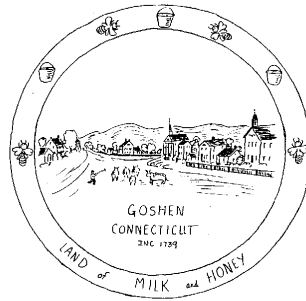


ZONING REGULATIONS



Town of Goshen, Connecticut

August 29, 1988

Revised to September 27, 2013

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ARTICLE 1 - PURPOSES

SECTION 1: STATEMENT OF PURPOSES

The Planning and Zoning Commission of the Town of Goshen, Connecticut, hereby adopts these Regulations in accordance with the purposes, authority, and requirements of Chapter 124 of the General Statutes of the State of Connecticut, as amended. The basic purposes of these Regulations shall include the following:

1. To guide the future growth and development of the Town in accordance with a comprehensive plan designed to promote the most beneficial, appropriate, suitable, and convenient land uses within the Town, as indicated by existing conditions and future needs.
2. To protect the value of the buildings and property throughout Town; to preserve the predominantly residential, rural, and agrarian characteristics of the Town; and to protect the health, safety, and welfare of its inhabitants.
3. To secure safety from fire and other dangers, to prevent overcrowding of the land, to avoid undue concentration of population, avoid traffic congestion, and provide safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Town.
4. To protect the character, the social stability, and the economic stability of all parts of the Town.
5. To permit development commensurate with the availability and capacity of the infrastructure of the Town, thereby facilitating adequate provision for transportation, schools, recreation, and other public requirements.
6. To conserve the Town's unique natural resources.
7. To protect the Town's ground water and surface waters.
8. To preserve the historical resources, natural features, and qualities that enhance the character of the Town.
9. To encourage development of housing opportunities for all citizens of the Town consistent with soil types, terrain, and capabilities of the infrastructure of the Town.
10. To achieve in part the objectives of the Goshen Plan of Development, of the Goshen Open Space Plan, and of other plans that are officially adopted by the Town.

ARTICLE 2 - GENERAL REGULATIONS

SECTION 2.1: APPLICABILITY

Except as provided to the contrary herein, no land, structure, or part thereof, shall be constructed, developed or used on any plot or parcel of land except as specifically permitted in these Regulations.

Where these Regulations are more strict or impose higher qualitative or quantitative standards than are required in any statute, bylaw, ordinance or regulation, the provisions of these Regulations shall govern. If the provisions of any statute, bylaw, ordinance or regulation are more strict or impose higher qualitative or quantitative standards than these Regulations, the provisions of such statute, bylaw, ordinance or regulation shall govern.

SECTION 2.2: INTERPRETATION OF REGULATIONS

2.2.1 INTERPRETATION OF TERMS:

Certain terms used herein shall be interpreted as follows:

- Words used in the present tense include the future tense.
- The singular includes the plural, and the plural the singular.
- The word “person” includes a partnership, corporation, or other entity.
- The word “Commission” means the Planning and Zoning Commission of the Town of Goshen.

2.2.2 DEFINITIONS:

The definitions contained in this Section shall be used for the purpose of interpreting the various provisions of these regulations. The Planning and Zoning Commission shall establish the appropriate definition for words not defined in this section or in case of uncertainty.

ACCESSORY: (ie: accessory apartment, dwelling unit, building, structure or use) customarily incidental and subordinate (both qualitatively and quantitatively) to a principal dwelling, building, structure or use located on the same lot.

BARN: An agricultural building used primarily for the purpose of sheltering any or all of the following: harvested crops, livestock, pigs and fowl; and agricultural implements including farm vehicles. No structure, any part of which is used in the operation of a kennel, shall be considered a barn.

BASEMENT: That part of a building which is wholly or partially below ground level. (See also Floor Area and Story).

BERM: A mound of earth typically used as a landform design element or buffer.

BEST MANAGEMENT PRACTICES: Techniques that are effective practical ways of preventing or reducing pollution and providing environmental stewardship.

BUFFER: Land area used to visibly separate one use from another or from a boundary line or to block noise, lights, or other nuisances, generally through the use of landscaping, structures, and/or vegetation.

BUILDABLE LAND: That land area within a lot that is not wetlands (unless the Goshen Inland Wetlands Commission has issued a permit allowing the use of the wetland for the erection of a structure, the location of a septic field, or the location of an onsite water supply facility), provided that within such an area an onsite sewage disposal system approved by Torrington Area Health District can be provided, and also that within such area (but not within the side or rear setback areas of the lot) an on-site water supply can be provided in accordance with applicable health codes.

BUILDING: A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any person, animal, or material of any kind (see Structure).

BUILDING HEIGHT: The vertical distance of the structure measured from the average finished grade ten feet out from the walls of a building to the highest part of the roof for flat roofs; to the deck line of mansard roofs; to the average height between the eaves and the ridge for gable, hip and gambrel roofs, provided that the vertical distance between the average finished grade and roof ridge shall not exceed the maximum height allowed for the zone by more than ten feet. The provisions with respect to height shall not apply to cupolas.

CALIPER: The diameter of a tree trunk, measured 6" above the ground.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with applicable regulations and approvals.

CONSERVATION DEVELOPMENT: A residential subdivision concept whereby the houses on a site are grouped closely together to maximize open space, to preserve farmlands and other natural resources, and to allow for economies in development.

CONSTRUCTION: Any activity affecting a structure, including the reconstruction, erection, alteration, extension, moving, and enlarging thereof.

CONVENIENCE GOODS: Goods such as food, dairy, bakery, or drug products which may regularly be required in the day-to-day functions of a residential home.

CORNER LOT: A lot abutting two or more streets, whether intersecting or not. In determining setbacks, the property line on each street shall be deemed a front property line, and all other property lines shall be deemed side property lines.

COUNTRY CLUB: An establishment operated solely for recreational, social, benevolent or athletic purposes; such activities shall include but not be limited to the construction and operation of golf course facilities, tennis facilities, swimming pool facilities and restaurant facilities, the latter including the sale of alcoholic beverages provided a permit for the sale of the same is obtained from the appropriate agency or department of the State of Connecticut.

COUNTRY INN: An establishment within a building or group of buildings devoted to the preparation of food and beverage to be consumed on the premises, to transient lodging, and also to entertainment and recreational facilities which would be accessory to the above two purposes. A Country Inn use does not include condominium ownership.

DAY CARE: The provision of a supplementary care program to people outside their homes on a regular basis.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to construction of structures, dividing, dredging, filling, grading, paving, excavation or drilling operations.

DWELLING UNIT: A building or portion thereof designed and used primarily for residential occupancy by one family.

EARTH: Earth, sand, gravel, clay, quarry stone, and other earthen materials.

ELDERLY: Age 62 or older or, in the case of elderly occupancy, where at least one member of the immediate family is age 62 or older.

FAMILY: Individuals living and working together on the premises as a single housekeeping unit.

FARMING: Cultivation of soil for growing of crops; nurseries; dairy farming; and/or the raising, breeding, and keeping of livestock. Farming also includes the marketing of agricultural products grown or raised on the premises.

FLOOD HAZARD AREA: Land within the 100-year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA).

FLOOR AREA: The sum of the horizontal area of the several floors of the building measured from the outside, excluding basement floor areas, exterior porches and unfinished attics.

FRONT LOT: A lot which abuts and fronts on a street and which meets the lot width requirement of the zone.

FRONT YARD: The area between the street on which the frontage of the lot lies and a line running parallel to the street that intersects a part of any building that is closest to the street. In the case of new construction, that parallel line will also be the setback line as required in these Regulations.

FRONTAGE: The front boundary of a lot on a street.

IMPERVIOUS SURFACE: A surface that significantly changes the water absorption rate, including areas for parking, building roads, sidewalks, driveways and all areas covered with concrete or asphalt.

INFILTRATION: The process of precipitation percolating into the subsoil.

KENNEL: A commercial establishment in which more than three dogs over the age of six months are housed, groomed, bred, boarded, trained, or sold.

LANDSCAPED AREA: An open area, landscaped area, or naturally vegetated area maintained with natural or artificial ground cover, lawn, trees, shrubs, or other plantings.

LIVESTOCK: Shall include animals such as horses, cows, goats, and sheep but shall not include fowl or pigs.

LIVING AREA: That portion of the total floor area of a residential dwelling unit which has ceilings, walls, and floors finished in a manner which is clearly intended for human occupancy, and which conforms to the Building Code.

LOGO: A simple graphic presentation which may include numbers or letters used to identify a business.

LOT: A plot or parcel of land occupied, or capable of being occupied, in conformity with these Regulations by one principal building and accessory buildings or uses customarily incident to it.

LOT AREA: The total area within the boundary lines of a lot.

LOT COVERAGE: That percentage of the lot area that is covered by all structures and impervious surfaces.

LOT WIDTH: The distance between the side boundary lines measured along the front setback requirement.

LOW IMPACT DEVELOPMENT (LID): A site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible.

MAINTENANCE SHED: A free standing permanent accessory building not exceeding 150 square feet in total floor area, used for the storage or location of tools, materials, and equipment associated with the maintenance of the premises, including all structures and ground areas.

NON-CONFORMING: (ie: non-conforming use, building or structure) Not conforming to the applicable requirements or provisions of these Regulations.

NONPOINT SOURCE POLLUTION: Pollution caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land that carries pollutants.

NURSERY: An agricultural operation where the primary use is the growing of flowers, plants, shrubs, or trees outdoors for commercial gain and which may include sale of such products and related garden merchandise as an accessory use to the agricultural operation.

ORDINARY HIGH WATER MARK: The points on the bank or shore of a water body or watercourse up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, or by the predominance of aquatic vegetation or similar easily recognizable water-related characteristics. The boundary of a water body or watercourse as established by the Goshen Inland Wetlands and Watercourses Commission is considered to be the Ordinary High Water Mark, unless the applicant can establish through expert evidence (as by a botanist) that the Commission's boundary line is not the same as that defined in this regulation.

PERMEABLE PAVING: Materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce stormwater runoff and pollutant loads. These materials have variable porosity dependent on the product, its installation and the site conditions.

PERSONAL SERVICE: Shops such as barbershops, beauty salons, tailoring establishments, shoe repair shops and other similar operations which provide services of a personal, domestic nature. Day care is not included in this definition.

PREMISES: All land comprising a lot and including all buildings, structures and uses located on the lot.

PROFESSIONAL ENGINEER: A person licensed by the State of Connecticut to practice as a professional engineer in civil engineering.

PROFESSIONAL OFFICE: The office of an accredited professional such as a doctor, dentist, lawyer, architect, engineer, and similar professions or recognized professional artist, musician, designer, realtor, teacher, or other similar professions that, with or without staff, are qualified to perform services of a professional nature.

RAIN GARDENS/BIOFILTRATION: A low impact development practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter and infiltrate runoff gathered in a shallow depression.

REAR LOT: A residentially zoned lot which does not meet the frontage requirement of the zone and which is approved for building purposes under Section 2.7 herein.

RECREATIONAL VEHICLE: A vehicle which can be towed, hauled or driven and is designed primarily for recreational use or as temporary living accommodations for recreational, camping or travel use.

RESTAURANT: An establishment where food and beverages are served by waiters and waitresses only at tables or sit-down counters within a building.

SETBACK: The minimum distance that a structure may be situated from a lot boundary, this distance forming a buffer area inside the perimeter of the lot.

SIGN: Any natural or artificial structure, object, device, light, or display which is used to advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including, but not limited to letter, number, banner, flag, insignia, device, designs, symbols, fixtures, colors,

illumination, or logo, which is situated so that it can be seen from a street. The word sign includes logo. The word “sign” includes the word “billboard”, but does not include the flag, pennant or insignia or any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

SIGN AREA: The entire area of a sign within a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign having two faces placed back to back and no more than 2 feet apart, the area shall be taken as the area of either face; if the faces are unequal, the larger on shall determine the area. For any other configuration of sign having two or more faces, the area shall be the sum of all its faces.

STORMWATER: Water consisting of precipitation runoff or snowmelt.

STORMWATER MANAGEMENT PLAN: Plan describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

STORMWATER RUNOFF: Above ground water flow resulting from precipitation or snowmelt.

STORMWATER TREATMENT: Devices constructed for primary treatment, pretreatment or supplemental treatment of stormwater.

STORMWATER TREATMENT TRAIN: Stormwater treatment practices, as well as site planning techniques and source controls, combined in series to enhance pollutant removal or achieve multiple stormwater management objectives.

STORY: That portion of a building that 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 5 feet above the level from which the building height is measured or if it is used for housing for residential purposes.

STREET: Any right-of-way used for public travel.

STREET LINE: The right-of-way line of any public or private street at the lot boundary. For the purpose of Section 6.4, Street Line shall be defined as the visible edge of the roadway.

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, excluding septic systems, fence and stone walls.

WATERCOURSE: Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other water (natural or artificial) which are contained within, flow through, or border upon the Town of Goshen or any portion thereof.

WATER QUALITY SWALES: Vegetated open channels designed to treat and attenuate the water quality volume and convey excess stormwater runoff.

WATER QUALITY VOLUME: The volume of runoff generated by one inch of rainfall on a site.

WETLAND: Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, or flood plain by the U.S. Department of Agriculture Soil Conservation Service.

ZONE: An area of land set aside on the Zoning Map having separate requirements as established by these Regulations.

SECTION 2.3: ESTABLISHMENT OF ZONES:

In keeping with the character and type of development in a predominantly rural, residential community with a small number of existing business and service establishments serving the needs of local residents, the Town is hereby divided into the following zones:

Woodridge Lake	WL
Residential-Agricultural 1	RA-1
Residential-Agricultural 2	RA-2
Residential-Agricultural 5	RA-5
Town Center Business	CB
Rural Recreational	RR

The boundaries between zones are hereby established as shown on the map entitled “Zoning Map of Goshen”, dated April 3, 2010, which accompanies these regulations and is on file in the office of the Town Clerk. Said map and all explanatory matter thereon are hereby adopted and made a part of these Regulations.

Where a zone boundary line divides a parcel of land under single ownership of record, the Regulations specified herein for each zone shall apply only to those portions of the parcel within such zone.

SECTION 2.4: NON-CONFORMING LOTS, STRUCTURES AND USES:

2.4.1 GENERAL

The term non-conforming is defined as any use, building, structure or lot which does not conform to the applicable requirement or provisions of these Regulations (see Section 2.2.2). Non-conforming lots, buildings, structures, and uses may exist individually or in combinations and it is therefore necessary to define and establish requirements related to each.

Nothing in these Regulations shall require any changes in the plans, construction or designated use of any building for which a building permit has been issued, and for which, in addition to pouring of concrete, construction has been diligently pursued prior to the adoption of these Regulations.

Any non-conforming use of buildings or land lawfully existing at the time of adoption of these Regulations or any amendments hereto may be continued.

2.4.2 NON-CONFORMING LOTS

A lot may be non-conforming for any one of a number of reasons. For example, a non-conforming lot may have an area which is less than required or it may have less than the required frontage or setbacks.

2.4.2a. Building and Use on a Non-conforming Lot

Where safe and adequate disposal of sewage and a safe water supply, as required by Public Health Code, can be provided without endangering the health and safety of the Town and its residents, nothing in these Regulations shall prevent the construction of a conforming building or the establishment of a conforming use on a lot containing less than the prescribed lot area or frontage or setbacks which at the time of the adoption hereof or any pertinent prohibiting amendment hereto was:

1. Owned separately from any adjoining lot and filed in the Office of the Town Clerk of the Town of Goshen; or
2. Shown on a plan of subdivision approved by the Commission and filed in the Office of the Town Clerk of the Town of Goshen.

Where two or more non-conforming adjoining lots of record, except those in the Woodridge Lake Sewer District, were in the same ownership on August 31, 1985, then such lots shall be combined to meet the lot area or frontage requirements stated herein.

2.4.3 NON-CONFORMING BUILDINGS AND STRUCTURES

A non-conforming building or structure is one which does not meet one or more of the dimension requirements for a building or structure, such as the requirements for building location on a lot, building or structure height or building coverage on a lot.

2.4.3a. Reconstruction of Non-conforming Buildings and Structures

Non-conforming buildings and structures where damaged or destroyed by fire, explosion or accident may be repaired, rebuilt or replaced within 18 months of such damage, provided that such repairs, rebuilding or replacement has been initiated and diligently pursued, and does not extend or expand the previously existing part(s) of the non-conforming building, except as may be provided under Section 2.4.3b and 2.4.3c below.

2.4.3b. Addition to a Non-conforming Structure by Special Permit Approval

When a part of a non-conforming building does not meet the setback requirement, any additions to the building shall have the required setback, except that the Zoning Board of Appeals may grant by Special Permit approval to allow an addition within the required setback that is no closer to any property line than any portion of the existing structure. The Special Permit Requirements of Article 5, Sections 5.1 – 5.5 shall apply including the required Site Plan, public hearing requirement, public hearing notice requirements, evaluation of Special Permit standards as set forth in Article 5, Section 5.3.1 and any conditions the Zoning Board of Appeals may find necessary in granting approval.

2.4.3c. Variance for Building Setback Requirement

The Zoning Board of Appeals may approve a variance in setback requirements pursuant to Article 7, Section 7.3.1 – 7.3.4 herein, when an addition is closer to any property line than any portion of the existing structure.

2.4.4 NON-CONFORMING USE:

A non-conforming use is a use of a lot, building, or structure which has legally existed since before the adoption of these Regulations or any relevant amendment thereto and that does not meet the use requirements for the zone in which the use, building, structure or lot exists. A non-conforming use may be a non-conforming use of land only, or a non-conforming use of a building, structure and land in any combination.

2.4.4a. General:

Once a non-conforming situation, or any portion thereof, has been changed so that it conforms to these Regulations, that situation or portion thereof shall not revert to or again become, non-conforming.

2.4.4b. Change of Non-conforming Use of Land, Building, or Structure:

A proposed change to a non-conforming use, other than a change which satisfies the definition of a Routes 4 and 63 Business Use as set forth in Section 2.4.5 of these Regulations, may be approved by the Commission by a Special Permit issued in accordance with the requirements of this section and Article 5 of these Regulations.

In determining whether a proposed activity represents a change in non-conforming use, consideration shall be given to three factors: (1) extent to which the new use reflects the nature and purpose of the original non-conforming use; (2) any difference in the character, nature and kind of use involved; and (3) any substantial difference in effect upon the neighborhood resulting from the proposed changes.

Where the Commission determines a change of non-conforming use is proposed, the Commission may approve the Special Permit application for change of use where it finds that the proposed non-conforming use will not have an impact on the zone, the neighborhood and surrounding properties greater than the impact of the current non-conforming use.

