

# ZONING REGULATIONS

Town of Sterling, Connecticut

**Sterling Planning and Zoning Commission**

Adopted: September 10, 2009 – effective date September 14, 2009

Latest Revision: Adopted August 21, 2023 with an effective date of September 7, 2023

**TOWN OF STERLING**  
**ZONING REGULATIONS**  
**ARTICLE I - PREAMBLE**

**Section 1.01 Purpose and Authority**

These Zoning Regulations for the Town of Sterling have been adopted in accordance with, and for the purposes set forth in, Chapter 124 of the Connecticut General Statutes, and more specifically for the following purposes:

To protect and promote the public health, safety, welfare, convenience, and property values; to lessen congestion in the streets; to secure safety from fire, panic, flood, environmental damage, and other dangers; to provide adequate light, air, and water, to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; to preserve and protect the unique character of the Town of Sterling; to protect sites and features of historic and archaeological significance; to conserve and protect existing and potential surface-water and groundwater drinking supplies, inland wetlands and watercourses, and other valuable natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Sterling consistent with soil types, terrain, infrastructure capacity, and the rural character of the Town.

**Section 1.02 Comprehensive Plan**

The Zoning Regulations established hereunder are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Sterling. In adopting these Regulations, the Commission has considered the Town's Plan of Conservation and Development prepared pursuant to Conn. Gen. Stat. Section 8-23.

**Section 1.03 Conformity With the Regulations**

On or after the effective date, no building or structure shall be erected, altered, enlarged, moved, or used except in conformity with these regulations. No lot or parcel of land shall be divided or otherwise diminished in area, width or length except in conformity with these regulations.

**ARTICLE II - DEFINITIONS**

**Section 2.01 Specific Definitions**

For the purposes of these regulations, the following words shall have the meanings set forth in this section:

Accessway: Any portion of a lot that provides access to and from a street, and that has a width of fifty (50) feet or less when measured in a direction perpendicular to either boundary line of the accessway.

Applicant: The person or business entity who applies for a permit or approval or to whom a permit or approval is granted.

Buildable area: A contiguous area of a lot within which permitted buildings or other structures may be readily erected, used and maintained, and primary and reserved septic systems, domestic water, and personal open space and recreation areas may be readily supported, due to favorable soil, groundwater, and other natural characteristics. The minimum buildable area required for a lot in any area in town shall be determined by these regulations.

Building: Any structure that has a roof and is supported on all sides by walls.

Camp Trailer, Trailer or Mobile Home: A vehicle originally or presently designed to be drawn by a motor vehicle, designed or used for living, sleeping or business purposes and standing on wheels or rigid supports.

Camper (Self-propelled): A vehicle designed or used for living, sleeping or business purposes and standing on wheels or rigid supports.

Commercial Building: A building used for any nonresidential purpose, regardless of whether such use is for profit.

Commission: The Sterling Planning and Zoning Commission or, depending upon the context, the former Sterling Planning Commission.

Corner lot: A lot having continuous frontage on two intersecting streets.

Dwelling: A freestanding building or structure (including a mobile home or manufactured home) containing one or more dwelling units, regardless of whether any other portion(s) of the same building or structure contain nonresidential uses.

Dwelling unit: A building, structure, mobile home or manufactured home, or any portion of any of the foregoing forms of residence, that is used or intended to be used as a residence by one family.

Earth Materials: All natural mineral materials including, but not limited to, loam, topsoil, sand, gravel, clay, rock, bedrock, and/or stone.

Effective date: The effective date established under Section 10.1 of these regulations.

Excavation: The removal, grading, and/or processing of earth materials.

Excavation Permit: A permit issued by the Selectmen for excavation activities that require a permit under these regulations.

Highway: Same meaning as street.

Lot: A plot or parcel of land, other than submerged land, that is separately described on a deed or map filed in the Sterling land records, and that is occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such yards and street frontage as are required by this ordinance.

Lot frontage: The distance between lot sidelines measured along a continuous front lot line.

Lot line, front: Any line separating a lot from a street right-of-way. Corner lots shall be deemed to have a front lot line along each adjacent street. If street right-of-way boundaries have not been established, the boundaries shall be deemed to be twenty-five (25) feet distant from the centerline of the existing traveled way, or such other distance from the centerline as may have been established by the commission or the town. The front lot line must be continuous and unbroken as measured along the adjacent street.

Lot line, rear: Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, a front lot line shall be deemed to be a rear lot line. Corner lots shall be deemed to have no rear lot lines.

Lot line, side: Any lot line that is not a front lot line or a rear lot line as defined herein.

Lot of record: A lot which, on July 23, 2004, was both (1) listed as a separate and distinct parcel of land for tax purposes in the records of the Town Assessor; and (2) either described as a separate and distinct parcel of land in a deed or other instrument recorded on the Sterling land records, or shown on a subdivision plan approved by the Sterling Planning Commission and filed in the office of the Sterling Town Clerk in accordance with Connecticut General Statutes Section 8-25.

Manufactured home: A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Nonresidential use: Any use that is not either a dwelling or an accessory use customarily associated with a dwelling, such as, but not limited to, a garage, outbuilding, or pool. Nonresidential uses include, but are not limited to, business, commercial and industrial uses.

Public Improvements: Any physical improvements to, or proposed for, public property

Principal nonresidential building: A building other than a dwelling in which the principal activities associated with a non-residential use of property are carried on.

Rear lot: A lot having an accessway with no less than 25 feet and no more than 50 feet of frontage on a town or state street.

Road: Same meaning as street.

Selectmen: For the purpose of these regulations the term Selectmen shall mean the Board of Selectmen of the Town of Sterling.

Setbacks, front, rear and side yard: The horizontal distance measured at right angles to the boundary of the lot, between the main wall of the building or any other structural component (i.e. carport, column or roof) and the main boundary.

Single-family dwelling: A dwelling containing only one dwelling unit.

Street: An improved right-of-way dedicated and accepted for public use by lawful procedure and suitable for vehicular travel, or a proposed street shown on a subdivision plan approved by the Sterling Planning Commission.

Structure: Anything constructed or erected that either requires a building permit or has an impervious surface. Every “building” is also a “structure,” but not every “structure” is a “building.”

Town: The Town of Sterling.

Two-family dwelling: A dwelling containing two dwelling units.

## **ARTICLE III – ZONING DISTRICT**

### **301 Zoning Districts**

The Town of Sterling shall have one primary zoning district. Any use otherwise permissible under state and federal law shall be permissible within the district provided that the other requirements of these regulations are met, except as listed in Section 301.2. Different uses, including residential and nonresidential uses, may be combined on a single lot provided that such uses comply with the other requirements of these regulations. Certain uses shall require the submission and approval of a site plan.

#### **301.1 Prohibited Uses**

- A. No Camper (self-propelled), Camp Trailer or Mobile Home shall be permitted in the Town of Sterling except in conformance with the following regulations and Town Ordinances. Under no circumstances shall an unoccupied Camper, Camp or Mobile Home Trailer be parked on any lot in the Town except that an unoccupied Camper or Camp Trailer, owned by the resident of the lot, may be stored on the premises. No Camp Trailer or Camper or Mobile Home shall be occupied as a residential unit.

## **ARTICLE IV – DIMENSIONAL REQUIREMENTS**

The dimensional requirements in this Article IV shall apply to all uses, except as otherwise provided in Article V.

### **Section 4.01 Minimum Lot Area**

**Residential:** No dwelling may be established on any lot after the effective date unless the lot contains (1) at least two acres (87,120 square feet) of land per dwelling unit, and (2) a buildable area, as defined in Section 4.02, of at least 30,000 square feet per dwelling unit.

No lot shall contain more than one dwelling or more than two dwelling units within a dwelling. If two dwelling units are constructed within a dwelling an additional two acres will be required for a total of four acres (174,240 square feet).

**Non-Residential:** No nonresidential building or additional nonresidential building may be established or expanded on any lot after the effective date unless the lot contains at least two acres (87,120 square feet) of land and a minimum buildable area, defined in Section 4.02, of 30,000 square feet. There shall be no restriction on the number of nonresidential buildings or uses that may be established on any lot, provided that all of the other applicable requirements of these Regulations are met.

For purposes of this Section 4.01, the area of the lot shall not be deemed to include any accessway(s) or any land defined as an inland wetland or watercourse pursuant to Section 22a-38 of the Connecticut General Statutes, as amended.

### **Section 4.02 Minimum Buildable Area**

- A. Minimum required buildable area is 30,000 sq. ft. as further defined below.
- B. Buildable Area defined: The term “buildable area” shall mean a contiguous area that, at the time of application for a proposed use, excludes the following categories of land:

1. Inland wetlands and watercourses, as defined by Section 22a-38 of the Connecticut General Statutes;
2. Storm water retention or detention areas (existing and/or proposed);
3. Floodplain soils or areas within the 100 year flood boundary;
4. Rights-of-way or easements and utility and drainage easements (existing and/or proposed);
5. Required front yard, side yard, and rear yard setbacks;
6. Areas with slope equal or greater than 20%;
7. Exposed ledge and;
8. Conservation easement areas in which the disturbance of land and/or building of structures is prohibited (existing and/or proposed).

**C. Shape and Location of Minimum Buildable Area.**

The intent of the minimum buildable area requirement is to provide adequate contiguous area on each lot in which to locate the principal building, accessory uses and on-site water and sewer facilities without major physical alterations of the land. The buildable area must exist and must be physically accessible from a street at the time of application. For lots requiring a minimum buildable area of 30,000 square feet, a rectangle having a minimum dimension of 150 feet by 150 feet must be capable of fitting within the designated buildable area.

