minimum of 25 acres of land is permitted by Special Permit provided that:

1. The winery / brewery / distillery / other operation(s) shall be accessory to the growing of grapes, grains, fruits and/or other ingredients used in the winery / brewery / distillery / other operation.

2. The winery / brewery / distillery / other operation(s) shall comply with all State permit requirements for such facilities (including, but not limited to, CGS Section 30-16).

3. The Commission may, by Special Permit, approve appropriately scaled special events or uses, such as dinners, luncheons, weddings, corporate parties and/or teas as an accessory use to a winery / brewery / distillery / other operation.

4. The Commission may, by Special Permit, authorize the establishment on the property of a tasting room and/or retail sales of sealed containers of winery / brewery / distillery / other products produced on the property. A winery may sell wine from other Connecticut wineries. Unless otherwise authorized by the Commission by Special Permit, no brewery / distillery / other operation permitted hereunder shall sell any beer, cider, or other alcoholic product on the property not manufactured in such brewery / distillery / other operation on the property.

5. The Commission may, by Special Permit, allow the sale and service of food and beverages at a winery / brewery / distillery / other operation as an accessory use, provided that such activities must be incidental to and on the same property as the winery / brewery / distillery / other operation.

5640 AGRICULTURAL PROCESSING

The processing and sale of forest and tree products, such as firewood, leaf mulch, brush and bark chips, and similar products of a character native to Connecticut, specifically excluding bulk sawmills and any process which results in refined chemical or manufactured products; may be permitted by the Commission by Special Permit provided:

1. The use shall:
   a. Be located on a site of at least ten (10) acres unless otherwise approved by the Commission.
   b. Be accessory to an active farm or forestry operation located in Easton.
   c. Process only natural material (such as wood, brush and other vegetative material), of which a major proportion has been harvested from land within the Town of Easton.

2. A complete description of all activities, materials used, and end products shall be supplied to the Commission for its determination of appropriateness within a rural residential environment.

3. The use of dyes or coloring agents applied to mulch, chips and similar materials may be authorized by the Commission provided that:
   a. Any such proposal located within a public water supply watershed area shall be referred to the appropriate water company for comment.
   b. There shall be no manufacture of dyes or chemicals on the site;
   c. The chemical constituents and concentration of such coloring agents are within the safe limits for human health and environmental protection as established by the United States Environmental Protection Agency and any applicable State Agencies;
   d. The storage of said dyes and coloring agents shall only be in secure containers and the transfer and use of said materials shall not be allowed to create contamination of earth, groundwater or streams, or to jeopardize the public health, safety or welfare; and
   e. Each of the above uses shall be fully compliant with relevant Federal and State codes.

4. Each proposed use shall be considered a unique case and be evaluated by the Commission in terms of compatibility with its neighborhood, traffic generation, effects if any on a public water supply watershed and on the natural environment of the site, and benefit to the community.

5. In granting permission for any use the Commission may specify hours of operation, screening, and specific controls on lighting, noise, dust, odors, traffic and other effects of the activity as it deems necessary to protect the neighborhood.

5700 INSTITUTIONAL USES

1. Any use subject to the provisions of this Section shall be permitted only in locations fronting on or having direct, safe and convenient access to a major road (such as a collector or arterial road as may be identified in the Plan of Conservation and Development adopted by the Commission).

2. Unless modified by the Commission as specified in Section 5700.3 below, institutional uses shall be subject to the following limitations:
   a. Building coverage shall not exceed ten percent (10%) of the site area.
   b. The total of the land covered by all buildings, structures and other impervious improvements including impervious parking areas and driveways shall not exceed thirty percent (30%) of the site area (the Commission may allow greater coverage if it consists of pervious surfaces and appropriate drainage improvements).
   c. All principal structures shall have a minimum front yard setback of 75 feet from the property line and 110 feet from the street centerline.
   d. All principal structures shall have a minimum side yard setback and rear yard setback of 80 feet from any other property line.

3. The Commission may, by Special Permit, increase the building coverage up to twenty percent (20%), increase the total coverage up to forty percent (40%), and/or decrease the setbacks to those required for residences provided that:
   a. The applicant demonstrates that the community and the neighborhood will not be adversely affected due to the nature of the use, the intensity of the use, design and/or configuration of the use, and the screening or buffering provided.
   b. The applicant demonstrates that water quality will not be adversely affected due to specific enhancements made as part of the proposed development.
   c. An adequate buffer area with effective screening is established and maintained, without other uses, throughout any side or rear setback area adjoining a residential lot or lots.

4. All parking areas and access drives shall be located, designed, and visually screened as necessary so as not to adversely affect the character of the neighborhood in which the premises are located.

5. An adequate buffer area shall be required along property lines adjoining residential or undeveloped properties.

5800 DAY CARE

1. The site shall contain an area suitable and securely fenced for outdoor exercise area or play space which is reserved for exclusive day care use during times that the day care is in session. Such outdoor exercise area shall be in accordance with State licensing requirements; but in no case less than 2,000 square feet in area and shall have provision for access by emergency services.

2. Effective screening shall be provided and maintained for the protection of adjacent properties, especially with respect to outdoor play areas and any parking or passenger loading areas.

3. An appropriate license from the State of Connecticut to operate a day care facility of any type shall accompany the application and remain in effect as a condition of any permit under this section.

4. Minimum lot area for a group day care home or a day care center shall be 40,000 square feet in the Residence A District and 3 acres in the Residence B District.

5. A family day care home shall:
   a. Be operated by the resident/owner, and
   b. Be an integral part of the structure housing the principal residence on the site.

6. A group day care home shall:
   a. Have the director of the group day care home reside on the site as his/her principal domicile,
   b. Have the director of the group day care home directly supervise all activities of the group day care home, and
   c. Be an integral part of the structure housing the principal residence on the site.

7. A day care center shall be:
   a. Conducted as an adjunct to an established institutional use such as a church or private school regulated under Section 3200,
   b. Permitted only in locations fronting on or having direct, safe and convenient access to a major road (such as a collector or arterial road as may be identified in the Plan of Conservation and Development adopted by the Commission), and
   c. Provided with ample on-site parking.

5900 CONSERVATION DEVELOPMENT

5910 PURPOSE AND INTENT

Conservation Development may, by Special Permit, be allowed in the Residential B District in Easton in order to:

- Encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land;
- Protect water quality and water resources;
- Encourage preservation of open space, farmland and farmland soils, and community character;
- Encourage variation in residential developments that would not otherwise be possible; and
- Permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.

5920 DETERMINATION OF MAXIMUM NUMBER OF LOTS

The maximum number of lots that may be approved in a Conservation Development shall be determined by one of the following methods:

1. **Soil Testing Approach** - The developer may conduct on-site soil testing and prepare a sketch plan of a conventional subdivision design for review by the Commission. After determining the feasibility of the conceptual design, the Commission shall establish the maximum number of lots permitted in the Conservation Development provided that the number of lots shall not exceed what would have resulted from a conventional subdivision in accordance with the provisions in the Easton Subdivision Regulations.

2. **Mathematical Approach**:
   a. Determine "net land area" which shall be the parcel area minus:
      - Watercourses, waterbodies, ponds, streams,
      - 100-year floodplains,
      - Wetlands, and
      - Areas with pre-development grades in excess of twenty-five percent (25%).
   b. Multiply the net land area by 0.25 lots per acre of net land area (this density factor is based on the minimum lot size requirement, the open space set-aside requirement, the area typically required for road rights-of-way, and historic pattern of development in Easton).
   c. The result of this calculation, rounded to the nearest whole number, shall represent the maximum number of lots permitted in the Conservation Development.

5930 OVERALL DESIGN OF DEVELOPMENT

1. Any application for a Conservation Development shall include a site inventory / analysis map prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut except that the requirement to prepare such analysis may be waived for:
   a. A very low density development.
   b. The intention of deeding a significant portion of the property as open space.

2. Such site inventory / analysis map shall identify the following areas within the proposed development:

   a. **Primary Conservation Areas** – important environmental resources such as:
      - Watercourses,
      - Wetlands,
      - Vernal pools,
      - Steep slopes (25 percent or more), and
      - 100-year floodplain.

   b. **Secondary Conservation Areas** - environmental, scenic, and cultural resources such as:
      - Prime farmland soils and farmland soils of statewide significance,
      - Existing farm fields and farm structures,
      - Areas within 100 feet of existing streets or roads (including State highways),
      - Areas within 50 feet of a wetland or within 100 feet of a watercourse or vernal pool,
      - 500-year floodplain,
      - Ridgelines, scenic views and vistas from the public roadway(s),
      - Significant geologic formations, including ledge and rock outcroppings and cliffs,
      - Natural Diversity Database sites or wildlife corridors,
      - Identified historic structures or historic resources,
      - Notable individual trees (>18” diameter) and/or mature woodlands,
      - Stone walls and /or farm hedgerows, and
      - Possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.

3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.

4. To assist with its consideration of a Conservation Development, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

5940 DEVELOPMENT STANDARDS

1. The overall layout plan for the Conservation Development shall reflect the site inventory / analysis map.
   a. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection which may include preservation as open space.
   b. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas may be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.

2. It is anticipated and intended that a significant portion of the parcel being subdivided will be preserved as open space in perpetuity in a location, configuration, form and manner acceptable to the Commission.

3. Any lot created as part of a Conservation Development shall comply with the following requirements:

ZONE	Residence B
Minimum Parcel Size	No minimum requirement
Minimum Lot Size	40,000 SF provided the parcel complies with the Public Health Code
Minimum Lot Frontage (on a public or private street)	100 feet
Minimum Front Yard Setback	50 feet from front property line 75 feet from the centerline of any street
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	40 feet
Maximum Building Height	Two stories plus attic. 35 feet above the highest elevation where the foundation meets grade
Lot Shape	All lots shall contain a square having a minimum dimension of 80 feet wide per side and such square shall not include any area designated as a Primary Conservation Area or a Secondary Conservation Area.

5950 ROAD AND DRAINAGE STANDARDS

1. Roads within the Conservation Development may be public or private.

2. Unless otherwise approved by the Commission as part of the approval, the road system serving a Conservation Development shall be designed in conformance with the Road Standards contained in the Easton Subdivision Regulations.

3. Drainage shall be constructed in accordance with these Regulations and other Town specifications and requirements.

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6000 STANDARDS

6100 SIGNS

6110 PURPOSE AND INTENT

These sign regulations are intended to protect the established rural and residential character of the Town of Easton, the property values of residents, and the safety and welfare of the general public.

