

Town of Goshen, Connecticut
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Title 43 - Land Use

TITLE 43
LAND USE ORDINANCE

SECTION 1.1. PREAMBLE AND AUTHORITY.

Whereas,

- a. The Town desires to establish minimum lot size for principal areas of land (residential, commercial, and industrial uses) and other standards which will assure protection of its natural resources.
- b. The Town does not have zoning regulations adopted pursuant to Chapter 124 of the Connecticut General Statutes.
- c. The Town is eligible to establish a land use ordinance pursuant to Chapter 125a, Section 8-17a of the Connecticut General Statutes.

SECTION 1.2. LAND USE COMMISSION

This ordinance shall be administered by the Goshen Land Use Commission which shall consist of the same members as the Goshen Planning Commission.

SECTION 1.3. LAND USE PERMITS

No person shall undertake the development of any land in the Town of Goshen without first having obtained either a Land Use Permit approved by the Commission upon its determination that the requirements of this ordinance have been met, or a Certification of Exemption from that requirement pursuant to SECTION 1.5 of this ordinance. The building inspector shall not issue a building permit without first having determined that either the permit or the certification of exemption has been properly obtained, and any building permit without the prior issuance of either a permit or a certification of exemption shall be void.

SECTION 1.4. PROCEDURE

- a. A completed application for a Land Use Permit shall be presented to the Commission at a regularly scheduled meeting. At the following regularly scheduled meeting, the Commission shall determine whether the submission is complete pursuant to the requirements of this ordinance and the Commission's adopted regulations. The Commission shall then accept the application for consideration or reject it because it is incomplete.
- b. A completed application of a Land Use Permit must include, at a minimum:
 1. The Land Use Permit application form as adopted by the Commission, completely filled out and signed as required;
 2. An Erosion and Sediment Control Plan as specified in Article III of this ordinance;
 3. A form indicating that the Torrington Area Health District has reviewed and found feasible the water supply and sewage disposal facilities proposed for each lot sought to be established under the Land Use Permit being applied for. For a multifamily or nonresidential use, the form must indicate that the Torrington Area Health District has reviewed and approved the water supply and sewage disposal facilities for the development.
 4. A site plan drawn to scale indicating property lines for the property that is the subject of the proposed Land Use Permit, which shall include all information necessary for the Commission to evaluate the application's compliance with the requirements of this ordinance. If the Permit applied for is for a division of land into two lots, or for new construction to establish a multifamily or nonresidential use, the site plan shall meet the accuracy standards for an "A-2" survey as specified in the "Code of Recommended Practice for Standards of Accuracy of Survey and Maps," approved by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, and shall be prepared by a surveyor licensed by the State of Connecticut. If it

meets the requirements of SECTION 3.3. of this Ordinance, the site plan may be used to satisfy the requirements of that section.

- e. Copies of all applications made to any other local, state, or federal agency to secure any permit or approval necessary for the completion of the development that is the subject of the Land Use Permit application, together with any determinations made by such agency or agencies. Should such application be made, or a determination received, while the Land Use Permit application is pending before the Commission, such additional application or determination shall be submitted to the Commission for its review.
- c. In its discretion, the Commission may hire such professionals (soil scientists, engineers, etc.) as it deems necessary to adequately review an application provided all expenditures stay within the budget.
- d. In its discretion, the Commission may hold a public hearing on any application. However, whenever an applicant wants to make a use of land that does not come completely within the provisions of SECTION 3.2.d. (Permitted Nonresidential Uses), the Commission must hold a public hearing as provided in SECTION 3.2.e. Such hearing shall be held within thirty-five (35) days of the date the application is accepted by the Commission as complete, unless the applicant has approved, in writing, an extension (which may not exceed an additional thirty-five (35) days). The public hearing shall be completed within thirty-five (35) days after its commencement.
- e. Within sixty-five (65) days of the Commission's acceptance of the application as complete, or the completion of any public hearing held on the application, whichever is later, the Commission shall approve, approve with conditions, or disapprove the application. If the Commission does not make a decision on an application within the time established within this section, the application shall be deemed approved unless the applicant has approved in writing an extension of the consideration period, which shall not be for more than an additional sixty-five (65) day period.

SECTION 1.5. EXEMPTIONS AND NONCONFORMITY.