**Section 4.03 Frontage**

Whenever any dwelling is established or expanded, or any nonresidential use is established or expanded, after the effective date, on any lot other than a rear lot, the lot must have no less than 250 feet of continuous frontage along a street. Whenever any dwelling is established or expanded, after the effective date, on a rear lot containing no other dwelling, the rear lot must have no more than 50 feet and no less than 25 feet of continuous frontage along a street. Whenever any nonresidential use is established or expanded after the effective date on a rear lot, or when an additional dwelling is to be established or expanded on a rear lot containing another dwelling, the rear lot must have no more than 50 feet and no less than 40 feet of continuous frontage along a street. There shall be no more than two rear lots per 500 feet of continuous frontage on a street.

**Section 4.04 Setbacks**

- A. No building, structure, or use shall be located within the following required yard areas, except as expressly provided elsewhere in these regulations:

<u>Land Use</u>	<u>Front Yard Setback</u>	<u>Side and Rear Yard Setbacks</u>
Residential	50 feet (Town street) 75 feet (state highway)	25 feet
Non-residential	60 feet (Town street) 75 feet (state highway)	25 feet

Notwithstanding the provisions above, if a lot is abutted on both sides by lots containing a principal structure, the closest part of which is 200 feet or less from the boundary of the center lot, the minimum front yard setback for the center lot maybe reduced to the average of the actual front yard setbacks of the existing, adjacent principal structures.

- B. Driveways shall not be located within ten feet of any side or rear lot line except in an accessway. Driveways shall not be located within five feet of the boundary of any accessway.
- C. Except as provided hereafter parking areas, parking spaces and internal access drives may not be located within any required setback area. Parking areas, parking spaces and internal access drives for residential and nonresidential uses may be located within half of any required setback area farthest from the relevant lot line, provided that the remainder of the setback area contains sufficient screening by trees, shrubs, earthen berms or other landscape materials to prevent the parking areas, parking spaces, or internal access drives from being readily visible from the abutting property line or street to which the relevant setback applies.
- D. Parcels in existence prior to September 4, 2009 shall adhere to the following setback:

No building, structure, or use shall be located within the following required yard areas, except as expressly provided elsewhere in these regulations:

<u>Land Use</u>	<u>Front Yard Setback</u>	<u>Side Yard Setbacks</u>	<u>Rear Yard Setbacks</u>
Residential	50 feet (Town street) 50 feet (state highway)	10 feet	25 feet
Non-residential	50 feet (Town street) 50 feet (state highway)	20 feet	25 feet

Notwithstanding the provisions above, if a lot is abutted on both sides by lots containing a principal structure, the closest part of which is 500 feet or less from the boundary of the center lot, the minimum front yard setback for the center lot maybe reduced to the average of the actual front yard setbacks of the existing, adjacent principal structures.

- 1. A traditional farmer’s porch may project into the front yard setback by no more than six (6) feet and may not exceed seventy-five (75)% of the length of the existing home along its street frontage.

**Section 4.05 Building and Impervious Surface Coverage**

- A. Building Coverage: The following is the maximum portion of the lot that may be covered by buildings:

Residential	10%
Non-residential	40%

- B. Impervious Surface Coverage: The following is the maximum portion of the lot that may be covered by impervious surfaces, including buildings:

Residential	20%
Non-Residential	60%



## **ARTICLE V – NON-CONFORMING BUILDINGS AND LOTS**

### **Section 5.01 Applicability**

As used in Article V of these Regulations, the term “non-conforming building, structure or lot” shall refer exclusively to a building, structure or lot, respectively, that existed lawfully prior to July 23, 2004 (the effective date of the Town’s previous Land Use Ordinance), or before the effective date of any applicable amendment to that Ordinance or these Zoning Regulations, and that fails to conform to one or more of the current requirements of these Regulations. Such non-conforming building, structure or lot may be continued according to the requirements of these Regulations.

### **SECTION 5.02 NON-CONFORMING BUILDINGS AND STRUCTURES**

- A.** Any non-conforming structure may be continued as a nonconforming structure. However, the structure may not be expanded or enlarged in such a way as to increase the area, extent or amount of non-conformity, and the structure may not be expanded or extended vertically or horizontally within a required setback area.
- B.** Any non-conforming structure that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, provided such work:
  - 1. does not increase the prior amount of nonconformity or expand or enlarge the structure in such a way as to increase the area, extent or amount of non-conformity; and
  - 2. does not expand or extend the structure vertically or horizontally within a required setback area; and
  - 3. complies with other applicable provisions of these Regulations for the specific use and zone; and
  - 4. commences within five years of the date of damage.
- C.** Normal maintenance and repair to a non-conforming structure is permitted provided such work does not expand or enlarge the structure in such a way as to increase the area, extent or amount of non-conformity, and does not expand or extend the structure vertically or horizontally within a required setback area.

### **SECTION 5.03 NON-CONFORMING LOTS**

Except as provided in this Section 5.03, these Regulations shall not prevent the construction or expansion of a permitted structure, or the establishment of a permitted use in the relevant zoning district on a non-conforming lot that does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, but which, as of July 23, 2004, and continuously thereafter, was owned separately from any adjoining lot, as evidenced by deed(s) recorded in the Land Records of the Town of Sterling. However, no building may be constructed on a non-conforming lot that does not have frontage on an accepted street unless the lot has access to an accepted street over a permanent right-of-way or easement.

## **ARTICLE VI – USE REGULATIONS**

### **Section 6.01 Well and Septic System Locations**

In order to help protect the quality of drinking water in the Town of Sterling, no well shall be drilled, dug or otherwise installed for the purposes of supplying drinking water unless such well is located 75 feet or more from all lot boundaries and existing septic systems, whether or not the septic system is located on the same lot. For the same reason, no portion of any subsurface sewage disposal system shall be constructed within 75 feet of any existing well, whether or not such well is located on the same lot. No septic system shall be constructed within 25 feet of any lot boundary unless (i) the portion to be constructed is needed to repair or replace a subsurface sewage disposal system that was constructed prior to July 23, 2004, and (ii) the Town's sanitarian, director of

health or other appropriate official determines that there is no other feasible location for the repair or replacement.

## **Section 6.02 Lighting**

No site feature or activity shall create glare or illumination that extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the security of the proposed activity. Lamp posts shall be the minimum height necessary to provide the adequate illumination, and in no case shall they exceed 20 feet in height. Lighting shall be designed such that the light source is shielded and the light is directed downward. Lighting fixtures shall be of a design appropriate to the use and area. Parking and loading areas and walkways shall be provided with adequate lighting.

The Town of Sterling shall be exempt from these requirements for the purposes of lighting Town-owned and operated athletic sports fields (i.e., baseball, soccer, football, tennis). However, lighting for these facilities shall be designed per national standards for such facilities.

## **Section 6.03 Excavations**

- A. **Excavation Permit Required.** The excavation and/or processing of on-site or off-site materials on any parcel shall not be allowed without an Excavation Permit issued in conformance with the provisions of these Regulations.
- B. **Exemptions:** The provisions of this section and the requirements to obtain an Excavation Permit shall not apply to the cases set forth below. However, these exemptions do not eliminate the need to obtain any and all other approvals and/or permits that may be required from any other local, state, and/or federal regulatory agencies (i.e., Town of Sterling Inland Wetlands and Watercourses Agency, Connecticut Department of Energy and Environmental Protection (DEEP), U.S. Army Corps of Engineers) that may have jurisdiction over the activity.
  - 1. Necessary excavation, grading or removal in direct connection with the lawful construction on a lot, of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, provided that a detailed site plan and soil and erosion control plan are submitted for approval to the Zoning Enforcement Officer prior to any earth material excavation. A written statement specifying the hours and days of the week when the excavation, grading or removal is to be conducted and estimating the number and kind of trucks and other equipment to be used shall be submitted. Such excavation and removal shall not be more than five hundred (500) cubic yards from any lot.
  - 2. Excavation, grading or removal of not more than five hundred (500) cubic yards of earth materials where the Commission determines, upon submission of an application for such determination, that such activity is reasonably necessary for agricultural purposes or for landscaping. Nothing in this subsection shall relieve the applicant of the requirements for preparing a sediment and erosion control plan if the area of disturbance exceeds one-half acre.
  - 3. Excavation, processing, grading or removal of less than one hundred (100) cubic yards of earth materials during any twelve (12) month period.
  - 4. Excavation, processing, grading or removal of earth materials resulting from any Town municipal project.
- C. **Applicability:** An Excavation Permit application shall be submitted for those excavation activities designated in Section 6.03 of these Regulations.