6120 PERMITTED SIGNS

6121 Public And Directional Signage

1.	**Public Signs** - Essential traffic control, emergency information, construction, road name, and directional signs erected by State and Town traffic authorities.	No Sign Permit Required
2.	**Private Directional Signs** - Necessary traffic and parking control signs in common driveways, private roads, and parking facilities, not exceeding two (2) square feet in area for each sign face.	No Sign Permit Required
3.	**Municipal Signs** - A municipal sign or sign post which conveys public information essential to health, safety, public meetings, elections, referenda or other matters of public concern, or any sign required by any agency of the State or Federal government, provided the size, location, duration and general design of such sign or signs is approved by the Zoning Enforcement Officer.	No Sign Permit Required

6122 Agricultural Signage

1.	**Farm Identification Sign** - One sign per farm not exceeding sixteen (16) square foot in area per sign face located within twenty (20) feet of the entrance driveway to the farm.	No Sign Permit Required
2.	**Farmstand /Farm Store Sign** - One sign per farm not exceeding eight (8) square foot in area per sign face located within twenty (20) feet of the entrance to the farmstand or farm store.	No Sign Permit Required
3.	**Agricultural Activity Signage** - One or more signs per farm not exceeding eight (8) square foot in area per sign face located along the street frontage of the farm (not more than one sign per 300 feet of frontage) indicating an agricultural activity being conducted in accordance with Section 5600 or the farm products available that are in season.	No Sign Permit Required
4.	**Off-Site Agricultural Activity Signage** – Up to four (4) off-site signs per farm not exceeding eight (8) square foot in area per sign face directing people to an agricultural operation for up to 4 weeks in each season of the year.	No Sign Permit Required

6123 Identification Signage

1.	**House Numbers** - Sign(s) in compliance with the Town Ordinance "Assignment Of Numbers To Houses" which otherwise comply with these Regulations.	No Sign Permit Required
2.	**Identification** - One sign per lot (such as identifying the name of the resident, the name of the property, or the address) not exceeding one (1) square foot in area per each sign face, located within ten (10) feet of the entrance driveway to the lot.	No Sign Permit Required
3.	**Warning Signs** - Private property posting or warning signs (such as "no trespassing" or "police protected"), non-illuminated, maximum of one sign along each 100 feet of property boundary or fraction thereof, not exceeding one (1) square foot in area per each sign.	No Sign Permit Required
4.	**Special Use Identification Sign** - An identification sign indicating a permitted professional office, home-based business, home-based professional office, or other legitimate sales activity, or any special use as provided by Section 3240 of these Regulations, not more than one such sign per lot; such sign in conformance with all side line and rear line setback requirements of these Regulations, not over four (4) square feet in area for each sign face, and not above eight (8) feet in height above ground level.	Sign Permit (Staff)
5.	**Special Identification Sign -** An identification sign indicating a permitted professional office, home-based business, home-based professional office, or other legitimate sales activity, or any special use as provided by Section 3240 of these Regulations if: a. More than one such sign per lot; b. To be illuminated and then only when illuminated by low-intensity lighting confined to the surface of the sign ·so that no direct sources of illumination are visible , c. More than four (4) square feet in area for each sign face, or d. More than eight (8) feet in height above ground level.	Special Permit (Commission)

6124 Temporary Event Signage

1.	**On-Site Real Estate Signs** - One temporary sign indicating sale or rental of the property where the sign is located; sign not illuminated, maximum area of four (4) square feet per sign face, maximum height of eight (8) feet. The sign shall be removed within five (5) days of completion of the transaction.	No Sign Permit Required
2.	**Special Event Sign** - One temporary sign indicating construction on the premises or a special event occurring on the same premises; sign not illuminated, maximum area of eight square feet (8 SF) per sign face, height of eight (8) feet. The sign shall be removed within 24 hours of completion of the construction or scheduled event.	No Sign Permit Required
3.	**Off-Site Sign** - One temporary off-site sign indicating a real estate open house or private event (wedding, shower, tag sale, etc.) for the sole purpose of guiding people to the property, limited to the date of the event, area of sign face to not more than eight square feet (8 SF). Such sign shall be removed not later than one (1) hour after completion of the event.	No Sign Permit Required
4.	**Special Event Signage Program** – Multiple temporary signs relating to a special event open to the public (such as a church fair, an auction, a permitted sale or carnival for a civic organization); signs not illuminated, one face only per sign, each sign not over eight square feet (8 SF) in face area; provided however; that the number, duration and approximate locations of such signs shall require advance approval by the Zoning Enforcement Officer and such signs shall be removed within 48 hours after completion of the referenced event.	Sign Permit (Staff)

6130 STANDARDS GOVERNING ALL SIGNS

2. Sign Location

a. The location of each sign shall be limited to the premises it identifies or serves and no off-premises signs are allowed, except as specifically provided in Section 6120.
b. Signs mounted on buildings shall not extend above the principal eave line, nor extend outward more than four (4) feet from the face wall of the building.
c. Free-standing signs shall be located inside the front lot line of the lot, except as specifically provided in Section 6120.
d. No sign shall be placed in such position that it interferes with safe visibility from a street or a driveway.

3. Number Of Signs / Faces

a. Except as specifically provided in Section 6120, there shall be not more than one sign on any single lot or premises.
b. The number of faces, or separate message-bearing surfaces, is limited to two (2) per sign.

4. Sign Area / Height

a. The area of the sign shall comprise the entire surface area (all faces) on which the message is inscribed.
b. The height of a sign shall be measured from finished grade at the base of its supporting structure to the highest part of the sign.

5. Sign Illumination / Movement

a. External illumination of signs (gooseneck lamps, shielded light sources, etc.) is permitted.
b. Internal illumination of signs (sign boxes, channel letters, halo letters, backlit letters, etc.) is expressly not permitted.
c. No sign shall result in glare or reflections visible off the premises.
d. Signs of moving, flashing, intensely glowing (such as neon) or highly reflective character are prohibited.
e. Any LED lighting installed shall not produce illumination rated above three thousand degrees Kelvin (3000K).

6. **Portable Signs** - Portable signs are limited to the following:

a. An identification logo or company nameplate permanently affixed to a vehicle in daily use away from the premises where it is stored; or
b. As specifically provided in Section 6120.

7. **First Amendment** – Nothing in these regulations shall be deemed to authorize the prohibition or unreasonable or unlawful regulation of any speech, whether located on a sign or otherwise, that is otherwise protected speech under the Constitutions of the United States or the State of Connecticut

6140 SIGN PERMIT APPLICATIONS

1. Application for a sign permit shall be on a form prescribed by the Zoning Enforcement Officer, and shall be accompanied by an accurate diagram or pictorial facsimile of the proposed sign indicating its dimensions, character, height, type of support or mount, location(s) and such other information as may be required to determine full compliance with all requirements of these regulations.

2. Each application for a sign permit shall be submitted to the Zoning Enforcement Officer not later than fifteen (15) days before its proposed erection.

3. The Zoning Enforcement Officer:
   a. Shall issue the sign permit on determination that all requirements of these Regulations have been met.
   b. Refer the sign permit application to the Planning and Zoning Commission for decision when required by these Regulations or in any instance in which there is doubt as to permissibility of a proposed sign.

6150 ENFORCEMENT

1. The Zoning Enforcement Officer is hereby authorized to inspect signage and determine whether a sign is in compliance with these Regulations.

2. All illegal signs shall be removed promptly, and the Zoning Enforcement Officer may, after affixing a notice of violation to an illegal sign, remove and impound such sign three or more days after such notice.

3. Violations of these regulations shall be subject to the same penalties as other infractions of the Regulations, as provided by law.

6160 PRE-EXISTING NON-CONFORMING SIGNS

1. Any sign which has been in legal and continuous existence since May 1, 2003, as verified by graphic evidence established to the satisfaction of the Planning and Zoning Commission may be continued.

2. It shall be the responsibility of the owner of such sign to provide such graphic or documentary evidence.

6200 PARKING AND LOADING

6210 PURPOSE AND INTENT

This Section of the Regulations is intended to establish parking standards in order to meet community needs and expectations and to help promote public safety and welfare.

6220 MINIMUM PARKING REQUIREMENTS

6221 Basic Requirement

1. The following table establishes the minimum number of parking spaces to be provided unless modified by the Commission as provided in Section 6223:

Use	Minimum Number Of Spaces
a. Single-family dwelling	2.0 spaces
b. Accessory dwelling unit	2.0 spaces in addition to residence requirement
c. Roomers and/or boarders	1.0 space per roomer and/or boarder in addition to residence requirement
d. Country inn / spa / wellness facility	As determined by the Commission.
e. Home-based business involving customers or clients	2.0 spaces in addition to other requirements
f. Home-based business involving employees	1.0 space per employee in addition to other requirements
g. Retail store / specialty shop	4 spaces / 1,000 SF of gross floor area
h. Restaurants / eating establishments	8 spaces / 1,000 SF of gross floor area
i. Places of worship	1 space for each 4 seats provided.
j. Public buildings, community buildings, and non-profit organizations (organizations not for profit) and	1 space for every 4 persons at maximum expected usage of facility or for each 200 sq. ft. of GFA whichever is greater.
k. Public schools, private schools	1 space for each faculty member and 1 space for every 50 students at rated capacity.
l. Day care center	1 space for each employee and 1 space for every 10 enrollees.
m. Other uses not listed above	As determined by the Commission.

2. As part of a Special Permit application, the Commission may determine that additional parking spaces are necessary to meet the Special Permit criteria contained in Section 8440 of these Regulations.

6222 Potential Reduction Of Parking Requirements

1. **Permanent Parking Reduction** - The Commission may, by Special Permit, reduce the cumulative number of required parking spaces on one or more contiguous properties provided the Commission finds one or more of the following based on information provided by the applicant:
   a. Peak parking demands among uses occur at different hours of the day and this offset results in a lower net peak parking demand;
   b. Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development(s); or
   c. The uses are likely to generate transit, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation.
   d. Any reduction for two or more properties shall:
      i. Provide a functional and interconnected parking arrangement within and between the properties, and
      ii. Provide for an agreement among and between property owners providing for joint access and parking, in perpetuity unless otherwise approved by the Commission.

2. **Temporary Change of Use Exemption** - In the event that no new buildings or structures are being established and the land area, structures or permitted uses are simply being changed from one permitted use to another permitted use allowed under these Regulations, no additional parking spaces shall be required provided that:
   a. The number of spaces that presently exist on the property is at least 90 percent of the cumulative parking requirement for the new use(s) and the other existing use(s) on the property, and
   b. No “grandfathering” or other exception shall be provided relative to any future use of such premises.

3. **Temporary Parking Installation Reduction** –
   a. The Commission may, by Special Permit, delay the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use.
   b. The Special Permit shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such Special Permit and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.
   c. Before approval of a delay by the Commission, the applicant shall show upon the site development plan the complete layout for the full parking requirements and the design of the complete stormwater management system designed to handle the deferred parking pavement.
   d. The owner shall file the plan approved by the Commission in the Office of the Town Clerk, stipulating that:
      - The complete stormwater management system shall be installed at the time of initial development, and
      - The owner, or the successor and assigns of the owner, will install as many of the delayed parking spaces as the Commission deems necessary within six months of the Commission's request, when the Commission has determined that such installation is needed.