- a. AGRICULTURAL USES as defined in SECTION 1.6. of this ordinance shall be exempt from the requirements herein because the family farms and dairying operations in Goshen have historically had minimal adverse effect on the environment, and because it is in the public interest to encourage the preservation of farmland and its associated open space in order to maintain a readily available source of food and farm products, to conserve the Town's natural resources, and to provide for the welfare and happiness of the inhabitants of Goshen. In order to prevent agricultural uses from adversely impacting the environment, farmers are encouraged to employ good management practices, as recommended by the Soil Conservation Service and/or the Agricultural Stabilization and Conservation Service for the application of manure, fertilizer, or pesticide, and the management of animal wastes.
- b. SINGLE-FAMILY DWELLINGS shall be granted the exceptions to the ordinance described in SECTION 2.6. of this ordinance.
- c. ACCESSORY APARTMENT. Upon application, the Commission may approve the conversion of a single-family dwelling into a multifamily dwelling containing no more than two dwelling units provided the following conditions are met:
 1. The building was used as a single-family dwelling unit prior to the adoption of this amendment to the Land Use Ordinance;
 2. The building retains the appearance of a single-family dwelling, in that no changes that can be seen from a public street may be made to the exterior of the building except an addition which is finished in the same materials as the building to which it is attached;
 3. One of the dwelling units is owner-occupied;
 4. The floor area of the accessory apartment does not exceed 50% of the floor area of the original dwelling unit;
 5. The Torrington Area Health District approves both the water supply and sewage disposal facilities for both dwelling units.

The Commission may approve the accessory apartment even if all the other multifamily requirements of this ordinance are not met; but in no event may the Commission approve an application that does not satisfy the requirements of this SECTION 1.5.c., and the applicant must provide documentation sufficient to enable the Commission to determine that the provisions of this section will be met.

- d. HOME OCCUPATIONS. Home occupations shall be exempt from the nonresidential requirements of this ordinance provided that not more than two nonresidents are employed at the site, and that such home occupation will not substantially change the residential appearance of the property.
- e. EXISTING NONCOMPLYING USES. One noncomplying use may not be changed to another noncomplying use. Any use of a noncomplying lot or building may be changed only to a complying use. A change from a noncomplying use to a complying use is not entitled to a "Certificate of Exemption" for that reason alone, and may only be undertaken after fully complying with the provisions of this Ordinance.

Despite the adoption of this amendment, an existing nonresidential use which does not meet the requirements of this ordinance shall be allowed to continue provided that the use of land or structures is registered with the Commission or its agent within six months of the adoption of this amendment. Failure to so register shall place the burden of proof on the property owner that any structure or use not in compliance with this ordinance legally existed at the time this amendment became effective. Such registration shall include identification of the premises, a description of the nature and extent of the noncomplying use or structure, and, if necessary for an accurate description, a plot plan drawn to scale, showing property lines, all structures, and any other pertinent information, and an affidavit by the owner as to the date when the noncomplying use was first established.

Any provision of this ordinance to the contrary notwithstanding, any noncomplying nonresidential use of a structure or land existing at the time of the adoption of this amendment may be enlarged or extended to an extent not exceeding 50% of the gross floor area or 50% of the lot area, as the case may be; provided the Torrington Area Health District finds the expansion will not endanger the provisions of adequate and safe water supply and sewage disposal facilities on the site.

SECTION 1.6. DEFINITIONS

The paragraphs which follow define and explain certain words used in this ordinance. Other words used in this ordinance shall have the meaning commonly attributed to them. Words in the present tense include the future, the singular number includes the plural, and vice versa. The word "person" includes a partnership, corporation, or other entity. The word "lot" includes the word "plot". The words "arranged, intended, designed, used" shall be synonymous in this ordinance. The word "constructed" shall be construed to include the words "reconstructed, erected, altered, extended, moved, enlarged." The word "building" includes the word "structure." Where a question arises as to the precise meaning of a word, the Commission shall by resolution determine the meaning of the word, using the definition set forth in Webster's latest unabridged dictionary, giving due consideration to the express purpose and intent of this ordinance.