- D. **Intent:** The intent of these excavation regulations includes (a) providing for the protection and improvement of the environment including, but not limited to, air quality, wetlands, ground water quality, and areas adjacent to waterways; and (b) protecting the public health and safety including, but not limited to, minimizing unnecessary soil erosion and sedimentation, providing for slope stabilization and proper grades; and (c) preventing excessive noise and detrimental traffic patterns and congestion. These excavation regulations will require the orderly removal, movement and/or processing of earth materials, while providing for the re-establishment of finished grades and the placement of suitable cover to allow re-vegetation while regrading in such a manner to allow for reasonable future use of the land being disturbed.
- E. **EXCAVATION PERMIT CRITERIA:** The Commission in considering the application for an Excavation Permit and arriving at its decision, shall consider the following criteria:
1. that the proposal is adequately served by an appropriately designed and sufficient water supply, and sanitary facilities;
  2. that the use(s) and any associated structure(s) be arranged, constructed, and operated in a manner that protects the health, safety and welfare of the citizens of Sterling;
  3. that transportation services are adequate and no traffic congestion or undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the general public;
  4. that the use and any associated structure(s) will be in harmony with the appropriate and orderly development of the zoning district in which it is proposed to be situated, and that it will not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;
  5. that no adverse effect will result to the character of the district, property values, historic features, or prosperity of the immediate neighborhood;
  6. the preservation of the character of the immediate neighborhood in terms of scale, density, intensity of use; and
  7. that no significant impact on environmental resources will result.
- G. **GENERAL PROCEDURES AND DOCUMENTATION:** Any application for an Excavation Permit must include a Site Plan in accordance with Section 7.04. After an Excavation Permit and accompanying Site Plan are approved, the Zoning Enforcement Officer shall be authorized to issue a zoning permit.
1. **Submission:** The application for an Excavation Permit shall be made on a form provided for that purpose and obtainable in the Town Hall and shall be accompanied by such site plans, documentation and information as provided elsewhere in these Regulations. The application shall be submitted to the Land Use Office for official receipt by the Planning and Zoning Commission. It is the responsibility of the applicant to provide a complete application, and incompleteness of an application may be grounds for denial.
    - a. Excavation Permit applications may be submitted by the owner(s) of the subject property; the prospective purchasers of such property, provided consent of the current owner of record accompanies the application; or an existing or prospective lessee or licensee of the current owner of record, provided the consent of the owner accompanies the application.
- I. **Time Frame for Commission Action.**
1. The Commission shall process the Excavation Application within the period of time permitted for site plan decisions under Section 8-7d(b) of the Connecticut General Statutes (i.e., within 65 days after the official date of receipt of the application by the Commission). The applicant may consent to one or more extensions of time for the Commission to render their decision provided the combined period of all such extension(s) shall not exceed a total of sixty-five (65) days.
  2. On an Excavation Permit application involving an activity regulated pursuant to Sections 22a-36 to 22a-45 of the Connecticut General Statutes, inclusive:

- a. the Commission shall wait to render their decision until the Inland Wetlands Commission has submitted a report with its final decision; and
- b. the time period for a decision shall expire no earlier than thirty-five (35) days after the decision of the Inland Wetlands Commission.

**J. Application requirements.** A complete application shall consist of the following:

1. a completed application form [original + ten (10) copies];
2. a list of all owners of property located within three hundred (300) feet of the parcel or parcels to be excavated, including names of all the property owners, street address per the Assessor's map and Assessor's map(s), and parcel number(s) for each property.
3. fee paid in full.
4. ten copies of a Site Plan per Section 7.04 of these Regulations.
5. in addition to the Site Plans, a plan or plans including a 1:1000-scale location map; property and zone boundaries; the location and height of all existing and proposed buildings and uses; the location of all existing and proposed parking and loading areas; the location and description of all proposed open spaces, conservation easement areas, screening and buffers; an Erosion and Sedimentation Plan per Section 7.04, and the names of all owners of abutting parcels.
6. Ten copies of elevations of any proposed buildings and structures, showing all sides; and
7. any additional information the Commission may require demonstrating conformity to these Regulations. Failure to submit additional information requested shall be grounds for denial of the application. Additional information may be required to be submitted to designated consultants or staff. Such information may include but not be limited to traffic, noise, vibration, environmental, hydro-geological, and/or air quality information and analysis.

**K. NOTIFICATION OF ABUTTERS BY APPLICANT**

No later than the date of submission of any application for an Excavation Permit, the applicant shall send a notice of the application to each of the owners of all property located within three hundred (300) feet of the parcel(s) proposed for the excavation activities, and to each owner of property utilizing a shared driveway located within one hundred (100) feet of the subject parcel(s). The notices shall be mailed by certified mail, return receipt requested. The notice shall identify the parcel or parcels on which the excavation activities are proposed, provide a general description of the proposed excavation activities. Evidence of such mailing, in the form of United States Post Office (certified mail/return receipt), shall be submitted to the Land Use Office not less than seven (7) calendar days after submission of the application. Failure to provide notice or to submit proof of notice as required herein shall be sufficient reason for the Commission to deny the application.

**L. REVIEW AND DECISION**

1. The Commission shall review each proposed Excavation Permit application according to the requirements of this section and other applicable regulations.
2. Before approving an Excavation Permit, the Commission must determine that:
  - a. the Excavation Permit application is complete and is in conformance with the applicable provisions of these Regulations; and
  - b. the applicant has demonstrated that the application as proposed satisfies the applicable criteria in Section 6.03 E of these Regulations.
  - c. In approving an Excavation Permit application, the Commission may require such conditions or modifications they believe are reasonable and necessary to satisfy the criteria

for approval and to protect or promote the public health, safety, welfare, property values, and the environment.

M. **CONDITIONS AND SAFEGUARDS:** Any conditions or safeguards attached to the granting of an Excavation Permit shall remain with the property as long as the use is in operation, regardless of any change in ownership of the property.

N. **ENDORSEMENT AND FILING:** Within ninety (90) days after the approval of an Excavation Permit and Site Plan, the applicant shall submit to the Land Use Office two (2) sets of final plans, one on mylar and one (1) on paper. Such plans shall incorporate any conditions or modifications required in the approval. Such plans shall be signed and sealed by the surveyor, engineer or other professional who has participated in the preparation of such plans. No such permit shall be finally issued, nor the permit and mylar recorded following endorsement by the Town Officials as required, by the applicant, until all conditions of approval have been met and no less than fifteen (15) days has elapsed following publication of the notice of approval.

The endorsed mylar plans shall be filed by the applicant in the land records no later than ninety (90) days after the approval except that the Commission may act to extend this filing period for an additional ninety (90) day period upon the request of the applicant, and the conditional plan approval shall remain valid until the expiration of such extended time. Any request for an extension must be received within the original 90-day period for filing for the plans and any associated contingent approval to remain valid.

Any Excavation Permit not so filed or recorded within the prescribed time shall become null and void without any further action by the Commission.

1. No Excavation Permit shall be effective until a notice of approval, containing identification of the subject property and description of the approved activity, including conditions attached to such approval; the section of these Regulations authorizing such activity; and the name of the property owners of record has been filed in the land records of the Town of Sterling. Prior to filing the notice, any legal documents required as a part of the approval shall be filed in the land records (or submitted in a recordable form).
  - a. An Excavation Permit shall only authorize the particular use or uses specified in the approval.
  - b. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards shall be a violation of these Regulations and the Commission shall have the authority to revoke the Excavation Permit at any time the operation is found to be in noncompliance with the Excavation Permit.
  - c. Following approval of an Excavation Permit, any amendment, change, expansion or modification of the proposed plans or buildings:
    - i. may be approved by the Zoning Enforcement Officer only if the revisions involve minor changes to the location or arrangement of parking or landscaping or minor changes to the building(s) or structure(s);

O. **Time Limit:** Each permit granted under these Regulations shall be valid for a period of five years or for such shorter periods as may be requested by the applicant or fixed by the Commission. At the written request of the applicant, the Commission may by majority vote renew the Excavation Permit without requiring a new application for a total period not to exceed ten years when the applicant presents to them a copy of the approved maps and plans, prepared by and bearing the signature and the seal of a Surveyor, showing that the excavation, processing, grading and/or removal is progressing as approved

1. Annual reviews of all Excavation Permits shall occur between January-March following the first full year of the permit. Information required for review shall include but not be limited to updated survey depicting contours and or existing spot elevations as accepted by the town engineer, proposed contours, photographs of the site, water quality or noise data (if requested by the Commission). Operators that have hauled less than 100 yards over the course of the year may submit a letter from their engineer or surveyor indicating this fact in lieu of a new survey. The Commission may impose additional conditions, or modifications on the original permit which appear necessary or desirable based on the history of the operation.

P. **Surety:** Before an Excavation Permit approval is finally endorsed and granted, the applicant shall file surety in the amount and types approved by the Commission. The term of all commercial surety shall for the full term of the permit. All surety shall be in a form satisfactory to the Town's Legal Counsel and Treasurer and be in an amount and form sufficient to guarantee completion of those sediment and erosion control items specified and in conformity with the provisions of these Regulations or any amendments thereto in force at the time of filing. The actual final surety approved by the Commission shall be held by the Town Clerk and/or Town Treasurer who shall not be authorized to release such surety until written certification has been received that all of the requirements of these Regulations have been fully satisfied. The surety amount shall include amounts adequate to cover the cost of installing and maintaining necessary soil and erosion controls during the excavation operations and shall include costs for the final site restoration including import of additional topsoil and subsoil to sites deficient in the stockpiling and reserving of such materials for the purposes of the final site grading, restoration, and long term site stability to prevent long term erosion and sedimentation nuisances. A portion of the surety for sediment and erosion control to be posted with the Town shall be in the form of cash to be deposited in an account set up solely and maintained by the Town Treasurer. The amount of this cash surety shall be approved in consultation with the Town Engineer. In addition, the applicant shall provide surety for any public improvements required by the that have not been completed prior to the signing and filing of the permit.

1. **Return of Surety:** Upon completion of the excavation, processing, final grading and removal including completion of any required public improvements in accordance with the terms of a permit and after all of the disturbed portions of the site required to be re-vegetated have grown adequately in a second growing season to a dense cover of grass as required under these Regulations, the applicant may apply for return of the residual final surety held by the Town as provided for in these Regulations, and if satisfied that the work has been completed as required, the residual final surety shall be returned to the applicant less any costs incurred by the Town which remain unreimbursed, but otherwise the surety shall remain in full force and effect.