6230 STANDARDS

1. Parking spaces shall be at least 9 feet wide by at least 18 feet long.

2. Parking spaces shall be located off-street unless otherwise authorized and such spaces shall be served by an access aisle of at least 16 feet wide for one-way traffic flow or at least 24 feet wide for two-way traffic flow.

3. Handicapped spaces shall be provided in accordance with State requirements.

4. For a use permitted by Special Permit, the Commission may require that parking areas be:
   a. Paved and continuously maintained in good condition.
   b. Located at least 40 feet from a side or rear property line abutting a residential use unless otherwise approved by the Commission.

5. Bicycle racks are strongly encouraged as part of major Special Permit uses and such bicycle racks may be required by the Commission.

6. Electric car charging stations are strongly encouraged as part of major Special Permit uses and such charging stations may be required by the Commission.

6300 EXTERIOR LIGHTING

6310 PURPOSE AND INTENT

This Section of the Regulations is intended to establish lighting standards in order avoid negative impacts of lighting and to help promote public safety and welfare.

6320 APPLICABILITY

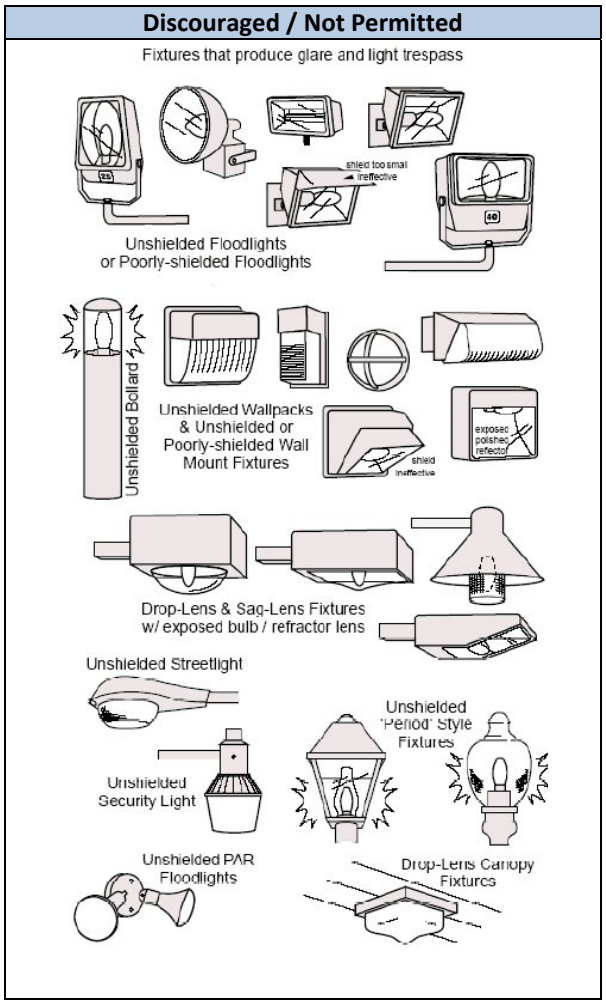
The provisions of this Section shall apply to any development activity required to obtain Special Permit approval. Temporary lighting used by the Police Department, Fire Department or Emergency Services and traditional seasonal lighting is exempt from the following standards.

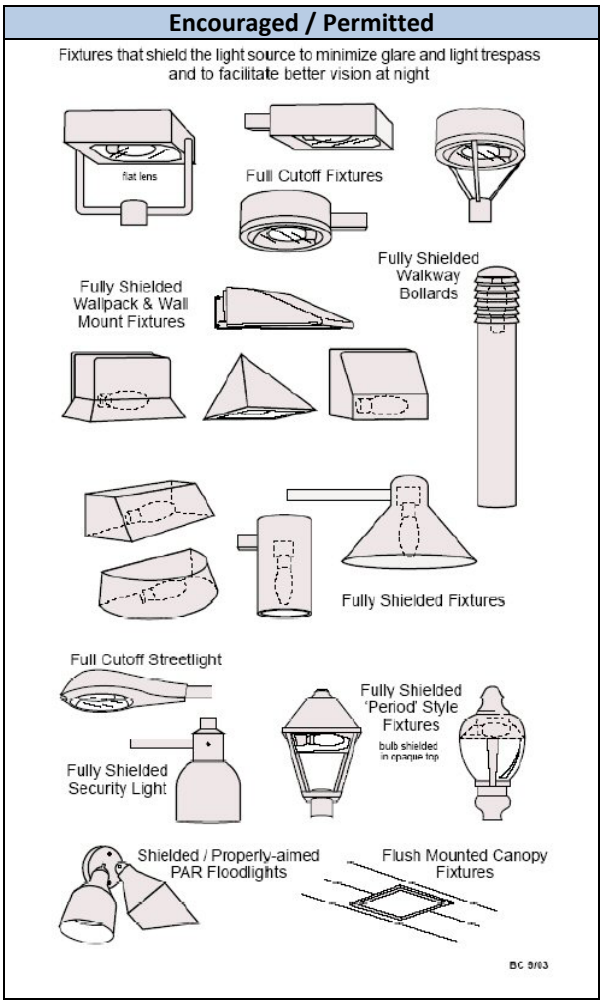
6330 STANDARDS

1. Exterior lights and sign illumination shall be designed, installed and directed in such a manner as to:
   a. Be top downward (to illuminate the ground) and not upward or sideways (to illuminate buildings, vegetation or the sky),
   b. Be cut-off type fixtures or shielded/recessed fixtures to minimize direct or objectionable glare or light trespass,
   c. Employ soft, transitional light levels which are consistent from area to area,
   d. Minimize contrast between light sources, lit areas and dark surroundings, and
   e. Be confined within the target area.

2. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of Section 6330.1 in the following cases provided the Commission determines that such proposed lighting is consistent with the purpose of these Regulations:
   a. Where an applicant can demonstrate, such as by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
   b. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
   c. Where special lighting is indicated for historic buildings,
   d. Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity,
   e. Where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area,
   f. The lighting is for a temporary use approved under these Regulations, or
   g. The Commission finds that the modification is necessary to provide for motorist and pedestrian safety, to address topographic constraints, or to protect adjacent residential zoned areas.

3. Any LED lighting installed shall not produce illumination rated above three thousand degrees Kelvin (3000K).


Discouraged / Not Permitted
Fixtures that produce glare and light trespass
shield too small ineffective
Unshielded Floodlights
or Poorly-shielded Floodlights
Unshielded Bollard
Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures
exposed polished reflector
shield ineffective
Drop-Lens & Sag-Lens Fixtures
w/ exposed bulb / refractor lens
Unshielded Streetlight
Unshielded
'Period' Style
Fixtures
Unshielded
Security Light
Unshielded PAR
Floodlights
Drop-Lens Canopy
Fixtures


Encouraged / Permitted
Fixtures that shield the light source to minimize glare and light trespass
and to facilitate better vision at night
flat lens
Full Cutoff Fixtures
Fully Shielded
Walkway
Bollards
Fully Shielded
Wallpack & Wall
Mount Fixtures
Fully Shielded Fixtures
Full Cutoff Streetlight
Fully Shielded
'Period' Style
Fixtures
bulb shielded
in opaque top
Fully Shielded
Security Light
Shielded / Properly-aimed
PAR Floodlights
Flush Mounted Canopy
Fixtures
BC 8/03

6400 LANDSCAPING

6410 PURPOSE AND INTENT

This Section of the Regulations is intended to provide standards for the retention of natural vegetation and/or the installation of landscaping material as part of development activities in order to prevent soil erosion and sedimentation, encourage infiltration of rainfall, and enhance the overall appearance of the community.

6420 APPLICABILITY

The provisions of this Section shall apply to any development activity required to obtain Special Permit approval except that the Commission may exempt agricultural activities.

6430 STANDARDS

6431 Perimeter Landscaping

1. Non-residential development (other than an agricultural use) shall have a landscaped area of adequate width, exclusive of driveways and sidewalks to and from the street, around the entire perimeter of the lot.

6432 Buffer Requirements

Where a Special Permit use shall abut a residential use:

1. An adequate buffer shall be provided and existing natural screening within the buffer area shall remain undisturbed to the maximum extent possible or additional planting shall be provided.

6500 STORMWATER MANAGEMENT

6510 PURPOSE AND INTENT

This Section of the Regulations is intended to:

- Minimize degradation of water resources within the Town of Easton from pollution from non-point source runoff,
- Mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff,
- Reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
- Promote the application of Low Impact Development (LID) strategies for the analysis and design of stormwater treatment systems.

6520 APPLICABILITY

The provisions of this Section shall apply to any development activity required to obtain Special Permit approval.

6530 REQUIREMENT

1. Unless modified by the Commission by Special Permit as provided in Section 6540 below, any development within the Town of Easton shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (CSQM), as amended:
   a. Pollutant Reduction (CSQM Section 7.4).
   b. Groundwater Recharge and Runoff Volume Reduction (CSQM Section 7.5).
   c. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.

2. In the design of a stormwater management system, design professionals may utilize low impact development techniques as contained in the Connecticut Stormwater Quality Manual, as amended.

6540 MODIFICATIONS

Where the requirements of Section 6530 cannot be met due to physical conditions on the site, the Commission may, by Special Permit, approve an alternative stormwater management approach provided that adequate information has been submitted by the applicant to evaluate the request and:

1. The Town Engineer has provided a positive recommendation regarding the modification, or

2. The Commission has received a report from a professional engineer hired by the Commission providing a positive recommendation regarding the modification.

6600 SOIL EROSION AND SEDIMENT CONTROL

6610 PURPOSE AND INTENT

This Section of the Regulations is intended to prevent or minimize the erosion and/or sedimentation of soil as a result of development or other activities.

6620 GENERAL REQUIREMENT

1. All development shall establish, implement, and maintain soil erosion and sediment controls in accordance with the publication entitled "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended.

2. Erosion and sediment control measures and facilities shall be in place prior to the start of development.

3. Erosion and sediment control measures and facilities shall be maintained in effective condition and in accordance with any approved Control Plan.

4. During development, the Zoning Enforcement Office may inspect the site at any time to review sediment and erosion control measures, ensure compliance with any approved Control Plan, and ensure that control measures and facilities have been properly performed, installed and maintained.

6630 CONTROL PLAN REQUIRED

1. A soil erosion and sediment control plan ("Control Plan") prepared in accordance with the publication entitled "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended, shall be required in conjunction with any application for development when the cumulative disturbed area is more than 1/2 acre except that a single-family dwelling that is not a part of a subdivision of land shall be exempt from the requirement to submit a Control Plan.