1. AGRICULTURE and AGRICULTURAL USE: a use of land and buildings as defined in Connecticut General Statutes Section 1-1(q).
2. BUILDING: any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of humans, animals, or chattel.
3. COMMISSION: the Planning Commission and Land Use Commission of the Town of Goshen.
4. DEVELOPMENT: the division of a parcel of land; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; any use or change in any use of a building or any extension of any use of land or any clearing, grading, or other movement of land governed by SECTION 3.3. (Erosion and Sediment Control) of this ordinance. Work necessary to complete an application for a Land Use Permit such as surveying, percolation testing, etc., shall not be deemed a development.
5. FLOOR AREA: the sum of the horizontal area of the several floors of a building measured from the outside, excluding cellar floor areas, exterior porches, and open attics.
6. IMPERVIOUS SURFACE: impervious surfaces are those surfaces which significantly change the water absorption rate, including parking areas, buildings, roads, sidewalks, driveways, and all areas covered with concrete or asphalt.
7. MULTIFAMILY DWELLING: a dwelling unit contained in a building comprised of two or more dwelling units.
8. SINGLE-FAMILY DWELLING: a dwelling unit occupied by, or if vacant designed for occupation by a family group.
9. STORY: that portion of a building which is between the surface of a floor and the surface of the next floor above, or, in its absence, the next ceiling above. A basement shall be counted as a story if the ceiling is more than five (5) feet above the level from which the height of the building is measured or if it is used for housing for residential purposes.
10. LOT OF RECORD: a lot that was legally established in its present configuration prior to the effective date of this ordinance. Proof that it was so established may be in the form of certified copies of deeds filed in the land records prior to the adoption of this Ordinance, and if it was created as part of a subdivision of land subsequent to the adoption of subdivision regulations by the Town of Goshen, by a certified copy of the Subdivision Plan approved by the Planning Commission and filed in the land records.

ARTICLE II

SECTION 2.1. MINIMUM LOT SIZE

PURPOSE. The following minimum lot size requirements per dwelling unit are established as necessary to protect the public health, safety, and welfare of the Town of Goshen. These requirements are established based upon soils data as prepared for the Town by the U.S.D.A. Soil Conservation Service and in reference to the information and objectives as set forth in the Town Plan of Development, the Goshen Open Space Plan, Litchfield Hills Bedrock Well Study, and other technical reports providing an analysis of the environmental limitations for development in the Town of Goshen.

SECTION 2.2. SOIL SURVEY AND TABLE OF SOILS INCORPORATED INTO ORDINANCE.

The map entitled "U.S.D.A. Soil Conservation Service Soil Survey, Town of Goshen" is hereby incorporated as part of the ordinance and shall be used as a basis for the decisions of the Commission. The Commission may, at its discretion, require the applicant to provide a detailed soil survey made by a certified soil scientist of all or a portion of a parcel of land in question. When an applicant disputes the U.S.D.A. map's designation of any part of his land, he shall have the burden of proving the designation inapplicable.

For purposes of this section, a detailed soil survey shall include:

1. A High Intensity, Class I Soil Map, prepared in accordance with the current Litchfield County Soil Survey Legend of the U.S.D.A. Soil Conservation Service, on a 100 scale photogrammetric or surveyed, 2 feet contour interval base map.
2. A soil report containing as a minimum the following factual information:
 - a. Project title and location.
 - b. Date when soil investigation was completed.
 - c. Brief soil description for each soil mapping unit.
 - d. Sequential numbers of survey tapes marking wetland boundary lines.
 - e. Adverse soil conditions during inspection (i.e., depth of snow or frost, saturated or dry soil, etc.).
 - f. Factual information about the soils and their mapping which is necessary to support the validity of the field investigation and provide useful information about the physical characteristics and development limitations of the soil.

When feasible, the soil mapping may be done in accordance with this section but shown on the site plan for SECTION 3.3. of this ordinance rather than a separate base map.

SECTION 2.3. MINIMUM LOT SIZE REQUIRED ACCORDING TO SOIL GROUP.

Lots with soil types from only one group: as shown on the attached table, the following minimum lot size per dwelling unit, exclusive of wetlands, shall be required in each of the three soil groups found in Goshen regardless of the type of dwelling unit(s) involved.

- a. For a lot having all Group A soils, 2 acres.
- b. For a lot having all Group B soils, 3.5 acres.
- c. For a lot having all Group C soils, 5 acres.

Lots with soils from more than one group: perform the following computations to determine if the lot has a sufficient minimum lot size.

- Step 1. Divide the area of the lot into acres which have Group A soils by 2 acres.
- Step 2. Divide the area of the lot into acres which have Group B soils by 3.5 acres.
- Step 3. Divide the area of the lot into acres which have Group C soils by 5 acres.
- Step 4. Disregard any area of inland wetlands type soils; it cannot be used in determining lot size.

Add the results of Step 1, Step 2, and Step 3. If the total exceeds one (1), the lot has sufficient minimum lot area for one residential unit. If the number exceeds two (2) or more, without rounding up, that is the number of dwelling units that may be built on the lot.