In reaching its determination, the Commission shall consider but not be limited to the following factors: Changes in traffic (both type and volume), the number of uses permitted, lighting, parking, external alterations to the building and lot, and the impact the proposed change will have on noise, and air and water quality.

The Commission may attach appropriate conditions and safeguards to the approval where such conditions are determined necessary to ensure that the proposed non-conforming use will meet the requirements of this section.

Where the application involves site or exterior building improvements, the Commission may require the applicant to submit a Site Plan prepared in accordance with the requirements of Article 4.

Off street parking shall be provided to meet the requirements of these Regulations for the proposed change of use.

2.4.4c. Expansion of a Non-conforming Use of Land, Building, or Structure:

A proposed expansion to a non-conforming use, other than an expansion which satisfies the definition of a Routes 4 and 63 Business Use as set forth in Section 2.4.5 of these Regulations, may be approved by the Commission by a Special Permit issued in accordance with the requirements of this section and Article 5 of these Regulations.

A non-conforming use of a building or structure may be expanded by up to 50% of the floor area that was devoted to such use as of August 28, 1988.

A non-conforming use of land that does not involve any building or structure may be expanded by up to 50% of the land area that was devoted to such use as of August 28, 1988.

Non-conforming use(s) of land and structure(s) in combination may be expanded by up to 50% of the combined land area and floor area that was devoted to such use(s) as of August 28, 1988; provided, however, that no such expansion shall result in either:

- (i) an expansion of floor area in excess of 50% of the floor area devoted to such use(s) as of August 28, 1988, or
- (ii) an expansion of land area in excess of 50% of the land area devoted to such use(s) as of August 28, 1988.

In deciding on an application for expansion of a non-conforming use the Commission shall assess:

- the character, nature, and kind of use as it affects the zone, neighborhood and surrounding properties,
- the suitability of the site to accommodate the proposed expansion, and
- the impact of the expansion on the surrounding neighborhood.

In reaching its determination, the Commission shall consider but not be limited to the following factors: changes in traffic (both type and volume), lighting, parking, external alterations and additions to the building and lot, and the impact the proposed expansion will have on noise, and air and water quality.

The Commission may attach appropriate conditions and safeguards to the approval if such conditions are determined necessary to ensure that the proposed expansion will meet the requirements of this section.

Where the application involves site or exterior building additions or improvements, the Commission may require the applicant to submit a Site Plan prepared in accordance with the requirements of Article 4.

Off street parking shall be provided to meet the requirements of these Regulations for the proposed expansion use.

2.4.5 EXPANSION OF AND CHANGES TO NON-CONFORMING USES OF LAND OR BUILDINGS:

2.4.5a. The intent of this Section is to provide the opportunity, particularly on State Highways 4 and 63, for continuation and limited expansion of existing business uses in their present locations; and in addition to provide the opportunity for business uses to change to other business uses permitted in this Section provided that certain requirements as prescribed herein are met. It is intended that improvements to such uses are to be allowed in a manner that will contribute to the economy and vitality of the Town of Goshen while protecting its environment and neighborhoods.

Special Permit requirements are established and designed to permit expansions of business uses and changes to other business uses, on sites located outside the Town Center Business Zone in those cases where they will not harm the Town's environmental resources and will maintain or improve the relationship between such uses and surrounding residential uses.

2.4.5b. No non-conforming use of land, building or structure may be expanded or changed except to a use conforming in all respects to these Regulations, unless the Commission approves a Special Permit for Business Use Expansion in a Residential Zone, or a Special Permit for Business Use Change in Residential Zone.

2.4.5c. A Special Permit shall not be approved for this purpose unless all requirements of Section 6.1 herein (Protection of Surface and Ground Water) are satisfied.

2.4.5d. Expansion of Use: A non-conforming business use in a residential zone may upon the issuance of a Special Permit for Business Use Expansion in a Residential Zone, be expanded by up to 50% of the floor or land area that is devoted to such use on the date of its registration with the Commission or, if a permit for expansion has been issued for the property subsequent to January 20, 1987, the 50% expansion shall be calculated based on the floor or land area that was devoted to the business use immediately prior to the issuance of such permit.

2.4.5e. Change in Use: A Special Permit for Business Use Change in a Residential Zone may be approved by the Commission if (1) there was no owner occupied residence on the property, or if there was, that a business use existed prior to January 20, 1987, which was conducted solely within a free standing structure separate from the principal residence on the property, and which structure was used exclusively for the business use existing prior to January 20, 1987; and (2) the proposed use is one permitted in the Town Center Business Zone (CB); and (3) the Commission finds that a change from a business use in a residential zone to such other business use will, if established, neither result in increased traffic nor have an adverse effect or impact upon the existing or probable future character of the neighborhood or its property values. If the lot has frontage on a State highway, it is hereby found and established that due to the nature of the traffic and the character of areas bordering State highways, the proposed new business use will be located on a street that will be able to accommodate increased traffic; and that, except in special circumstances, there will be no adverse effects or impact upon the existing or probable future character of the neighborhood or its property values.

2.4.5f. A single application can be made for a combined Special Permit for Business Use Change and Expansion in a Residential Zone, which shall be granted by the Commission if all the requirements of Sections 2.4.5b through 2.4.5h inclusive are met.

2.4.5g. The Commission shall provide an Existing Use Registration Form which shall require information on the type of use, describe its operations, specify the floor area or lot area devoted to the existing use, and such other information that the Commission may determine necessary. For the purpose of this Regulation and the Existing Use Registration Form, the floor area associated with an existing use shall be defined as the area actually devoted to such use at the time of registration and other floor area which is clearly designed or arranged for such use.

Registration is effective upon submission to the Commission of a completed Existing Use Registration Form prior to July 1, 1989, and later acceptance by the Commission. In the event that no Existing Use Registration Form was submitted to and accepted by the Commission, the burden of proof of pre-existing business use shall be upon the applicant requesting future expansion or change of use.

Registration shall not be required for uses which are primarily residential in nature (ie: home occupations) if they are in full conformance with these Regulations.

2.4.5h. All provisions of ARTICLE 5, Special Permit Requirements, shall apply except for Section 5.3.1d.

2.4.6 TERMINATION:

Except as provided for in Section 2.4.3a above, no non-conforming use, building or structure or use shall be resumed or restored if:

2.4.6a. Such use, building or structure has not existed for a period of eighteen months from the date of cessation or from the effective date the pertinent prohibiting regulation whichever is later, or

2.4.6b. It is abandoned.

SECTION 2.5: ANTENNAS, TOWERS AND WIRELESS FACILITIES

2.5.1 STATEMENT OF PURPOSE:

This regulation establishes standards, requirements and permitting procedures for antennas, towers, and wireless communication facilities that are subject to local zoning regulation in Connecticut. Its purpose is to regulate the placement of antennas, towers, and wireless communication facilities in order to:

- preserve the character and appearance of the Town of Goshen while allowing adequate telecommunication services to be developed;
- protect the scenic, historic, environmental, and natural or man-made resources of Goshen;
- protect property values, and the health, safety and welfare of the Town;
- minimize the total number and height of towers throughout Goshen;
- require the sharing of existing towers where possible;
- provide for facility locations consistent with the Town Plan and the purposes of these regulations;
- minimize adverse visual effects through proper design, siting and screening;
- avoid potential damage to adjacent properties;
- provide for orderly removal of abandoned facilities.

These Regulations are intended to be consistent with “The Telecommunications Act of 1996” in that: a) they do not prohibit, or have the effect of prohibiting, the provision of Personal Wireless Services; b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services; and c) they do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emissions

to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

2.5.2 DEFINITIONS:

When used in the Section, the following words or phrases shall be defined as follows:

ADEQUATE CAPACITY: Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Service Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

ADEQUATE COVERAGE: Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural area like Goshen, this would be a signal strength of at least -90dBm, as long as the signal regains its strength to greater than -90dBm further away from the Base Station. The outer boundary of the area of Adequate Coverage is that location past which the signal does not regain strength of greater than -90dBm.

ANTENNA: The electrically active elements by which wireless electronic signals are sent and received by a wireless service facility.

ANTENNA STRUCTURE HEIGHT: The vertical distance measured from the base of the antenna support structure including the electrically active elements at grade to the highest point of the structure. If the support structure is on a sloped grade, the average between the highest and lowest grades shall be used to calculate height.

CAMOUFLAGED OR STEALTH FACILITY: A wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

CARRIER: A company that provides wireless services.

CO-LOCATION: The use of a single antenna structure on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

COMMISSION: The Planning and Zoning Commission of the Town of Goshen.

ELEVATION: The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The total elevation of the wireless service facility is AGL plus AMSL.

ENVIRONMENTAL ASSESSMENT (EA): An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

EQUIPMENT SHELTER: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of the communication facility.

FALL ZONE: The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

LATTICE TOWER: A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

LICENSED CARRIER: A company authorized by the FCC to construct and operate a wireless communication facility.

MONOPOLE TOWER: The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOUNT: The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted: Mounted on the roof of a building.
2. Side-mounted: Mounted on the side of a building.
3. Ground-mounted: Mounted on the ground.
4. Structure-mounted: Mounted on a structure other than a building.

OMNIDIRECTIONAL (WHIP) ANTENNA: A thin rod that transmits and receives a signal in all directions.

PANEL ANTENNA: A flat surface antenna usually developed in multiples.

PROPAGATION STUDIES OR COVERAGE PLOTS: Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide Adequate Coverage for the telecommunication facility proposed for the site.

RADIOFREQUENCY (RF) ENGINEER: An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies. (NOTE: When RF Engineers are certified or licensed, they are known as Professional Engineers).

RADIOFREQUENCY RADIATION (RFR): The emissions from wireless communication facilities.

REGULATED FACILITY, SERVICE AND/OR SITE: All facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.

REPEATER: A small receiver/relay transmitter if not more than 20 watts output designed to provide service to areas which are not able to receive Adequate Coverage directly from a base station.

SECURITY BARRIER: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION: The distance between one carrier's array of antennas and another carrier's array.

TOWER: A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples include monopoles and lattice construction steel structures.

WIRELESS COMMUNICATION FACILITIES: The equipment and structures used to receive or transmit telecommunications or radio signals and to transmit signals to another wireless site, another communications source or receiver, or to a central switching computer.

2.5.3 USE REGULATIONS:

2.5.3.1 Exemptions:

The following shall be exempt from this regulation:

- a: Repair and maintenance of towers and antennas.
- b: Antenna used solely for residential television and radio reception.
- c: Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location (NOTE: This requirement is established pursuant to an FCC ruling preempting local regulation of satellite antennas).

2.5.3.2 Regulated Facilities Allowed as a Permitted Use:

In addition to the requirements set forth in Section 2.5.7.3 of this regulation, the following regulated facilities located on existing structures or co-located shall be permitted uses in all districts subject to site plan approval pursuant to the provisions of Article 4 of these regulations as well as compliance with all of the regulations for the zoning district in which the facility is proposed to be located.

2.5.3.2a Camouflaged Facility:

A regulated facility which is completely camouflaged and not recognizable as part of a wireless facility such as within a flagpole, steeple, chimney, or similar structure.

2.5.3.2b Existing Structure:

A regulated facility on an existing structure (whether or not it is conforming in terms of height) including but not limited to a guyed, lattice or monopole tower, fire tower, or water tower, provided it does not increase the height of the existing structure.

2.5.3.2c Utility Structures:

An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure. The installation may increase the height of the existing structure by no more than twenty feet, except within 150 feet of the paved portion of a Town road or State highway proposed for or designated as a scenic road or highway.

2.5.3.2d Building (roof or side) mounts:

Provided it does not project either above the building or the height limit of the zoning district by more than 10 feet.

2.5.3.2e Building (roof or side) mounts:

May locate on a building or structure legally non-conforming with respect to height, provided it does not project above the existing building or structure height, or more than 10 feet above the height limit of the zoning district.

2.5.3.2f Police and Emergency Services:

A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A Tower may be erected as a Permitted Use for these purposes unless it is to be shared, now or in the future, by a commercial wireless service carrier which shall require a Special Permit.

2.5.3.3 Regulated Facilities Allowed as a Special Permit Use:

The following regulated facilities and ground mounted towers shall be Special Permit Uses in all residential districts subject to Site Plan approval:

2.5.3.3a Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in 2.5.3.2 above.

2.5.3.3b All Ground Mounted Towers.

2.5.4 GENERAL STANDARDS AND REQUIREMENTS FOR PERMITTED AND SPECIAL PERMIT USES:

2.5.4.1 Location:

Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to, buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.

2.5.4.1a Applicants shall consider use of existing telephone, cable, or electric utility structures as sites for regulated facilities.

2.5.4.1b The preferred location for free standing towers is where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and have the least long range visual effect. Town-owned land or buildings are preferred locations where the Town has determined that such Town-owned land or building is appropriate for a tower or antenna. Unless Adequate Coverage and Adequate Capacity cannot otherwise be achieved, towers shall be sited off ridgelines and in as low a population density area as is possible.

The following areas of special concern, and their viewsheds, are the least preferred locations for free standing towers: Goshen Town Center; areas identified as existing or proposed Open Space or preservation areas in the Town Plan and the Goshen Open Space Plan; and the area within the Woodridge Lake (WL) Zone and the Town Center Business Zone (CB).

2.5.4.2 Site Justification for Ground Mounted Tower:

An application for a ground mounted tower shall include a detailed site justification report, prepared according to accepted engineering practice, which:

- a. Establishes the location and defines the elevation of all proposed antenna facilities on the tower consistent with federal regulations;
- b. Demonstrates that the proposed location (which includes both tower position and antenna height) is superior to other potential locations for the proposed uses. Alternatives evaluated shall specifically include tower(s) of lesser height, the use of repeaters, and other less visible technologies;
- c. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the tower;
- d. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower;
- e. Demonstrates that for each proposed use of the tower the proposed height is the minimum necessary to provide adequate coverage. This shall specifically include, but not be limited to, an evaluation of tower height at 50% and 75% of the proposed height;
- f. Documents in writing that existing telecommunication facility sites in Goshen, and in abutting towns, cannot reasonably be made to provide Adequate Coverage and/or Adequate Capacity to the Town of Goshen. This shall include documentation that addresses the feasibility of repeaters in conjunction with facility sites in Goshen and abutting towns to provide Adequate Coverage and/or Adequate Capacity to the Town of Goshen.

2.5.5 VISIBILITY, CAMOUFLAGE AND COLOR:

The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities:

2.5.5.1 Requirements for Existing Buildings or Structures:

- a. Roof Mount: Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.
- b. Side Mount: Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building.
- c. Mounts and antennas located on a historic structure shall be fully removable without diminishing the historic quality of the structure.
- d. Regulated facilities in a historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

2.5.5.2 Requirements for Proposed Ground Mounted Towers:

Proposed ground-mounted towers shall provide a vegetated buffer of sufficient height and a depth of not less than 50 feet to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut Licensed Landscape Architect. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height, and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character. All landscaping shall be properly maintained to ensure its good health and viability at the expense of the owner(s). The Commission reserves the right to require stealth or camouflage designs such as towers made to resemble trees or other structures.

2.5.5.3 Scenic Roads and Areas:

2.5.5.3a: The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area, or residential development only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or co-location.

2.5.5.3b: A regulated facility located within an area identified for protection according to the Town Plan of Conservation and Development, Goshen Open Space Plan, State Plan of Conservation and Development, or within 300 feet of a Town or State designated scenic road, shall not exceed the height of vegetation at the proposed location.

2.5.5.3c: Sight Line and Elevation Information: Where the Commission determines that sight line and/or elevation information is necessary to determine compliance with these regulations, it shall require the following:

2.5.5.3c.1: Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured in the field or as otherwise by or available from a verifiable source.

2.5.5.3c.2: Sight Line Representation: A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted

in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.

- 2.5.5.3c.3:** Existing (before) condition photographs: Each sight line shall be illustrated by one 4-inch by 6-inch color photograph of what can currently be seen from any public road within 300 feet. These photographs shall be taken when deciduous leaves are off the trees.
- 2.5.5.3c.4:** Proposed (after) condition photographs: Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.
- 2.5.5.3c.5:** Sight Elevations: Siting elevations, or views at-grade, from the north, south, east, and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point;
 - b) Security Barrier: If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier;
 - c) Any and all structures on the subject property;
 - d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned;
 - e) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

2.5.5.4 Environmental and Safety Standards:

- a. Regulated facilities shall not be located in wetlands. Locating of facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
- b. No hazardous waste shall be discharged on the site of any Regulated Facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
- c. There shall be no net increase in the rate of stormwater run-off as a result of the tower, driveway and associated structures.
- d. Equipment for regulated service facilities shall not generate noise in excess of that allowed under the regulations of the Torrington Area Health District.
- e. No signal lights or illumination shall be permitted unless required by the FCC or FAA, except for manually operated emergency lights for use only when operating personnel are on site.
- f. Radiofrequency Radiation (RFR) Standards and Requirements: The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) or its successor publication.

2.5.6 ADDITIONAL STANDARDS AND REQUIREMENTS FOR GROUND MOUNTED TOWER SPECIAL PERMIT USES:

2.5.6.1 Feasible Alternative:

Where a ground mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.

2.5.6.2 Lot Size:

All ground mounted towers and their equipment shelters shall be located on a lot that complies with all of the requirements of the zoning district in which the facility is to be located except that the height of the tower may exceed the maximum height dimension specified in Article 3 of the zoning regulations.

2.5.6.3 Fall Zone:

In order to ensure public safety, the minimum distance from the base of any new proposed ground mounted tower to any property line, road, habitable dwelling, business, or institutional use, or public recreational area shall be equal to 110% of the height of the tower including any antennas or other appurtenances. Provision shall be made that no new road, habitable dwelling, business or institutional use, or public recreational area be located within the fall zone. The Commission may allow the required fall zone to be measured into a neighboring property where the necessary portion of the neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

2.5.7 APPLICATION FILING REQUIREMENTS:

The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may choose to not require one or more of the following for a Permitted Use Site Plan application.

2.5.7.1 General Filing Requirements:

- a. Name, address and telephone number of applicant, co-applicants, and any agents for the applicant or co-applicants.
- b. Co-applicants shall include the landowner of the subject property, and any licensed carriers and tenants for the Regulated Facility.
- c. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier".
- d. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo-reproductions of signatures will not be accepted.