2. The Control Plan shall identify proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available principles, methods, technology and practices as found in the "Connecticut Guideline for Soil Erosion and Sediment Control", as amended.

3. Alternative principles, methods and practices from those found in the Connecticut Guideline for Soil Erosion and Sediment Control, as amended, may be used with prior approval of the Commission.

4. Said plan shall contain, but not be limited to:
   a. A narrative describing the development project and proposed erosion and sediment control measures
   b. A site plan map showing location of and other detailed information concerning erosion and sediment control measures and facilities.
   c. Such other information as is necessary to explain design criteria, construction details, detailed installation/application procedures and the proposed maintenance program;

6700 FENCES AND WALLS

6710 PURPOSE AND INTENT

This Section of the Regulations is intended to provide standards for fences and walls.

6720 HEIGHT MEASUREMENT

For the purposes of this Section of the Regulations:

1. The height of a free-standing fence or wall or combination fence / wall shall be measured vertically from the finished grade at the base of the fence / wall to the highest point of the structure, excluding however any post, column or finial with a girth not exceeding forty (40) inches (typically a 10" x· 10" square post or a 12" round post).

2. The height of a retaining wall or combination fence / retaining wall (including when a fence is placed within 12 inches of the retaining wall) shall be measured above the finished grade at the lower side of the retaining wall.

6730 GENERAL REQUIREMENT

1. A fence, wall, or fence/wall combination up to six feet (6’) in height and/or a deer fence up to ten feet (10’) in height may be installed within a required yard setback or elsewhere on the lot.

2. Any fence, wall, or fence/wall combination more than six feet (6’) in height or a deer fence more than ten feet (10’) in height shall observe required yard setbacks.

3. Any fence, wall, or fence/wall combination more than six feet (6’) in height shall obtain a Zoning Permit.

4. No fence, wall, or fence, wall combination shall exceed the following height:

	Freestanding	Retaining
Fence	6 Feet	N/A
Wall (masonry, stone, etc.)	6 Feet	6 Feet
Fence/Wall Combination	8 Feet	8 Feet
Deer Fence	10 Feet	N/A

5. Any modification of an existing stone wall or erection of a new fence or wall within five (5) feet of the boundary of a Town-designated Scenic Road is subject to Site Plan Approval by the Commission.

7000 SPECIAL PROVISIONS

7100 NON-CONFORMING CONDITIONS

7110 PURPOSE AND INTENT

It is the purpose and intent of these Regulations to permit non-conforming lots, uses and structures to continue until such non-conformity has been abandoned by the beneficiary of such non-conformity. It is further the purpose and intent of these Regulations that non-conforming lots, uses and structures shall not be enlarged upon, expanded or extended unless such enlargement, expansion or extension is specifically approved by the Commission by Special Permit.

7120 NON CONFORMING LOTS

1. In any district, a principal building and customary accessory buildings and structures may be erected on a lawful lot existing as of the effective date of adoption or amendment of these Regulations, or any applicable amendments hereto, provided that the yard dimensions and requirements other than those applying to lot area or lot width shall conform to the requirements of the district in which such lot is located.

2. A non-conforming lot shall not be reduced in area, dimension or any other manner which would increase its non-conformity.

3. If a non-conforming lot is converted to a conforming lot, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming lot shall not thereafter be resumed.

7130 NON CONFORMING USES

1. Non-conforming uses are declared by these Regulations to be potentially incompatible with permitted uses in the districts involved.

2. Where a lawful use exists at the effective date of adoption or amendment of these Regulations, or any applicable amendments hereto, which use is no longer permitted under these Regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful.

3. After the effective date of adoption or amendment of these Regulations or any applicable amendments hereto, a non-conforming use shall not be:
   a. Enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied at the effective date of adoption or amendment of these Regulations.
   b. Moved in whole or in part to any portion of the land other than that occupied by such use at the effective date of adoption or amendment of these Regulations.
   c. Extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

4. A non-conforming use may be changed to another non-conforming use provided that:
   a. The Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
   b. The Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations.

5. Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not increase the non-conformity.

6. If a non-conforming use is superseded by a permitted use or a less intensive non-conforming use, the previous non-conforming use shall not thereafter be resumed.

7140 NON CONFORMING STRUCTURES

1. Non-conforming structures are declared by these Regulations to be potentially incompatible in the districts where located.

2. Where a lawful structure exists at the effective date of adoption or amendment of these Regulations, or any applicable amendments hereto, which could not be built under the provisions of these Regulations as enacted or amended by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.

3. After the effective date of adoption or amendment of these Regulations or any applicable amendments hereto, a non-conforming structure:
   a. Shall not be enlarged or altered in a manner which increases the non-conformity.
   b. May be altered to decrease the non-conformity.

4. If such non-conforming structure is damaged or destroyed by any means, it may be repaired or replaced to an extent which does not increase the non-conformity.

5. A non-conforming structure may be moved within its existing lot so long as such move decreases its non-conformity.

6. Ordinary repairs may be made to a non-conforming structure, provided that such work does not increase the non-conformity.

7. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7200 TELECOMMUNICATION FACILITIES

7210 PURPOSE AND INTENT

This section of the Regulations is intended to:

1. Provide for the establishment and expansion of wireless telecommunications services while protecting neighborhoods and minimizing adverse visual and operational effects of wireless telecommunications facilities through careful design, siting, and screening,

2. Preserve the character and appearance of the Town of Easton while allowing adequate telecommunications services to be developed,

3. Protect the scenic, historic, and environmental resources of the community,

4. Provide standards and requirements for the regulation, placement, design, and construction of wireless telecommunications facilities, '

5. Establish a review process that ensures action within a reasonable period of time for requests to place, construct, operate, or modify a wireless telecommunications facility.

6. Minimize the total number and height of towers throughout the community by requiring tower sharing and clustering of wireless telecommunications facilities,

7. Provide screening and landscaping to minimize the visual impact of ground facilities,

8. Prevent potential damage to adjacent properties from tower failure.

These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:

- They do not prohibit or have the effect of prohibiting the provision of wireless telecommunications services,
- They are not intended to be used to unreasonably discriminate among wireless providers,
- They do not regulate wireless telecommunications services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions. '

7220 DEFINITIONS

ANTENNA - Device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel, or dish antennas.

CO-LOCATION - Locating wireless communication equipment of more than one provider on a single site.

MONOPOLE - A circular self-supporting vertical pole with no guy wire anchors. Usually consisting of a galvanized metal or wood.

PROPAGATION ANALYSIS - An analytical technique used to determine and delineate the location of areas and strength in which electronic communications can be conducted.

PROVIDER - An entity authorized by the Federal Communications Commission (FCC) to be a signal carrier for cellular telephones, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging services or other modes of communication as described in the Federal Communications Act of 1996.

TOWER – A structure, whether freestanding or attached to another structure that is used to support equipment used to receive or transmit electromagnetic/radio waves. Examples include monopoles, self-supporting lattice, and guyed towers.

WIRELESS TELECOMMUNICATIONS - Commercial wireless and telecommunications systems that include but are not limited to cellular, personal communications services.(PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and related systems.

WIRELESS TELECOMMUNICATIONS FACILITIES - All ground and roof-mounted equipment, ancillary equipment and other structures associated with the transmission and reception of wireless telecommunications. .

7230 PERMITTED USES

1. Police, fire, ambulance, other municipal transmission facilities, satellite receivers, and amateur (HAM) radio antenna are allowed subject to all other zoning regulations.

2. Other telecommunication towers, antennas, and associated equipment are allowed by Special Permit only in the Residence B District.

7240 GENERAL REQUIREMENTS

1. All wireless telecommunications sites shall comply with the rules and regulations set forth by the Federal Communications Commission (FCC).

2. The design of the wireless telecommunications facility shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.

3. The minimum lot area of the wireless telecommunications facility shall be that of the zone in ,which it is located and the lot shall meet the buildable land requirements for a lot in that zone.

4. The wireless telecommunications facility shall comply with the setback requirements of the zone, in which it is located or, in the case of a new tower, be set back from all property lines a distance equal to the height of the tower plus twenty-five (25) feet whenever the collapse of a tower would create a safety hazard to the people occupying an adjoining property.

5. Generators, air conditioners, compressors, or other machinery installed shall comply with State and local noise regulations.

6. A chain link fence with a height of six (6) feet shall be required around the tower and accompanying equipment.

7. Landscaping shall be required around the fence. At a minimum, the landscaping shall consist of a row of evergreen trees planted not less than ten (10) feet on center. The evergreen trees shall be a minimum height of six (6) feet at planting. Landscaping shall be maintained to ensure screening effectiveness.

8. Antenna or accessory building or equipment mounted to or on an existing structure or building shall to the greatest degree possible blend with the color and design of the underlying structure.

9. Roof mounted antenna shall not exceed more than fifteen (15) feet above the highest part of the building or structure and shall be set back from the roof edge a minimum of (10) feet.

10. Buildings shall be designed to be in harmony with the surrounding neighborhood properties.

11. Commercial advertising shall not be allowed on any antenna, tower, or accessory building or equipment.

12. No wireless telecommunications facility shall be designed, located, or operated as to interfere with existing public safety communications.

13. Plans for the wireless telecommunications facility shall be prepared and signed by a professional engineer licensed in the State of Connecticut.

14. All applications shall comply with any applicable requirements of the Flood Plain Management Ordinance and the Inland Wetlands and Watercourses Regulations.

15. No wireless telecommunications facility shall be designed, constructed, located or operated in a manner that interferes, pollutes, threatens to pollute or in any way compromises the environmental integrity.

7250 LOCATIONAL PREFERENCES

In order to accomplish the objectives of this Section, the following order of preference is established to guide the location of wireless telecommunication facilities:

More Preferred Locations	• On or completely concealed within an existing government or institutional structure in Residence B District. • On or completely concealed within an existing government or institutional structure in Residence A District. • Completely concealed within an existing structure located in Residence B District. • Completely concealed within an existing structure located in Residence A District. • Externally mounted on an existing structure in Residence B District. • Externally mounted on an existing structure in Residence A District. • A new tower on existing government or institutional land located in Residence B District. • A new tower on existing government or institutional land located in Residence A District.
Less Preferred Locations	• A new tower on other land

7260 CO-LOCATION REQUIREMENTS

1. Providers are required to maximize the use of existing or proposed wireless communication facilities through the mutual sharing of sites.

2. All applicants for new facilities are required to provide:
   a. Satisfactory demonstration by a qualified licensed engineer that the proposed wireless communications facility cannot be reasonably accommodated on a site-containing an existing wireless communications facility due to safety issues, structural reasons, potential interference, lack of height, etc.
   b. Satisfactory demonstration by a qualified licensed engineer that the proposed wireless telecommunication facility or the structure to which it is attached is designed for or is able to accommodate both applicant's antennas and comparable antennas for at least two additional users.