SECTION 2.4. MINIMUM SQUARE REQUIRED.

Each lot shall be of such shape that a square with 200 feet on each side will fit on the lot. The area of said square shall be exclusive of inland wetlands soils as defined by the Goshen Inland Wetland Commission and Sections 22a-36 through 45 of the Connecticut General Statutes.

SECTION 2.5. MINIMUM ROAD FRONTAGE REQUIRED.

Each lot shall have a minimum two hundred (200) feet of land directly abutting a Town-approved road, a state highway, or a road that has been approved by the Planning Commission as part of a subdivision plan.

However, the Commission may approve at its discretion a lot served by a private accessway which is everywhere fifty (50) feet or more in width to a public street when (a) there will be only one (1) lot served by the accessway, (b) there shall be no more than one lot served by such accessway for every three (3) lots proposed in a subdivision, (c) no such accessway shall be closer than two hundred (200) feet to any point from any other such accessway, (d) there are significant natural features which will be preserved by establishment of such accessway. Nothing in this ordinance shall prohibit approval of an individual lot which does not have two hundred (200) feet of road frontage, provided the lot was a lot of record prior to the effective date of this ordinance and provided the lot can be served by an accessway which is no less than thirty (30) feet in width for its entire length.

SECTION 2.6. EXCEPTIONS TO MINIMUM LOT SIZE, MINIMUM SQUARE, AND MINIMUM ROAD FRONTAGE REQUIREMENTS

Nothing in this ordinance should prevent the construction of a single-family house and accessory buildings on a lot having a lot size, square, or road frontage which is less than the minimum required in this ordinance provided:

1. The lot is lot of record prior to the effective date of this ordinance and the owner of the lot does not own sufficient contiguous land to make a lot which would satisfy the above-stated requirements of this ordinance, or the lot is in a subdivision approved by the Goshen Planning Commission and filed in the office of the Town Clerk prior to the effective date of this ordinance.

SECTION 2.7. TABLE OF SOIL TYPES BY GROUP.

GROUPS SOIL MAP SYMBOL SOIL CHARACTERISTIC

Group A CaA, CaB, CaB2, CaC, CaC2, Soils are all well drained (Gloucester
ChB, ChC, CrC soils are somewhat excessively well
drained) on slopes not exceeding 15%.
Bedrock is at depths considered to be greater than 5 feet.

Group B EsA, HkA, HkC, HyA, MyB, All soils are on slopes of 0-15%.
MyC, PbA, PbB, PbB2, PbC, Although they are well drained, they
PbC2, PdB, PdC, PeA, PeC, have varying limitations due to
SnB, SnC, SnC2, SpB, SpC, differences in soil texture, compactness,
SrC, DoB, DoC, GbB, HbA moisture holding capacity, and other
factors.

Group C AnB, AoB, ApC, CaD, ChD, Slopes of 15-35%, shallowness to
CrD, HoC, HrC, PbD, PbD2, bedrock, or seasonal high water table.
PdD, PeD, SrD, SvA, SwA,
SwB, SxA, SxC, TwA, TwB,
WxA, WxB, WxC, WyA, WyB,
WyC, WzA, WzC

Bi*, Bk, CaE, HrE, HxC, HxE, Excessive slopes and/or percentage
Ha*, PbE of exposed bedrock, or being Severe
limitations for development.

Rh, Tg areas of borrow and fill.

* Borrow or fill, including inland fills
and old dumps.

Inland-Wetlands Am, Au, Bz, Ka, Ke, Lc, Le, Inland-wetlands poorly and very poorly
Lg, Lm, On, Pk, Pm, Po, Rc, drained soils subject to inland-wetlands
Rd, Rg, Ru, Sf, Wi, Wp regulations.

NOTE: For detailed soil descriptions and interpretations refer to Soil Survey of Litchfield County, Know Your Land, and Soil Interpretations at LCCD office, Agricultural Center, Litchfield, Connecticut.

SECTION 2.8. OTHER REQUIREMENTS FOR MULTIFAMILY AND NONRESIDENTIAL USES.

- a. Each lot for multifamily or nonresidential use shall have a minimum of two hundred (200) feet of land directly abutting a Town approved and accepted road, a state highway, or a road meeting Town road standards and which has been approved by the Planning Commission as part of a subdivision plan.

Further, the lot must be of such a shape that a square with two hundred (200) feet on each side will fit on the lot in the immediate area that each nonresidential structure is proposed for the lot (not including accessory structures such as toolsheds). The area of said square shall be exclusive of inland wetlands soils as defined by the Goshen Inland Wetlands Commission and Section 22a-35 through 45 of the Connecticut General Statutes.