2.5.7.2 Location Filing Requirements:

- a. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, nearest CL&P pole number, and street address, if any.
- b. Tax map and parcel number of subject property.
- c. Zoning district designation for the subject parcel (submit copy of Town Zoning Map with parcel identified).
- d. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
- e. A region-wide map showing the existing wireless service facilities in the Town and outside the Town within ten miles of its boundary, and any proposed facilities by the applicant and/or co-applicant(s) within three miles of the town boundary.
- f. A topographic location map at a scale of 1 inch equals 2,000 feet showing the antenna or tower location, and the boundaries of the view shed if a tower is proposed (ie: The area within which the tower can be seen based upon an assessment of the topography surrounding the site).

2.5.7.3 Site Plan Requirements:

The following Site Plan requirements shall be in addition to the requirements of Article 4 of the Town of Goshen Zoning Regulations regarding Site Plans. Where the requirements of this section are more restrictive than that of Article 4, these requirements shall apply. For a Permitted Use, the Commission may determine that the information specified under subsections 7 and 8 is not needed to determine compliance with this regulation. A one-inch equals 40 feet vicinity plan shall be submitted showing the following:

1. Property lines for the subject property.
2. Property lines of all properties adjacent to the subject property within 300 feet.
3. Outline of all existing buildings, including purpose (ie: residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
4. Proposed location of antenna, mount and equipment shelter(s).
5. Proposed security barrier, indicating type and extent as well as point of controlled entry.
6. Location of all roads, public and private, on the subject property and on adjacent properties within 300 feet including driveways proposed to serve the regulated facility.
7. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.
8. Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.
9. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
10. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas, and any other construction or development attendant to the personal wireless service facility.

2.5.7.4 Design Filing Requirements:

- a. Equipment brochures for the proposed regulated facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- b. Materials of the proposed regulated facility specified by generic type and specific treatment (ie: anodized aluminum, stained wood, painted fiberglass, etc). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- c. Colors of the proposed regulated facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- d. Dimensions of the regulated facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- e. Viewshed Analysis: Where a tower is proposed, sight line graphs shall be provided to the proposed prime and alternative sites from visually impacted areas, such as residential developments, public roadways, recreational sites, historic districts, and historic sites. In lieu of sight line graphs, the Commission may accept photographs showing the tower imposed on the photograph with the tower height established in reference to a balloon flown to the proposed tower height at the site, as required herein. This visual assessment shall be based upon the existing landscape conditions without leaf cover.
- f. Landscape plan prepared by a Connecticut licensed landscape architect including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- g. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon test (with a balloon diameter of at least eight feet), or crane test, at the proposed site to illustrate the height and position of a proposed ground mounted tower. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 15 days, but not more than 21 days, prior to the test. The balloon or crane test shall be conducted for at least two days, one of which shall be a Saturday.

2.5.7.5 Noise Filing Requirements:

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed regulated facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

1. Existing or ambient: the measurements of existing noise.
2. Existing plus proposed personal wireless service facilities: Maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this regulation.

2.5.7.6 Radiofrequency Radiation (RFR) Filing Requirements:

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

1. Existing or ambient: The measurements of existing RFR.
2. Existing plus proposed facilities: Maximum estimate of RFR from the proposed regulated facility plus the existing RFR environment.
3. Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.

2.5.7.7 Federal Environmental Filing Requirements:

- a. The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted in Subpart 1, Section 1.1301 et seq. (47 CFR Ch.1). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication facility proposed in or involving any of the following:
 1. wilderness area;
 2. wildlife preserves;
 3. endangered species habitat;
 4. historical site;
 5. Indian religious site;
 6. flood plain;
 7. wetlands;
 8. high intensity white lights in residential neighborhoods;
 9. excessive radiofrequency exposure.
- b. At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each regulated facility site that requires such an environmental assessment to be submitted to the FCC.
- c. For all Special Permit uses the applicant shall identify and assess the impact of the proposed facility on areas recommended for protection or conservation as presented in the Town Plan and State Plan of Conservation and Development.
- d. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

2.5.8 CO-LOCATION:

- 2.5.8.1:** Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Permit for a regulated facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- a. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;
- b. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility; and
- c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

2.5.8.2: In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location. A denial by the Connecticut Siting Council pursuant to Section 16-50aa of the Connecticut General Statutes shall constitute one means, but not the exclusive means, of providing sufficient evidence of such good faith effort.

2.5.8.3: The Commission reserves the right to limit tower height and the number of facilities on a structure in order to preserve the character and appearance of the Town of Goshen.

2.5.9 MODIFICATIONS:

2.5.9.1: A modification of a regulated facility may require a Special Permit application where the following events apply:

- a. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the regulated facility in one or more of the following ways:
 - 1. Change in the number of facilities permitted on the site;
 - 2. Change in technology used for the regulated facility.
- b. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

2.5.10 MONITORING AND MAINTENANCE:

2.5.10.1: After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this regulation.

2.5.10.2: After the regulated facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of this regulation.

2.5.10.3: The applicant and co-applicant shall maintain the regulated facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

2.5.11 ABANDONMENT OR DISCONTINUATION OF USE:

2.5.11.1: At such time that a licensed carrier plans to abandon or discontinue operation of a regulated facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the regulated facility shall be considered abandoned upon such discontinuation of operations.

- 2.5.11.2:** Upon abandonment or discontinuation of all use of the facility for six months, the facility owner shall physically remove the facility within 90 days of the end of such six month period. “Physically removed” shall include, but not be limited to:
- a. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
 - b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - c. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- 2.5.11.3:** If a facility owner fails to remove a regulated facility in accordance with this section of this regulation, the Town shall have the authority to enter the subject property and physically remove the facility. The Commission shall require the applicant to post a bond at the time of construction to cover the costs for the removal of the regulated facility in the event the Town must remove the facility. Town access to this bond shall remain until such time as the facility is removed.

2.5.12 RECONSTRUCTION OR REPLACEMENT OF EXISTING TOWERS AND MONOPOLES:

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation (8/12/00) may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In the event that the structure is not to be reconstructed or replaced with an identical or substantially identical structure, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

SECTION 2.6: CONSERVATION DEVELOPMENT

2.6.1 PURPOSE:

It is the purpose of this Section to permit variations in residential developments which would not otherwise be possible; permit flexible site design so that development may be constructed in harmony with and so as to preserve natural resources and Goshen’s farmland; and permit residential developments which are sensitive to parcel configuration, topography, natural resources, solar access, and the surrounding neighborhood.

2.6.2 LOCATION:

A Conservation Development may only be permitted by the Commission in the RA-1, RA-2, and RA-5 Zones, subject to appropriate conditions in the Subdivision Regulations.

2.6.3 PERMITTED USES:

2.6.3.1: Detached single family dwellings

2.6.3.2: Playgrounds, recreation areas, parks, open spaces, and natural areas

2.6.3.3: Accessory uses and structures such as private garages, swimming pools, clubhouses, recreation facilities, and other structures and facilities which are customarily incidental and subordinate to the principal uses.

2.6.4 USE REGULATIONS:

The following regulations shall apply:

2.6.4.1 Building Height:

No building or structure shall be greater in height than 35 feet.

2.6.4.2 Configuration of Lots:

The individual lots in Conservation Developments may be reduced from the conventional area, except that lot width shall not be less than 150 feet. In the RA-2 and RA-5 Zones, lots must have a minimum lot size of 1.0 acre of land, not including inland wetlands or watercourses or land with a natural slope exceeding 25% in grade. Setbacks and building heights for principle buildings and accessory structures, other than maintenance sheds, must meet the maximum height and minimum setback requirements for buildings and structures in the Residential-Agricultural 1 Zone (RA-1).

2.6.4.3 Open Space Preservation:

A minimum of 50% of the Conservation Development area shall remain as open space, preferably in one contiguous parcel. No more than 50% of the required open space shall be classified as inland wetlands soils or watercourses, subject to easements for utilities or purposes unrelated to recreation or preservation of open space, or have slopes greater than 25%.

2.6.5 MAXIMUM DENSITY OF DEVELOPMENT:

2.6.5.1 RA-1 Zone:

The maximum number of permitted residential units in a Conservation Development shall not exceed the number of units that would be permitted for that parcel under Section 3.2 herein.

Sewer shall be disposed of by proper connection to the Woodridge Lake Sewer System.

2.6.5.2 RA-2 and RA-5 Zones:

The maximum number of permitted residential units in a Conservation Development in the RA-2 Zone shall not exceed the number of units that would be permitted for that parcel under Section 3.3 herein.

The maximum number of permitted residential units in a Conservation Development in the RA-5 Zone shall not exceed by more than 25% the number of units that would be permitted for that parcel under Section 3.4 herein. To determine the maximum number of units that would be permitted under a Conservation Development, the applicant shall submit a conceptual layout of the property as a standard subdivision that meets all the requirements of the zoning, subdivision and inland wetlands regulations. The conceptual layout shall provide the proposed dwelling, well site, septic leach field system and reserve area for each lot. Percolation test holes and deep hole tests for each lot keyed to a Sanitary Report shall be submitted with the conceptual layout of the property in a standard subdivision. The Commission shall determine the maximum number of units based on the conceptual plan submitted.

2.6.6 CONSERVATION LOT:

2.6.6.1 Purpose:

The purpose of this Regulation is to permit variations in the size of existing lots of record in the RA-2 and RA-5 Zones for conservation purposes.

2.6.6.2 Conservation Lot Configuration:

An existing lot of record may be reduced with approvals from the Planning and Zoning Commission and the Torrington Area Health District from the required lot size in the RA-2 or RA-5 Zones, but a conservation lot shall have a minimum lot area of 1.0 acre of buildable land and a minimum lot width of 150 feet. Setbacks and building heights for principle structures and accessory structures, other than maintenance sheds, must meet the maximum height and minimum setback requirements for buildings in the RA-1 Zone. The excess land shall be transferred to a land trust or conservation organization acceptable to the Planning and Zoning Commission and shall become permanently protected open space.

SECTION 2.7: REAR LOT

The Commission may, at its discretion, approve, for residential purposes only, a lot having less than the frontage required by that zone, provided that:

- 2.7.1:** The lot conforms to all requirements prescribed for the zone in which it is located except that in the RA-1 Zone, the minimum area of a rear lot shall be 1.5 acres; and in the RA-2 Zone, the minimum area of a rear lot shall be 3.0 acres.
- 2.7.2:** The lot shall have accessway via a frontage of at least 30 feet on a public street. No such accessway shall be closer than 200 feet to any other such accessway. The driveway shall have a gravel or other all-weather surface no less than 10 feet in width for its entire length.
- 2.7.3:** The driveway shall serve no more than two residential lots; provided, however, that a driveway may serve three or four lots if maintained by an appropriate Homeowner's Association, which, by deed or covenant, is bound to maintain such driveway.

SECTION 2.8: WINDMILLS, TOWERS AND ENERGY PRODUCING WIND DEVICES

2.8.1 PURPOSE:

The purpose of this section is to regulate the safe, effective, and efficient use of small wind energy systems which are installed to reduce the on-site consumption of utility supplied electricity, subject to reasonable conditions that will protect the public health, safety and welfare.

2.8.2 APPLICABILITY:

This section applies to all proposals to construct utility-scale and on-site wind facilities smaller than 1 MW Rated Nameplate Capacity. Any physical modification to existing wind facilities that materially alters the type, or increases the size, of such facilities or other equipment shall require a special permit.

2.8.3 DEFINITIONS:

COMMISSION: The Goshen Planning and Zoning Commission.

ON-SITE WIND FACILITY: A wind facility located at a residential, commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the facility.

HEIGHT: The vertical distance from the average finished ground level at the main tower edges to the highest point of the structure, including any blade, lightning rod or antenna. If a blade extends above the tower at any point in its arc, then the tip of the rotor blade at its highest point, or blade-tip height shall be used.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

SUBSTANTIAL EVIDENCE: Such evidence as a reasonable mind might accept as adequate to support a conclusion.

UTILITY-SCALE WIND FACILITY: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to wholesale electricity markets.

WIND FACILITY: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission lines and support structures, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

WIND MONITORING OR METEOROLOGICAL TOWER: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, accelerator platform or nacelle body, and one or more rotors, with two or more blades for each rotor.

2.8.4 GENERAL REQUIREMENTS:

2.8.4.1 Goshen Planning and Zoning Commission:

No wind facility shall be erected, constructed, installed or modified so as to change bulk or height, without first obtaining a Special Permit from the Goshen Planning and Zoning Commission (“the Commission”). The construction of a Wind Facility shall be permitted in RA-5 and RR zoning districts subject to the issuance of a Special Permit. All such Wind Facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

No special permit shall be granted unless the Commission finds in writing that:

- a. the specific site is an appropriate location for such use;
- b. no material adverse effect on the neighborhood has been shown;
- c. no serious hazard to pedestrians or vehicles has been shown;
- d. no nuisance will be created by operation of the use; and
- e. adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use, and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should any occur.

Wind Monitoring or Meteorological Towers shall be permitted in RA-5 and RR zoning districts, subject to issuance of zoning and building permits for a temporary structure, and subject furthermore to all applicable regulations concerning lot area, setbacks, open space, parking, and building coverage requirements. Additionally, Wind Monitoring or Meteorological Towers shall not exceed two (2) feet tower face width and two hundred (200) feet in height.

2.8.4.2 Compliance with Laws, Ordinances and Regulations:

The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including, but not limited to, all applicable safety, construction, environmental, electrical, communications and aviation requirements.

2.8.4.3 Proof of Liability Insurance:

Before construction may begin, the applicant shall be required to provide evidence of liability insurance in an amount and for a duration reasonably sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility. This coverage shall be updated as appropriate from time to time so as to be consistent with then current industry standards.

2.8.4.4 Site Control:

At the time of its application for a Special Permit, the applicant shall submit documentation of actual or prospective legal rights for the use and possession of the project site sufficient to allow for the intended purpose. If required, the application shall also include documentation concerning the right to use setback areas and access roads. Site Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

2.8.5 GENERAL SITING STANDARDS:

2.8.5.1 Height:

Wind facilities shall be no higher than 200 feet in Height.

2.8.5.2 Setbacks:

Wind turbines shall be setback, as measured from the center of the tower: (a) from the nearest existing habitable structure, a distance equal to 2.5 times the overall blade tip height for a wind turbine that has exposed blades and 2.1 times the overall height for a wind turbine that has shrouded blades, provided, however, that a portion of this setback requirement may be satisfied by an easement or other non-revocable, legally binding agreement from one or more abutting property owners; and (b) 200 feet from the nearest property line or public way.

2.8.5.2.1 Setback Waiver

The Commission may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a Special Permit under the provisions of this section.

2.8.6 DESIGN STANDARDS:

2.8.6.1 Color and Finish:

The Commission shall have discretion over the turbine color, although a neutral, non-reflective exterior color that blends with the surrounding environment is encouraged.

2.8.6.2 Lighting and Signage:

2.8.6.2.1 Lighting:

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.

2.8.6.2.2 Signage:

Signs on the wind facility shall comply with the requirements of the Town's sign regulations, and shall be limited to:

- a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- b. Those required by state or federal law.
- c. Educational signs providing information about the facility and the benefits of renewable energy.

2.8.6.2.3 Advertising

Wind turbines shall not be used for displaying any advertising, except for reasonable identification of the manufacturer or operator of the wind energy facility.

2.8.6.2.4 Utility Connections

Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground, if required by the utility provider.

2.8.6.3 Appurtenant Structures:

All structures appurtenant to such wind facilities shall be subject to applicable regulations concerning the bulk and height of structures, as well as regulations determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Additional structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be screened from view by vegetation and/or

fencing, and/or located in an underground vault, and joined or clustered to minimize adverse visual impacts.

2.8.6.4 Support Towers:

Monopole and space frame/lattice towers are the only permissible support towers for Wind Facilities.

2.8.7 SAFETY, AESTHETICS AND ENVIRONMENTAL STANDARDS:

2.8.7.1 Emergency Services:

The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Commission. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan.

2.8.7.1.1 Unauthorized Access:

The Wind Facility shall be designed to prevent unauthorized access.

2.8.7.2 Shadow/Flicker:

Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that flicker does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

2.8.7.3 Noise:

The Wind Facility shall conform to any applicable provisions of the Torrington Area Heath District (TAHD) Noise Control Regulation and all other applicable noise laws, regulations and statutes.

2.8.7.4 Land Clearing, Soil Erosion and Habitat Impacts:

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

2.8.8 MONITORING AND MAINTENANCE:

2.8.8.1 Facility Conditions:

The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and the Director of Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and any dedicated access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of construction and operation.

2.8.8.2 Modifications:

All modifications that increase bulk, increase height or change the location of a wind facility made after issuance of the Special Permit shall require amendment of that Special Permit by the Commission.

2.8.9 ABANDONMENT OR DECOMMISSIONING:

2.8.9.1 Removal Requirements:

Any wind facility which has reached the end of its useful life, or has been abandoned, shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the Town by certified mail, including the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed, from grade level and above, but excluding any need to replace trees or other vegetation that may have previously occupied the site, and similarly excluding the need to reconstruct structures once present, or the site may be converted to any other legally authorized use. More specifically, decommissioning shall consist of:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Commission may allow the owner to leave landscaping or certain visible foundations in order to minimize erosion and disruption to vegetation.

2.8.9.2 Abandonment:

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Commission. The Commission shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment, or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the facility.

2.8.9.3 Financial Surety:

The Commission may require the applicant for wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility. The amount and form of this surety shall be determined by the Commission, but in no event may it exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Commission, after consultation with its staff and engineering consultant(s). Such surety will not be required for municipally or State-owned facilities. The applicant shall submit a fully inclusive estimate of the costs, less salvage value, associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

2.8.10 TERM OF SPECIAL PERMIT:

A special permit issued for a wind facility shall be valid for 25 years, unless extended or renewed. The time period may be extended, or the permit renewed, by the Commission upon satisfactory operation of the facility. Any request for extension or renewal must be submitted at least 180 days prior to expiration of the Special Permit. The submission of an extension or renewal request shall allow for continued operation of the facility until the Commission acts.

Upon the expiration of the Special Permit (including extensions and renewals), the wind facility shall be removed as required by this section.

The applicant or facility owner shall maintain a phone number, and identify a responsible person for the public to contact, so that inquiries and complaints may be made throughout the life of the project.

2.8.11 VISUALIZATIONS:

The Commission shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

- a. Within 21 days of filing for a Special Permit, the applicant shall arrange for a balloon test (with a balloon diameter of at least eight feet), or a crane test, at the proposed site to illustrate the height and position of the proposed tower. The date (and alternate dates to allow for inclement weather), time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 15 days, but not more than 21 days, prior to the primary date of the test. The balloon or crane test shall be conducted for at least two days, one of which shall be a Saturday or a Sunday.
- b. The applicant will submit photographs showing the tower superimposed on the photograph with the tower height established in reference to a balloon flown to the proposed tower height at the site.