- a. If at the completion of the permit period and if two growing seasons have not occurred; the applicant may petition to extend the surety period for 1 year after completion of the excavation (including loaming/topsoil and seeding) to ensure that the site has been permanently re-vegetated.

2. **Municipal Operations:** The Commission may waive the application requirements of Section R. Site Plan Requirements., the procedure set forth in Section G. General Procedures and Documentation, the bond requirements of Section O. Surety and the application and inspection fees required in Section P. Fees in connection with excavation activities conducted on any lot solely by or on behalf of and for the municipal purposes of the Town of Sterling. A municipal excavation, however, shall meet all of the standards and conditions of Section S. Soil Erosion and Sediment Control Plan through V. Site Plan Evaluation and Standards for Review.

Q. **Fees:** The applicant shall pay all fees in accordance with the Town of Sterling Fee Ordinance. Including:

1. An application fee.

2. A review fee. If the cost to process and review the application exceeds fee the Applicant shall pay all associated costs incurred by the Commission and/or Town prior to the issuance of a final permit.
3. No fee shall be charged to any official municipal agency of the Town of Sterling.
4. Fees periodic site inspections.
5. The applicant shall also pay the cost for the designated agent(s) to supervise any public improvements and/or any remediation mandated during the permit period pursuant to this Regulation.
6. In accordance with the Town Fee Ordinance, when one half of the supervision deposit has been expended by the Town, the applicant shall replenish the deposit amount to that amount originally set at the time of approval within thirty (30) days of receiving a written notice of that fund's deficient balance from the Town. Failure to adequately maintain a positive fund balance will constitute grounds for revocation of the permit approved. Any excess funds left over at the successful end of such permitted work will be returned to the applicant.

R. **Penalties:** Any violation of these Regulations shall be subject to such fines, penalties and other remedies as may be allowed by state law. Each separate day in which a violation continues shall be deemed to be a separate violation. Failure to maintain the facility as approved, including but not limited to slope stability, setbacks and/or erosion and sediment control, exceeding the limits or depth of excavation; exceeding the permitted hauling rates or annual volumes; or any non-permitted material processing, shall constitute a violation of the Regulations and be subject to the above provisions.

S. **Site Plan Requirements**

1. **Procedure:** A site plan in conformance with Section 7.04 shall be submitted with any application for an Excavation Permit or expansions or additions to such facilities beyond the limits of a previous approval. Such plan(s) shall be prepared in accordance with the requirements of the State of Connecticut by a Surveyor and an Engineer licensed in the State of Connecticut.
2. Site Plans for Excavation Permits shall also include the following.
  - a. The location of all residential, commercial, and industrial buildings and accessory structures within two hundred (200) feet of the property line.
  - b. The nature of uses on adjacent and nearby properties within one thousand (1,000) feet at 100 or 200 scale mapping.
  - c. The surrounding general topography within one thousand (1,000) feet at contour intervals not exceeding ten feet at 100 or 200 scale mapping.
  - d. A design drawing(s) including cross sections, with before and after elevations shown, of all proposed excavation activities shall be submitted and reviewed. The proposed volume to be excavated shall be calculated, by phase if applicable, and be reported on the plan set.
  - e. All proposed restoration measures to be taken upon completion of the excavation operation, including the type, size and location of any proposed plantings and vegetative cover shall be shown.
  - f. Hours of Operation: All days and hours of operation proposed by any application shall be shown on the plan submitted and shall be restricted to those approved by the Commission.
  - g. No excavation operations permitted on Sundays or federally recognized holidays.
  - h. The number of truck trips, and days and hours of hauling proposed shall be presented by the applicant, shown on the plan, and shall be limited to those approved by the Commission.
  - i. The plans shall contain a signature block for the Chairman or Secretary. This block shall also contain a space for an expiration date for the permit and a signature block to verify that the Town Engineer has reviewed the final plan and determined that it conforms to the approval conditions.

- j. The applicant's Engineer shall prepare construction cost estimates for (a) soil and erosion controls including final site stabilization and drainage improvements; and (b) any public improvements proposed.

T. **Soil Erosion and Sediment Control Plan:** A Soil Erosion and Sediment Control Plan shall be submitted with any application under this Section when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control stormwater runoff on the proposed site based on the best available technology and conform to Section 8 Erosion and Sediment Control Plan of 7.04 Site Plans. Such principles, methods, and practices necessary for certification are found in the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control" DEP Bulletin 34, as may be amended, and the 2004 Connecticut Stormwater Quality Manual available from the Natural Resources Center of the Connecticut Department of Energy and Environmental Protection (DEEP), as may be amended. Alternative principles, methods and practices may be used with prior approval of the Commission. All such plans shall provide for a zero increase in runoff and volume for all statistical storms up to a 100-year storm and full containment of all sediment and runoff from the entire area of disturbance. The applicant's Engineer shall provide storm water computations for the 2, 5, 10-, 25-, 50- and 100-year design storms and provide a narrative summary.

1. The Soil Erosion and Sediment Control Plan shall include the following:

- a. A narrative: as described in Section 8 Erosion and Sediment Control Plan of 7.04 Site Plans.
- b. A map of at least one inch (1") equals forty feet (40') as described in Section 8 Erosion and Sediment Control Plan of 7.04 Site Plans.
- c. The estimated costs of temporary measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered in a cash surety, or other acceptable financial surety acceptable to the Sediment and Erosion Control Board in accordance with the provisions specified under Section 109 of these Regulations.
- d. The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that the control measures are properly performed or installed and maintained. The Board may require the applicant's Engineer to submit progress reports which show that the soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained; and that adequate separation has been maintained between the bottom of the excavation and the highest seasonal groundwater table elevation determined or predicted.

U. **Public Improvements:** Existing streets servicing the proposed site shall be of sufficient width and design to accommodate said activity and shall contain adequate sightline and drainage measures as to not adversely impact public safety, existing town drainage, and/or abutting property(s). If the existing street(s) cannot accommodate the proposed activity without adversely impacting public safety, the applicant shall be responsible for improving the condition of said street(s). Drainage and other improvements required as a result of the proposed activity shall be constructed in accordance with the Town's Public Improvement Specifications. Public improvements required shall be paid for and constructed by the Applicant. A permit shall not be valid until all of the public improvements have been constructed, inspected and approved and/or a surety has been posted with the Town.

V. **Waivers:** The Commission may, upon written request by the applicant, waive and/or reduce one or more of the site plan ingredient requirements (not the excavation standards) if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application.

W. **Site Plan Evaluation And Standards For Review**



The Commission shall review all site plans and other documentation submitted with an application for an Excavation Permit for compliance with the following standards and criteria:

1. The excavation, grading or removal shall be carried out in accordance with the maps and plans within the exterior limits shown thereon.
2. The final site plan/reclamation plan shall not result in sharp declivity, pits or depressions, or soil erosion, drainage, or water supply, or sewage problems or conditions which would conflict with the reasonable reuse and development of the parcel for which the permit is requested.
3. At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive run off, silting of streams and damage to public and/or private property, streets or drainage facilities.
4. Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisances to residents of the neighborhood.
5. Any necessary grading for driveway sightline distances shall be completed before any permit activities take place on site. The construction of a new driveway will also require compliance with the Driveway Ordinance and shall require a separate permit under the terms and conditions of that Ordinance.
6. No excavation shall occur within one hundred (100) feet of an abutting street or property line, except for driveway access.
7. There shall be no processing of materials such as screening, sifting, washing or crushing, within two hundred (200) feet of any property line or one thousand (1,000) feet from a residential structure, whichever is greater, except where such processing already exists or in connection with, continuation of, or renewal of a previously approved excavation, as approved under the zoning code or prior excavation ordinance operation that has not lapsed within the last ten (10) years. In such instances, the Commission may grant setback reductions as follows for properties with frontage on Connecticut State Route 14:
  - a. Setback from a property line may be reduced to one hundred (100) feet provided the subject adjacent property is undevelopable within one hundred (100) feet of the common boundary.
  - b. Setback from a residential structure may be reduced to five hundred (500) feet provided the processing operation is sufficiently screened with vegetation, has an elevation difference of at least fifty (50) feet or a combination of these criteria deemed sufficient by the Board.
  - c. All processing machinery permitted in association with the existing permit shall be removed from the parcel upon termination of the permit or the end of the operation.
8. No excavation activities shall be allowed within two hundred (200) feet of any residential dwelling or commercial building, whether such structure is on the same lot or on an adjacent lot.
9. Where fueling of vehicles will be performed on site, a fuel pad and accessories shall be designed and installed in order to capture and prevent any fuel spillage from contaminating any ground water or surface waters.
10. The work shall be limited to the hours and days of the week that are approved in order to avoid nuisances to residents of the neighborhood.
11. Proper measures shall be taken to minimize nuisances from noise, dust, vibration, and flying debris. Suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles.