- b. Any lot devoted to multifamily or nonresidential use must have a minimum vegetation buffer at least fifty (50) feet wide between neighboring parcels and at least one-hundred (100) feet wide from the road so that the use shall not create or result in a nuisance, odor, noise, glare, vibration, or safety hazard off the premises.

Where the Commission deems there is insufficient natural vegetation within the required setback to buffer the property, the Commission may require a screen of shrubbery not less than twenty (20) feet in width nor less than six (6) feet in height at the time of occupancy, which shall thereafter be suitable maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least 50% evergreens so as to maintain a dense screen at all seasons of the year. Additionally, all exterior lights shall be shielded and directed so they do not shine off the premises

- c. The maximum allowable impervious surface on a lot devoted to nonresidential use shall be the product of multiplying fifteen-thousand (15,000) square feet by the number determined under SECTION 2.3. of this ordinance, provided the number is equal to one (1) or greater.
- d. No structure for multifamily or nonresidential use shall exceed thirty-five (35) feet in height measured from the average existing level of the ground surrounding the building or addition thereto up to the midpoint height of a pitched roof or up to the level of the highest main ridge or peak of any other type of structure.

ARTICLE III GROUNDWATER AND AQUIFER PROTECTION EROSION AND SEDIMENT CONTROL PLAN

SECTION 3.1. PURPOSE.

To protect the public health, safety, and welfare through the preservation of the Town's major groundwater resources to insure a future supply of safe and healthy drinking water for the Town of Goshen and its residents. The careful regulation of development activities can reduce the potential for groundwater contamination of the Town's underlying bedrock aquifer, which supplies all of the drinking water in the Town of Goshen. Additionally, much of Goshen's rural land is within the watersheds and recharge areas of public and potential public water supply reservoirs and aquifers serving urban centers of Litchfield, Torrington, and Waterbury. The purpose of this section is to preserve these ground and surface waters and thereby maintain the natural quality and improve the existing quality of the drinking water of the Town of Goshen.

SECTION 3.2. REQUIREMENTS.

No new use of land will be permitted which could pose a threat to the quality of Goshen's groundwater or its aquifers as identified and mapped by the U.S. Geological Survey and classified G.A. and G.A.A. under Connecticut General Statutes as outlined in Section 22a-352 of the Ground Water Classification Act. The following minimum regulations shall apply to proposed development in Goshen:

- a. Road salt storage shall be in weathertight buildings.
- b. Manufacture, use, storage, or disposal of hazardous materials in significant quantities is prohibited. For the purpose of this ordinance, hazardous materials are defined as those substances identified by the U.S. Environmental Protection Agency in Table 302.4. as listed in 40 C.F.R. Section 302.4, (1981) as amended. The amount of any substance which shall constitute a “significant quantity” of such substance is as listed in said Table 302.4. Additionally, “hazardous materials” as used herein, shall include oil and oil-based derivatives as listed in 40 C.F.R. Section 112.2 (1981). As used herein, a significant quantity of oil or oil-based derivatives is equivalent to the “reportable quantity” of such substances as listed in 40 C.F.R., Section 112.2 (1981) The storage of heating oil for on-site use shall be allowed in accordance with SECTION 3.2.f. of this ordinance.
- c. Sanitary landfills, septage lagoons, and waste-water treatment facilities for municipal or industrial wastes are prohibited
- d. PERMITTED NONRESIDENTIAL USES:

The following nonresidential uses shall be permitted and shall be used because they have been shown to have a minimal deleterious effect on groundwater provided that they use a domestic-type waste stream and meet the requirements of Section 3.2.b. above. The Commission may waive this prohibition of nonresidential land uses not meeting the requirements of this Section 3.2.d., but only if, after holding a public hearing at which the landowner, the Town, and other interested parties may present evidence, the Commission finds that the proposed use will comply with the standards in Section 3.2.e. below:

Town use, municipal offices, municipal recreation facility, fire house, police station, public school;

A retail business or retail service occupation, grocery store, convenience store, drug store, hardware store, liquor or package store, farm equipment sales, bait and tackle shop, sporting goods store, small engine and equipment repair, plumbing and electrical shops, banks and other financial institutions, antiques store, bowling alley or similar recreation establishment, candy store, handicrafts shop and store, blacksmith shop, sawmill, maple sugaring house;