- c. View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g., superimpositions of the wind facility onto photographs of existing views).
- d. All view representations will include existing, or proposed, buildings or tree coverage.
- e. Each view representation shall include description of the technical procedures followed in producing the visualization (distances, angles, camera lens, etc.).

2.8.11.1 Landscape Plan:

Upon a determination of necessity by the Commission, the applicant shall submit a plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting (other than FAA-required lights), screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties, except as required by the FAA.

2.8.11.2 Operation & Maintenance Plan:

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

2.8.11.3 Compliance Documents:

If required under previous sections of this regulation, the applicant will provide with the application:

- a. a description of the financial surety that satisfies this section;
- b. proof of liability insurance that satisfies Section this section;
- c. certification of height approval from the FAA, or documentation showing that this is not necessary.

ARTICLE 3 - ZONE REGULATIONS

SECTION 3.1: WOODRIDGE LAKE ZONE (WL)

3.1.1 PERMITTED USES:

The following uses are permitted in the WL Zone:

3.1.1.1: Single family dwelling together with accessory structures or uses.

3.1.1.2: Private recreational club facilities and activities.

3.1.2 USE REGULATIONS:

The following regulations shall apply:

3.1.2.1 Lot for Every Building:

Every building shall be located on its own lot, and there shall be no more than one principal building and its accessory structures on any lot.

3.1.2.2 Minimum Lot Size:

Each lot shall have a minimum of 35,000 square feet.

3.1.2.3 Building Height:

No building shall be greater in height than 35 feet.

3.1.2.4 Setbacks:

Any building or structure erected on a lot shall be located at least 20 feet from any property line; however, on lots with a shoreline on Woodridge Lake, no part of a principal building or its accessory structure shall be less than 75 feet from the shoreline.

Accessory structures such as storage sheds and gazebos, but excluding automobile garages, may be located between 50 and 75 feet of the shoreline as a Special Permit provided that:

1. The principle dwelling or structure is setback not less than 75 feet from the shoreline.
2. There is no man-made beach area located on the shoreline.
3. The footprint of the structure does not exceed one hundred and fifty (150) square feet.
4. The structure is usually customary and incidental to a legally authorized use located in the zone.
5. The applicant provides a landscape plan for the shoreline area showing that within the 75 foot shoreline setback area the area of disturbance for the proposed construction is kept to a minimum and that at least 50% of the setback area is covered with and will be maintained in existing vegetation or proposed vegetation consisting of native shrubs and trees.

3.1.2.5 Road Frontage:

Each lot shall have either a minimum frontage of 150 feet, or one half the sum of the front and rear lot boundary lengths shall not be less than 130 feet.

3.1.2.6 Sewage Disposal:

Sewage shall be disposed of by proper connection to the Woodridge Lake Sewer System.

3.1.2.7 Maximum Impervious Surface:

The Maximum Impervious Surface on any lot with a Shoreline on the waterbody shall be 20% of the lot area (the terms SHORELINE and IMPERVIOUS SURFACE shall be as defined in Section 3.8).

SECTION 3.2: RESIDENTIAL – AGRICULTURAL ZONE (RA-1)

3.2.1 PERMITTED PRINCIPAL USES:

The following principal uses are permitted in the RA-1 Zone. All uses marked with an asterisk (*) are subject to the Special Permit requirements of ARTICLE 5 of these Regulations.

3.2.1.1: Single family dwelling together with accessory structures or uses, including:

- a. Accessory Apartment
- *b. Home Occupation
- *c. Professional Office

3.2.1.2: Farming

3.2.1.3: The keeping, raising, and breeding of up to 2 pigs and/or up to 25 fowl and/or chickens. The keeping, raising and breeding of larger numbers will require a Special Permit for the Commission to better determine the effect larger quantities may have on adjacent property. However, Section 2.4.1 of these Regulations shall apply to existing uses and a Special Permit in this case will not be required.

3.2.2 USE REGULATIONS:

The following Regulations shall apply:

3.2.2.1 Lot for Every Building:

Every building thereafter erected shall be located on its own lot, and there shall be no more than one principal building and its accessory structures on any lot.

3.2.2.2 Minimum Lot Size:

1.0 acre.

3.2.2.3 Sewage Disposal:

For 1.0 acre lots, sewage shall be disposed of by proper connection to the Woodridge Lake Sewer System. If onsite sewage disposal is used, the lot must meet all the requirements of the RA-2 Zone at a minimum.

3.2.2.4 Building Height:

No building or structure shall be greater in height than 35 feet.

3.2.2.5 Setbacks:

No part of the principal building or its accessory structures shall be less than 50 feet from the front property line, less than 50 feet from the rear property line, or less than 20 feet from the side property lines. Maintenance sheds as defined in Section 2.2.2 of the Regulations can be located no closer than 10 feet from a side or rear property line.

3.2.2.6 Road Frontage:

Each lot shall have a minimum frontage of 150 feet, except in Conservation Developments.

3.2.2.7 Conservation Development:

A Conservation Development as described in Section 2.6 of these Regulations is a permitted use.

3.2.2.8 Maximum Lot Coverage (25 Percent) – RA-1 Zone:

The maximum impervious surface of any lot in the RA-1 Zone shall be 25% of the lot area. No more than 25% of the lot shall be covered with buildings, decks, swimming pools, tennis courts, patios, driveways, walks, or other impervious surfaces.

SECTION 3.3: RESIDENTIAL-AGRICULTURAL 2 ZONE (RA-2)

3.3.1 PERMITTED PRINCIPAL USES:

The following principal permitted uses and accessory uses are permitted in the RA-2 Zone subject to issuance of a Zoning Permit:

- 3.3.1.1:** Single Family dwelling together with accessory structures and uses, including:
 - 3.3.1.1a:** Accessory Apartment subject to the requirements in Section 3.7.
 - 3.3.1.1b:** Home Office: A business or office activity conducted in the principal dwelling unit by the owner and occupant of a single family dwelling which meets the requirements in Section 3.7.
 - 3.3.1.1c:** Storage Use in an Accessory Building: A storage use associated with a building or mechanical contractor use which meets the requirements in Section 3.7.
 - 3.3.1.1d:** Traditional Home Enterprise: A use involving the teaching of music and/or voice lessons or the production and sale of home made arts or crafts and home grown produce by the owner and occupant of the property and by family members who reside on the property which meets the requirements of Section 3.7.
 - 3.3.1.1e:** Family and Group Day Care homes as defined in PA 87-232.
- 3.3.1.2:** Farming
- 3.3.1.3:** Public School
- 3.3.1.4:** Private School and educational buildings, structures, and uses.
- 3.3.1.5:** Uses, buildings, and structures of the Town of Goshen including, but not limited to, recreational areas, parks, playgrounds, library, offices, fire, police, and other emergency medical services and public safety facilities.

3.3.2 SPECIAL PERMIT USES:

The following uses and accessory uses are permitted in the RA-2 Zone subject to issuance of a Special Permit by the Commission in accordance with the requirements of Articles 4 and 5:

- 3.3.2.1:** A Bed and Breakfast use as an accessory use in a single family dwelling subject to use requirements of Section 5.6.2.
- 3.3.2.2:** Church or Synagogue and related buildings, structures, and uses provided the lot meets the minimum road frontage requirement on a State highway.
- 3.3.2.3:** Museums provided the lot meets the minimum road frontage requirement on a State highway. A museum located in an historic building provided the lot has road frontage on a Town or State highway.
- 3.3.2.4:** Hospital and Health Care related facilities which are subject to approval of Certificate of Need by the State Commission on Hospitals and Health Care and licensing by the State of Connecticut, Department of Public Health and Addiction Services.
- 3.3.2.5:** Home Based Business subject to the requirements in Section 5.6.1.
- 3.3.2.6:** Accessory uses, buildings, and structures relating to any of the above Special Permit Uses.
- 3.3.2.7:** Buildings for a Public Utility Use not to exceed 4,000 square feet in total area. NOTE: Buildings and structures for antennas, towers, and wireless facilities are regulated in accordance with Article 2, Section 2.5 of these Regulations.
- 3.3.2.8:** Country Club and accessory uses, buildings, and structures.

3.3.3 USE REGULATIONS:

The following Regulations shall apply:

3.3.3.1 Lot for Every Building:

Every building hereafter erected shall be located on a lot as defined herein, and there shall be no more than one principal building and its accessory structures on any lot.

3.3.3.2 Minimum Lot Size:

Each lot shall have a minimum area of 2.0 acres buildable land.

3.3.3.3 Building Height:

No building or structure shall be greater in height than 35 feet.

3.3.3.4 Setbacks:

No part of the principal building or its accessory structures shall be less than 50 feet from the front property line, less than 50 feet from the rear property line, or less than 30 feet from the side property lines. Maintenance sheds as defined in Section 2.2.2 of the Regulations can be located no closer than 10 feet from a side or rear property line.

3.3.3.5 Road Frontage:

Each lot shall have a minimum frontage of 200 feet of land directly abutting a street, except in Conservation Developments.

3.3.3.6 Conservation Development:

A Conservation Development as described in Section 2.6 of these Regulations is a permitted use.

3.3.3.7 Maximum Lot Coverage (25 Percent) – RA-2 Zone:

The maximum impervious surface of any lot in the RA-2 Zone shall be 25% of the lot area. No more than 25% of the lot shall be covered with buildings, decks, swimming pools, tennis courts, patios, driveways, walks, or other impervious surfaces.

SECTION 3.4: RESIDENTIAL-AGRICULTURAL 5 ZONE (RA-5)

3.4.1 PERMITTED PRINCIPAL USES:

The permitted principal uses and Special Permit Requirements are the same as prescribed for the RA-2 Zone.

3.4.2 PERMITTED ACCESSORY USE

The accessory uses permitted and those subject to the Special Permit Requirements are the same as prescribed for the RA-2 Zone and as follows:

3.4.2.1: Private Restricted Airstrips subject to the requirements in Section 5.6.3.

3.4.3 USE REGULATIONS:

The use regulations are the same as prescribed for the RA-2 Zone except as follows:

3.4.3.1 Minimum Lot Size:

Each lot shall have a minimum area of 5.0 acres, no less than 2.0 acres of which shall be buildable land.

3.4.3.2 Road Frontage:

Each lot shall have a minimum frontage of 300 feet of land directly abutting a street, except in Conservation Developments and except in subdivisions of fifty (50) lots or more, where up to fifty percent (50%) of said lots may have a minimum frontage of 250 feet of land directly abutting a street.

3.4.3.3 Maximum Lot Coverage (10 Percent) – RA-5 Zone:

The maximum impervious surface of any lot in the RA-5 Zone shall be 10% of the lot area. No more than 10% of the lot shall be covered with buildings, decks, swimming pools, tennis courts, patios, driveways, walks, or other impervious surfaces.

SECTION 3.5: TOWN CENTER BUSINESS ZONE (CB)

3.5.1 STATEMENT OF PURPOSE:

The purpose of this zone is to provide a central, safe and convenient location for local business and service needs in a manner that is compatible in size, scale, and appearance with the Town Center area of Goshen.

3.5.2 PERMITTED PRINCIPAL USES:

The following principal uses, all of which are subject to the Special Permit requirements of ARTICLE 5 of these Regulations, are permitted in the CB Zone, except where not allowed by Section 6.1 herein (Protection of Surface and Ground Water).

3.5.2.1: Retail Store

3.5.2.2: Business or Professional Office

3.5.2.3: Personal Services Establishment

3.5.2.4: Financial Institution

3.5.2.5: Restaurant

3.5.2.6: Rental dwelling units located in the same building as a business use except that no residential use shall be located below the second floor.

3.5.2.7: Auto, Truck and Equipment Repair

3.5.2.8: Gas stations or convenience stores with gas pumps

3.5.3 USE REGULATIONS:

3.5.3.1 Minimum Lot Size:

Each lot shall have sufficient area to provide for (a) on-site water supply in accordance with applicable health codes and not located within the setback areas of the lot, and (b) an on-site sewage disposal system approved by the Torrington Area Health District. Each lot shall also contain a square with 200 feet on each side within which there are no Inland Wetlands or watercourses as designated by the Goshen Inland Wetlands Commission, or 100 year flood hazard as defined by the Federal Emergency Management Agency (FEMA) and as shown on the most recent maps prepared by the FEMA.

3.5.3.2 Maximum Lot Coverage:

Parking areas, buildings, sidewalks, driveways, and all areas paved with asphalt or concrete shall not cover more than 25% of the lot area.

3.5.3.3 Building Height:

35 feet maximum.

3.5.3.4 Setbacks:

No structure shall be less than 25 feet from the front property line, not less than 25 feet from a side property line, not less than 25 feet from the rear property line, except that where a lot line abuts a residential zone, the setback shall not be less than 50 feet.

3.5.3.5 Road Frontage:

200 feet minimum.

3.5.3.6 Signs:

Signs shall be in accordance with the requirements specified in Section 6.4 herein.

3.5.3.7 Parking:

Parking areas shall not be located in the front yard, and shall be provided as specified in Section 6.5. Where parking is visible from the street, the Commission may require landscape planting to screen the parking area.

3.5.3.8 Landscaping:

Existing vegetation shall be preserved to the greatest practical extent, and new plantings shall be provided to maintain privacy from visual intrusion, light, and noise; prevent erosion of soil; facilitate groundwater recharge; and improve the quality of the environment and attractiveness of the community. Specific requirements are as follows:

- 3.5.3.8a:** The front yard shall be maintained in a combination of grass and landscaped vegetation.
- 3.5.3.8b:** Where the business zone abuts a residential zone, the Commission may require that the existing natural vegetative buffer be maintained or augmented with indigenous landscape plantings sufficient to form a screen from neighboring residences. Where it is deemed necessary, the Commission may require placement of evergreen plantings in order to provide a year-round screen.

3.5.3.9 Rental Dwelling Units:

Apartment use in a business building in the CB Zone may be permitted by the Commission subject to the requirements of Sections 3.5.3.1 through 3.5.3.8 above inclusive, and the following:

- 3.5.3.9a:** The building shall be found by the Building Official and the Commission to be suitable for apartment use.
- 3.5.3.9b:** Approval by the Torrington Area Health District must be obtained for the proposed water supply and sewage disposal facilities for the combined business and apartment use.
- 3.5.3.9c:** The space used for apartments must be secondary to the space used for business purposes.
- 3.5.3.9d:** Each apartment unit shall contain at least 350 square feet in the case of an efficiency or a one bedroom apartment, and an additional bedroom shall have at least 125 square feet. The maximum number of bedrooms per unit shall be two.
- 3.5.3.9e:** Each apartment shall have outside access convenient to the parking area, and vehicular and pedestrian access to the lot. Units located on upper floors shall have at least one access to ground level for exclusive use of apartment(s), and be in accordance with the applicable Fire Code.

SECTION 3.6: RURAL RECREATIONAL ZONE (RR)

3.6.1 STATEMENT OF PURPOSE:

The purpose of this Section is to provide alternatives to residential and commercial development when such alternatives will more appropriately assure the conservation of land, preservation of rural character, and promotion of open space and recreational areas in Goshen.

3.6.2 PERMITTED PRINCIPAL USES:

The following principal uses, all of which are subject to the Special Permit requirements of ARTICLE 5 of these Regulations, are permitted in the RR Zone except where not allowed by Section 6.1 herein (Protection of Surface and Ground Water):

- 3.6.2.1:** Country Clubs
- 3.6.2.2:** Restaurants
- 3.6.2.3:** Country Inns
- 3.6.2.4:** Residential and Agriculture Uses
 - a. Residential Uses – Pre-existing residential uses may be continued, replaced, expanded, and/or relocated. No additional residential dwellings may be added. Existing residences may be replaced and relocated by new residences provided that the total number of pre-

existing dwelling units has not been increased and zoning setbacks for Residential Agricultural Zone (RA-5) are met. The number of pre-existing residences must be registered with the Planning and Zoning Commission prior to any replacement or relocation. After pre-existing residence are registered with the Planning and Zoning Commission, any or some or all of the registered residences can be demolished and subsequently, new replacement residences can be placed on the property at any time in the future. Torrington Area Health District Approval shall be required for any purposed replacement, expansion, and/or relocation of residences. Accessory buildings and uses shall be permitted in connection with the pre-existing residences and with replacement residences as permitted in the Residential Agricultural Zone (RA-5)

- b. Agricultural Uses- All Agricultural uses and structures permitted in the Residential Agricultural Zone (RA-5) shall be permitted in the Rural Recreational Zone (RR)

3.6.3 USE REGULATIONS:

3.6.3.1 Character:

The physical character and visual appearance of any structure shall be in keeping with the Town's rural environs.

3.6.3.2 No Nuisance:

The use shall not create any objectionable noise, odor, vibrations or unsightly conditions noticeable off the premises. Participation in outdoor activities on the Country Inn property shall be limited to registered guests.

3.6.3.3 Minimum Lot Size:

200 acres provided each such lot shall have sufficient area to provide for (a) an onsite water supply in accordance with applicable health codes and not located within the setback areas of said lot (unless public water is available) and (b) onsite sewage disposal system approved by Torrington Area Health District and the Connecticut Department of Environmental Protection.

3.6.3.4 Maximum Lot Coverage:

Parking areas, buildings, sidewalks, driveways, and all other areas paved with asphalt, gravel, or concrete shall not cover more than five percent (5%) of the lot area.

3.6.3.5 Maximum Number of Units:

The number of units in a Country Inn shall be limited by onsite septic capacity, onsite water supply and adequacy of road access, but shall not exceed one room per acre of the total parcel area.

3.6.3.6 Building Height:

35 feet maximum.

3.6.3.7 Setbacks:

No structure shall be less than 200 feet from a property line. No golf course playing area shall be setback less than 200 feet from a property line. Other permissible uses shall be setback no less than 100 feet from a property line.

3.6.3.8 Road Frontage:

200 feet minimum.

3.6.3.9 Signs:

Same as Section 6.4.3.

3.6.3.10: Parking:
One parking space for each guest room; one parking space for every four restaurant seats.

3.6.3.11 Landscaping:
Existing vegetation shall be preserved to the greatest possible extent, and new evergreen plantings shall be provided to maintain privacy from visual intrusion, light, and noise for both neighbors and occupants; prevent erosion of soil; facilitate groundwater recharge; improve the quality of the environment; and add to the attractiveness of the community.

3.6.4 OPEN SPACE:

3.6.4.1 Area:
A minimum of fifty percent (50%) of the land included within an application shall be preserved as open space, by way of Conservation Easement.