12. Upon completion of the work authorized, the ground area excavated or otherwise disturbed areas shall be prepared or restored as follows:

- a. Such area shall be evenly graded to slopes not exceeding one foot rise for three feet of horizontal distance or to such lesser slope necessary for soil stability, safety, and reasonable reuse and development of the parcel.
- b. Adequate drain ways of gradual slope shall be provided to assure drainage. In addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water and soil and erosion nuisances will be avoided.
- c. There shall be no excavation, grading or removal below an elevation of four (4) feet above any ledge, and/or seasonal ground water, unless the applicant can demonstrate to that the excavation does not adversely affect groundwater and/or the reuse of the parcel.
- d. All soil debris and all loose boulders shall be buried or removed from the lot. However, stumps and other landscape clearing debris shall not be buried on the site unless approved by the State of Connecticut Department of Energy and Environmental Protection (DEEP). Proof of a permit issued by the DEEP to bury stumps shall be provided. Areas proposed for such stump disposal shall be clearly shown on the plans.
- e. The top layer of any arable soil (classified as top soil and/or loam), to a depth of not less than four inches with a suitable underlying subsoil layer of eight inches, shall be retained on the parcel and spread over the entire disturbed area with any large stones removed, and the area shall then be fertilized, limed, seeded with a perennial grass, mulched and maintained until the ground has been completely stabilized with a dense cover of grass and there exists no danger of erosion unless as provided for in a final site plan approved of by the Commission for a permitted site use. This provision shall not apply to the areas of ponds or to exposed areas of ledge existing prior to the work or created as a result of the excavation activity previously approved.

13. Other Documentation:

- a. Applications involving bedrock removal requiring blasting, crushing, hammering, and/or splitting shall provide a professionally prepared written report outlining the need for and the impact of such activity on the existing surface water flows, existing water supply wells, seasonal ground water table levels, and neighboring properties along with the necessary precautions to be taken to avoid any adverse impacts. Any blasting activities shall also require a separate permit issued by the Fire Marshal.
- b. Applications involving significant truck traffic (i.e. 25,000 cubic yards annual excavation or 15 or more trucks per day) shall provide a detailed traffic study, impact analysis, and mitigation plan to avoid any adverse impacts resulting from the activity proposed. The Commission shall determine the scope of said traffic/impact/mitigation plans or studies.
- c. A dust containment and mitigation plan shall be submitted for approval, such plan to include the resolving of any processing impacts proposed.
- d. The applicant shall comply with the requirements of the Department of Energy and Environmental Protection (DEEP) with regards to stormwater permitting. Evidence of compliance with those permits shall be provided prior to commencing excavation.

14. Offsite Materials: There shall be no importing, processing, or re-internment of offsite materials such as gravel, stone, rock, loam, or silt and no importing of offsite land clearing wastes, building or site demolition material, unless specifically authorized by the Commission and only thereafter as part of a permit request granted. The general burial of onsite and/or offsite land clearing wastes, building or site demolition material is prohibited.

#### **6.04 Accessory Apartments**

**A. Accessory Apartment:** The Commission recognizes that many families need, on a temporary basis, to provide housing for members of their extended families (i.e in-law apartment). In addition, families may need assistance to maintain a property and/or household, on a temporary basis or provide housing for a paid staff member (i.e. caretaker apartment). Accessory apartments may therefore be permitted as accessory uses to single-family dwellings and allowed through the issuance of a zoning permit provided:

##### **1. Attached Accessory Apartments**

- a. Attached in-law apartment: The space devoted to the in-law apartment within a single-family dwelling must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the in-law apartment from an interior doorway serving the remainder of the house, and vice versa. Electric utilities shall run off of a single meter.

##### **2. Relationship to Owners of Property**

- a. In-law Apartment: may be occupied only by parents, siblings, grandparents, great grandparents, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, or first cousins of one or more persons who occupy the remainder of the principal dwelling.
- b. In-law shall not be rented for income.
  - Only one accessory dwelling unit shall be permitted for each lot.
  - No accessory dwelling unit shall be approved if accessory to a two-family dwelling or any multi-family use or a common interest community; and
  - The lot shall conform to the minimum lot area requirement for the zone in which the property is located.
  - The owner of the property (who must be a natural person in whom the fee title of the subject premises is vested) shall certify by a sworn affidavit that he or she will occupy either the principal dwelling unit or the accessory dwelling unit; and such sworn affidavit shall be updated during each tax revaluation year and prior to any transfer of ownership indicating that an owner does or will occupy either the principal dwelling unit or the accessory dwelling unit. The sworn affidavit shall be sent via certified mail to the Town of Sterling Zoning Commission by the property owner.

##### **3. The Accessory Dwelling Design:**

- a. In-law Apartment shall:
  1. be no less than 500 square feet and shall not exceed 800 square feet unless, in the opinion of the Commission (¾ vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and
  2. contain no more than one (1) bedroom, one (1) bath, and (1) kitchen; and
  3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and
  4. have at least one (1) side of the accessory dwelling unit be at or above grade; and
  5. have no more than two (2) individuals residing inside of the in-law apartment; and
  6. share common utilities; and
  7. share a common door and/or hallway between the two units/sides.

- b. The building shall, upon establishment of the accessory dwelling unit:
  1. retain the exterior architectural style of the primary residence and shall “maintain” the appearance of a single-family residence.
  2. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
  3. no stairs above the first floor shall be added to the outside of the building.
- c. No additional curb cuts shall be created to serve an accessory dwelling unit and access from the public right-of-way shall serve both the principal and accessory units; and
- d. at least four (4) off-street parking spaces (which may include garage and driveway spaces) shall be provided to serve both the principal dwelling and the accessory dwelling unit and such parking shall not be located in the required front, side, or rear yard setback.
- e. Parking spaces shall be screened from abutting property lines by fences, vegetation, or earthen berms. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a  $\frac{3}{4}$  vote of the entire commission.
- f. A standard notice, approved by the Town Attorney, shall be filed on the land records of the Town stating that the property contains an in-law apartment and that it is not approved for use as a two-family dwelling.

**B. The Accessory Dwelling Unit:**

Prior to the issuance of a Zoning Permit the applicant is required to receive the following signoffs/approvals from the Town’s:

Fire Marshal:

This individual shall determine that the proposed accessory dwelling unit complies with applicable state fire/building codes as they relate to the proposed unit.

Health Official/Department:

This department/individual shall determine that the site as well as the proposed accessory unit complies with applicable public health codes as they relate to the proposed unit.

Chief of Police/First Selectmen:

This individual shall determine that the proposed accessory dwelling unit complies with local and state codes as they relate to the proposed unit.

Town Planner:

This individual shall make a recommendation to the Town’s Zoning Enforcement Official regarding compliance with the requirements of an accessory dwelling unit.

## **ARTICLE VII - ADMINISTRATION AND ENFORCEMENT**

### **Section 7.01 Authority of Commission**

Except as provided in the Appendix to these Regulations with regard to Excavation Permits, the provisions of these Regulations shall be administered and enforced by the Commission. The Commission may delegate certain powers and duties to an agent, but any such delegation shall not be deemed to deprive the Commission of the ability to exercise such powers or duties independently in the event the Commission determines that it would be appropriate to do so. In the event the Commission has not appointed an agent to act on its behalf, or if the appointed agent is unavailable, the Chairman, or the acting Chairman if the Chairman is unavailable, may act as the agent for the Commission in matters of enforcement or in any other matters in or on which an agent would be authorized to act under these Regulations. The Commission shall not modify, reverse or rescind any order issued by its authorized agent; any person receiving such an order and seeking modification, reversal or rescission must appeal to the Zoning Board of Appeals. However, the Commission may issue an order in circumstances in which its designated agent has refused, declined or failed to do so.

### **Section 7.02 Permit Required**

No land use shall be established or substantially changed and no building or structure shall be used, erected, constructed, moved, enlarged, or altered, in whole or in part, until a zoning permit has been issued by the Commission or its authorized agent.

### **Section 7.03 Zoning Permit Requirements**

Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The original and one copy of each application shall be submitted. If the application involves the construction of a new structure, the exterior alteration of an existing structure (not including painting, siding, or similar cosmetic changes to the surface of a structure), the alteration (grading, excavation, or filling) of any land, the application shall be accompanied by a copy of the most recently recorded deed or subdivision plan on which the subject lot is described or shown as a separate and discrete parcel of land and by a plot plan containing the requirements described in Section 7.04 of these regulations. The Commission or its agent may also require the submission of additional information in any situation in which he or she determines that such information would be helpful in determining the conformity of an existing or proposed building, structure or use to these regulations.

**Inland Wetlands:** If an application for a Zoning Permit involves an activity regulated under the provisions of Chapter 440 of the Connecticut General Statutes and/or the Town of Sterling Inland Wetlands and Watercourses Agency Regulations, the Applicant shall submit an application for a permit to the Sterling Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Commission, Selectmen, and/or staff shall not be rendered until the Sterling Inland Wetlands and Watercourses Agency has submitted a report with its final decision. In making its decision, the Commission, Selectmen, and/or staff shall give due consideration to the report of the Sterling Inland Wetlands and Watercourses Agency.

## **Section 7.04 Site Plan**

Plot plans shall be drawn to scale and shall show: (i) the total area of the lot and the area of each and every accessway, inland wetland and watercourse; (ii) the amount of street frontage; (iii) the locations of all existing and proposed buildings, structures, wells and subsurface sewage disposal systems; and (iv) the distances of all proposed wells and subsurface sewage disposal systems from all property boundaries. The Commission or its agent may require the plot plan to be drawn by a professional surveyor and/or engineer and may further require that the plot plan be drawn to any level of accuracy the building official determines is reasonably necessary to confirm that the proposed uses will comply with these regulations.