3. All applicants for new facilities are required to provide a notarized affidavit stating that space on the proposed facility or structure shall be made available to future users when technically possible.

7270 NEW TOWER REQUIREMENTS

1. 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 150 feet in height or for at least one additional user if the tower is 150 feet in height or under.

2. All towers shall be a monopole design unless otherwise approved by the Commission.

3. The maximum height of a tower proposed under these regulations shall be 190 feet.

4. No lights shall be mounted on proposed towers unless otherwise required by the Federal Aviation Administration (FAA).

5. No tower shall be located within three hundred (300) feet of a residence.

7280 APPLICATION PROCESSING

In addition to meeting the Special Permit requirements under Section 8400 of these regulations, applications pursuant to this Section shall be accompanied by the following:

1. New Towers

a. A recent survey of the wireless telecommunications site at a scale no smaller than 1" = 40' with topography drawn with a minimum of 5 foot contour intervals. The survey should show existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas and the boundary of any wetlands floodplains, or watercourses within 200 feet of the site area.

b. A description of the slopes, wetlands, watercourses, and other environmental characteristics of the site and any historically designated areas of the site and the impact that the tower will have on these resources.

c. A design drawing including a cross section and elevation of the proposed tower. A description of the tower's capacity as well as the proposed location of all mounting positions for collocated antennas and the minimum separation distances between antennas. The design, shall also illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

d. A propagation analysis that illustrates the predicted propagation for the location of the proposed wireless telecommunications site.

e. A map depicting the extent of the service area of the proposed wireless telecommunications site along with a map indicating the search radius for the proposed site.

f. The applicant must certify that existing towers located within the Town of Easton do not meet the applicant's technical requirements.

g. The applicant must demonstrate that it has examined all wireless telecommunications sites or existing structures over 50 feet in height within the Town of Easton to determine whether those existing facilities can be used to provide adequate coverage and or capacity as part of the applicant's system.

(continued)

h. An elevation of all proposed equipment building or ancillary equipment.
i. Details including dimensions and appearance of all proposed antennas and associated equipment
j. Proposed utilities, including distance from source of power, sizes of service available and required, locations of proposed utility lines, whether underground or above ground
k. Plans indicating locations and specifics of proposed screening, landscaping, fencing, and lighting.
l. Erosion and sedimentation plan for both during construction and as a permanent measure.
m. A graphic representation of the proposed installation in relation to the site and its vicinity in order to ascertain the visual impacts associated with such proposal. Examples of such representation include: photo simulations or architectural drawings or renderings.

2. New Antennas On Existing Towers And Buildings

a. Details including dimensions and appearance of all proposed antennas and associated equipment.
b. An elevation of all proposed equipment building or ancillary equipment.
c. Proposed utilities, including distance from source of power, sizes of service available and required, locations of proposed utility lines, whether underground or above ground
d. A graphic representation of the proposed installation in relation to the site and its vicinity in order to ascertain the visual impacts associated with such proposal. Examples of such representation include: photo simulations or architectural drawings or renderings.

3. Review And Decision - In its review and decision on the application for a wireless telecommunications tower, antennas; and/or facilities, the Commission shall find, in the case of an approval, at least one of the following:

a. That the proposed equipment cannot be structurally accommodated on an existing tower as documented by a licensed professional engineer registered in the State of Connecticut.
b. That existing structures will not accommodate the technical requirements of the applicant.
c. That the proposed equipment would cause unacceptable interference with the operation of other existing or planned equipment of an existing structure.

7290 ABANDONMENT

1. There shall be a presumption that a wireless telecommunications tower, antenna, or facility not in use for twelve (12) consecutive months has been abandoned.

2. Unless proven by the facility owner that it was not such owner's intent to abandon the tower, antenna or facility, the facility owner shall remove the facilities at its expense within ninety (90) days from the date of abandonment.

3. Upon removal, the site shall be restored to its previous appearance minus ordinary wear and tear.

7300 EARTHWORK OPERATIONS

7310 PURPOSE AND INTENT

This Section of the Regulations is intended to regulate the filling and removal of earth materials from the ground in order to ensure that such activities will not adversely affect the surrounding neighborhood; will not result in unsafe, unsightly or unsanitary conditions; will result in land which in the future can be put to a use permitted by these Regulations; and will protect the land from erosion and sedimentation.

7320 APPLICABILITY

No person shall fill or excavate or otherwise remove soil, loam, clay, sand, gravel, rock or any other natural material (hereinafter collectively referred to as "materials") for sale or use on any premises within the Town other than on the premises from which the materials are taken (except from land owned or leased by the Town) except in accordance with this Section of the Regulations.

7330 PERMITTED ACTIVITIES

7331 Permitted By Right (No Zoning Permit Required)

1. Bona fide agriculture or farming projects involving excavation or fill.

2. The excavation and removal of materials from one part of an owner's land to another part of the same tract or parcel of land of the owner when such excavation and removal is not for the purpose of selling materials and is done as part of a minor landscaping project.

3. The construction, improvement or changing of contours or grades of proposed roads or lots in accordance with a subdivision plan approved by the Commission.

7332 Permitted By Zoning Permit (Staff)

1. The construction of a building or structure on the premises and excavating or grading incidental thereto provided a building permit has been issued for such construction or alteration.

2. The excavation and removal off-site of subsoil materials incident to the excavation of basements or cellars, or the installation of footings, foundations, tennis courts, swimming pools, or in-ground sewage disposal systems.

3. The construction of a wall, driveway, road, fence, waterbody, watercourse; swimming pool, tennis court, recreational facilities, sewage system or drainage or water facilities, or public utility lines or services when such construction has been approved by the Commission and any other relevant agencies.

7333 Permitted By Site Plan Approval (Commission)

1. (reserved)

7334 Permitted By Special Permit (Commission with Public Hearing)

1. Any excavation and/or removal of materials not authorized above.

7340 STANDARDS FOR ALL EARTHWORK OPERATIONS

1. **Operation** - The owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris, graded to drain, and graded to conform with the contour lines and grade on any plan approved by the Commission.

2. **Machinery** – Unless specifically authorized by the Commission, no sorting, grading, crushing or other machinery for the treatment of excavated material shall be maintained or erected on any premises.

3. **Topsoil** - The top layer of arable soil to a depth of at least six inches shall be suitably set aside for retention on the premises, and shall be re-spread over the premises when the excavation and removal of the materials has been completed.

4. **Hours Of Operation** - Unless otherwise specifically authorized by the Commission, excavation or removal operations shall only be conducted during daylight hours on weekdays (except weekdays which are holidays).

5. **Access By Town** - The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the premises for the purpose of inspection and determination of compliance with this Section.

7350 PROVISIONS WHEN APPLICATION REQUIRED

Any application to the Commission for earthwork operations under Section 7333 or Section 7334 of these Regulations shall be in accordance with the following:

1. **Considerations** - In addition to any other criteria in Section 7300 of these Regulations, the application shall be evaluated by the Commission in terms of whether the proposed activity will:
   a. Create conditions inimical to the public health, safety or welfare.
   b. Result in the creation of any sharp declivities, pits or depressions, soil erosion by water or wind, soil fertility problems, or depressed land values.
   c. Result in loss of lateral support with regard to slopes or grades of abutting streets and lands.
   d. Create any damage to the environment or drainage or sewage problems or other conditions of danger or nuisance.
   e. Have an unreasonable impact on road traffic.
   f. Such other factors as may bear upon and relate to the coordinated, adjusted and harmonious physical development of the Town.

2. **Financial Guarantee** - Any earthwork operations authorized under Section 7333 or Section 7334 of these Regulations shall file with the Commission cash, a savings account, letter of credit, or other financial guarantee, in form and substance acceptable to the Town in an amount to be determined by the Town Engineer and approved by the Commission to assure the faithful performance of the work in accordance with the provisions of this Section. The financial guarantee shall also guarantee to the Town reimbursement for the cost of any repairs to Town or State roads that may be necessitated because of damage caused by transport of the excavated materials.

3. **Time Limit** - Any permit issued by the Commission under the provisions of this Section shall expire no later than one year from the date of its issuance but may be extended by the Commission for good cause shown for such additional period as the Commission may determine.

4. **Liability Insurance** - The applicant shall obtain and maintain public liability insurance with limits of not less than $3,000,000 for personal injury and $1,000,000 for property damage and shall furnish a certificate of insurance to the Commission. In the event of cancellation of this insurance, the permit shall terminate.

5. **Access By Town** - The Commission may require the applicant to submit periodic reports, prepared by a licensed land surveyor or civil engineer, showing the status and progress of the work.

6. **Safety Measures** - Any person engaged in excavating and removal of topsoil or subsoil materials pursuant to a permit issued under this Section shall exercise such suitable dust control and safety precautions including the employment of special policemen to direct traffic and the posting of adequate warning signs as may be required by the Commission or otherwise warranted.

7360 VIOLATIONS AND PENALTIES

1. **Cease And Desist** – If it shall appear to the Commission or the Zoning Enforcement Officer at any time that earthwork operations are not in accordance with the provisions of these Regulations or is a threat to the public health, safety, or welfare, the Commission or the Zoning Enforcement Officer, as the case may be, may issue a cease and desist order and the permittee shall cease all such work until the permittee shall show cause to the Commission that the permittee shall be allowed to resume such work. In addition to any notice to the operator in the field, the property owner shall be notified by registered mail, return receipt requested. Work shall not thereafter be resumed until the Commission has rescinded the cease and desist order or authorized the resumption of work with corrective actions taken, as appropriate.

2. **Revocation Of Permit** – If it shall appear to the Commission or the Zoning Enforcement Officer at any time after the issuance of a permit under the provisions of this Section and prior the completion of the work thereunder that the work is not in accordance with the permit, the Commission or the Zoning Enforcement Officer, as the case may be, shall notify the permittee of any such violation by registered mail, return receipt requested, and the permittee shall cease all such work until the permittee shall show cause to the Commission that the permittee shall be allowed to resume such work. Work shall not thereafter be resumed until the Commission has rescinded the notice of violations or authorized the resumption of work with corrective actions taken, as appropriate. If the permittee shall not diligently respond the notice of violation in a timely manner, the Commission may revoke the permit and take such other action as shall. be suitable against the permittee and/or the financial guarantee.

3. **Penalties** - Any person; firm or corporation who shall violate any provision of this Section shall be subject to penalties and fines in accordance with the General Statutes of the State of Connecticut. Any such penalties shall be in addition to and shall not preclude the right of enforcement by injunction or other lawful means or the collection of damages for the violation of these Regulations.