3.6.4.2 Character:
Such area shall encompass land having ecological, aesthetic and recreational character.

3.6.4.3 Preservation:
The open space shall be permanently protected by a Conservation Easement preventing further development or by the transfer of a fee interest to an entity and in a manner which may be acceptable to the Commission.

3.6.4.4 Use:
The Commission may approve the use by Special Permit of certain portions of the open space for active recreational purposes including, but not limited to, trails for hiking, cross country skiing, and horseback riding.

3.6.5 GROUNDWATER PROTECTION PLAN:

A Groundwater Protection Plan prepared by a Connecticut licensed Civil Engineer meeting the following criteria shall be submitted with the Special Permit application:

3.6.5.a: The Engineer shall show and certify that the proposed methods for use, storage and disposal of hazardous materials and protection of the groundwater meet the requirements of Section 6.1 herein, recommended State guidelines, and any Federal requirements.

3.6.5.b: Minimum requirements for preparation of the plan shall be as set forth in the model Groundwater Action Project prepared by the Housatonic Valley Association, a copy of which is on file in the Land Use office. The plan shall be designed to ensure protection against contamination of ground and surface waters.

3.6.5.c: The use of hazardous material shall be the minimum required in association with the proposed use. The application shall document the need for the use of all hazardous materials associated with the proposed use.

3.6.5.d: For a golf course use, the application shall include a golf course maintenance and management plan for the use and application of all hazardous materials. Best management practices shall be employed in maintenance, with special attention to the protection of the ground and surface water and the environment.

3.6.5.e: Garbage and water materials placed outdoors shall be kept in covered sanitary containers or dumpsters behind enclosures.

3.6.6 NOTIFICATION:

The applicant shall notify all adjacent property owners of the place, date, and time of the public hearing on the proposal, in the manner set forth in Section 7.4.3 of these Regulations.

SECTION 3.7: REQUIREMENTS FOR PERMITTED USES AND ACCESSORY USES IN RESIDENTIAL ZONES

3.7.1: The Zoning Enforcement Officer may require an applicant for a Zoning Permit for a Permitted Use or an Accessory Use in a Residential Zone to submit a plot plan in accordance with the requirements of Section 7.1.1.

3.7.2 Accessory Apartment-Conversion of Single Family Dwelling:

The Commission may issue a Zoning Permit for conversion of a single family dwelling to a multi-family dwelling containing no more than two dwelling units provided:

3.7.2a: The building is a single family dwelling;

3.7.2b: 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;

3.7.2c: One of the dwelling units is owner-occupied;

3.7.2d: The floor area of the Accessory Apartment does not exceed 50% of the floor area of the original dwelling unit;

3.7.2e: The Torrington Area Health District approves the water supply and sewage disposal facilities for both dwelling units;

3.7.2f: There is no more than one dwelling unit existing on the lot.

3.7.3 Accessory Apartment-Conversion of Existing Accessory Building:

The Commission may issue a Zoning Permit for construction of one dwelling unit as an accessory to a single family dwelling through conversion of an existing accessory building, but only if:

3.7.3a: The exterior of the accessory building is unchanged; or, if it is altered, the Commission finds that its general appearance and scale are similar to buildings devoted to uses permitted as of right in that zone;

3.7.3b: One of the dwelling units is owner-occupied;

3.7.3c: The total floor area of the accessory dwelling unit does not exceed the lesser of 1200 square feet, or 50% of the floor area of the principal residential structure;

3.7.3d: The lot contains no less than four contiguous acres of buildable land;

3.7.3e: The Torrington Area Health District approves the water and sewage disposal facilities for both dwelling units; and

3.7.3f: There is no more than one existing dwelling unit on the lot.

3.7.4 Home Office:

A Home Office is a permitted use as of right without requiring Zoning Approval when the office use involves conducting business primarily by the telephone, internet or mail, maintaining records, and similar functions. Such a home office shall comply with the following:

3.7.4a. Business is conducted entirely within the dwelling unit and does not occupy more than 33% of the total floor area of the dwelling;

3.7.4b. The only employees or persons involved with the Home Office Use on the Premises shall be members of the Family residing in the dwelling unit;

3.7.4c. The Home Office Use must be clearly incidental to the use of the dwelling unit as a residence;

3.7.4d. There is no sign advertising the Home Office, nor outdoor display or storage, including but not limited to materials, goods, supplies or equipment;

3.7.4e. There is no change to the exterior of the dwelling unit nor any evidence of the Home Office use that is visible from the exterior of the dwelling unit;

- 3.7.4f.** There is no additional traffic, additional parking spaces, nor noise or electrical interference over that which is typical for the residential use without a Home Office Use;
- 3.7.4g.** There are no hazardous materials stored, used, or disposed in association with a Home Office Use (other than that commonly associated with a residence.)

3.7.5 Storage Use in an Accessory Building.

A storage use associated with a building or mechanical contractor use which meets all of the following criteria:

- 3.7.5a:** The storage use is associated with and secondary to a building or mechanical contractor (including, but not limited to, framing, plumbing, heating, electrical, or similar activity) where the primary work is conducted off the premises;
- 3.7.5b:** The business is owned, in whole or in part, and operated by the owner and occupant of the dwelling;
- 3.7.5c:** The storage use does not create offensive odors, noise, or unsightly conditions and does not constitute a threat to the quality of surface or ground water resources;
- 3.7.5d:** All storage, including, but not limited to, equipment and materials, shall be enclosed within an attached or detached accessory building and the total floor area devoted to such storage in the accessory building shall not exceed 625 square feet;
- 3.7.5e:** The size and location of a sign shall be as permitted in Section 6.4 of these Regulations.

3.7.6 Traditional Home Enterprises.

A use involving the teaching of music and/or voice lessons or the production and sale of homemade arts or crafts and/or home grown produce by the owner and/or occupant of the property or by family members who reside on the property which meets all of the following criteria:

PERMITTED USES:

- a. Providing music and/or voice lessons to students;
- b. Preparation and sale of those products usually produced in a single home, garden or nursery provided that the product is created entirely on the premises such as: home baking, needlework, dressmaking, tailoring, fruits and produce, home preserves; and
- c. Preparation and sale of the products of arts and crafts based on individual talent and hand crafted, provided that the products are created entirely on the premises, such as: painting and illustration, wood carving, ceramics, writing, sculpture, ornamental glass.

REQUIREMENTS:

- a. The use shall be conducted only by the owner and/or occupant and family members who reside on the premises;
- b. The use shall be clearly secondary to the use of the premises as a residence;
- c. The use shall not occupy more than 33% of the total floor area of the dwelling designed or improved for human habitation and not more than 625 square feet of the total floor area of an accessory building,
- d. The use shall be limited to the sale of products permitted under this section which are created entirely on the premises;
- e. There shall be no external evidence of the home enterprise use other than a sign as permitted in Section 6.4 of these Regulations;
- f. All parking space shall be located off street, screened from public view, and preferably located in the rear portion of the lot. A maximum of three parking spaces shall be permitted for the Traditional Home Enterprise.

3.7.7: Accessory uses, buildings, and structures relating to any of the above Permitted Uses.

SECTION 3.8: MAJOR WATERBODY SHORELINE PROTECTION REQUIREMENTS

3.8.1 PURPOSE:

The purpose of these requirements is to ensure that development of land along the shoreline of major waterbodies in Goshen will:

- a. be consistent with the need to protect the waterbody's water quality;

- b. avoid the need for a costly public sewerage system along lake shoreline areas not currently served by a public sewerage system (Woodridge Lake is served by a public sewerage system); and
- c. maintain the environmental and recreational quality of the waterbody.

3.8.2 APPLICATION:

These requirements shall apply to development within 75 feet of a shoreline or any lot with a shoreline on one of the following major waterbodies not served by a public sewage collection and treatment system: Tyler Lake, North Pond, Reuben Hart Reservoir, Dog Pond, West Side Pond, Whist Pond, Cunningham Pond, Litchfield Reservoir, Hanover Pond, Mohawk Pond (Note: for Woodridge Lake - see Section 3.1: Woodridge Lake Zone).

These requirements shall be in addition to the requirements of the underlying zone. Where these requirements are more restrictive than that of the underlying zone, the more restrictive requirement shall apply.

3.8.3 DEFINITIONS:

Within the shoreline areas subject to this regulation, the following terms and definitions shall apply:

DOCK: Any structure attached to the shore having a permanent or temporary footing in the waterbody, and which does not extend into the waterbody any more than is necessary to provide sufficient draft for vessels customarily used in the waterbody.

FLOAT: Any structure except a vessel attached to the shoreline or to the bed of the waterbody only by lines or chains, and not by a walkway.

IMPERVIOUS SURFACE: (see Section 2.2.2 definition section): for the purpose of calculating impervious surface under this Section 3.8, a gravel surface such as a gravel driveway or parking area shall not be considered an “impervious surface”.

SHORELINE: The term “Shoreline” shall have the same meaning and definition as “Ordinary High Water Mark” - see section 2.2.2 definition section.

SHORELINE FRONTAGE: The average length of two lines, one being the distance along the Shoreline between the two points at which an owners’ property lines intersect the Shoreline, and the second being an imaginary straight line connecting those two points.

3.8.4 SHORELINE SETBACK REQUIREMENTS:

3.8.4.a: A dwelling or other principle structure shall be setback at least 75 feet from the shoreline. All accessory structures shall be setback at least 75 feet from the shoreline, except as follows:

3.8.4.b: Accessory structures, excluding automobile garages, may be located between 50 and 75 feet of the shoreline as a Special Permit provided that:

- a. The principle dwelling or structure is setback not less than 75 feet from the shoreline.
- b. There is no man-made beach area located on the shoreline.
- c. The footprint of the accessory structure does not exceed one hundred and fifty (150) square feet.
- d. The applicant provides a landscape plan showing that within the 75 foot shoreline setback area the area of disturbance for the proposed construction is kept to a minimum and at least 50% of the 75-foot setback area is covered with and will be maintained in existing or proposed vegetation consisting of shrubs and trees. Proposed vegetation shall consist of native trees and shrubs.

3.8.4.c: Leaching fields:

All parts of any new leaching field including the leaching field reserve area shall be setback at least 75 feet from the shoreline. This requirement shall not apply to a replacement of an existing leaching field.

3.8.5 NEW DOCKS AND FLOATS:

As defined herein shall be permitted provided these are not permanent structures and are capable of seasonal removal. Such docks or floats shall be allowed without a Zoning Permit.

3.8.6 MINIMUM SHORELINE FRONTAGE:

The Minimum Shoreline Frontage for any new lot created as part of a plan of subdivision or re-subdivision shall be 100 feet.

3.8.7 MAXIMUM IMPERVIOUS SURFACE:

The Maximum Impervious Surface on any lot with a Shoreline on the waterbody shall be 20% of the lot area.

SECTION 3.9: ACCESS DRIVEWAYS SERVING SUBDIVISIONS IN OTHER TOWNS

Access driveways serving residential uses, including common driveways, shall be permitted by Special Permit subject to the provisions of Section 5.3 of the Regulations as a principal use for those lots whose boundaries extend beyond the limits of the Town of Goshen, provided that the only road frontage for the parcel is located within the Town of Goshen. Those portions of common driveways shall comply with the requirements of Section 2.7.3 of the Zoning Regulations and the Town of Goshen Driveway Ordinance. Individual and shared driveways shall conform to Section X.A.12 of the Goshen Subdivision Regulations and the Town of Goshen Driveway Ordinance.

ARTICLE 4 - SITE PLAN REQUIREMENTS

SECTION 4.1: APPLICABILITY

The following must be satisfied for all applications requiring Site Plans. The Site Plan shall be approved by the Commission before it issues a Site Plan Permit or a Special Permit.

SECTION 4.2: PURPOSE OF SITE PLAN

The Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed activity is in conformity with the specific provisions of these Regulations. A Site Plan may be modified or rejected only if it fails to comply with the requirements of these Regulations.

SECTION 4.3: SITE PLAN REQUIREMENTS

- 4.3.1:** The Site Plan shall be prepared by a Connecticut registered land surveyor, engineer, and/or landscape architect, except as specified in the Regulations.
- 4.3.2:** A Site Plan shall, except as waived by the Commission, contain the following information:
- 4.3.2a:** Name of applicant and owner of property.
 - 4.3.2b:** Scale and North arrow.
 - 4.3.2c:** Property boundaries, existing and proposed easements, dimensions, angles, area, zoning classifications, zoning setback lines, and contours at no greater than 2 foot intervals.
 - 4.3.2d:** Names of record owners of abutting properties.
 - 4.3.2e:** A key map which clearly identifies the location of the property at a scale of 1 inch equals 2000 feet.
 - 4.3.2f:** Location and dimensions of all existing and proposed structures, driveways, sidewalks, parking, loading and storage areas, drainage features, existing and proposed fences and walls, water courses, wetlands, and exposed ledge rock.
 - 4.3.2g:** Proposed signs, showing location, dimensions and means of illumination.
 - 4.3.2h:** Locations and methods of water supply and sewage disposal facilities.
 - 4.3.2i:** Illustrations, elevations, and renderings of the proposed buildings and the site area sufficient to show clearly what is proposed and a screening plan showing existing and proposed landscaping, fencing or re-grading for screening purposes, including a table of sizes, types, and amounts of proposed materials.
 - i. Landscape plans shall incorporate native tree species based on known performance for managing stormwater runoff.
 - ii. Public trees removed or damaged during construction associated with private development may be required to be replaced on or off-site with an equivalent amount of tree caliper (e.g. remove a 24" diameter tree/replace with six 4" diameter trees.)
 - iii. Construction protection practices shall be implemented for protection of public trees (e.g., fencing, no hazardous materials, avoid cutting into root zones.)
 - iv. Trees over a minimum size of 3" caliper protected during development are credited towards landscaping requirements.
 - 4.3.2j:** Certification by the Torrington Area Health District that the proposed sewage disposal facilities are consistent with all applicable Health Codes.
 - 4.3.2k:** Where grading is proposed, existing and proposed contours at two-foot intervals based upon field survey shall be required by the Commission. Sufficient information shall be required to show existing and post-construction surface drainage patterns.
 - 4.3.2l:** Location and type of exterior illumination sources and areas of illumination.
 - 4.3.2m:** Traffic information developed for the project, including information submitted to other public bodies such as the State Traffic Commission, and such other information as the Commission requires to enable it to determine the traffic impact of the proposal.
 - 4.3.2n:** Trees exceeding 30 inches in caliper.
 - 4.3.2o:** Design, location and finish of structures.
 - 4.3.2p:** Flood hazard areas, or a statement that none exists.

4.3.2q: An Environmental Compliance Certificate shall be submitted in conjunction with all Site Plan applications on a form prescribed by the Commission unless specifically waived by the Planning and Zoning Commission.

4.3.2r: Show Erosion and Sedimentation Control devices in accordance with Article 6 Section 6.2.

4.3.2s: Proposed Stormwater Management Plan for stormwater treatment and/or detention during and after construction.

4.3.3: A stormwater management plan shall be prepared that incorporates best management practices in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended, unless the Commission waives the requirement because the proposed activity will have minimal impact to the environment. In determining whether the project will have minimal impact to the environment the Commission will consider the report received on the project from the Inland Wetlands Commission. However, stormwater management plans shall be developed for all new and redevelopment projects, including phased developments that meet the following criteria:

- Any development resulting in the disturbance of greater than or equal to one acre of land;
- Residential development consisting of 5 or more dwelling units;
- Residential development consisting of fewer than 5 dwelling units involving the construction of a new road or reconstruction of an existing road;
- Stormwater discharge to wetlands/watercourses or in areas designated by the Town of Goshen as Aquifer Protection Areas;
- Land uses or facilities with potential for higher pollutant loadings such as industrial facilities subject to DEP Industrial Stormwater General Permit or U.S. EPA National Pollution Discharge Elimination System (NPDES) Stormwater Permit Program, vehicle salvage yards and recycling facilities, vehicle fueling facilities, vehicle service, maintenance and equipment cleaning facilities, fleet storage areas (cars, busses, trucks, public works), commercial parking lots with high intensity uses (shopping center, fast food restaurants, convenience stores, supermarkets), public works storage areas, road salt storage facilities, commercial nurseries, flat metal rooftops of industrial facilities, facilities with outdoor storage and loading/unloading of hazardous substances or materials, regardless of the primary land use of the facility or development;
- Industrial and commercial developments which result in 10,000 square feet or greater of impervious surface;
- New highway, common driveway, and street construction;
- Modifications to existing storm drainage systems.

SECTION 4.4: APPLICABILITY OF THE INLAND WETLANDS AND WATERCOURSE ACT

If a Site Plan application involves any activity regulated pursuant to the Inland Wetlands and Watercourses Act, the applicant shall submit an application to the Goshen Inland Wetlands and Watercourses Commission no later than the day the Site Plan application is filed with the Commission. This Commission shall not render a decision on the Site Plan application until the Inland Wetlands Commission has submitted a report with its final decision. The Commission shall give due consideration to the said report.

SECTION 4.5: DECISION TIME LIMIT

Subject to the provisions of Section 4.4, a decision by the Commission on a Site Plan shall be rendered within 65 days after its receipt. The applicant may withdraw his Site Plan or may consent to one or more extensions in writing, provided that the total period of any extension(s) shall not exceed 65 days.

SECTION 4.6: PERFORMANCE GUARANTEE

The Commission, as conditions of approval of any Site Plan or modification thereof, may require a performance guarantee in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access features, walkways, recreation facilities, buffer strips, and any site improvements other than buildings.

Where a performance guarantee is required, no Zoning Permit or Special Permit shall be issued until such performance guarantee has been accepted by the Commission.

The performance guarantee shall be held until its release is voted by the Commission. The Commission shall not grant a release until it has certified that all of the requirements of the permit have been met.

SECTION 4.7: TIME LIMIT ON CONSTRUCTION

All work in connection with the subject Site Plan shall be completed within five (5) years after the approval of the plan. The Certificate of Approval of such Site Plan shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such plan. “Work” for purposes of this subsection means all physical improvements required by the approved plan.

When a change is adopted in these Regulations or boundaries of zoning districts, no improvements or proposed improvements shown on a Site Plan for residential property which has been approved prior to the effective date of such change, and filed or recorded with the Town Clerk, shall be required to conform to such change.

ARTICLE 5 - SPECIAL PERMIT REQUIREMENTS

SECTION 5.1: APPLICABILITY

Special Permit uses listed in ARTICLES 2, 3, and 6 are considered special because they may prove to be incompatible with surrounding land uses unless established with special care and conditions. Such uses shall meet all requirements of these Regulations.