- A. **INTENT:** A Site Plan is intended to provide the Commission with information necessary to determine that the proposed activity is in compliance with all applicable requirements of these Regulations. It is also intended to provide the Commission with information that will enable it to determine that the proposed buildings and uses are arranged in a manner that enhances the health, safety and welfare of the citizens of Sterling and shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between the areas of unlike character, to protect property values in the neighborhood, to preserve and protect natural resources and the appearance and beauty of the community and to avoid undue traffic congestion.
- B. **APPLICABILITY:** A Site Plan shall be submitted with any application for a zoning permit except as provide below.
1. Notwithstanding the foregoing, an application for a Single-Family Residence in any district, or a permitted residential accessory structure and use when not part of a subdivision, may be submitted, to the Zoning Enforcement Officer together with such information as he or she may require (e.g., a Plot Plan), and may be approved by the Zoning Enforcement Officer.

### **C. PROCEDURES FOR SUBMISSION, RECEIPT, DECISIONS AND RECORDING**

1. **Submission and Receipt.** A Site Plan shall be submitted to the Zoning Enforcement Officer for receipt by the Commission.
  - a. An applicant shall submit six (6) copies of a Site Plan as prescribed in this section.
  - b. All materials that are submitted, or required to be submitted, in connection with any application requiring a site plan, including all fees, must be submitted and made available for Public Inspection no later than ten (10) working days before the scheduled meeting where the Planning and Zoning Commission will receive the application (official date of receipt).
2. **Decision.** The procedures specified in the Connecticut General Statutes shall govern the processing of such application except as otherwise provided in these Regulations.
3. **Recording.** The Site Plan shall, upon approval by the Commission, be recorded by the applicant in the office of the Town Clerk of Sterling, and any plan not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Commission to act, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must be filed in time to be considered by the Planning and Zoning Commission at a regularly scheduled meeting before the expiration of the initial filing deadline. A signed copy of the approved plan shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

### **D. SITE PLAN REQUIREMENTS**

1. **Professional Preparation:** A Site Plan shall be prepared by a Connecticut registered professional surveyor, engineer or other appropriate professional. Any Site Plan involving grading, paving, road

construction and drainage work, and/or any municipal improvement shall be designed by a Connecticut registered professional engineer. Original signatures and seals shall be placed on all plans submitted to the Planning and Zoning Commission for all professionals who assisted in the preparation of the plans. The requirement for original signatures and seals is not subject to waiver provisions contained in this section.

2. **Standard Elements of the Site Plan:** Unless waived by the Commission upon written request of the applicant pursuant to Section 105 of these regulations, the following information shall be provided on a 24 x 36-inch plan, with scale of 1" = 40'.
- a. Property and applicant information:
    - i. address of the property;
    - ii. name and address of owner of record; and
    - iii. name of and address of the applicant.
  - b. North arrow (if other than North American Datum (NAD) 83 the applicant shall state why and provide standard for alternative), scale, name(s) of person(s) preparing plan, date of drawing, and any revision dates with description of revisions (revision dates shall appear on each plan sheet that has been revised and shall include a description of the revisions).
  - c. Property boundaries (Class A-2 with dimensions, angles, and area of the parcel and/or parcels subject to the application).
  - d. Dimensions of all yards and buildable area, as required by these Regulations.
  - e. A zoning compliance chart or table that indicates the dimensional and use requirements for the zoning in the Zone and how the proposed structure and uses will comply with the requirements.
  - f. Existing and proposed contour lines. For all areas of the parcel within one hundred (100) feet of any proposed work (including construction, excavation, filling, grading, and clearing of vegetation), the contour interval shall be no greater than two (2) feet (T-2 or T-3 accuracy). Topography taken from USGS Quadrangle interpolation shall not be acceptable for such areas but may be used for other portions of the site. The Commission may require the applicant to submit design drawing(s), including cross sections and elevation, of all proposed activity. Additional spot elevations may be required where necessary to indicate drainage patterns.
  - g. Locations and specifications of all existing and proposed structures and uses including, but not limited to, buildings, stone walls, fences, sidewalks, driveways, parking and loading areas, exterior storage areas, signs, abutting streets, utility structures, and hydrants.
  - h. A rendering of any proposed building shall be supplied, with siding materials specified (front, side, and rear elevations shall also be shown).
  - i. Locations and descriptions of water supply wells or other water sources and of all sewage disposal facilities, together with percolation and test pit data.
  - j. Locations of existing and proposed drainage facilities on the site and those off-site that may be affected by the proposed activity, as well as any points of collected drainage discharges (i.e., discharges other than natural sheet flow) onto or off of the site.
  - k. Location of wetlands, watercourses, and wetlands buffers, with the original signature of the soil scientist who identified such features. The signature of the professional is not subject to waiver provisions contained in this section. All wetlands shall be field located. A signature block for the soil scientist certifying that all wetlands and watercourses have been delineated or that there are none on the property shall be placed on the plans.
    - i. In addition to the wetlands delineation all soil types shall be shown per "Soil Survey of Windham County, Connecticut."

- l. A landscape plan showing the planting, location and species to be used, the ground cover and surface treatments proposed, and identification of the types and location of existing vegetation to remain in place on the site. The number, location and size of the landscaping material. The Commission shall require such plans to be prepared by a professional landscape architect (i.e., American Association of Landscape Architects, ASLA).
  - i. A Soil Erosion and Sediment Control Plan (SE&SC) per Section 110.
- m. Zone of site and of all property within five hundred (500) feet.
- n. Names and addresses of current owners of property within five hundred (500) feet of the parcel as shown in the Assessor's records, including properties across from any street/road, river, and/or municipal boundary, and properties sharing a driveway with the subject property.
- o. Identification of any easements and deed restrictions affecting the property including Conservation and/or Open Space areas.
- p. Areas within 100-year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA must be shown with a note saying "Limits of Flood Hazard Zone are approximate and are scaled from the Federal Flood Hazard maps". When a lot does not include land within the 100-year flood hazard area, the map shall include the following notation: "This lot does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area.
- q. Sight line information at proposed driveway cut(s), and statement that plans have either been submitted to DOT for review or that DOT review is not required.
- r. Lighting plan per Section 106.9.
- s. Boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Environmental Protection.
- t. Wooded areas, specimen trees (exceeding thirty (30) inches diameter at breast height (dbh), five (5) feet above the ground), rock outcroppings (greater than two hundred (200) square feet surface area) and any unique and fragile natural features.
- u. The general location of any endangered special and/or species of special concern shall be shown on the plans.
- v. Stone walls, monuments, and other structures having historical significance.
- w. Archaeological sites including but not limited to those known to the State Archaeologist's Office. The Commission may require the Applicant to submit a report from the State Archaeologist's Office.
- x. Historic buildings and sites listed on the National Register of Historic Places.
- y. Location of proposed subsurface sewage disposal systems and reserve fields, showing distances to adjacent land, distances from all wells within two hundred (200) feet (on or off the tract), and distance from any manure handling systems.
  - i. Existing and proposed buildings and structures shall detail the number of bedrooms in each and the total number of bathrooms.



- z. Existing and proposed street and lot lines.
  - AA. Areas proposed for conservation or preservation as open space, including areas/easements required by the Inland Wetlands Commission.
  - BB. Identification of surface and groundwater resources on and around the site, including any public or private domestic users of such waters; the depth to groundwater and description of adjacent soils, and an evaluation of the impact of the proposal on existing and potential surface and ground drinking water supplies. The Commission may require additional information necessary to ensure protection of water resources and may require that the report be prepared by a hydrogeologist or other qualified professional.
  - CC. Identification of any chemicals or potential contaminants to be used, stored or produced on site or discharged on or off the site, and a detailed description of methods and procedures by which any chemicals or potential contaminants on site will be stored, used, applied, discharged, and disposed.
  - DD. If required by the Commission, evidence of submission, review and acceptability of plans to other State and Local regulatory agencies with jurisdiction over some or all of the proposed structures and/or uses including but not limited to the following permits: Inland/Wetland permits, Dept. of Transportation Encroachment Permit and/or State Traffic Commission permit, Dept. of Energy and Environmental Protection, Water Diversion Permit Floodway Encroachment Permit.
  - EE. Any other information deemed necessary by the Commission to determine compliance with these Regulations. The Commission may require evaluation reports by Commission-approved independent professionals and other experts, including and not limited to: traffic engineers, hydrologists, soil scientists, geologists.
3. **WAIVER OF REQUIREMENTS UPON:** written request of the applicant, the Commission may waive, by a  $\frac{3}{4}$  vote of members present and voting, one or more of the above requirements of Section 104.2, if the applicant can demonstrate to the satisfaction of the Commission that the information is not needed to reach a decision on the application.
4. **SITE PLAN STANDARDS:** IN review of the Site Plan, the Commission shall consider the following:
- a. **Complete Application:** The submission shall contain an application including plans and information as required by this section and all applicable sections, as well as any requirements provided in the application form. Information shall be presented with sufficient clarity and detail to enable the Commission to understand it and determine compliance. *It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application.*
  - b. **Compliance with Regulations:** The application shall conform in all respects with these Regulations, unless a variance has been granted, a copy of which must be submitted with the application. Such application must also conform to the requirements of the Public Health Code, as documented in a written report from the Town Sanitarian or other official having jurisdiction and submitted as part of the application.
  - c. **Frontage Requirements:** Where the site has frontage on an existing road, the pavement and shoulders shall be brought to the standards of the existing street and to the standards required to accommodate the proposed development, including but not limited to: road widening; acceleration/deceleration lanes; storm water drainage; curbing; sidewalks; and, street trees and/or landscaping so as not to create a traffic hazard or undue traffic congestion.
    - i. The project's frontage may be traversed by not more than one driveway, unless the Commission finds that more than one driveway is desirable for safety reasons. Applicants are encouraged to

arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.