Professional offices, including but not limited to the office of recognized professions such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, realtors, teachers, and others who, through training or experience, are qualified to perform services;

The letting of rooms, as in a Bed and Breakfast establishment or boarding house, provided not more than six boarders are accommodated at one time;

Day nursery or day-care establishment;

Clubs, lodges, or community houses; tennis, swimming, or boating clubs; summer day camps, provided there is no furnishing of rooms;

Churches and places of worship, Sunday schools, parish houses, convents, and rectories;

Library, museum, art gallery, and theatres for indoor projection of motion pictures;

Restaurant, ice-cream parlor;

Video and stationery stores;

Public utility substations and telephone equipment buildings;

Water supply reservoirs and well fields, towers, treatment facilities and pump stations;

Storage warehouse, wholesale distribution, lumber and building material yard, contractors equipment storage;

Corporate headquarters.
- e. Whenever an owner’s proposed use of land does not completely satisfy the requirements of Section 3.2.d. (Permitted Nonresidential Uses), the Commission must hold a public hearing on an application for such use to allow the applicant to

demonstrate compliance with the purposes and provisions of this ordinance and to prove that the proposed development does not pose a risk or threat to the groundwater of Goshen.

At such public hearing, the applicant shall give proof and place into the record:

- i. any proposed mitigating measures, such as municipal sewers, guaranteed performance standards, or other means of preventing the development from having a deleterious impact on the groundwater.
- ii. An impact statement detailing the effects of such development on traffic flows, air, noise and water pollution, neighboring land values, and the historically important assets of the community as listed in the Goshen Open Space Plan.

The Commission, in rendering its decision on whether the development shall be considered for a Land Use Permit as a permitted use, shall consider the following:

- i. the irretrievable nature of the resource put at risk by the development and the simplicity, reliability and feasibility of any mitigating measures proposed as well as the degree of threat to the environment should the control measures fail.
- ii. the Goshen Plan of Development, Open Space Plan, and the Connecticut Policies Plan for the Conservation and Development of Connecticut.
- iii. the effect of such development on Town services.
- iv. all the evidence placed into the record by those seeking a favorable ruling and by those opposed.

The application will be considered within the provisions of Section 3.2.d. as a permitted use only upon a vote in favor by three-fourths of all regular members of the Commission, or in the case of an absence, by the designated alternate.

- f. The underground or subsurface storage of hazardous materials, as defined in Section 3.2.b. of this ordinance, other than heating oil storage, for on-site heating use, is prohibited. The replacement of existing facilities for hazardous material storage, and the installation or replacement of facilities used for the storage of heating oil for on-site heating purposes, must comply with the following minimum requirements:
 1. tanks will be installed according to N.F.P.A. 31, 1983 ed., standards covering such installations.
 2. a Land Use Permit will be obtained prior to the commencement of work.
 3. all subsurface lines used to transport the hazardous material to and from the tank will be sheathed in a plastic-type pipe. Such sheathing will start at a point at or near the outlet of the tank and run continuously to the point of the product use. Whenever a line passes through a foundation wall or is interrupted inside a structure for other reason, a shut-off valve will be provided. Furthermore, the lines continuing from that point will also be sheathed until a point within close proximity of the unit utilizing the hazardous material.
 4. whenever a heating oil tank is to be installed subsurface or underground, such installation will be done under the supervision of the Land Use Enforcement Officer, or by an agent appointed by the Commission.
 5. all underground heating oil tanks will be fabricated of steel and steel components, with strike plates located at the bottom of the tank below top openings; be outfitted with factory-installed cathodic protection; corrosion-resistant coating; and a voltage test-monitoring station to prove the cathodic protection system. The tank shall be capable of obtaining a voltage-test result of negative .85 volts or more negative reading, after the first year of installation and thereafter. The tank must carry manufacturer's or equal warranty for a period of 30 years or greater. An Sti-p3 tank or its equal is recommended for compliance with this section.
 6. All underground heating oil installations will include a leak detection system. Such system at a minimum must provide one observation well. Such well is to be constructed of Schedule 40 PVC pipe, with a minimum diameter of 3 inches, and is to be located within 12 inches of either head of the tank. The first 2 feet of the pipe below grade level shall be of the non-perforated type and be back-filled with natural soils. The point below this depth shall be of perforated pipe and continue to the floor of the excavation site. This pipe is to be back-filled with traprock for a diameter of no less than 2 inches larger than the pipe used. The pipe above grade level shall be fitted with a removable plastic cap.