SECTION 5.2: APPLICATION AND SITE PLAN

Applications for Special Permits may be obtained from the Town Offices. All applications for Special Permits shall be accompanied by a Site Plan, as prescribed in ARTICLE 4 of these Regulations.

SECTION 5.3: REQUIRED HEARINGS AND DECISIONS

The Commission shall conduct a public hearing on any application for a Special Permit. Such hearing shall commence within 65 days after receipt of such application and shall be completed within 35 days. The Commission shall render a decision on the application and related Site Plan within 65 days of completion of the hearing. The applicant may withdraw the application or may consent to an extension of any period specified in this paragraph, provided such extension shall not be longer than 65 days total.

At least 10 days prior to the public hearing, the applicant shall send a notice of the public hearing to persons who own land that is adjacent to the land that is subject of the hearing. The proof of mailing shall be evidenced by a certificate of mailing, and the person who owns the land shall be the owner indicated on the property tax map or on the last completed grand list as of the dates such notice is mailed. The notice shall indicate the reason for the hearing, hearing date, time and location of the hearing. Evidence of mailing shall be presented to the Planning and Zoning Commission at or before the public hearing.

5.3.1. A Special Permit shall not be granted unless the Commission finds the following:

- 5.3.1.a:** That the proposed activity will not create any conditions that could endanger public health, safety and welfare.
- 5.3.1.b:** That vehicle access is adequate to assure that traffic hazards will not result, and that there will be adequate off-street parking spaces for the proposed uses.
- 5.3.1.c:** That there will be no adverse impact upon natural resources.
- 5.3.1.d:** That there will be no adverse effects upon the existing and probable future character of the neighborhood or its property values.
- 5.3.1.e:** That the proposed activity will not hinder the orderly and appropriate development of adjacent property.
- 5.3.1.f:** That there is adequate natural or structural screening or landscaping provided to minimize visual and auditory impact.
- 5.3.1.g:** That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria; comply with all standards and be approved by the appropriate regulatory authority; and not unduly burden the capacity of such facilities or the environment.
- 5.3.1.h:** The proposed use will not conflict with the purposes of the Regulations.

5.3.2: The Commission may set conditions for approval of a Special Permit where necessary to achieve the provisions listed above.

SECTION 5.4: APPLICABILITY OF INLAND WETLANDS AND WATERCOURSES ACT

If a Special Permit application involves an activity regulated pursuant to the Inland Wetlands and Watercourses Act, the applicant shall submit an application to the Goshen Inland Wetlands Commission no later than the day the Special Permit application is filed with this Commission. This Commission shall not render a decision on the Special Permit application until the Inland Wetlands Commission has submitted a report with its final decision. The Commission shall give due consideration to the said report.

SECTION 5.5: RECORDING

No Special Permit shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the Special Permit including the zoning provision to which a Special Permit is granted, and stating the name of the owner of record, is filed with the Town Clerk and recorded in the Town's land records.

SECTION 5.6: REQUIREMENTS FOR SPECIFIC USES

5.6.1 HOME BASED BUSINESS IN RESIDENTIAL ZONES:

A Home Based Business where such business use does not comply with the requirements of Article 3, Section 3.7.4 - Home Office; 3.7.5 - Storage Use in an Accessory Building; or 3.7.6 - Traditional Home Enterprises, shall require a Special Permit (Article 5) and Site Plan (Article 4) and shall meet the requirements of Section 5.6.1.3 below.

5.6.1.1 Purpose

The purpose of this Section is to provide the opportunity for the use of a residence for limited business purposes, while maintaining the residential nature of the lot and neighborhood, protecting the environment and residential property values.

5.6.1.2 Procedures

5.6.1.2a The application shall include plans clearly drawn to scale showing the floor area and layout of the dwelling unit and/or accessory building and gross floor area devoted to the Home Based Business Use.

5.6.1.2b The applicant shall submit a business use and activity plan. This shall consist of a written statement describing in general the type and nature of the proposed activity, the product, equipment and/or processes involved, projected typical traffic volume and type, customer/client activity and such other information as the Commission shall require in order to make a determination that the proposed use complies with the standards and requirements of these Regulations.

5.6.1.3 Requirements

5.6.1.3a. No retail sales shall be permitted on the premises unless such sales are determined by the Commission to be incidental to the primary Home Based Business Use and such sales are specifically limited as a condition of the Special Permit.

5.6.1.3b. The Home Based Business Use may occupy a portion of a Single-Family Dwelling Unit and/or an Accessory Structure on a Lot with a Single-Family Dwelling Unit as specified herein and as determined by the Commission.

5.6.1.3c. A Home Based Business located in a Single-Family Dwelling Unit shall not occupy more than one half of the gross floor area of the dwelling unit. The Home Based Business Use, whether located in a residence or an accessory structure, shall be clearly secondary to the residential use on the Lot.

5.6.1.3d. The Home Based Business Use may occupy an Accessory Building if:

- i. the location and appearance of the Accessory Building is consistent with the residential character of the Lot and the neighborhood;
- ii. it can be demonstrated that the type and intensity of the proposed Use in the accessory building will not alter the primary residential character of the lot.

5.6.1.3e. The Home Based Business Use shall be conducted by the resident of the dwelling unit and by members of the family residing on the premises. No more than two non-resident persons shall be employed, full-time or part-time, on the residential lot in association with the Home Based Business Use.

5.6.1.3f. With the exception of permitted signs and required off-street parking spaces, there shall be no display of products or exterior evidence of the Home Based Business including but

- not limited to, exterior evidence or storage of goods, supplies or other materials associated with the Home Based Business.
- 5.6.1.3g.** The appearance of the lot and structures on the lot shall not be altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, signs or the emission of sounds, vibrations or electrical impulses. The Home Based Business use shall not constitute a threat to the quality of surface or groundwater resources (see Article 6 Section 6.1 - Protection of Surface and Ground Water)
 - 5.6.1.3h.** Traffic generated by the Home Based Business Use shall not significantly exceed the volume of traffic consistent with the site and neighborhood. The number of daily vehicle trips associated with the Home Based Business Use, including delivery and pick-up of materials and commodities by a commercial vehicle, may be limited by the Commission as a condition of the Special Permit according to the nature and location of the proposed Home Based Business Use.
 - 5.6.1.3i.** No on-street parking spaces shall be permitted in association with a Home Based Business Use.
 - 5.6.1.3j.** Off-street parking spaces shall be provided to accommodate the parking needs of the Home Based Business. No additional off-street parking spaces shall be created between the dwelling unit and the street Line. The Commission may limit the number of parking spaces allowed where it is determined it is necessary to control and limit the volume of traffic.
 - 5.6.1.3k.** The Commission may require a landscape plan that specifies plantings and locations designed to screen the off-street parking area from view from a public street or neighbor. Landscape screening shall be required if based upon site inspection and public hearing testimony, the Commission determines that such screening is necessary to protect neighboring residential property values and to maintain the single-family residential appearance of the neighborhood.
 - 5.6.1.3l.** Events for the purpose of selling merchandise or taking orders shall not be held more often than once per month.
 - 5.6.1.3n.** The Use shall not utilize or store hazardous materials, unless the Commission determines that the proposed types and quantities of the hazardous materials utilized or stored will pose a minimum risk to health. Home Based Business Uses which pose a significant threat to water quality shall not be permitted including but not limited to furniture stripping, auto or major appliance repair.

5.6.2 ROOM AND BOARD OR A BED AND BREAKFAST ESTABLISHMENT:

The provision of rooms for transient visitors in an owner-occupied residence may be permitted by the Commission, subject to the following conditions:

- 5.6.2.1:** The lot shall be of adequate size and shape to accommodate one parking space for each guest room. Parking spaces shall be located to the rear of the building where possible.
- 5.6.2.2:** The building must be sound, safe and of adequate size to accommodate guest rooms. Written approval must be obtained from the Fire Marshal.
- 5.6.2.3:** No more than five guest rooms shall be permitted on any lot.
- 5.6.2.4:** Approval by the Torrington Area Health District must be obtained for the proposed water supply and sewage disposal facilities for the proposed use.

5.6.3 PRIVATE RESTRICTED AIRSTRIPS:

5.6.3.1 Statement of Purpose and Definition:

An unpaved field in a location meeting the safety and other criteria as set forth herein, the use of which is limited to take-off and landings of single engine aircraft for non-commercial purposes. Such aircraft shall be owned and operated by the individual owner of the property. The Private Restricted Airstrip shall be established and maintained as an accessory use.

- 5.6.3.2:** Private Restricted Airstrips may be permitted subject to Special Permit approval in accordance with other relevant Sections and the requirements hereinafter set forth.
- 5.6.3.3:** Runway length of any Private Restricted Airstrip shall be limited to 2,500 feet, and shall be unpaved.
- 5.6.3.4:** The Permit shall be site-specific, indicating direction and acreage. The applicant shall provide a map showing adjoining houses within one thousand feet of the proposed runway.
- 5.6.3.5:** As part of the application, the Owner/Operator of the property, upon which a Private Restricted Airstrip is utilized, shall be required to secure and present to the Goshen Planning and Zoning Commission, a statement regarding the suitability of the proposed airstrip from the State DOT, Bureau of Aviation and Ports.
- 5.6.3.6:** No part of a runway or any Private Restricted Airstrip shall be closer than 200 feet to a public road, nor 100 feet to a property line as a minimum. This may be increased, depending upon individual/particular circumstances.
- 5.6.3.7:** Hours of operation of any Private Restricted Airstrip shall be permitted only from dawn until dusk.
- 5.6.3.8:** Single engine aircraft only shall be permitted. The applicant shall specify the class of aircraft to be utilized, which shall be compatible with the take-off and landing parameters, as specified in the Aircraft Manual.
- 5.6.3.9:** The Private Restricted Airstrip shall be used by the Owner/Operator, who shall not engage in pilot training or commercial enterprises.
- 5.6.3.10:** Storage of aircraft on which a Private Restricted Airstrip is located shall be limited to those belonging to the owner of such property.
- 5.6.3.11:** Where appropriate and necessary, the Goshen Planning and Zoning Commission may limit the number of take-offs and landings.

ARTICLE 6 - OTHER REQUIREMENTS

SECTION 6.1: PROTECTION OF SURFACE AND GROUND WATER

No new use of land or structure shall be permitted which could pose a threat to the quality of the Town's surface waters, its ground water or its aquifers as identified and mapped by the U.S. Geological General Statutes as outlined in Section 22a-352 of the Ground Water Classification Act. The following minimum regulations shall apply to proposed development:

- 6.1.1:** Road salt storage must be in weather tight buildings.
- 6.1.2:** Manufacture, use, storage, or disposal of hazardous materials in significant quantities is prohibited, except as provided in this Article 6. 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 amended. As used herein, a significant quantity of oil or oil-based derivatives shall be equivalent to the "reportable quantity" of such substances as listed in 40 C.F.R., Section 112.2 (1981) as amended. The storage of heating oil for onsite use shall be allowed in accordance with Section 6.1.4 of these Regulations.
- 6.1.3:** Sanitary landfills, septage lagoons, and waste-water treatment facilities for municipal or industrial wastes are prohibited.
- 6.1.4:** The underground or subsurface storage of hazardous materials, as defined in Section 6.1.2 of these Regulations, other than heating oil storage for onsite heating use and gas stations or convenience stores with gas pumps in the CB Center Business Zone in accordance with Article 3, Section 3.5.2.8 are 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:
 - 6.1.4.1:** Tanks must be installed according to N.F.P.A. 31, 1983 ed., standards as amended covering such installations.
 - 6.1.4.2:** A Zoning Permit must be obtained prior to the commencement of work.
 - 6.1.4.3:** All subsurface lines used to transport the hazardous material to and from the tank must be sheathed in a plastic-type pipe. Such sheathing must 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 reasons, a shut-off valve must be provided. Furthermore, the lines continuing from that point must also be sheathed until a point within close proximity of the unit utilizing the hazardous material.
 - 6.1.4.4:** Whenever a heating oil tank is to be installed subsurface or underground, such installation must be done under the supervision of the Zoning Enforcement Officer, or by an agent appointed by the Commission.
 - 6.1.4.5:** All underground heating oil tanks must 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 must 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 a manufacturer's or equal warranty for a period of 30 years or greater. A Sti-p3 tank or its equal is recommended for compliance with the Section.
 - 6.1.4.6:** All underground heating oil installations must include a leak detection system. Such system at a minimum must provide one observation well. Such well must be constructed of Schedule 40 PVC pipe, with a minimum diameter of 3 inches, and must 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 must be back-filled with trap rock for a

diameter of no less than 2 inches larger than the pipe used. The pipe above grade level must be fitted with a removable plastic cap.

- 6.1.5:** The manufacture, use, storage, or disposal of radioactive material is prohibited, except for use in structural engineering inspection and in medical procedures.
- 6.1.6:** The construction, expansion, or replacement of storage tanks limited to the storage of petroleum fuel products to be used only for the purpose of providing fuel for motor vehicles or other motors shall be permitted where such storage is a part of a Town use, a commercial use, or other non-residential use permitted under these Regulations, subject to the following minimum standards and requirements:
- 6.1.6.1:** The storage facility shall be above ground, with exception of gas stations or convenience stores with gas pumps, and located within a structure having a suitable containment area surrounding the fuel container(s). The containment base and walls shall be impervious to the stored fuel(s). The containment shall be capable of retaining without leakage 110% of the total capacity of the fuel container(s). Where the storage tank is located within a roofed structure, the containment area shall be designed to enable removal of precipitation accumulation manually or by a procedure proposed by the applicant and approved by the Commission.
- 6.1.6.2:** Each fuel container shall have a mechanical level gauge (not a sight tube), and shall have a top vent pipe or overfill pipe which is directed into the containment area.
- 6.1.6.3:** The total storage for all such fuel tanks on a site, with exception of gas stations or convenience stores with gas pumps, shall not exceed 3,000 gallons.
- 6.1.6.4:** The applicant shall show the proposed location of the storage tank(s) and other information required under these Regulations on a Site Plan. The applicant shall also submit a management plan for protection against spillage during re-fueling.
- 6.1.6.5:** The Commission may require placement of evergreen plantings to provide year-round screening of the storage facility.
- 6.1.6.6:** Prior to approval of the Site Plan, the Commission shall refer the application to the Fire Marshal for a report on the suitability of the proposed location under the requirements of the NFPA Regulations.
- 6.1.6.7:** Prior to issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer shall determine that the Goshen Fire Marshal has issued an approval of the installation under the requirements of the NFPA regulations.
- 6.1.6.8:** At the time of application for a Special Permit, Site Plan or Zoning Permit, an applicant for any non-residential use shall certify that the use is, or will be, in compliance with all applicable regulations of the U.S. Environmental Protection Agency (EPA), the Connecticut Department of Energy and Environmental Protection (DEEP), Connecticut State Department of Health (DOH), and the Torrington Area Health District (TAHD). Included with certification shall be a list of all materials classified as hazardous by the U.S. EPA or the State DEEP that will be used or stored on the parcel. The Zoning Enforcement Officer shall notify the appropriate federal, state or local agency of any complaint regarding the handling of hazardous materials.
- 6.1.7:** A copy of any monitoring reports required by the Connecticut DEEP or the U.S. EPA shall be sent to the Land Use office. A violation of any State or Federal regulation regarding hazardous materials shall also be a violation of these regulations.

SECTION 6.2: CONTROL OF EROSION AND SEDIMENTATION

An Erosion and Sedimentation Control Plan subject to the following requirements shall be submitted 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 Sedimentation Control Plan both as part of the subdivision plan application and as a part of the application for any permit under these Regulations.

6.2.1 DEFINITIONS:

For purposes of Section 6.2:

CERTIFICATION means approval by the Planning and Zoning Commission that an erosion and sediment control 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.

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.

6.2.2 INFORMATION AND REQUIREMENTS:

An Erosion and Sediment Control Plan shall contain proper provisions for adequate control of erosion, sedimentation and storm water runoff on the proposed site. The Plan shall be developed in accordance with the principles, minimum standards and methods specified in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended 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:

- a. The development project.
- b. 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.
- c. Design criteria, construction details, detailed installation/application procedures and maintenance programs.
- d. Soil erosion and sediment control measures.

A Site Plan to Reveal:

- a. Existing and proposed topography.
- b. In disturbed areas, topography contours shall be shown at two (2) foot intervals based upon a field survey.
- c. Proposed site alteration and disturbed areas including cleared, excavated, filled or graded areas.
- d. Location of and other detailed information concerning erosion and sediment control measures and facilities.

6.2.3 ISSUANCE OF DENIAL OF CERTIFICATION:

The Commission shall either certify that the Erosion and Sedimentation Control Plan complies with these requirements and objectives or deny certification when the development proposal does not comply. The Commission may refer Erosion and Sediment Control Plans to the Litchfield County Conservation District for its comments.

6.2.4 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 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.

6.2.5 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 6.3: EXCAVATION OF EARTH MATERIALS

6.3.1 GENERAL PROVISIONS:

6.3.1.1: These Regulations shall be applied to promote the following purposes:

6.3.1.1a: To regulate and control the excavation and removal of soil, loam, sand, gravel, clay, rock or any other earth material from land on premises in the Town of Goshen.

6.3.1.1b: To control and regulate all excavation and removal of earth materials so as to prevent the creation of any safety or health hazard, including but not limited to, soil erosion, stagnant water, water pollution, excessive drainage runoff to adjoining property and to preserve land values.

6.3.1.2: No excavation or removal of earth material from land or premises shall be commenced or conducted except in accordance with and subject to these Regulations.

6.3.1.3: For the purposes of this Section:

6.3.1.3a: “Excavation” shall mean the severance from the earth’s surface or removal from the ground soil, loam, sand, gravel, clay, rock, topsoil, or any other earth material.

6.3.1.3b: “Topsoil” shall mean earth materials, including loam, which are arable and constitute the surface layer of earth material.

6.3.1.4: Permits under this Section of these Regulations shall not be required for:

6.3.1.4a: The construction of a well, driveway, utility line, fence, approved subdivision street or the landscaping of premises when in conjunction with a use permitted by the Zoning Regulations or Subdivision Regulations, and provided said construction does not result in the removal of more than 300 cubic yards of earth material from the premises.

- 6.3.1.4b:** The movement of earth material from one part to another part of the same premises, when it is reasonably necessary for the purpose of farming or landscaping.
- 6.3.1.4c:** An excavation which is made solely for a foundation or cellar hole, provided that no more than 300 cubic yards of earth material is removed from the premises, not including an amount equal to the volume of the building or other structure being constructed below grade.
- 6.3.1.4d:** Maintenance of sedimentation basins or waterbody dredging when under valid permit issued by the Goshen Inland Wetlands Commission.