- d. **Traffic and Access:** Access to the lot and internal circulation shall be designed so as to promote the safety of pedestrian and vehicular traffic, both on the lot and off site. The Site Plan shall be evaluated on the following basis:
- i. the effect of the development on traffic on adjacent streets;
  - ii. circulation pattern of vehicular and pedestrian traffic on the site;
  - iii. provision for parking and loading;
  - iv. adequacy of sight line;
  - v. relationship of the proposed circulation to circulation on adjacent property, for both vehicles and pedestrians, with especial attention to promoting pedestrian traffic among adjacent parcels; and
  - vi. emergency vehicle access.
- e. **Large Residential Developments:** (40+ units), at the Commission's discretion, may be required to:
- i. provide a comprehensive traffic study detailing the effects of the proposed development, taking into account current or future shared access to adjacent or consolidated parcels;
  - ii. make improvements to roadways in order to accommodate a proposed development, including but not limited to acceleration and deceleration lanes, left turn lanes with adequate stacking distance, roadway widening, and traffic control devices;
  - iii. close existing curb cuts, limit proposed curb cuts, or close temporary curb cuts when alternative access points become available;
  - iv. limit turning movements to right turns in or out of curb cuts;
  - v. align access drives or roads with opposing access drives or roads wherever practical; and
  - vi. limit direct access to Route 2 when a parcel has frontage on an adjacent street or highway.
- f. **Surface and Groundwater Protection:** No Site Plan shall be approved which poses a significant risk of degradation of surface or groundwater supplies arising from the proposed activity.
- g. **Water Supply:**
- i. The applicant must submit the proposed water supply plan to the Director of Health or other official having jurisdiction for approval.
  - ii. The applicant must submit a Site Plan to the Fire Marshall in order to afford him/her the opportunity to comment on the adequacy of the water supply needed for fire protection.
- h. **Architectural Character, Historic Preservation, Site Design, Landscape Preservation:** The overall character of the proposed site design and architectural character of proposed structures shall protect property values in the neighborhood and the Town; preserve the existing historic character in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and, preserve public access to scenic views and vistas, and water courses.
- i. **Landscaping and Screening:** All parking, service and storage areas, including dumpsters, shall be reasonably screened by landscaping and/or fences or walls. The landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the neighborhood and Town. All-season visual buffers between the proposed use and abutting property shall be provided through the use of grade separation, landscaping, buffer areas, etc. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of

large, paved areas. At planting, all deciduous trees shall have a minimum diameter of two and one-half (2.5) inches at breast height (DBH), evergreen trees shall have a minimum height of five (5) feet, and all shrubs shall be one third of their ultimate size. Artificial vegetation is prohibited.

- j. **Lighting:** No site feature or activity shall create glare or illumination which extends beyond a site's property lines or otherwise create a hazard or nuisance to neighboring properties or adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lamp posts shall be the minimum height necessary to provide adequate illumination, and in no case shall they exceed twenty (20) feet in height, unless otherwise required by these regulations. Lighting shall be designed such that the light source is shielded and the light is directed downward. Lighting fixtures shall be of a design appropriate to the use and area. Parking and loading areas and walkways shall be provided with adequate lighting.

## 5. SECURITY REQUIREMENTS

- a. As a condition of Site Plan approval, the Commission may require that the applicant post with the Town a performance security in an amount and form agreeable to the Commission. The type of security consistent with State law, shall be determined by the Commission with preference being given to cash bonds and letters of credit. Such security is intended to guarantee satisfactory completion of any required site improvements. Whenever the Commission has required such performance security, no zoning permit shall be issued for the authorized activity until the applicant has delivered the required security to the Commission, or its delegated representative, in the required amount and form.
- b. The applicant shall submit to the Commission, with any application for a Site Plan review, an estimate of the costs of any proposed site improvements, which estimate shall contain a separate inflation factor for the estimated improvement period. The Commission may refer such estimate to its own engineer for review, and the amount of the performance security shall be determined by the Commission. The security as posted shall name as principal both the applicant and the record owner of the premises. The Commission may consistent with State Law, direct the type of security to be issued and may require approval by the Town Attorney. The preferred types of security are: cash, or an irrevocable letter of credit.
  - i. The Commission may provide for the reduction of the security as site improvements are completed to the satisfaction of the Commission (report by ZEO required). The amount of any reduction shall be in the sole discretion of the Commission.
  - ii. The Commission may require a portion of the initial security to be held as a maintenance security for an item including but not limited to landscaping, Sediment and Erosion control measures, and storm drainage infrastructure that may need monitoring beyond the granting of a certificate of zoning compliance. The commission shall stipulate the time period for this security not to exceed one (1) year.
  - iii. The security shall be held by the Town Treasurer until its release is voted by the Commission. The Commission shall not release the entire security until it receives certification from the Zoning Enforcement Officer and the Town Engineer that compliance with these Regulations and the approval given have been met and that no further security is required.

## 6. MODIFICATIONS OF APPROVED PLAN

- a. The Commission may approve minor modifications of a Site Plan upon the written request of the landowner or the owner's agent and a final as-built drawing shall be submitted, which reflects the minor modification, before a Certificate of Occupation (CO) is issued.
- b. If the proposed modifications to the Site Plan are not minor the Commission shall require a formal application to amend a previously approved Site Plan. The procedure to modify the Site Plan shall follow the same procedures for a new application.
- c. If the proposed modifications to the Site Plan are not minor and the use with which the Site Plan is associated is a Special Permit use under these Regulations, the Commission shall require a public hearing before making any decision on the application for modification.
- d. The term "minor modifications" shall not be deemed to include any alterations of a Site Plan that would (a) affect traffic flows or patterns outside of the relevant parcel, or (b) result in the creation of new structures or the expansion of existing structures, unless such new or expanded structure would not increase the existing footprint by more than two hundred (200) square feet.

## 7. STORMWATER MANAGEMENT

- a. **Purpose and Authority:** Increased development without proper consideration of stormwater impacts is a significant source of pollution to surface and ground water. These water resources are valuable natural, economic, recreational, cultural, and aesthetic resources, and their protection and preservation is in the public interest and essential to the health, welfare, and safety of the citizens of the Town. It is therefore the purpose of this section to protect and preserve the resources within the Town of Sterling by managing storm water flows in accordance with the Connecticut Department of Environmental Protection "Connecticut Stormwater Quality Manual" (CSQM) as amended. The provisions of these Regulations are pursuant to Connecticut State Statutes and shall apply to all development occurring within the Town. The provisions of this section of these Regulations shall be the minimum requirements for stormwater management plans in the Town of Sterling, and the enactment of this Regulation shall not preclude the application of applicable town, state and/or federal regulations to the facilities regulated thereby.
- b. **Applicability:** A Stormwater Management Plan is required for any development requiring a Site Plan or for a Subdivision/Re-subdivision that involves the disruption, clearing or removal of ground cover or soil material, or the creation of impervious surfaces in an area greater than one (1) acre, or one half (.5) acre if located in the Seasonal Use or Aquifer Protection Overlay Area. The stormwater management plan is to be designed to be consistent with the CSQM as amended. The Commission shall use the standards and criteria for decision outlined in the CSQM as amended when reviewing the Stormwater Management Plan.
- c. **Design Criteria**
  - i. **Sedimentation:** The system shall remove eighty (80) percent of the annual solid pollutant loading. This can be met by providing manufacturers data sheets, or calculations verifying the adequacy of a site designed system. CSQM guidelines may be used in such calculations, or the Engineer may use other methodologies with prior approval of the Town Engineer.
  - ii. **Stormwater Flow:** Provide individual watershed stormwater flows across the site boundary (property line) equal to or less than the pre-existing condition. In other words, flows may not be increased within any watershed after development. This shall be provided for the 2, 10, 25 and 100-year rainfall events. The plan must also include pre-development and post-development flow calculations.

- iii. **Stormwater Volume:** For each of the design rainfall events (above), the volume of stormwater leaving the site shall be equal to or less than the volume of stormwater leaving the site in its pre-existing condition.

In granting the plan approval, the Commission may make modifications or impose such conditions that may be deemed necessary to ensure compliance with the CSQM, as amended.

- 1. **Terms and Conditions:** The Stormwater Management Plan shall also provide a release for each applicant/developer and/or owner and each of their respective representatives, heirs, successors and assigns, shall hold the Town of Sterling and its officials, employees, representatives, agents, boards, agencies and commissions and each of their respective representatives, heirs, successors and assigns, harmless and indemnify them from and against any claims, damages, losses, costs and expenses (including attorney's fees) from any personal injury (including death) and property damage resulting from any act or omission of said applicant/developer and/or owner in the design, construction, inspection, maintenance and operation of stormwater management facilities approved pursuant to this section of these Regulations, and from any acts or omissions, including without limitation, negligent acts or omissions of said Town, and/or its officials, employees, representatives, agents, boards, agencies and commissions and each of their respective representatives, heirs, successors and assigns in the approval and inspection of said facilities or the performance of any activities pursuant to these Regulation.
- 2. Any release pursuant hereto shall apply to the owners and/or lessees of the property in question and shall run with the land.

- 8. **EROSION AND SEDIMENT CONTROL (SE&SC) PLAN:** Whenever plans for the proposed development show that it will result in the disturbance of more than one half (0.5) acre of land, the applicant shall submit with the Site Plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. Exempted from the provisions of this section are single-family residences that are not part of a subdivision. The SE&SC Plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Environmental Protection.