- g. All subsurface sewage disposal systems installed in the Town of Goshen shall be built in accordance with the REGULATIONS AND TECHNICAL STANDARDS FOR SUBSURFACE SEWAGE DISPOSAL SYSTEMS of the Connecticut Public Health Code, and the DESIGN OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS FOR HOUSEHOLDS AND SMALL COMMERCIAL BUILDINGS of the State of Connecticut, Department of Health Services, and must also comply with the following minimum regulations:
 - i. before any permit is issued for a subsurface sewage disposal system for a new building, plans shall be prepared by a professional engineer registered in the State of Connecticut, and the plans shall be submitted to and approved by the Torrington Area Health District.
 - ii. Before any permit is issued for a subsurface sewage disposal system for a new building, it must be shown that ledge rock is not uniformly less than four feet to the ground surface in either the primary or the reserve leaching areas. However, this rule shall not apply to a subsurface sewage disposal system for a single family home to be constructed on a lot of record.
 - iii. no part of the subsurface sewage disposal system, as defined in the State Health Code, but not including groundwater controls, shall be within 100 feet of any watercourse or 75 feet of any wetland soil as defined by the Goshen Inland Wetlands Commission and Sections 22a-35 through 45 of the Connecticut General Statutes. However, this rule shall not apply to a subsurface sewage disposal system for a single family home to be constructed on a lot of record.
 - iv. before any sewage disposal permit is issued for a subsurface sewage disposal system for a new two-bedroom home, it shall be shown that the house does not contain more than six (6) rooms or more than 1,500 square feet of floor area.
 - v. before any permit is issued for a subsurface sewage disposal system for a new nonresidential building, it shall be shown that there is suitable area on the property to provide for both a primary and reserve leaching system based on a flow of one employee per 150 square feet of indoor floor area. The actual design can be sized on projected flows based on the actual number of employees at the time the application is made.
- h. Manufacture, use, storage, or disposal of radioactive material is prohibited. This will not preclude the use of standard inspection techniques in normal engineering and medical practices.

SECTION 3.3. EROSION AND SEDIMENTATION CONTROL PLAN

As required by state law, an erosion and sedimentation control plan subject to the following requirements shall be submitted to the Land Use Commission with any application for development of a lot when the disturbed area of such development is cumulatively more than one-half acre. A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control requirements. A lot in a subdivision shall be subject to the requirements for an erosion and sediment control plan both as part of the subdivision plan application and as part of the application for a Land Use Permit under this ordinance.

a. DEFINITIONS

“certification” means approval by the Land Use Commission that a soil erosion and sediment plan complies with the applicable requirements of these regulations.

“disturbed area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

“erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“inspection” means the periodic review of sediment and erosion control measures shown on the certified plan.

“sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

“soil” means any unconsolidated mineral or organic material of any origin.

“Soil Erosion and Sediment Control Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

b. INFORMATION AND REQUIREMENTS.

A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm runoff on the proposed site. The plan shall be developed in accordance with the principles, minimum standards, and methods specified in Connecticut Guidelines for Erosion and Sediment Control (1985) or the best available technology as determined by the Commission. Mapped information as required below shall be shown separately or as a part of the application for development of a lot. Said plan shall contain, but not be limited to:

A NARRATIVE DESCRIBING:

1. the development project.
2. the time schedule for:
 - all major construction activities indicating the anticipated start and completion of development.
 - creating and stabilizing disturbed areas.
 - grading operations.
 - applying erosion and sediment control measures and facilities onto the land.
3. design criteria, construction details, detailed installation/application procedures and maintenance programs.
 - soil erosion and sediment control measures.

A SITE PLAN TO REVEAL:

1. existing and proposed topography.
2. in disturbed areas, topography contours shall be shown at two (2) foot intervals based upon a field survey.
3. proposed site alteration and disturbed areas including cleared, excavated, filled, or graded areas.
4. location of and other detailed information concerning erosion and sediment control measures and facilities.

c. ISSUANCE OR DENIAL OF CERTIFICATION.

The Commission shall either certify that the soil erosion and sediment control plan complies with these requirements and objectives or deny certification when the development proposal does not comply. The Commission may refer soil erosion and sediment control plans to the Litchfield County Conservation District. The District shall complete its review for certification within thirty (30) days of the receipt of the plan.

d. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL.

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Land Use Commission may require a performance bond or other form of surety acceptable to the Commission to guarantee completion of erosion and sediment control measures.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

e. INSPECTION.

Inspection by the Commission or its authorized agent during and after development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed, and maintained.