6.3.2 EARTH EXCAVATION SPECIAL PERMIT:

Except as provided in Section 6.3.1.4 and Section 6.3.6 of these Regulations, all excavation and removal of earth materials shall be allowed only as an Earth Excavation Special Permit use.

6.3.3 APPLICATION REQUIREMENTS:

In addition to the conditions set forth in ARTICLE 5, an application for an Earth Excavation Special Permit shall be made subject to the following information, documents, and plans:

- 6.3.3.1:** A survey prepared by a Connecticut Licensed land surveyor and/or a Connecticut Licensed Professional Engineer, to be drawn at a scale of not less than 1 inch equals 40 feet and describing the following: Location of existing and proposed streets, watercourses, wetlands, wells, and septic systems; the details on re-grading and re-vegetation of the premises; the area for stockpiling topsoil; and the proposed means of access.
- 6.3.3.2:** The existing contours and elevations and the final contours and elevations at 2-foot intervals.
- 6.3.3.3:** Soil data, including boring logs and locations to finished grade shown on the plan. Such data shall show soil types and ground water table elevations.
- 6.3.3.4:** Provisions for proper surface and sub-surface drainage during excavation and after completion.
- 6.3.3.5:** The acreage or square footage of the actual area to be excavated and the volume of material to be removed in cubic yards. Where the applicant expects to continue excavation under a renewal permit, the total volume in cubic yards of all material expected to be excavated shall be provided.
- 6.3.3.6:** An estimate of the number, type, and capacity of trucks, and identification of other equipment to be used on the site. Location of existing and proposed access to the site and interior roads.
- 6.3.3.7:** The location and type of existing structures.
- 6.3.3.8:** Details of grading and erosion control during construction, and for final grading and planting of the site to prevent erosion and otherwise stabilize and restore the premises subject to the requirements of Section 6.2 of these Regulations.
- 6.3.3.9:** Written authorization to the Commission for inspection of the site at any reasonable time by a duly authorized representative of the Commission.
- 6.3.3.10:** The application shall contain full information regarding the standards and regulations plus other such information as the Commission may require.

6.3.4 STANDARDS AND REGULATIONS CONCERNING CONDUCT OF OPERATION:

In considering any application the Commission shall evaluate the effect on adjacent property, property values, the public health and safety and the potential future use of the premises, the specific purposes set forth in Section 6.3.1.1 and the general purposes of the Regulations. The Commission may approve a plan only when it is satisfied that the purposes of these Regulations will be met and that the following conditions will be complied with:

- 6.3.4.1:** All operations on the premises shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Mondays through Fridays inclusive, and between 7:00 a.m. and 1:00 p.m. on Saturdays, seasonal time only. No operation shall take place on Sundays or on those legal holidays set by the State Labor Commission.
- 6.3.4.2:** No more than 4 acres may be opened up and excavated at one time without specific authorization from the Commission.
- 6.3.4.3:** No stationary machinery shall be erected or maintained within 100 feet of any property line, permit area line or street line.
- 6.3.4.4:** No excavation shall take place within 50 feet of any property or street line regardless of elevation, and no shrubbery, grass or trees shall be removed from the 50 foot strip until restoration begins.
- 6.3.4.5:** Where leveling off is the intent of the permittee(s) and where doing so would improve the properties of both the permittee(s) and the adjacent property owner(s), the owner may, after formal application and approval by the Commission, excavate and grade within the 50 foot setback area.
- 6.3.4.6:** Where there is a commercial earth excavation operation, either new or existing, adjacent to another such operation, either existing or formerly mined, the Commission may require the owner(s)/operator(s) of the contiguous properties to “mine through”, removing the materials within the 50 foot buffer strips and blend the contiguous property line into a common grade.
- 6.3.4.7:** A Connecticut Licensed Surveyor shall stake all corners of the permit area. A secondary staking shall be required 45 feet inside the permit area, in a manner acceptable to the Commission, in order to maintain the 50 foot setback.
- 6.3.4.8:** When the depth of the excavation exceeds 20 feet, the distance from the property line or street line shall be increased not less than 1 foot for each additional vertical foot of excavation.
- 6.3.4.9:** When excavation and/or removal operations are completed, or if a permit has expired and/or has not been renewed, the excavated area shall be graded to within 25 feet of the permit line, adjacent property line and/or street lines, so that the slopes and disturbed areas shall be no steeper than 1:3 (vertical to horizontal). A layer of topsoil shall be spread over the excavated areas, excepting exposed rock surfaces, to a minimum depth of 3 inches, in accordance with the approved final grading plan. The Commission may approve other such methods in writing. Restoration shall take place within the year following the completion of work or the expiration/non-renewal of a permit. Said area shall be maintained in a stabilized condition for a period of one year before the final bond shall be released by the Commission.
- 6.3.4.10:** No building, except a field office or temporary shelter for machinery shall be erected on the premises, and no screening, washing, crushing or other form of processing shall be conducted upon the premises. Any office, temporary shelter, or machinery shall be removed from the premises within six months of the completion, expiration or non-renewal of a permit.

- 6.3.4.11:** At all stages of the operation proper drainage shall be maintained to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties or roads. Blocked drainage ditches or culverts, or erosion on any highway shall be immediately removed by the owner or operator of the site. Should the Commission be required to cause the removal of such material for the safety of the public or for any other reason, the cost of such work shall be paid for by the owner and/or operator of the site.
- 6.3.4.12:** During the period of excavation and removal, barricade fences or a grassed berm, at least six feet in height, shall be erected, as deemed necessary by the Commission or the Zoning Enforcement Officer, for the protection of pedestrians and vehicles. As well, such barricades, fences or berms may be required to further buffer adjacent properties from the operation.
- 6.3.4.13:** At no time shall an overhang be permitted on any face, and at no time shall slopes in excess of 1:3 (vertical to horizontal) be present on any face, except the face where active excavation is being carried on.
- 6.3.4.14:** During the period of excavation and removal, the owner and/or operator of the site shall provide, at his own expense, such special police, flagman, barricades and fences for the protection of pedestrians and vehicles, as deemed necessary by the Commission or the Zoning Enforcement Officer to protect the public health, safety, convenience and property values.
- 6.3.4.15:** Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road within the area of operation shall be treated to minimize dust. The Commission may require a hard-surface road to ensure further control of dust.
- 6.3.4.16:** Proper measures shall be taken to avoid noise and air pollution. Such measures may include limitation upon the stockpiling of excavated materials upon the site.
- 6.3.4.17:** The owner and/or operator shall be liable for the cost of repairing any damage to any public highway resulting from its operation.
- 6.3.4.18:** The Commission may require other appropriate safeguards necessary to protect the public health, safety, convenience and property values.

6.3.5 PERMIT APPROVAL AND RENEWAL:

- 6.3.5.1:** Permit approval may be granted in two stages by the Commission: Permit approval to the owner may be granted only after submission of all the required documents and requested information and the necessary public hearing. Permit approval to the operator may be granted only after his furnishing to the Commission evidence of proper bonding and insurance.
- 6.3.5.2:** Before a permit is issued, the applicant and his operator shall post, separately, a surety in a form acceptable to the Commission or a performance bond in form and amount satisfactory to the Commission, with a bonding company licensed to do business in the State of Connecticut, as surety conditioned on the carrying out of all the above conditions and any other safeguards imposed, and providing that, in case of default, the surety company shall take any and all necessary steps to comply with said conditions. The Commission, as it deems fit, may require surety bond, cash bond, or a combination of the two.
- 6.3.5.3:** No permit shall be issued for a period exceeding one year. Permits may be renewed for additional one-year periods upon application to the Commission and payment of a \$50.00 fee provided that the Commission finds that the permittee has fully complied with these Regulations and the terms and conditions of the expiring permit. Areas previously worked upon for extraction of earth materials shall not be reopened for a period of five years after closure.

- 6.3.5.4:** Updated contour maps may be required by the Commission prior to the renewal of the permit.
- 6.3.5.5:** The Commission, or the Zoning Enforcement Officer, may require an “As Is” Contour Map at any stage of the operation.
- 6.3.5.6:** An “As Built” Contour Map, prepared by a surveyor licensed in the State of Connecticut, showing conformity with the requirements for restoration, may be required prior to the release of any bonds.
- 6.3.5.7:** If the excavation is abandoned for 12 months, or if no substantial activity, as determined by the Commission and the Zoning Enforcement Officer, takes place within 12 months after the granting or renewal of the permit, the permit may be revoked. Prima facie evidence of activity shall be the excavation of 3,000 cubic yards of material per year.

6.3.6 PRE-EXISTING EARTH EXCAVATION OPERATIONS:

Any bona fide earth excavation operation (not including activities that qualify under Section 6.3.1.4 herein) which existed at the date of the adoption of these Regulations (8/29/88) shall be permitted to continue subject to the following requirements:

- 6.3.6.1:** The activity shall be registered with the Planning and Zoning Commission by the property owner or his authorized agent on a form provided by the Planning and Zoning Commission.
- 6.3.6.2:** Registration is effective upon submission to the Commission of a completed Pre-existing Earth Excavation Registration Form prior to December 31, 1993, and later acceptance by the Commission. Subsequent to the date, the burden of proof of pre-existing activity shall be upon the property owner.
- 6.3.6.3:** The owner shall also submit a map showing the property boundaries and the location of the excavation activities. A copy of the land records map, with hand drawn location of the activities properly shown, shall be acceptable.
- 6.3.6.4:** Activities on the premises shall be conducted only at times as prescribed in Section 6.3.4.1 herein.

SECTION 6.4: SIGNS

6.4.1: REQUIREMENTS FOR ALL SIGNS IN ALL ZONES:

- 6.4.1.1:** Any traffic or directional signs located within the right-of-way of a street and authorized by the Town, State, or Federal Government shall be exempt from these requirements.
- 6.4.1.2:** Except for a directional sign as regulated by Section 6.4.5 below, no sign shall advertise or refer to a business activity, use, structure, product or establishment which does not take place on, is not available on or is not located on, the same lot as the sign.
- 6.4.1.3:** No sign shall be located so that it will cause danger to traffic on a street by obscuring the view.
- 6.4.1.4:** No sign shall be of the flashing, animated, pulsing, moving, or rotating type.
- 6.4.1.5:** Other than window signs, sale or promotional signs, or open flags as permitted herein; signs shall be constructed entirely of wood or metal, firmly supported, maintained in good condition and repair, and removed when the purpose for which they were erected no longer exists.

- 6.4.1.6:** No free-standing sign shall project higher than 12 feet above ground level. Where a property has frontage on two streets, two such signs may be erected, one on each street provided the provisions of Section 6.4.3 below are met.
- 6.4.1.7:** Naked or unshielded artificial sources of sign illumination shall not be permitted, except as part of holiday season decorations or community events or celebrations. No sign may be illuminated between the hours of 11:00 p.m. and 6:00 a.m., unless the premises are open for business at that time.
- 6.4.1.8:** The Commission may order the removal of any sign that is not erected or maintained in accordance with these Regulations.
- 6.4.1.9:** The Commission shall allow a change to a legally existing sign without a Zoning Permit, provided that the change does not alter the size or location of a sign.

6.4.2 SIGNS IN RESIDENTIAL ZONES:

Signs shall be permitted in any residential zone only as specified in Table I (following Section 6.4.6), or if a sign is for a non-conforming business use, it must comply with Section 6.4.3 below.

6.4.3 SIGNS IN TOWN CENTER BUSINESS ZONE:

Signs permitted in residential zones shall also be permitted in the business zone as specified in Table I (following Section 6.4.6). Signs for business uses in the business zone shall be permitted according to the following:

- 6.4.3.1:** The intent of the regulation is to ensure visual compatibility with the historic and traditional architecture of the Village Center area of Goshen and to protect against traffic dangers including, but not limited to, impairment of visibility, distractions to drivers, and impending access to parking areas.
- 6.4.3.2:** There shall be no more than 2 signs per building occupant plus one (or two) additional signs as prescribed in Sections 6.4.3.3a or 6.4.3.3b below, exclusive of window signs.
- 6.4.3.3:** Permitted types of signs:
- 6.4.3.3a:** Free standing sign: A self-supporting sign not attached to any building, wall or fence; but in a fixed location, for the purpose of identifying a single business use. The maximum area shall be 12 square feet and the maximum height shall be 12 feet. Sandwich board or A-Frame signs are not permitted. Portable or trailer-type signs are not permitted.
- 6.4.3.3b:** Free Standing Multiple Sign: A self-supporting sign not attached to any building, wall or fence; but in a fixed location, for the purpose of identifying the several occupants of the same building or building complex. It shall consist of a group of signs clustered together in a single structure or compositional unit. The maximum area shall be 36 square feet and the maximum height shall be 12 feet. Sandwich Board and A-Frame signs are not permitted. Where the frontage of the building or building complex is 300 feet or more, two such signs may be permitted. Portable or trailer-type signs are not permitted.
- 6.4.3.3c:** Wall Sign: A sign which is attached parallel to an exterior wall of a building. Wall sign shall:
- Not project more than 15 inches from the building surface.
 - Not extend above lowest point of the roof nor beyond the ends of the wall to which it is attached.

- Shall have an aggregate area not to exceed 1.5 square feet for each lineal foot of the building face or 10% of the wall area to which it is attached whichever is less.

6.4.3.3d: Window Sign: Any sign which is painted or mounted onto a window pane or which is hung directly inside a window with the purpose of identifying any premises from the sidewalk or street. Window signs shall not exceed more than 30% of the window area in which they are displayed.

6.4.3.3e: Sale or Promotional Sign: A temporary sign used for sale or promotional purposes. A sale or promotional sign shall be displayed only on the premises and be no larger than 6 square feet in size, and must conform to the provisions of Section 6.4.3.4 below. The maximum number of sale or promotional signs shall not exceed two. Sale or promotional signs shall be displayed for a period of no longer than 30 days, except that the Commission may grant an extension, not to exceed an additional 30 days.

6.4.3.4: A legally existing sign may be changed or altered provided that the size or location is not changed. No new sign in the Center Business Zone may be displayed or installed except upon issuance of a Zoning Permit. An application for a Zoning Permit for this purpose must include the following:

6.4.3.4a: A drawing to scale specifying dimensions, materials, illumination, letter sizes, colors, and support systems.

6.4.3.4b: A plan drawn to scale showing the location of the proposed sign relative to all structures, other signs, streets, driveways, and parking areas within 100 feet.

6.4.4 “OPEN” OR DECORATIVE FLAG FOR COMMERCIAL USE:

One flag with the word “open” and/or one flag with a logo, symbol, or other decorative design appropriate to a commercial use may be permitted on a commercial lot in a business zone or on a lot in association with a non-conforming use provided that:

- The size of the flag may not exceed 3 feet by 5 feet.
- The location of the flag shall not obstruct traffic sight lines, shall not be illuminated, and the location shall be approved by the Zoning Enforcement Officer.
- The owner of the use shall apply for a permit from the Zoning Enforcement Officer. The flag(s) shall be on display during business hours only and this shall be so stated on the permit.

6.4.5 DIRECTIONAL SIGNS:

The Commission may grant a Zoning Permit for the installation of a directional sign off the premises of a lawful non-residential use or establishment when such placement shall be deemed reasonably necessary by the Commission to indicate the direction to or location of a use or establishment that is set back and not easily seen from a major thoroughfare. Such directional sign shall not be larger than 6 square feet in area.

An application for a Zoning Permit for installation of a directional sign must include the following:

- A drawing to scale illustrating the design of the proposed sign, including its colors.
- A drawing to scale showing the location of the proposed sign relative to all structures, other signs, streets, driveways and parking areas within 100 feet.
- Written permission of the owner of the site on which the proposed sign is to be located.

6.4.6 PRE-EXISTING SIGNS:

Nothing in these Regulations shall require the removal of a lawful sign existing at the time of their adoption or amendment, even though such sign does not conform to the provisions of these Regulations. Such a sign may not

be replaced by a new sign except in conformance with these Regulations, and upon approval of a Zoning Application. If such a sign is a business sign in a residential zone, it may be replaced only if the owner has registered the business and the sign by submitting an Existing Use Registration Form to the Commission on or before July 1, 1989, and, the new sign conforms with the provisions of Sections 6.4.1, 6.4.3, and 6.4.5 herein; and upon approval of a Zoning Permit.

TABLE I – SIGNS PERMITTED IN RESIDENTIAL ZONES

	Maximum Sign Area	Maximum # of Signs	Location	Zoning Permit Req'd ?
a. Signs Giving name & address of the occupant	2 sq. ft.	1 per lot	Back of Street line	NO
b. Signs pertaining to a profession or occupation permitted as an accessory use of lot	2 sq. ft. , or 4 sq. ft. for a lot fronting on state Routes. 4 or 63	1 per lot	Back of Street Line	NO
c. “No Trespassing” or similar signs warning of the private nature of the premises	2 sq. ft	-----	Back of Street Line	NO
d. Signs giving the name of a farm on a wall or an accessory building	No larger than 3 sq. ft. for every running foot of wall on which it is displayed	1 per farm	At least 40 feet back of street line	NO
e. Temporary signs pertaining to the sale, lease, or rental of property on which they are located	6 sq. ft. aggregate for all signs	2 per lot	Back of Street Line	NO
f. Temporary signs pertaining to and during the construction or repair of property on which they are located	6 sq. ft. aggregate for all signs	2 per lot	At least 15 ft. back of street line	NO
g. Temporary signs on the premises offering lots and/or homes for sale within approved subdivision	6 sq. ft. per sign	2 per subdivision	At least 15 ft. Back of Street Line	NO
h. Signs of civic and not-for-profit organizations on the premises	25 sq. ft.	1 per lot	At Least 15 ft. Back of Street Line	NO
i. Holiday decorations without commercial advertising	-----	-----	Back of Street Line	NO
j. Directional (see Section 6.4.5 herein)	6 sq. ft.	2	Back of Street Line	YES
k. Temporary signs for tag sales (to be removed 48 hours after sale)	6 sq. ft.	2 per lot	Back of Street Line	NO
l. Farm Product Sign	16 sq. ft.	3 per lot	Back of Street Line	NO
m. Open or decorative flag for a commercial use	SEE SECTION	6.4.5	----- >	
n. Exceptions	SEE SECTION	6.4.6 &	6.4.7 ----- >	

6.4.7 CHANGED NON-CONFORMING BUSINESS USE:

Where a Special Permit for change of a business use in a Residential Zone has been approved by the Commission under the provision of Section 2.4.5 herein, new signs may be displayed or installed only if all requirements of Section 6.4.3 herein (Signs in Town Center Zone) are met, and a Zoning Permit as prescribed in Section 6.4.3.4 herein has been issued.