4. **Damage To Roads** - Any person who conducts an earthwork activity or who conducts any activity associated with an earthwork activity which results in any damage to any Town road shall be liable for the cost of repairing the damage and shall reimburse the Town for such cost immediately upon demand by the Town.

8000 PROCEDURES

8100 ZONING PERMIT / CERTIFICATE OF ZONING COMPLIANCE

8110 Applicability

1. Until the Zoning Enforcement Officer has issued a Zoning Permit or a Certificate Of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals:
   a. No building, structure or part thereof shall be constructed, reconstructed, altered, extended, enlarged, moved, gutted, or occupied;
   b. No building or land shall be first occupied or used;
   c. No use of an existing building or land shall be changed;
   d. No Building Permit, including a permit for a building foundation, shall be issued; and
   e. No use of an existing structure shall be undertaken or changed.

2. Pursuant to CGS Section 8-3(g), no Zoning Permit will be issued until a decision by the inland wetlands agency, if applicable, has been reported to the Commission.

3. No Zoning Permit will be issued for any lots within a subdivision or resubdivision until a financial guarantee has been posted in accordance with the Easton Subdivision Regulations securing the subdivision improvements, or in lieu thereof, the subdivision improvements have been completed to the satisfaction of the Commission.

4. A Zoning Permit application shall not be needed for interior alterations, provided there is no change of use, number of uses, or number of bedrooms.

5. No Building Permit shall be issued by the Building Official without the prior issuance of the Zoning Permit or a Certificate Of Zoning Compliance.

8120 Application Procedures And Requirements

1. **Application Form** - An application for a Zoning Permit shall be made on a form to be furnished by the Commission.

2. **Plan Requirements** - An application for a Zoning Permit shall be accompanied by plans and/or other information sufficient to demonstrate compliance with the requirements of these Regulations.

3. **Location Verification** –
   a. After the foundation has been completed and prior to any additional construction thereon, the Zoning Enforcement Officer may order the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the foundation on the site.
   b. Such order shall be in writing and shall state the reasons such survey is warranted.
   c. No building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Enforcement Officer or the Commission as complying with the zoning permit and all applicable provisions of the Zoning Regulations.
   d. Failure to submit a certified plot plan may result in a demolition order for that portion of the building in violation of these Regulations.
   e. Upon confirmation that the location of said foundation is in compliance with these Regulations and any permit issued therefore, additional construction may proceed.

4. **Final "As Built" Survey** - Prior to the issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer and/or the Commission may require an "as-built" survey to ensure compliance with these regulations. Such "as-built" survey shall:
   a. Be prepared at the same scale as the Site Plan or Sketch Plan by a surveyor registered and licensed to conduct business in Connecticut;
   b. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan or Sketch Plan;
   c. Include a certification as to substantial compliance with the approved Site Plan or Sketch Plan; and,
   d. List or show all deviations from the approved Site Plan.

5. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

8130 Issuance of Zoning Permit / Certificate Of Zoning Compliance

1. **Issuance** –
   a. When the Zoning Enforcement Office and/or the Commission finds, from written application, submitted plans and/or other information, that a proposed building, structure or use will conform with the requirements of these Regulations or with a variance granted by the Zoning Board of Appeals, a Zoning Permit (for the proposed building structure, or use) shall be issued.
   b. When the Zoning Enforcement Office and/or the Commission finds, from written application, submitted plans and/or other information, that a building, structure or use conforms with the requirements of these Regulations or with a variance granted by the Zoning Board of Appeals, a Certificate of Zoning Compliance (for an existing building, structure. or use) shall be issued.

2. Pursuant to CGS Section 8-3(f):
   a. No Building Permit shall be issued until a Zoning Permit has been issued.
   b. No Certificate of Occupancy shall be issued until a Certificate of Zoning Compliance has been issued.

3. No Zoning Permit shall be issued for a use requiring Special Permit approval unless such Special Permit has been approved by the Commission.

4. **Temporary Certificate** - If the site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed 180 days, provided that a portion of the posted performance guarantee shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new performance guarantee shall be posted. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Zoning Enforcement Officer and/or the Commission shall then release the performance guarantee.

5. **Void If Information Not Correct** - In the event that any Zoning Permit or Certificate Of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit or Certificate Of Zoning Compliance shall be null and void.

6. **Notice of Issuance** - In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
   a. A description of the building, use or structure and its location,
   b. The identity of the applicant, and
   c. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

8140 Expiration

Any Zoning Permit issued under these Regulations shall expire two (2) years from the date of issuance unless a Certificate of Zoning Compliance has been issued, a valid building permit is in effect or the Commission renews the Zoning Permit for one additional period not to exceed twelve (12) months when it is determined that the use, building and/or site development authorized by the Zoning Permit is in conformity with these Regulations.

8200 PRE-APPLICATION REVIEWS

8210 Overall Approach

1. The Commission recommends that, prior to the submission of an official application, the applicant present a pre-application plan for informal consideration by the Zoning Enforcement Officer and/or the Land Use Director.

2. Under extra-ordinary circumstances, a potential applicant may request a pre-application discussion with the Commission and the Commission may allow the submission of a pre-application plan for informal consideration by the Commission.

3. The optional pre-application plan is recommended to facilitate consideration of factors and problems that may be associated with a particular proposal before the applicant proceeds with preparation of official maps, plans and documents required for formal consideration by the Zoning Enforcement Officer, Land Use Director, and/or Commission.

4. Neither the pre-application plan nor the informal consideration by the Zoning Enforcement Officer, Land Use Director, and/or Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

5. In accordance with CGS Section 7-159b, such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or the Commission or other official having jurisdiction to review the proposed project.

8300 SITE PLAN APPLICATION

8310 Purpose

A Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the requirements of these Regulations.

8320 Applicability

A Site Plan application shall be submitted:

1. For any activity designated in the Regulations as requiring Site Plan approval.

2. For any activity designated in the Regulations as requiring Special Permit approval.

8330 Submission Requirements

1. A Site Plan application shall be submitted to the Commission or its agent and shall include a completed application form and the appropriate fee.

2. A Site Plan application shall be accompanied by plans and other information sufficient to demonstrate compliance with the requirements of these Regulations (ten printed sets and one electronic PDF set).

3. The Commission may, in accordance with the requirements of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

8340 Proceedings

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 8820.

2. An incomplete Site Plan application may be denied in accordance with Section 8830.

3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Site Plan application is filed with the Commission.

4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.

5. Notification to water companies may be required in accordance with the requirements of Section 8863.

6. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8864.

7. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
   a. The time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
   b. A decision on the Site Plan application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.

8. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.

9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

10. The Commission may hold a public hearing on a Site Plan application except that any such hearing shall not alter or change the timeframes in Section 8340.8 of these Regulations.

11. In accordance with CGS Section 8-3(g), a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified above.

12. The applicant may, at any time prior to action by the Commission, withdraw such application.

13. To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

14. If the Commission requires additional technical assistance in evaluating an application, the expense of such additional technical assistance shall be paid by the applicant.

8350 Considerations

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
   a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.

2. On a Site Plan application involving notice to adjoining municipalities under Section 8862 or notice to water companies under Section 8863 or notice to DEEP under Section 8864, the Commission shall give due consideration to any report or testimony received.

3. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.

4. On a Site Plan application involving a "village district" established in accordance with CGS Section 8-2j, the Commission shall review the application with the village district considerations as enumerated in Section 8890 of these Regulations.

5. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with these Regulations.

6. A Site Plan may be approved with modifications by the Commission or denied only if it fails to comply with the standards set forth in these Regulations.

7. In approving a Site Plan application, the Commission may impose conditions deemed necessary to protect public health, safety, welfare, convenience, and/or property values.

8. In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.

9. As provided in CGS Section 8-3(g), the Commission may, as a condition of approval, require a financial guarantee in accordance with Section 8870 to ensure:
   a. The timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and
   b. The implementation of any erosion and sediment controls required during construction activities.

10. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.

11. As provided in CGS Section 8-3(g)(1), the Commission may, as a condition of approval of a site plan or modified site plan, require a financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure:
    a. The timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and
    b. The implementation of any erosion and sediment controls required during construction activities.

12. When a performance guarantee in accordance with CGS Section 8-3 is required by the Commission, the applicant shall provide a cost estimate of improvements to be guaranteed, together with a description of the basis for the estimate.

13. When a performance guarantee is provided, the performance guarantee shall be held by the Commission and the Commission shall not release the performance guarantee until it has determined that all of the improvements subject to the guarantee have been satisfactorily completed.

14. The Commission may require an "as built" A-2 survey of the lot showing the location of the buildings and improvements to determine compliance with the approved Site Plan.

15. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

8360 Action Documentation

1. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.

2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.

3. Within fifteen (15) days after approval or denial of a Site Plan, the Commission shall cause notice of such decision to be published in a newspaper having a substantial circulation in Easton or on the Town website, if permissible by law. In any case where such notice is not published by the Commission, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period, as set forth in Section 8380 below, expires.

8370 Following Approval

1. Following approval of a Site Plan application and expiration of the appeal period, one (1) "mylar" of each approved plan shall, unless not required by the Commission, be submitted to the Zoning Enforcement Officer for signature by the Chairman:
   a. Each such plan shall bear the seal and signature of the appropriate professional(s) which prepared the drawing.
   b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission and state the date on which the five-year period for completing all work in connection with such Site Plan, as set forth in Section 8380 below, expires.
   c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity.

2. Following signature by the Chairman, such plans shall be filed in the Town Clerk's Office within ninety (90) days after the expiration of the appeal period or conclusion of any appeal and failure to file such plans in the required time frame will render the approval null and void.

3. Any plans to be filed in the Town Clerk's Office shall be accompanied by an electronic file of the map in ACAD format that can be opened with ACAD 2016 or earlier.

4. Such plans shall be so filed before any Zoning Permits are issued for the activities shown on the approved plan.

5. All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the Zoning Enforcement Officer upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

6. All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

8380 Expiration and Completion

1. All work in connection with a Site Plan shall be completed within the time periods as set forth in Section 8-3 of the General Statutes. All extensions and requests therefor shall also be governed by the provisions of said Section 8-3.

2. The Commission may condition the approval of such extension on a determination of the adequacy of any performance guarantee in accordance with Section 8870 or other surety.

8400 SPECIAL PERMIT APPLICATION

8410 Applicability

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.

2. All Special Permit uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case.

8420 Submission Requirements

1. A Special Permit application submitted to the Commission or agent shall include a completed application form and the appropriate fee.

2. Each application for a Special Permit shall be accompanied by detailed plans unless the Commission or its designee finds that there are no physical changes proposed to the site or any building or structure and the submission of detailed plans is not necessary for the Commission to evaluate the proposal (ten printed sets and one electronic PDF set).