- a. The SE&SC Plan shall include the following information:

A narrative describing:

- 1. The proposed site activity.
- 2. The schedule for grading and construction activities including:
  - i. Start and completion dates;
  - ii. Sequence of grading and construction activities;
  - iii. Sequence for installation and/or application of soil erosion and sediment control measures;
  - iv. Sequence for final stabilization of project site.
- 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- 4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
- 5. The operations and maintenance program for the proposed soil erosion and sediment control measures and stormwater management facilities.

6. The name and twenty-four (24) hour contact information for the party responsible for monitoring and maintaining the erosion and sediment controls shall be included on the plans in the narrative.

A map of at least one inch (1") equals forty feet (40') showing:

1. The location of the proposed development and adjacent properties;
  2. The existing and proposed topography including the soil types, wetlands, watercourses and water bodies (all inland wetland boundaries shall be field located based on field determinations conducted by a Certified Soil Scientist and not reproduced from a soil survey base map – the site plan shall include a signature block for Soil Scientist certification);
  3. The existing structures on the project site, if any;
  4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road(s), and if applicable, new property lines;
  5. The location of and design details for all proposed soil erosion and sediment control measures;
  6. The sequence of grading and construction activities;
  7. The sequence for installation and/or application of soil erosion and sediment control measures;
  8. The sequence for final stabilization of the development site;
  9. The words “Certified by the Planning and Zoning Commission” with designated space for the date and signature of the Chairman.
9. **CEMETERY PRESERVATION:** The Commission shall, in its review of projects that require site plan and/or subdivision approval, determine if the parcel of land or lots described in the application contain a burial ground, graveyard, or cemetery.
- a. If such burial ground, graveyard, or cemetery does exist, the applicant shall, as a condition of approval, be required to demonstrate and document within the Application that the proposed activities will not disturb, limit access, or restrict maintenance of the cemetery, access way, or peripheral area up to twenty-five (25) feet outside the boundary of the cemetery.
10. **CONSTRUCTIONS PLANS:** The applicant shall be required to file construction plans with any application for a Site Plan use involving work or improvements within any street right-of-way, construction of drainage facilities, or sediment and erosion control measures. Construction plans shall show at least the following information in accordance with good engineering practices and as appropriate for the particular lot.
- a. For activities involving public streets or Town drainage facilities, a signature block entitled “approved by the Sterling Board of Selectmen” with a designated place for signature and date of signing;
  - b. For activities involving improvements to public streets, the existing grades at the center line and both road lines, the proposed grade at the center line at appropriate intervals, the width of pavement, typical road cross sections and cross sections at all cross culverts.
  - c. Any temporary or permanent storm water detention facilities;

- d. Any erosion and sediment control measures and a signature block with the working “The Sterling Planning and Zoning Commission Certifies that this Erosion and Sediment Control Plan complies with the Town’s Regulations”.

11. **AS-BUILT DRAWINGS:** For approvals which required professionally prepared plans, and when deemed necessary by the Zoning Enforcement Officer, As-built Drawings shall be submitted to demonstrate conformity to the approved plans. Such drawings shall be approved prior to the issuance of a Certificate of Zoning Compliance. Such drawings shall show the installation of all improvements, including site work and structures, in at least the same detail as the Site Plan; and be prepared by a licensed engineer or surveyor, as is appropriate, who shall certify as to the compliance of the installation with the approved plan and shall identify all deviations from the approved plan. Any As-built Drawing showing substantial deviation from the approved plan shall be referred to the Commission. No certificate of zoning compliance shall be issued for any As-built Drawing showing such substantial deviation unless the as-built is approved by the Commission.

### **Section 7.05 Lot Review**

No zoning permit shall be issued for any new building or structure unless the lot on which such building or structure is to be established either (i) is a lot of record, as defined in Section 2.01 of these regulations; or (ii) has been reviewed by the Commission and determined to be a lot that does not require subdivision approval.

## **ARTICLE VIII - ENFORCEMENT**

These regulations shall be enforced by the Commission, who may appoint and delegate all or any portion of this authority to a zoning enforcement officer. If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these regulations, the Commission or the zoning enforcement officer may, in addition to other remedies, institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. The Commission and the zoning enforcement officer may cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations or, when the violation involves grading of land, the removal of earth or soil erosion and sediment control, to issue, in writing, a cease and desist order to be effective immediately.

## **ARTICLE IX - ZONING BOARD OF APPEALS**

### **Section 9.01 Appointment**

The Board of Selectmen shall appoint a Zoning Board of Appeals, to consist of five (5) members and three (3) alternates. The initial terms of each regular and alternate member shall be deemed to begin on the effective date. The initial terms of the five regular members shall be as follows: two (2) shall be appointed for a term of one (1) year, and three (3) shall be appointed for a term of two (2) years. The initial terms of the three (3) alternate members shall be as follows: one (1) shall be appointed for a term of one (1) year, and two (2) shall be appointed for a term of two (2) years. Following the initial terms, each regular and alternate member shall be appointed or reappointed for a term of two (2) years, each term to commence upon the day immediately following the day on which the previous term expired, the intention being to maintain the staggered term expiration dates. Vacancies in any position may be filled by appointment by the Board of Selectmen only for the balance of the term for which the vacant member was or may have been appointed. The Board of Selectmen may, for good cause, terminate the membership of any person on the Commission and replace that person with

another for the balance of the relevant term. Good cause shall include, but shall not be limited to, frequent absences from Commission meetings.

**Section 9.02 Powers and Duties**

The Zoning Board of Appeals shall have the powers and duties specified in Sections 8-5 through 8-8, inclusive, of the Connecticut General Statutes, as they may be amended.

**Section 9.03 Fees**

The fee for any appeal or application filed with the Zoning Board of Appeals shall be two hundred fifty dollars (\$250.00).

**ARTICLE X - EFFECTIVE DATE**

**Section 10.1 Establishment of Effective Date**

The effective date of these regulations, as amended, shall be September 7, 2023.



## Cannabis Regulations

**APPENDIX D:** Cannabis (Retail Sale, Production and Cultivation, Medical Marijuana Dispensary Facilities and Production facilities)101 Applicability:

- a. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.
- b. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act (“RERACA”), the Connecticut (CT) Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with these Regulations, site plan approval in accordance with Appendix C of these Regulations, and the requirements of this section.
- c. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the CT Public Act 21-1/ Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with these Regulations, site plan approval in accordance with Section XX of these Regulations, and the requirements of this section.

102 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

- a. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed within 500 feet of a church, temple or other place used primarily for religious worship, public building, public school, public playground, public park or public child day care facility, except if such facility is located within the Town’s Industrial Park, then there shall be no minimum separation distance requirement;
- b. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed on a site where such facility is located less than 500 feet from an existing single-family or multi-family residential use, except if such facility is located within the Town’s Industrial Park, then there shall be no minimum separation distance requirement;
- c. No medical marijuana dispensary or production, or adult use cannabis retailer, hybrid-retailer cultivator or micro-cultivator facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another

- medical marijuana dispensary, production facility, or adult use cannabis retail, hybrid retail, cultivator or micro-cultivator facility;
- d. No adult-use cannabis retail or hybrid-retail shall be located less than 5,000 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment, except if such facility is located within the Town's Industrial Park, then there shall be no minimum separation distance requirement;
  - e. All distances contained in this section, shall be measured by taking the nearest straight line between the respective lot boundary of the property subject to the separation requirement and the proposed building/structure containing the proposed cannabis facility.

103 Design Standards.

- a. Any retail facility shall be designed to match the residential typology of the immediate area and shall be located on a State Road with direct fee-simple deeded frontage on the State Road it abuts.
- b. Any production facility outside of the Town's Industrial Park shall be defined to match the typology of Sterling's traditional agricultural architecture if visible from an existing road/street and/or abutting residential property.
- c. All facilities (retail, production and/or cultivation) shall submit a plan to control odor
- d. All cultivation shall occur within a building. Outdoor grow and/or growing is prohibited.

104 Minimum Floor Area Requirements.

- a. No medical marijuana production facility shall be allowed in a building with less than 10,000 square feet of gross floor area.

105 Sign and exterior display requirements:

- a. Exterior signage shall be restricted to a single sign no larger than 16" x 18" containing the legal name of the entity and the street address of the facility. Section 6.2.3b shall not apply.

106 Off-Street Parking requirements:

Required off-street parking shall be in compliance with the Zoning Regulations. Parking for the facility shall be contained on the same property associated with the proposed activity. A parking plan and traffic analysis shall be submitted with every application associated with Medical Marijuana and/or cannabis retail and/or production facility.

107 Security Requirements:

- a. All cannabis or medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations;
- b. The hours of operation for cannabis (retail) or medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week;
- c. There shall be no limitation on the hours of operation for cannabis or medical marijuana production facilities, all days of the week.

108 Conditional Approval:

- a. All site plan approvals/zoning permits shall be approved with the condition that the applicant obtains the appropriate license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);

- b. The conditional approval shall become finalized upon the receipt by the Town Planner and/or Zoning Enforcement Officer (ZEO) of a copy of the Department of Consumer Protection-issued license;
- c. The conditional approval shall expire if the applicant fails to provide the Town Planning and/or Zoning Enforcement Officer (ZEO) with a copy of the Department of Consumer Protection-issued license within six months of the date of the Planning and Zoning Commissions conditional approval;
  - 1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.
- d. No entity shall operate without a valid, current license.

**109**

**Connecticut Department of Consumer Protection Approval.**

- a. The applicant shall provide the Town Planner and/or Zoning Enforcement Officer (ZEO) with a copy of the appropriate license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.