SECTION 4.1. FIRE PROTECTION.

The following categories of new construction shall require fire protection measures taken in accordance with the technical standards of the National Fire Protection Association, Section 16, Chapter 1, Fire Protection Handbook, 15th edition.

- a. Subdivisions.
- b. Industrial/Commercial buildings.
- c. Multifamily housing.

SECTION 4.2. THE FOLLOWING SHALL BE ADDRESSED:

- a. Access to buildings from public roads excluding a single family dwelling on a lot of record shall be via a road built in accordance with the Street Specifications in the subdivision regulations, or via an accessway approved by the Commission pursuant to Section 2.5. of this Ordinance.
- b. Adequate water supply must be available for fire protection. Location and volume of water shall be determined by the Fire Marshal in accordance with Section 16, Chapter 3, subheading of the standards as formulated by the National Fire Protection

Association.

SECTION 5.1. PETITIONS

A petition bearing the attested signatures of twenty (20) electors of the Town shall require the Commission to conduct a public hearing to discuss the promulgation, amendment, or repeal of any section of the Land Use Ordinance within thirty (30) days of the meeting at which the petition was properly placed on the agenda. The text of the petition shall be placed on the call of the next scheduled Town meeting. The Commission may recommend to the Town meeting the adoption or denial of the petition. Nothing herein shall be construed to limit the right of electors to petition for a Town meeting as provided by law.

SECTION 5.2. ENFORCEMENT, PENALTIES.

- a. If the Goshen Land Use Commission or its duly authorized agent finds that any person, as defined in Section 1-1k of the Connecticut General Statutes, is conducting or maintaining any activity, facility, or condition which is in violation of the Land Use Ordinance, the Commission or its duly authorized agent may issue a written order by certified mail, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. Within ten (10) days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises, or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to subsection (b) of this section.
- b. Any person, as defined in Section 1.1(k) of the Connecticut General Statutes, who commits, takes part in, or assists in any violation of this ordinance shall be fined not more than \$100 for each offense. Each violation of said ordinance shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court of the judicial district of Litchfield County shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed, and to impose fines pursuant to this section. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the Town of Goshen. The moneys collected pursuant to this section shall be used by the Town to restore the affected area to its condition prior to the violation, whenever possible.

SECTION 5.3.

The Land Use Commission shall appoint an authorized enforcement agent, who may, but need not be, the Town building official.

SECTION 5.4. THE INVALIDITY OF CERTAIN PARTS OF THIS ORDINANCE.

The invalidity of any word, clause, sentence, section, part, or provision of this ordinance shall not affect the validity of any other part which can be given effect without such invalid part or parts. The invalidity of the ordinance with respect to any particular activity shall not invalidate the ordinance with respect to other activities.

SECTION 5.5.

- a. Sections 4-175, 4-176, 4-177, 4-178, and 4-181 of the Uniform Administrative Procedure Act (Chapter 54, Connecticut General Statutes) shall apply to proceedings of the Land Use Commission.

Section 4-180 of the Uniform Administrative Procedure Act (Chapter 54, Connecticut General Statutes) shall apply to any decisions of the Land Use Commission pursuant to Section 5.2. of this ordinance.

- b. Any interested person may submit a request to the Commission for a declaratory ruling regarding the applicability of any regulation administered by the Commission. The request shall be in writing and submitted by certified mail or hand-delivered to the Town Offices in Goshen. It shall contain a detailed statement of the person's interest in such matter and facts relevant thereto. The Commission may request the submission of such additional facts as it deems necessary, and may conduct a hearing. Within 65 days following receipt of such request or of any public hearing conducted on it, the Commission shall make a ruling, giving its reasons in the case of a denial, and mail a copy to the person. The date of such receipt is construed to be the next regularly scheduled meeting of the Goshen Land Use Commission following delivery to the Town Offices.

SECTION 5.6.

Any person aggrieved by any action of the Goshen Land Use Commission shall have a right of appeal to the Superior Court for the judicial district of Litchfield, within the time periods, and in the same manner as appeals from municipal planning Commissions as provided in the Connecticut General Statutes.

SECTION 5.7. INDEPENDENT COUNSEL, AUTHORITY.

The Goshen Land Use Commission may, with the approval of the Board of Selectmen, retain independent counsel if the services and expertise of said counsel and the nature and complexity of the issue involved warrant such action. In all cases, the decision to take action pursuant to Section 5.2. rests solely with the Commission.

Final Amendments effective June 21, 1987.