3. Each application for a Special Permit shall be accompanied by a written statement describing the proposed use in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations (ten printed sets and one electronic PDF set).

4. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.

5. Notwithstanding the basic submission requirements, the Commission may require the submission of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

8430 Proceedings

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 8820.

2. An incomplete Special Permit application may be denied in accordance with Section 8830.

3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

4. The Commission shall hold a public hearing on the Special Permit application and publish a legal notice in accordance with the requirements of Section 8861 of these Regulations.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.

6. Notification to water companies may be required in accordance with the requirements of Section 8863.

7. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8864.

8. The Commission shall process the Special Permit application within the period of time provided under CGS Section 8-7d:
   a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
   b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
   c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
   d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

10. The applicant may, at any time prior to action by the Commission, withdraw such application.

8440 Special Permit Criteria

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, except that the Commission may determine that some factors may not be applicable to certain types of applications:

1. Zoning Purposes

Whether the proposed use or activity is consistent with the purposes of these Zoning Regulations.

2. Environmental Protection and Conservation

Whether the use or activity will materially impair the natural environment of the nearby area or the community and whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

3. Overall Compatibility

Whether the proposed use will serve a community need or convenience and whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.

4. Suitable Location For Use

Whether the nature, scope, size and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.

5. Appropriate Improvements

Whether the design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.

6. Suitable Transportation Conditions

Whether the streets, driveways and other travelways are or will be of such size, condition and capacity (width, grade, alignment, sight lines, and visibility) to adequately accommodate the traffic volume and parking demand to be generated by the particular proposed use and not create problems.

7. Adequate Public Utilities and Services

Whether the provisions for water supply, sewage disposal, waste management, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area and whether the proposed activities will unreasonably disturb the peace and tranquility of nearby properties.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

11. Mitigation

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

8450 Decision Considerations

1. Special Permit uses are declared to possess such special characteristics that each shall be considered on an individual basis subject to the standards and requirements of these Regulations.

2. The applicant shall bear the burden of demonstrating that the applicable Special Permit criteria in Section 8440 of these Regulations are addressed.

3. Before the Commission approves a Special Permit application, it shall determine that the application:
   a. Has satisfied the applicable Special Permit criteria in Section 8440 of these Regulations, and
   b. Is in conformance with other applicable provisions of these Regulations, and
   c. Is in harmony with the purposes and intent of these Regulations.

4. For a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
   a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.

5. On a Special Permit application involving notice to adjoining municipalities under Section 8862 or notice to water companies under Section 8863 or notice to DEEP under Section 8864, the Commission shall give due consideration to any report or testimony received.

6. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.

7. In granting a Special Permit, the Commission may determine whether and to what extent permitted uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
   a. Protect or promote the public health, safety or welfare;
   b. Protect or promote public convenience or property values; or
   c. Enhance overall neighborhood compatibility.

8. A Special Permit and any condition attached to the granting of a Special Permit shall:
   a. Remain with the property as long as the Special Permit use is in operation, and
   b. Continue in force and effect regardless of any change in ownership of the property.

9. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

8460 Action Documentation

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.

2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.

3. In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
   a. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.
   b. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
   c. A performance guarantee in accordance with the provisions of Section 8870.

4. Whenever it acts on a Special Permit application, the Commission may:
   a. Establish a condition that commencement of the use or construction begin within a certain time frame.
   b. Require a performance guarantee in accordance with Section 8870 of these Regulations in an amount and in a form satisfactory to the Commission, based upon a cost estimate of improvements provided by the applicant, to ensure satisfactory completion of site improvements other than buildings.

5. Any decision to grant a Special Permit shall:
   a. State the name of the owner of record,
   b. Contain a description of the premises to which it relates,
   c. Identify the Section of the Regulations under which the Special Permit was granted,
   d. Specify the nature of the Special Permit, and
   e. State the conditions of approval, if any.

6. Within 15 days of the approval of a Special Permit, the Commission shall file with the Building Inspector and Zoning Enforcement Officer one print of the approved plans, with the approval noted thereon, and a copy of the Commission's resolution including any conditions pertaining to the approval.

7. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.

8. The Commission shall cause notice of the approval or denial of the Special Permit application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Easton or on the Town website if permissible by law.

9. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8470 Following Approval

1. A Special Permit granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
   a. A Special Permit shall expire if the Special Permit approval is not filed in the Town of Easton's land records within one (1) year after approval.
   b. A Special Permit shall expire if the detailed plans associated therewith are not submitted and approved within one (1) year following approval of the Special Permit. However, an extension of not more than six months may be granted by the Commission upon written request by the applicant prior to the expiration date.

2. Following approval of a Special Permit application, one (1) "mylar" of each approved plan shall, unless not required by the Commission, be submitted to the Zoning Enforcement Officer for signature by the Chairman and:
   a. Each such plan shall bear the seal and signature of the professional(s) which prepared the drawing.
   b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission.
   c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity.

3. Any plans to be filed in the Town Clerk's Office shall be accompanied by an electronic file of the map in ACAD format that can be opened with ACAD 2016 or earlier.

4. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

5. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations. The Zoning Enforcement Officer or the Commission shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

6. An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application:
   a. Amendments to the Special Permit which the Commission finds to be minor in nature, do not substantially alter the Special Permit, and will not adversely affect adjacent properties or the neighborhood, may be approved by the Commission without another public hearing.
   b. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use may be approved by the Commission only after a public hearing and subject to the same procedures for approval of a Special Permit.

7. The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when the Special Permit is granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations.

8. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit has not been abandoned. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

8500 TEXT AMENDMENT APPLICATION

8510 Applicability

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

8520 Submission Requirements

1. A Text Amendment application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a text amendment application made on its own initiative or as a result of a petition submitted by residents.

2. A Text Amendment application shall clearly indicate the wording of the existing and proposed text and any other supporting information, including reason(s) for the proposed amendment (ten printed sets and one electronic PDF set).

3. When required by the Commission, an environmental impact statement relating, but not limited, to the possible effects of the proposed amendment shall be submitted.

4. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

8530 Proceedings

1. The date of receipt for the Text Amendment application shall be determined in accordance with Section 8820.

2. An incomplete Text Amendment application may be denied in accordance with Section 8830.

3. The Commission shall hold a public hearing on the Text Amendment application and:
   a. Shall cause a legal notice to be published in accordance with the requirements of Section 8861 of these Regulations.
   b. May publish the full text of such proposed regulation in such notice.

4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
   a. Such notice shall be made by certified mail, return receipt requested.
   b. Such notice shall be made not later than thirty (30) days before the public hearing.
   c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.

6. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.

7. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

8. The Commission shall process the Text Amendment application within the period of time provided under CGS Section 8-7d:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. These provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

9. The applicant may, at any time prior to action by the Commission, withdraw such application.

8540 Decision Considerations

1. The Commission shall act upon the changes requested in such Text Amendment application.

2. On a Text Amendment application involving notice to adjoining municipalities under Section 8862 or notice to a regional planning agency under CGS Section 8-3b:
   a. Any report received from those agencies shall be made a part of the record of such hearing.
   b. The Commission shall give due consideration to any report or testimony received.

3. In making its decision the Commission shall:
   a. Consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations), and
   b. Take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.

4. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
   a. Protecting the public health, safety, welfare, or property values, and
   b. Attaining the purposes of these Regulations.

5. In accordance with CGS Section 8-3(b), such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the land affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

8550 Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.

2. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

3. As part of approving a Text Amendment application:
   a. The Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Easton before such effective date, or
   b. If an effective date is not so specified, the text amendment shall become effective upon publication in a newspaper having a substantial circulation in Easton.

4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.

5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Easton or on the Town website if permissible by law.

6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8560 Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

8600 ZONE CHANGE APPLICATION

8610 Applicability

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

8620 Submission Requirements

1. A Zone Change application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a zone change application made on its own initiative or in response to a petition submitted by residents.

2. A Zone Change application shall be accompanied by one (1) map at an appropriate indicating existing and proposed zone boundaries (ten printed sets and one electronic PDF set).

3. When required by the Commission, an environmental impact statement relating, but not limited, to the possible effects of the proposed amendment shall be submitted.

4. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

8630 Proceedings

1. The date of receipt for the Zone Change application shall be determined in accordance with Section 8820.

2. An incomplete Zone Change application may be denied in accordance with Section 8830.

3. The Commission shall hold a public hearing on the Zone Change application and shall publish a legal notice in accordance with the requirements of Section 8861 of these Regulations.

4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
   a. Such notice shall be made by certified mail, return receipt requested.
   b. Such notice shall be made not later than thirty (30) days before the public hearing.
   c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.

6. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.

7. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

8. The Commission shall process the Zone Change application within the period of time provided under CGS Section 8-7d:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. These provisions shall not apply to any action initiated by the Commission regarding a zoning map change.

9. The applicant may, at any time prior to action by the Commission, withdraw such application.

8640 Decision Considerations

1. The Commission shall act upon the changes requested in such Zone Change application.

2. On a Zone Change application involving notice to adjoining municipalities under Section 8862 or notice to a regional planning agency under CGS Section 8-3b:
   a. Any report received from those agencies shall be made a part of the record of such hearing.
   b. The Commission shall give due consideration to any report or testimony received from such agencies.

3. Changes in zone district boundaries:
   a. Should be in harmony with the Plan of Conservation and Development for Easton, as amended.
   b. Shall, where possible, constitute logical extensions of like or compatible districts.
   c. Follow property lines or geo-physical features ,where appropriate.

4. Except where a proposed zone change is to extend an existing zoning district, no area of land having less than 300 feet of frontage on one street shall be changed from one zoning district to another zoning district except by the affirmative vote of two-thirds of the Commission.

5. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
   a. Is in accordance with the Plan of Conservation and Development,
   b. Is suitable for the intended location,
   c. Will aid in protecting the public health, safety, welfare, or property values, and
   d. Will aid in attaining the purposes of these Regulations.

6. In accordance with CGS Section 8-3(b), such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the land affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

8650 Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
   a. The reason(s) for its decision.
   b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.

2. As part of approving a Zone Change application:
   a. The Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Easton before such effective date, or
   b. If an effective date is not so specified, the zoning map change shall become effective upon publication in a newspaper having a substantial circulation in Easton.

3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.

4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Easton or on the Town website if permissible by law.

5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8660 Following Approval

1. A zoning map change approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

2. When a zone boundary is changed by the Commission, such change shall:
   a. Be made on the Zoning Map, and
   b. Be noted with an entry on the Zoning Map as follows: "Amended to (date)," such date to be the effective date of the boundary amendment.

8700 ZONING BOARD OF APPEALS

8710 Powers And Duties

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124 of the Connecticut General Statutes, prescribed by these Regulations, or conferred by general law.