SECTION 6.5: OFF-STREET PARKING AND LOADING

6.5.1 PARKING:

6.5.1.1 Parking spaces: Parking spaces shall be provided on the same lot or on adjacent land permanently available to the applicant in sufficient number to accommodate the motor vehicles of all occupants, employees, customers and any others normally visiting the premises at any one (1) time. The minimum parking space requirements shall be as specified in the following table.

6.5.1.2 The Commission shall determine the number of parking spaces for any use not specifically included in the table, such as schools used for multiple purposes. (NOTE: Gross square feet of building floor area, as used below, is determined by using outside building dimensions per floor occupied.)

Table of Off-Street Parking and Loading Requirements

Use	Number of Parking Spaces per Gross Square Feet of Building Floor Area
Retail Stores	1 per 1,000 sq ft of floor area
Offices, financial and similar business buildings	2 per 1,000 sq ft of floor area
Restaurants	6 per 1,000 sq ft of floor area
Hotels/motels	1 per guest room
Industrial	1 per 1,000 gross square feet
Single Family Dwelling Unit	2 parking spaces
Home-Based Business	As specified in Section 5.6.1
Personal service facilities	2 per 1,000 square feet of floor area
Other (theaters, churches, places of public assembly)	1 space per 5 seats in the portion of the building used for services or public assembly

6.5.1.3 Minimum parking space size requirements: Parking spaces shall be clearly delineated at a minimum of nine (9) feet by eighteen (18) feet. Aisles for access to parking stalls shall be at least **twenty-two (22)** feet wide for double-load bays. Where parking spaces front on a landscaped strip, the spaces may be delineated at nine (9) feet by sixteen (16) feet.

6.5.1.4 Landscaping and paving: Sufficient landscaping shall be provided and shall be shown on an accompanying site plan. Landscaping shall be used to reduce the visual impact of large paved areas. Parking areas, excluding those for single-family dwellings, shall be paved with bituminous concrete or with pervious pavement alternatives. Overflow areas and low-use parking are to be grass surface.

6.5.1.5 Reduction of parking facilities:

- a. It is the intent of these regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements. In the case that an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the full development application process.
- b. In Mixed-Use developments, or developments where parking is affected by cooperative agreements between the different land uses, for any proposed use, substantial change in use, construction, conversion, or increase in intensity of use of any buildings or structures, the applicant shall submit a parking demand analysis that demonstrates parking demand patterns.

The parking demand analysis must be approved by the Commission and will serve as the basis for determination of required parking at the mixed-use site.

- c. For phased developments, the Commission may provide that up to 50 percent of the parking spaces required by this Section will not be immediately constructed and may be kept in reserve. Such reserve parking areas must be kept planted and maintained rather than surfaced for parking until such time the additional parking space is necessary to serve completed phases of the associated development. No above ground improvements shall be placed or constructed upon such reserve parking area. The area designated as reserve parking must be clearly depicted on the phased development site plan and the terms and conditions of phasing of the parking area completion as determined by the Commission, must be clearly set forth in notations on the approved site plan.

6.5.1.6 Handicap Parking Facilities

Handicap Parking Space shall be provided for all non-residential uses in number and design as specified by the laws and regulations of the State of Connecticut (State Building Code). No new structure, addition or use shall receive a Certificate of Occupancy until the required handicap parking has been provided, striped and signed as provided by current specification. Handicap parking spaces shall be provided in addition to the minimum number of required parking spaces.

6.5.2 LOADING:

On any lot developed for business or institutional use there shall be adequate space suitably located on the lot for the loading and unloading of goods and materials. In determining the adequacy and suitability of location, the Commission shall consider the nature of the use, volume of vehicular and pedestrian traffic and the location of the principal building in relation to the street.

ARTICLE 7 - ADMINISTRATION AND ENFORCEMENT

SECTION 7.1: BUILDING AND ZONING PERMITS

7.1.1 ZONING PERMIT:

No structure shall be constructed or used or land developed until a Zoning Permit for the construction, development, or use has been issued by the Zoning Enforcement Officer. The application for the Zoning Permit shall contain all the information necessary for a decision that the proposed construction, development or use complies with the provisions of these and other applicable Regulations, and with the terms of all approvals given the proposed activity, or that the structure, development or use is a valid non-conforming structure, development or use under these Regulations.

With the exception of applications concerning interior remodeling, all applications for a Zoning Permit shall be accompanied by the required number of copies of a plot plan drawn to scale and in accordance with all other applicable Sections of these Regulations, and such other information necessary to enable the Zoning Enforcement Officer to decide whether the proposed construction, development or use complies with this Section. Stakes or markers shall be fixed on the lot to indicate the relation of lot lines to any proposed structures.

Nothing herein shall require any change in the construction, development or use of a structure for which a building permit has been issued before the effective date of these Regulations, and construction has been diligently pursued beyond the pouring of concrete, or for those portions of plans which were filed with the Commission before that date.

7.1.1.1 Expiration and Extension of Zoning Permit:

A Zoning Permit shall expire twelve (12) months after the date of issuance unless construction is started within twelve (12) months of the date of issuance and diligently prosecuted to completion of, unless the permittee submits a written statement to the Zoning Officer requesting an extension of the expiration date and explaining the reason for such request. The Zoning Enforcement Officer shall approve one extension not to exceed a total of twelve (12) months. No additional fee shall be required for a request to extend the expiration date of a Zoning Permit.

7.1.2 BUILDING PERMITS:

No Building Permit shall be issued for the use or construction of a structure, or the development of land, until the Zoning Enforcement Officer has issued a Zoning Permit.

7.1.3 CERTIFICATE OF OCCUPANCY:

A Certificate of Occupancy must be issued by the Building Official before any land is occupied or used or any structure constructed or occupied or used for any purpose, except that a portable accessory structure may be moved within the boundaries of the lot within which it is situated without applying for a Certificate of Occupancy.

No Certificate of Occupancy shall be issued for any building until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance for any construction on or use of the building.

A decision to approve or disapprove the application shall be made within ten (10) days after notification by the permittee that the land or building is ready for occupancy.

The Building Official may issue a Certificate of Occupancy for individual complete units within a multiple unit complex (such as shopping and commercial structures).

7.1.4 EXPIRATION OF BUILDING PERMIT:

If the work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance thereof, and permission for extension of the permit has not been granted, said permit shall expire; it shall be canceled by the Building Official; and written notice thereof shall be given to the person(s) affected. If the work described in any building permit has not substantially progressed within two (2) years of the date of

issuance thereof, said permit shall expire and be canceled by the Building Official and written notice thereof shall be given to the person(s) affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

SECTION 7.2: ENFORCEMENT

7.2.1 AUTHORITY:

These Regulations shall be administered and enforced by the Commission. The Commission shall appoint a Zoning Enforcement Officer to be its duly authorized agent. The Zoning Enforcement Officer is hereby authorized to inspect and examine any building structure, place, or premises and to order in writing the remedying of any condition found to exist there in violation of any provision of these Regulations.

7.2.2 PENALTIES:

The owner or agent of a building or premises where a violation of any provisions of these Regulations shall have been committed or shall exist, or the lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be subject to the remedies and sanctions provided by Connecticut General Statutes, in addition to any other remedies provided by law.

SECTION 7.3: ZONING BOARD OF APPEALS

7.3.1 POWERS AND DUTIES:

The Board of Appeals shall have the following powers and duties which shall only be exercised in harmony with the purpose and intent of these Regulations and in accordance with the public interest and the neighborhood:

To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer; and

To vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, welfare, and property values.

7.3.2 PROCEDURE:

All appeals and applications made to the Board of Appeals shall be submitted to the Clerk of the Board on forms prescribed by the Board and with supporting plans, materials, and other information required by the Board. Applications shall be accompanied by the appropriate fee as established by the Board.

The Board of Appeals shall hold a public hearing on all applications and appeals. All proceedings shall be in accordance with the applicable provisions of the Connecticut General Statutes.

Any action required by the appellant as a result of decisions or orders made by the Board must be taken within the time affixed by said Board.

Any action required by the appellant as a result of variances granted by the Board must be taken within one year from the effective date or the variance shall become null and void.

The Board of Appeals shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.

7.3.2.1 At least 10 days prior to the public hearing, the applicant shall send a notice of the public hearing to persons who own land that is adjacent to the land that is subject to the hearing. The proof of mailing shall be evidenced by a certificate of mailing and the person who owns the land shall be the owner indicated on the property tax map or on the last completed grand list as of the date such notice is mailed.

The notice shall indicate the reason for the hearing, hearing date, time and location of hearing, Evidence of mailing shall be presented to the Zoning Board of Appeals at or before the public hearing.

7.3.3 VARIANCES:

No variance in the strict application of any provision of these Regulations shall be granted by the Board of Appeals unless it finds all of the following:

- a. That there are special circumstances or conditions applying to the land or structure that do not apply generally to land or structures in the neighborhood, or in the zone at large, and have not resulted from any act subsequent to the adoption of these Regulations whether in violation of the provisions hereof or not;
- b. That the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the provisions of the Regulations would result in exceptional difficulty, unusual hardship, or deprive the applicant of the reasonable use of such land;
- c. That the variance granted is the minimum variance that will alleviate the circumstances and conditions applying to land or structure for which the variance is sought; and
- d. That the granting of the variance will be in harmony with the purposes and intent of these Regulations; will accomplish substantial justice; and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare.

These findings shall be fully described in the record of the Board.

7.3.4: The Zoning Board of Appeals shall not grant a variance that would allow a use which is not permitted in the zone in which the variance is sought.

SECTION 7.4: AMENDMENTS

7.4.1: Amendment of these Regulations, including the Zoning Map, may be petitioned for by any person(s), or may be initiated by the Commission. Amendments may be made by the Commission after notice and hearing in accordance with Section 8-3 of the General Statutes.

Before the Commission approves any amendment to these Regulations, the Commission shall determine that the proposed amendment will not hinder the attainment of the purposes of these Regulations, and that the public health, safety, welfare and property values will not be adversely affected.

7.4.2: Applications for zone change shall be accompanied by six sets of a plan accurately drawn to a scale of 1 inch equals 100 feet on a sheet 24 inches by 36 inches. Such plan shall include a location map and shall show the existing and proposed zoning designations, and the location of buildings, streets, driveways and other facilities on the subject land and adjoining properties within 500 feet.

Before the Commission approves a zone change request, the Commission shall determine that the proposed zone change will be in conformance with the Goshen Plan of Development and Open Space Plan and the purposes of these Regulations, and that the uses permitted in the proposed zone will not adversely affect the public health, safety, welfare and property values.

7.4.3: At least 10 days prior to the public hearing for a petitioned change of these Regulations or a zone change, a copy of such proposed change shall be filed in the office of the Town Clerk for public inspection, and a copy of the legal notice relating to the hearing shall be mailed, return receipt requested, to owners of record at the last address known to the Tax Collector of lands adjoining and directly across the street from the area of the proposed zone change. Notice shall also be published in accordance with the Connecticut General Statutes. Responsibility for mailing of the notices shall be the applicant's, and executed certificates of mailing shall be presented to the

Commission prior to or at the hearing. The Commission may accept a waiver of notice in a form approved by the Commission from any such owners.

- 7.4.4:** If a protest is filed at such hearing with the Commission against such change, signed by the owners of 20% or more of the area of lots included in such a proposed change, or of the lots within 500 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 (2/3) of all the members of the Commission.
- 7.4.5:** The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve months.

ARTICLE 8 - SEPARABILITY

SECTION 8.1: SEPARABILITY CLAUSE

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

ARTICLE 9 - EFFECTIVE DATE

SECTION 9.1: EFFECTIVE DATE OF THESE REGULATIONS

The effective date of these Regulations shall be August 29, 1988, revised to:

<u>SECTION</u>	<u>SUBSTANCE</u>	<u>EFFECTIVE DATE</u>
261.1, 265.2	Method of calculating maximum density	12/20/88
322.2, 333.1	Delete limitation on maximum slope	12/20/88
210.2	Definitions added: Floor area, front yard, sign area	03/20/89
220	Town Center Business Zone (CB) added to list of zones	03/20/89
230	Text moved to Section 240.2; Section 230 deleted	03/20/89
240	New title; regulation of changes to non-conforming uses modified	03/20/89
340, 341, 342	Business (Limited Moratorium) Sections deleted; new Sections 340 - 343, Town Center Business Zone regulations added	03/20/89
521(b)	Phrase starting with “and” added	03/20/89
630	New Sections 630-633, sign regulations added	03/20/89
640	New Sections 640-642, off-street parking and loading regulations added	03/20/89
All	Page numbering changed	03/20/89
240.5g	Conditions for acceptance modified	09/29/89
240.5	New title, clarification and expansion	02/28/90
210.2	In FLOOR AREA definition, change word “cellar” to “basement”	02/28/90
270.1	Reduce minimum acre of rear lot in RA-5 zone to 5.0 acres	02/28/90
621.4(a)	Change word “road” to “street”	02/28/90
623.1	Change word “roads” to “streets”	02/28/90
632, Table I	Add “m. Excepting (see Sec. 635 & 636)” and “Yes” (zoning permit required)	02/28/90
636	New Section 636 added	02/28/90
500	Change top line to read “II, III, and IV”	02/28/90
240.5.e(1)	Rewording	09/12/90
210.2	Add definition of “Country Club” and “Country Inn”	10/30/90

220	Add Rural Recreational Zone	10/30/90
350 - 356	New Section 350, Rural Rec. Zone added	10/30/90
321.5, 602, 606	Permits fuel storage for municipal or Region 6 School vehicle use	01/13/91
210.2	Add definitions of “Barn”, “Buildable Land”, “Corner Lot”, “Maintenance Shed” and “Ordinary High Water Mark”	08/28/91
210.2	Definition of “Accessory” modified	08/28/91
250	New subparagraph (f) added	08/28/91
251	New section 251 added	08/28/91
322.2	Section reworded	08/28/91
333.1	Section reworded	08/28/91
240.3b	Section reworded	09/19/91
270.3	The word “residential” added	04/28/92
265.2	2nd paragraph, change 25% to 35%	10/27/92
270.3	Section reworded	10/27/92
333.2	Section reworded	10/27/92
622	Section reworded	05/18/93
251e	Section Deleted	08/02/93
621.4.d	New Section	08/27/93
622	Section reworded	08/27/93
624.1	Section reworded	08/27/93
626	New Section	08/27/93
631.6	Section reworded	12/07/93
631.9	New Section	12/07/93
632	Section reworded	12/07/93
Table I (j)	Maximum signs (2)	12/07/93
633.2	Section reworded	12/07/93
633.3e	New Section	12/07/93

633.4	Section reworded	12/07/93
634	Section reworded	12/07/93
210.2	Section reworded	12/07/93
606	Section reworded	11/07/94
606.1	Last sentence reworded	11/07/94
606.3	Section reworded	11/07/94
606.4	Section reworded	11/07/94
606.6	New Section	11/07/94
606.7	New Section	11/07/94
602	6 words added to end of first sentence, last sentence deleted	11/07/94
312.5	Added last sentence	03/04/95
321.4	Section reworded	03/04/95
321.5	New .5 added	03/04/95
321.6	Section reworded	03/04/95
321.7	New section added	03/04/95
321.8	New section added	03/04/95
321.9	New section added	03/04/95
321.10	New section added	03/04/95
322.4	Last sentence added	03/04/95
210.2	“Home Occupation” deleted	01/27/96
210.2	“Professional Office” re-defined	01/27/96
250	Deleted. Added to Section 360	01/27/96
251	Deleted. Added to Section 360	01/27/96
320	Heading changed	01/27/96
321	Section reworded	01/27/96
322	New section; old 322 becomes 323	01/27/96
331	Section reworded	01/27/96

360	New section	01/27/96
420.I	Section reworded	01/27/96
551	Home Occupation section deleted, new section added	01/27/96
552	Professional Office section deleted, new section added	01/27/96
554	Shop & Storage Use section deleted, added to Section 551	01/27/96
332	Added Section 332.1	11/07/96
553	New Section added	11/07/96
631.5	Section reworded	11/07/96
634	New Section added	11/07/96
635	Section re-numbered	11/07/96
636	Section re-numbered	11/07/96
637	Section re-numbered	11/07/96
Table I (b)	Section reworded	11/07/96
Table I (m)	New Section added	11/07/96
Table I (n)	Section re-lettered	11/07/96
250	Section added	04/15/97
240.3	Section re-worded	08/19/97
240.4	Section re-worded	08/19/97
370	New section added	05/19/98
302.4	Section reworded	05/19/98
302.7	New section added	05/19/98
701.1	New section added	07/20/99
210.2	Last sentence added	11/27/99
322.7	Last sentence added	11/27/99
633.3a	Last sentence added	11/27/99
633.3b	Last sentence added	11/27/99
420.2q	New section added	04/25/00

606.8	New section added	04/25/00
250	Section re-worded	08/12/00
260, 264.2, 264.3, 265.2	New Sections & revisions	09/1/04
280	New Section Added	5/30/08
380	New Section	1-31-09
270.3	Amended section; Common driveway standards added	1-31-09
280.1	Amend First Sentence of purpose	3-31-09
282.1, 282.2, 289.3a, 289.3b	Deleted references to sections not in the regulations	3-31-09
289.3d	Deleted	3-31-09
322.8	Added section to include Country clubs	3-31-09
210.2	Update definition of Country Club	3-31-09
342.7	Added section to include Auto, Truck and Equipment Repair	4-28-09
342.8, 604 606.1, 606.3	Amended section to add gas stations as permitted use by Special Permit in the CB Zone	8-06-10
283.2	Amended section to increase setback distances for wind turbines	10-7-10
360.6	Amended section to add music and voice lessons to Traditional Home Enterprises; Reword 1 st paragraph.	10-7-10
210.2	Amended definition of Building Height; Added definitions pertaining to low-impact development	5-8-11
420.3	Added new article 420.3 regarding stormwater management plans	5-8-11
312.8, 323.7, 330	Amended sections pertaining to maximum lot coverage	5-8-11
420.2	Add new sections 420.2r and 420.2s; Add additional requirements to Section 420.2i	5-8-11
641	Replaced old section to incorporate low-impact development techniques.	5-8-11
360.4	Replaced old section “In-Home Business and/or Office”	8-5-11
551	Replaced old section – eliminated list of specific types of home-based Businesses and created list of requirements for Special Permit.	8-5-11
ALL	Renumbered all regulations; Formatting changes; No changes to content	7-24-12

2.6.6	New Section 2.6.6 – Conservation Lot	9-5-12
2.4.3	Amended to allow by Special Permit Additions to Nonconforming Structures that are no closer to the property line than the existing structure	9-27-13