1. **Appeals** - The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of any official charged with the enforcement of these Regulations. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

2. **Variances** – Except as provided below, the ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured. The Board shall not grant a variance:
   a. In the case of Special Permits (Section 8400), Procedures (Section 8000) and special density exemptions pursuant to CGS Section 8-2g.
   b. Which permits or extends a use which is otherwise not permitted by these Regulations.

3. **Other Matters** - To hear and decide all matters upon which it is required to pass under any provisions of these regulations or the Connecticut General Statutes.

8720 Appeals

1. All appeals to the ZBA from an order, requirement, decision or determination of any official charged with the enforcement of these Regulations shall be taken within thirty (30) calendar days of such order, requirement, decision or determination.

2. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.

3. No appeal shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

8730 Variances

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted.

2. The Board may require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.

3. The date of receipt for the Variance application shall be determined in accordance with Section 8820.

4. The ZBA shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of the date of the public hearing on the application and on its decision in accordance with the provisions of the Connecticut General Statutes.

5. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

6. The applicant may, at any time prior to action by the Board, withdraw such application.

7. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

8. No variance shall be granted by the ZBA unless it makes the following findings:
   a. A peculiar or unique characteristic of the property (which shall be recorded in the minutes of the Board) is such that the literal enforcement of the zoning regulations would result in exceptional or unusual hardship other than a financial hardship or loss of financial advantage;
   b. The nature of the hardship (which shall be recorded in the minutes of the Board) is not a self-inflicted hardship which is the result of an action by the applicant or by someone other than the applicant such as a previous owner of the property, nor is the hardship a result of conditions which the applicant can alter, but prefers not to change;
   c. The applicant has demonstrated that he or she has pursued all other alternatives available under these Regulations; and .
   d. The applicant has demonstrated that the granting of the requested variance will have no adverse effect on the surrounding properties with regard to health, safety, welfare or property values, and that the variance is consistent with the general purpose of these Regulations.

9. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record:
   a. The specific provision of these Regulations which was varied,
   b. The extent of the variance,
   c. The reason for its decision, including the findings in Section 8730.8, and
   d. The specific hardship upon which its decision was based.

10. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.

11. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk and in the Town land records.

12. Any variance granted by the ZBA which is not recorded within one year from its effective date shall be null and void.

13. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.

14. No variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

8740 Use Variances

1. In addition to complying with all the requirements contained in Section 8730, no use variance shall be granted by the ZBA which would permit:
   a. A use prohibited either implicitly or explicitly by these Regulations;
   b. The expansion of a non-conforming use;
   c. The number of dwelling units on a lot to exceed the maximum allowed in the district in which the lot is located; or,
   d. A use otherwise allowed by Special Permit in the district in which the use is located.

2. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.

3. The use variance granted shall be the minimum variance necessary to allow a reasonable use of the property

4. Prior to a public hearing on any application for a use variance, the ZBA shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

8750 Floodplain Variances

1. In addition to complying with all the requirements contained in Section 8730, no floodplain variance shall be issued by the ZBA unless:
   a. The ZBA finds based on evidence in the record and recorded in the minutes that there will be no increase in the flood levels during the base flood discharge with the burden of proof lying with the applicant, subject to review by the Town Engineer and the Planning and Zoning Commission;
   b. The owner of the property shall have submitted a sworn affidavit indicating that he or she acknowledges that:
      i. Construction in the floodplain will result in increased premium rate for flood insurance
      ii. Construction below the base flood level increases the risk to life and property;
      iii. The Town of Easton assumes no liability for any damage or loss of life relating to the granting of the variance or subsequent construction; and
      iv. The owner, successor and assigns agree to hold the Town of Easton harmless from any and all claims which might result from granting the variance

2. No floodplain variance shall be effective until filed on the Land Records along with the sworn affidavit provided in Section 8750.1.

8800 PROCEDURAL REQUIREMENTS

8810 Application Submittal Requirements

1. Applications to the Planning and Zoning Commission or the Zoning Board of Appeals shall be submitted to the Zoning Enforcement Officer or agent.

2. Applications shall be submitted on forms obtained from the Zoning Enforcement Officer or agent for the type of application being submitted.

3. Applications shall be accompanied by the appropriate fee(s) except that the Planning and Zoning Commission or the Town of Easton shall be exempt from any application fee.

4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.

5. Applications shall be signed by the applicant or an authorized agent.

6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

7. Applications should be submitted at least 10 days prior to a regularly scheduled or special Commission meeting.

8820 Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Planning and Zoning Commission or the Zoning Board of Appeals shall be:

1. The day of the next regularly scheduled meeting of the Planning and Zoning Commission or the Zoning Board of Appeals immediately following the day of submission of the application to the Zoning Enforcement Officer or agent, or

2. Thirty-five (35) days after submission, whichever is sooner.

8830 Incomplete Applications

1. Each application shall be reviewed by the Zoning Enforcement Officer or agent to determine whether the application is substantially complete.

2. An application requiring approval from the Planning and Zoning Commission or the Zoning Board of Appeals shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.

3. An incomplete application or an application submitted without the requisite fee may be denied.

8840 Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Planning and Zoning Commission or the Zoning Board of Appeals may conduct any public hearings simultaneously or in the order they deem appropriate.

8850 Consultations

1. On any application, the Planning and Zoning Commission or the Zoning Board of Appeals may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.

2. The Planning and Zoning Commission may, at the applicant's expense, retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any application.

3. Prior to actually retaining such outside consultant(s), the Commission shall make findings that the nature and intensity of the proposal may have a significant impact on Easton and that:
   a. Town staff will not be able to complete a technical review of the application in a timely fashion, or
   b. That the proposal is of such a nature as to require expertise not available from staff.

4. The Commission or Zoning Enforcement Officer shall estimate the projected expenses for reviewing, evaluating and processing the application based upon information received from the potential consultant(s) and shall notify the applicant of such supplemental fee estimate.

5. The applicant shall submit funds sufficient to cover the basic application fee plus the cost of the consultant review within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.

6. Should the estimate of supplemental funds prove inadequate, the Commission or Zoning Enforcement Officer shall recalculate the projected expenses for reviewing, evaluating and processing the application and notify the applicant of such supplemental fee estimate.

7. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.

8. Any portion of the estimated processing fee not expended by the Town on the project shall be refunded to the applicant upon completion of the review, evaluation and processing of the application.

9. No permits shall be issued until all processing fees are paid.

8860 Notice Provisions

8861 Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Planning and Zoning Commission or the Zoning Board of Appeals, the Zoning Enforcement Officer or agent shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Easton or posted on the Town website if permissible by law.

2. Such notice published in a newspaper shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

8862 Notification to Abutting Municipalities

1. In accordance with CGS Section 8-7d(f), the Planning and Zoning Commission or the Zoning Board of Appeals shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   a. Any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
   b. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
   c. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
   d. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Zoning Enforcement Officer or agent of the application, petition, request or plan.

3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.

4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

8863 Notification to Water Companies

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Planning and Zoning Commission or the Zoning Board of Appeals concerning any project on any site that is within:
   a. An aquifer protection area provided such area has been delineated in accordance with CGS Section 22a-354c, or
   b. The watershed of a water company provided such water company or said commissioner has filed a map with the Commission or the Board and on the Easton land records showing boundaries of the watershed.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Zoning Enforcement Officer or agent.

3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Enforcement Officer or agent or the application shall be considered incomplete:
   a. A copy of the complete package of information, and
   b. Proof of mailing.

4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

8864 Notification of DEEP

1. If any portion of the property which is the subject of the application is located within a “shaded area” identified on the most current Natural Diversity Database maps for Easton, the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project.

2. A report from DEEP shall be a required for any application for a Site Plan or a Special Permit for property located within a “shaded area” identified on the most current Natural Diversity Database maps for Easton.

3. Any application submitted without a DEEP report shall be considered incomplete (see Section 8830).

8870 Performance Guarantee

1. Where a performance guarantee or financial guarantee is required by any Section of these Regulations, an itemized estimate of the cost of improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Commission's Engineer for approval.

2. As provided in CGS Section 8-3)g), the Commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided:
   a. Such other financial guarantee is in a form acceptable to the Commission, and
   b. The financial institution or other entity issuing any letter of credit is acceptable to the Commission.

3. Where a performance guarantee is provided, it shall be in one of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any performance guarantee:
   a. Cash deposited with the Town.
   b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
   c. Bank deposit (such as a passbook savings account or a statement savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
   d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
      i. Such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
         - Such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, “NAIC”) as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
         - The long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
      ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
      iii. If and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the performance guarantee.
   e. Other form of performance guarantee (such as a surety bond) acceptable in form and substance to the Town.

4. As provided in CGS Section 8-3)g), such financial guarantee may, at the discretion of the person posting such financial guarantee, be posted at any time before all approved site improvements are completed, except that the Commission may require a financial guarantee for erosion and sediment controls prior to the commencement of any such site improvements. No certificate of occupancy shall be issued before a required financial guarantee is posted or the approved site improvements are completed to the reasonable satisfaction of the Commission or its agent.

5. No portion of any required performance guarantee shall be released by the Commission until:
   a. A release has been requested, in writing, by the applicant,
   b. The applicant's engineer or surveyor has certified to the Town, in writing, that an appropriate level of improvements in relation to the requested release have been satisfactorily completed in accordance with approved plans,
   c. If such release is a final release, the applicant's engineer or surveyor has submitted a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with approved plans, and
   d. The appropriate Town Official or another qualified person acceptable to the Commission has confirmed, in writing, that the appropriate level of improvements in relation to the requested release have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.

6. In accordance with CGS Section 8-3, if the person posting a performance guarantee requests a release of all or a portion of such performance guarantee, the Commission shall, not later than sixty-five days after receiving such request:
   a. Release any such performance guarantee or portion thereof, provided the Commission is reasonably satisfied that the improvements for which such performance guarantee or portion thereof was posted have been completed, or
   b. Provide the person posting such performance guarantee with a written explanation as to the additional work that must be completed before such performance guarantee or portion thereof may be released.

7. Before the release of a performance guarantee, the Commission:
   a. Shall require the applicant to submit "as-built" drawings in accordance with Section 8870.5; and,
   b. May, as provided in CGS Section 8-3)g), require that the applicant provide a financial guarantee or payment to finance the maintenance of roads, streets, retention or detention basins or other improvements (including vegetative cover and plantings) approved with such site plan for up to one year after the date on which such improvements have been completed to the reasonable satisfaction of the **C**ommission or its agent **or** accepted by the municipality.

8. Any cost of collecting a performance guarantee, including without limitation, attorney's fees, bank fees, and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released accordance with this Section.

8880 Beneficiaries of a Trust

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

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NOTES

Technical Assistance in the Preparation of these Regulations Provided By

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CONNECTICUT